

# KRIAT SHEMA 3:12-15

*by Rabbi Yitzchak Etshalom*

**12.** In the case of a \*re'ach ra'\* (pungent odor) that has a [tangible] source, he distances himself 4 Amot and reads [K'riat Sh'ma] - as long as the smell stops (i.e. doesn't reach there). If the smell doesn't stop [there], he distances himself to a place where the smell stops.

[RABD: This is not the case; rather, he distances himself 4 Amot from the place where the smell stops and reads there; since we have a Baraita which supports R. Hisda, who holds like that. Regarding what Rava said "Halakhah doesn't follow that Baraita", he wasn't referring to this case, rather to the case of \*tzo'ah\* of dogs and pigs which require being placed in hides [in order to present a problem for K'riat Sh'ma in the vicinity]; this is also how R. Hai Ga'on zt"l explained it.]

If it [is a \*rea'ch ra'\* that] has no [tangible source] - like someone who let wind, he distances himself to a place where the smells stops and reads.

It is forbidden to read K'riat Sh'ma facing a chamber-pot or a bedpan - even if they are empty and have no \*rea'ch ra'\* - because they are [considered] like a Beit haKissei.

**13.** It is forbidden to read facing tzo'ah which is passing by; e.g. if it was floating on the water. The mouth of a pig is like "passing tzo'ah" and it is forbidden to read facing it until it passes 4 Amot away.

**14.** If he was reading and came to a \*makom hatinofet\* (filthy place), he shouldn't place his hand on his mouth and keep reading; rather, he should suspend [his reading] until he leaves that vicinity.

Similarly, if someone was reading and he let wind, he should suspend [his reading] until the odor passes and return to his reading. The same applies to words of Torah. If his fellow let wind, even though he must suspend [reading] for K'riat Sh'ma, he doesn't stop [in the case of] words of Torah.

**15.** If he was reading K'riat Sh'ma in a room and was in doubt as to whether or not there was tzo'ah or urine there, he is allowed to read. If he was reading near an \*ashpah\* (dung-heap) and was in doubt as to whether or not there was tzo'ah there, he should not read until he investigates [the place]; for the \*hazakah\* (norm) of an ashpah is to be a \*makom hatinofet\*. However, [if he was in] doubt about [the presence of] urine - even at an ashpah - he is allowed to read.

[since there are four Halakhot here and a lot of questions, we'll skip the shiur format and just address the questions directly. mod]

**Q1:** What is the source of the Rambam/RABD dispute?

**A:** The Gemara (Berakhot 25a) states: In the case of a \*re'ach ra'\* which has no source: R. Huna said, one must distance himself 4 Amot [from the source of the odor] and reads K'riat Sh'ma; R. Hisda said: he must distance himself 4 Amot from the spot where the odor stops and read K'riat Sh'ma.

[i.e. the dispute between Rambam and RABD seems to be the dispute between R. Huna and R. Hisda; however, read on...]

The Gemara then cites a Baraita in support of R. Hisda: "A person should not read K'riat Sh'ma facing human tzo'ah, canine tzo'ah, swine tzo'ah, fowl tzo'ah or tzo'ah of the ashpah which has a pungent odor...in the case of a re'ach ra' which has a source, he distances himself 4 Amot from the place of the smell and reads K'riat Sh'ma."

However, Rava then states: \*leit hil'kh'ta ki ha matnita\* - (the Halakhah does not follow this Baraita)...Rava then cites another Baraita which limits the prohibition of reading K'riat Sh'ma while facing tzo'ah to human tzo'ah or animal tzo'ah which is being used to treat hides.

In other words, the straightforward reading of Rava's ruling is that the first Baraita is only rejected regarding the type of tzo'ah which generates the prohibition. This the gist of RABD's gloss.

So - why does Rambam rule against R. Hisda regarding the distance?

Three possible answers:

(a) There is a variant manuscript of our text which reads \*leit hil'kh'ta ki ha matnita b'khol hanei sh'ma't'ta\* - Halakhah is not like this Baraita in any of its rulings. If Rambam had this version, it would imply a wholesale rejection of the Baraita, including the distancing issue.

(b) Rabbenu Manoach suggests that because R. Hisda was R. Huna's student, we would not accept the ruling of a student over his teacher.

(c) Rabbenu Manoach also suggests (and this is akin to the first explanation) that because the first Baraita, brought to marshal support for R. Hisda, was partially rejected - it lost any efficacy it had as support and was totally rejected.

**Q2:** Why are a chamber-pot and bedpan considered like a Beit haKissei?

**A:** Two possible reasons:

(a) Since they are constantly used for excrement, the smell is much more ingrained and it is like a place which is always used for that purpose. In other words, washing it out etc. would not do the job. According to this reason, we would only prohibit after the first use, unlike a Beit haKissei.

(b) Since the sole purpose of these vessels is for human waste disposal, the associations with them are ones of disgust (see earlier postings). According to this understanding, we would even prohibit reading K'riat Sh'ma in the vicinity of a chamber-pot or bed-pan before their initial use, as long as they were designated as such.

**Q3:** [Following Q2] Do a chamber-pot and bedpan acquire all of the stringencies of a Beit haKissei? For example, if a new pot was purchased (or designated) for that purpose, would it still present a problem before its first usage?

**A:** See answers at Q2 above.

**Q4:** Why is the "mouth of a pig" like tzo'ah?

**A:** Rashi (Berakhot 25a s.v. peshita) explains that a pig always has some tzo'ah in its mouth. I assume that this is unique to pigs, who regularly "nose" around in the ashpah and other places where tzo'ah is to be found. Following this, it would equally apply to all animals who are habitually rooting around in the ashpah - but it may be that pigs are the only animal that generally behave this way.

**Q5:** Is the "mouth of a pig" specific or an example of any animal which roots around in garbage?

**A:** See answer at Q4 above.

**Q6:** What defines a \*makom hatinofet\*?

**A:** It would seem that it is only a place where tzo'ah is generally found. Since we allow reading near an ashpah, even though it is very dirty there - as long as we can ascertain that there is no tzo'ah present - it follows that "dirty" or even "disgusting" places are not considered makom hatinofet unless they actually (or generally) have those things which generate the prohibition there.

**Q7:** Why would we think that it would be sufficient to cover his mouth to continue reading K'riat Sh'ma if he was in a makom hatinofet?

**A:** The Gemara (Berakhot 24b) records a statement - attributed to either R. Yohanan or R. Yehoshua b. Levi - that indicates that putting the hand on/over the mouth is sufficient - R. Hisda strongly rejects this ruling (and indicates that there was probably an error in the transmission of the teacher's words).

Rabbenu Manoach suggests that we would have thought that your hand serves like a barrier between your mouth and the tinofet.

Another possible explanation: By putting your hand on your mouth, you are at least indicating that you recognize that the place is unsuited for reading. I might have thought that this symbolic "fence" is sufficient.

**Q8:** Why the comparison between K'riat Sh'ma and Torah study in one case, yet the distinction in the other case? (this questions refers to flatulence - see Halakhah 14).

**A:** From Rambam's use of "similarly", it seems that he compares a person who let wind to a makom hatinofet - as if the person himself (as long as the smell is present) is his own makom hatinofet. On the other hand, if his fellow let wind, he is not in a makom hatinofet - rather, he is exposed to a disgusting smell which everyone associates with excrement.

In earlier shiurim, I pointed out that when reading K'riat Sh'ma, you are engaging both in "speaking words of Torah" and in "Kabbalat 'Ol Malkhut Shamayim" - accepting God's rule over yourself. (see especially the Introductory shiur). Words of Torah do not belong in a makom hatinofet. Beyond that, it is inappropriate to accept God's rule while being exposed to disgusting smells which are associated with tzo'ah-ish things.

Therefore, when the reader himself let wind, any words of Torah (including Sh'ma) are inappropriate because of makom hatinofet. If his fellow let wind, it is not judged to be a makom hatinofet (for anyone else) - so words of Torah are acceptable; but it is, nevertheless, a disgusting setting, inappropriate for K'riat Sh'ma (because of the 'Ol Malkhut Shamayim component).

**Q9:** The prohibition to read K'riat Sh'ma in the vicinity of tzo'ah is "d'orayta" (from the Torah; why is it permissible in the case of doubt (the first clause in Halakhah 15)?

**A:** Rashi (Berakhot 25a s.v. b'bayit) explains that it was not the norm to leave tzo'ah inside a house. Rabbenu Manoach adds an interesting thought: we do not leave tzo'ah in the house, because of "you shall keep your camp holy."

Therefore, the doubt here is very slim and we rule leniently.

**Q10:** Why would it be permissible to read around an ashpah - even without tzo'ah, isn't it an inappropriate place to read K'riat Sh'ma?

**A:** Rabbenu Manoach (cited by Kessef Mishneh) limits this ruling to an ashpah without a foul stench. It could just be a garbage dump or junkyard, where the only "disgusting" element is the "thrown-away" quality of the things there. Hence, there is no automatic reason to prohibit the reading there.

Rambam, Copyright (c) 1999 Project Genesis, Inc.