The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תצ"ח סעיף ט"ז-י"ז

Overview

Siman 498 Seif 16:

If one brought a large amount of dirt into his home for his garden and it is piled in one area, it is permitted to use that dirt to cover the blood since as long as it is piled up one's intent is to use it for all of his needs. If, however, he only brought in a boxful of dirt for his garden it may not be used because such a small amount becomes nullified to the ground.

- According to some Poskim it is only if one brings in small amount of dirt to his garden does it become nullified to the garden but if he brought in a boxful of dirt to his yard or house and designated for it a space it would not be nullified. (M.B. 81)
- One may slaughter even l'chatchila relying on this dirt but the dirt must be soft enough that when some is removed it will not leave behind a hole in the pile. (M.B. 83)
- The wording implies that one could use it for any need. Some Poskim write that it may only be used for a covering the blood which is a mitzvah but not for other needs and even for covering the blood it may be used only b'dieved but one should not slaughter l'chatchila with the intent to use this dirt since it was not designated for this purpose. (M.B. 84)

Siman 498 Seif 17:

A person who brings a box of dirt into his home without designation may use it for all of his needs (See above siman 308:38) **and it is not automatically nullified to the ground. This assumes, however, that he designated for it a spot and since he did not spread it around it is evident that his intent is to use it as it is needed. If the dirt is soft it may be used to cover the blood.**

- One brought it into one's home before Yom Tov and poured it on the ground. (M.B. 85)
- This applies when one brought in the dirt without designating it for a specific purpose so we assume that his intent was to use it for any of his needs but if he brought it into the house for a specific purpose, e.g. to cover the blood of a slaughtered bird, it may not be used to cover excrement but there are authorities who are lenient about this matter. (M.B. 87)
- One must take the dirt carefully so that he does not create a hole as he takes the dirt. (M.B. 89)
- If he spread the dirt out over the ground it becomes nullified to the ground even if he brought it into his house for a specific purpose. (M.B. 90)
- If he did not yet slaughter the dirt must be soft enough that when he takes some it will not leave behind a hole. Alternatively, he can take dirt evenly off the top of the pile but if he does not intend to do so it is prohibited l'chatchila to slaughter. (M.B. 91)
- Later authorities write that the prohibition against making a hole applies even to dirt that was detached from the ground and is in a utensil. Therefore one should not place a candle in a utensil filled with dirt if doing so will create a hole in the dirt. It is, however, permitted to remove the candle even if it will leave behind a hole. (M.B. 91)

Halacha Highlight

Preparing dirt to fulfill the mitzvah of covering blood

Shulchan Aruch Siman 498 Seif 16

שכל זמן שהוא צבור דעתו עליו לכל מה שיצטרך

As long as it is piled up his intent is to use it for all his needs

Shulchan Aruch (סע' ט"ז) addresses the circumstance of one who brings in a pile of dirt into his home and would like to use some of that dirt to fulfill the mitzvah of covering the blood of a slaughtered undomesticated animal or bird. He rules that if one brought in a large quantity of dirt for use in one's garden but had not yet spread it out in his garden so it remains in a pile he may use that dirt to cover the blood. The rationale is that as long as the blood remains in a pile the homeowner's intent is to use the dirt for any of his needs. Mishnah Berurah (ס"ק פ"ג) explains that one may slaughter the animal or bird even l'chatchila with the intent to use this dirt to cover the blood.

Shulchan Aruch adds that dirt that was piled up in one's home may be used for all of one's needs (לכל מה שיצטרך). Mishnah Berurah (ס"ק פ"ד) infers from this that the dirt may be used for any need. He then notes that there are some Poskim who maintain that in this circumstance the dirt may only be used to fulfill the mitzvah of covering the blood but may not be used for other purposes. Furthermore, even with regards to the allowance to use the dirt to fulfill the mitzvah of covering the blood it is permitted only b'dieved but one should not slaughter an animal l'chatchila with the intent to use this dirt to cover the blood. The rationale behind this position is that the dirt was initially brought into the house with the intent to use it for one's garden. Mishnah Berurah concludes that one should be stringent in accordance with this opinion. Kaf HaChaim (ס"ק קמ"א) adds that if one stipulated that he should be able to use the dirt for all of his needs he may slaughter even l'chatchila with the intent to use the dirt to cover the blood. In the event that he did not stipulate explicitly but refraining from slaughtering the animal will diminish his joy on Yom Tov one may rely on the lenient position that permits slaughtering an animal even l'chatchila.