

# KRIAT SHEMA 3:2-3

*by Rabbi Yitzchak Etshalom*

[\*Beit haKissei\* refers to a lavatory. However, since all of our Halakhot are the product of a situation where a lavatory was what we call an "outhouse" - where the fecal matter and urine remain there, albeit below ground somewhat - there is room to discuss whether these Halakhot should be treated in the same manner in reference to our sewage-removal, sanitized lavatories. Although we will not engage in that discussion here, it is worth noting the possible distinction. mod]

**2.** We do not read [K'riat Sh'mal] in a bathhouse or in a \*Beit haKissei\* even if there is no fecal matter there, nor [do we read] in a cemetery or next to a corpse - but if he distanced himself four Amot (1 Amah = app. 1.5 feet) from the grave or from the corpse, it is permissible. Anyone who reads in a place where it is impermissible to read, must go back and read again [properly].

[RABD: Avraham said: If he [Rambam] means to say that if you read next to a corpse that you have to go back and read, he has said nothing!]

**3.** Regarding a new Beit haKissei which was prepared but not yet used; you may read K'riat Sh'ma facing it but not inside. Regarding a new bathhouse - you may [even] read inside.

If you had two buildings and designated one as a Beit haKissei and then pointed to the other and said: \*v'Zeh\* ("and this one"), the second one is a \*Safek\* (situation of doubt) as to whether or not it has been designated for that purpose. Therefore, we do not read there \*l'khat'hila\* (before the fact), however, if you read there, Yatza (you have fulfilled the obligation and need not reread). If you said \*v'Gam Zeh\* ("and also this one"), then both of them are designated and you may not read there.

Regarding the courtyard of a bathhouse - that part where people are yet dressed - you may read K'riat Sh'ma there.

K'RIAT SH'MA IN THE PROPER PLACE  
Yitzchak Etshalom

(this shiur will also serve as an introduction to the various Halakhot in Chapter 3)

I.

## THE SOURCES

"Because the LORD your God travels along with your camp, to save you and to hand over your

enemies to you, therefore your camp must be holy (\*v'Hayah Machanekha Kadosh\*), so that he may not see anything indecent among you (\*v'Lo Yir'eh v'kha Ervat Davar\*) and turn away from you." (Devarim [Deuteronomy] 23:15)

The Sifri, commenting on this verse, states: " 'Because the LORD your God travels along with your camp', from this they [the Sages] said: A person should not read K'riat Sh'ma beside a laundry well, nor should he enter a bathhouse or a tannery (which smells very badly) while holding Sefarim or Tefillin."

There are several categories of Halakhot which are inferred from this verse:

1) Not to be engaged in holy matters while in a place which is associated with filth or nakedness; - "A person should not think about words of Torah while in a bathhouse or a Beit haKissei" (Shabbat 150a)

2) Not to read K'riat Sh'ma [or say Tefillah] in the proximity of human waste; - "How far must he distance himself from...feces to read K'riat Sh'ma? Four Amot" (Berakhot 3:5 - see discussion in the Gemara 26a).

3) Not to read K'riat Sh'ma [or say Tefillah] in view of certain types of nakedness of another person, defined as \*Erva\*. - "An [uncovered] handbreadth of a woman's skin [which is normally covered] is considered Erva..." (Berakhot 24a) (see Rashi)

4) Not to read K'riat Sh'ma [or say Tefillah] in view (or type of proximity) of ones' own nakedness - also termed Erva, but with a different meaning and set of parameters. - (hence the phrase) "His heart is 'seeing' Erva" (in the case where he is reading K'riat Sh'ma and no clothing is separating genitalia from torso).

II.

## CREATING "REALITIES" AND THE POWER OF IMAGINATION

The Halakhot adumbrated here and detailed throughout Chapter 3 - easily categorized into the antithetical relationship between contact with \*Tzo'ah\* (fecal matter) and Erva as against engagement in holy matters - reflect an intersection of reality and orientation. More directly, they point to the way in which our perception of things dictates reality.

The relationship which we have with God demands a good deal of imagination on our part - we stand in front of God, Whom we cannot see; we declare His rule over all four corners of the earth, the heavens and below (see Berakhot 13b) - yet it is an invisible rule, the force of which lies in men's hearts.

There are many Halakhot associated with Tefillah which support our attempt to mentally place ourselves in front of the King of kings; e.g. taking three steps backwards, while bowing, when finished (Yoma 53b); standing - as angels - with our feet "as one" (Berakhot 10b) (imitating the angelic praise of God) and facing Eretz Yisrael / Yerushalayim / The Temple Mount etc. (Tosefta Berakhot

3:16).

[In a timely fashion, this is illustrated by (arguably) the central phrase in the Haggadah: "In every generation, a person should view himself (Rambam: show himself) as if he went out of Egypt." Imagination is a critical piece of the Seder.]

In much the same way, our socially conditioned/inherent (pick one!) reactions to - and feelings about - excrement on the one hand and nakedness on the other posit these two very human realities on opposite poles of the supporting environment we are trying to establish around a "holy" experience. In other words, when we are endeavoring to create an environment of sanctity, engaging our minds in Torah study, accepting God's rule over us or putting ourselves in front of His Throne (as it were), being in the proximity of - or contact with - those things which bring up opposite feelings interferes with the creation of that environment.

III.

### SHAME VS. DISGUST

As can be seen from the sugya (Tosefta Berakhot 2:21 - see also Shabbat 10a) which details the "levels" of a bathhouse (the section where no one is ever undressed; the section where some people are undressed and others are clothed - and the "inner sanctum" where everyone is naked) as it affects K'riat Sh'ma (and Tefillin, greeting someone etc.) - the central issue here is nakedness. Although the "Erva" aspect as it pertains to K'riat Sh'ma breaks down into two sub-categories - sexually arousing sights and a person's own nakedness - the bathhouse problem seems to attach to a broader issue. The awareness of nakedness, aside from its possibly titillating effect, is also a source of human shame. We find that notion early on - in the second chapter of Beresheet [Genesis]; it is also found in rabbinic literature (see, for instance, the beautiful Agadah about David in the bathhouse - Menahot 43b). R. Yohanan is recorded as referring to his clothing as "my honor" (Shabbat 113). In our own times, we have seen how brutal regimes - most notably the Nazis, may their memories be erased, brutalized and "dehumanized" their prisoners by stripping them of their clothing.

All this said, there is nothing inherently negative about nakedness, other than its evocation of a sense of shame; whether this shame is a product of an increased awareness of our own frailties or of our mortality or vulnerability - I'll leave that for the psychiatrists to debate. That sense - which directly confronts the feelings we are trying to create and support when saying K'riat Sh'ma (etc.) - only stands in conflict when it has a direct association with actual human "shame". There is nothing upsetting about the existence or awareness of a bathhouse (indeed, it is critical for hygiene) - hence designating a building to be a bathhouse creates nothing negative about it until someone actually bathes there.

Conversely, we generally react to waste - especially feces - with a sense of disgust. Besides the physically repulsive nature of waste, it seems to remind us of something ugly and base about

ourselves. Again, I will let the mental health professionals debate the reasons - but the privacy we all demand when relieving ourselves is not just a matter of nakedness - we have a general "awareness aversion" to the whole process. Therefore, designating a building as an outhouse - where elimination is the entire *raison d'être* of that place - already creates a sense of disgust. That is why the Gemara debates the issue of "Hazmanah" here - and why Rambam rules that designating a place as a Beit haKissei already generates a prohibition of saying K'riat Sh'ma there. (See Shabbat 10b at the top of the page.)

Interestingly, the debate in the Gemara about Hazmanah (Berakhot 26a - Shabbat 10, Nedarim 7a) was not settled. R'ah (commentary on Berakhot, end of the third chapter) rules that since "your camp shall be holy" is a Torahic prohibition ("d'orayta"), we rule stringently and forbid the designated-but-as-yet-unused Beit haKissei.

#### IV. THE CONFLICT

A brief word about the conflict between shame/disgust and the "holy camp" which we are trying to create while reading K'riat Sh'ma and so forth.

Our attachment to holiness calls to the highest part of our being - our intellect, our conscience and our will. Studying Torah is not merely an intellectual exercise - but, even on that level, it demands human greatness of which we are all capable. Accepting God's rule and, even more so, standing before God in prayer, is a position of the mind and heart overruling the body and its needs and desires. There is clearly much more to be said on this subject (and perhaps in later shiurim there will be further opportunity), but suffice it to say that those feelings which the Beit haKissei and bathhouse arouse in us stand in opposition to - and disempower us from - fully achieving the "Image of God" potential in which we are created.

None of this is to say that there is anything inherently wrong or bad about our humanness - Judaism takes a dim view of those who would deny physical reality or not to bless and thank God for that wonderful creation of the human body; however, part of our Avodat Hashem (worship of God) demands for us to focus away from the mundane and raise ourselves - even for a moment - to a higher sense of who we are.

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now, to the questions:

**Q1:** Why do we not read K'riat Sh'ma in these four places/situations? Is there one reason or different reasons for each?

**AW** (Art Werschulz):

There are perhaps several principles at work here.

(1) We need to have kavvanah, at least for the first verse of K'riat Sh'ma. This is pretty difficult in a place associated with bad smells or nakedness.

(2) K'riat Sh'ma is kabbalat ol shamayim, along with kabbalat malchut Elokim (e.g., "Baruch shem kavod malchuto l'olam va'ed"). This is inappropriate in a disgusting place.

(3) Flagrantly performing mitzvot in front of the dead is an example of mocking the poor.

**YE** (Yitz Etshalom):

As Art points out, there are several factors at work here. Generally, we would divide this Halakhah into two even pieces: the bathhouse and outhouse are unacceptable on account of "v'Hayah Machanekha Kadosh" - and the cemetery and corpse, due to \*Lo'eg laRash Heref Oseihu\* ("He who mocks the poor insults his Maker" - Mishlei 17:5 - see Berakhot 18a - see further at Q3). However, Rabbenu Manoach (commentary on our Halakhah) adds that a cemetery is often a smelly and moldy place (?) - so that the cemetery may also be placed in a category with the bathhouse and outhouse.

**Q2:** Why is a Beit haKissei unacceptable even if there is no feces there?

**A:** See shiur.

**Q3:** How does a distance of 4 Amot help with regards to a grave or corpse?

**A:** Based upon the idea of \*Lo'eg laRash\* (see above, Q1), the Gemara at the beginning of the third Chapter of Berakhot (18a) states that \*Meit tofes arba amot liK'riat Sh'ma\* - a corpse "owns" the four surrounding Amot vis-a-vis not reading K'riat Sh'ma. In other words, we do not "flaunt" our performance of Mitzvot in close proximity to a corpse - as there is something a bit cruel about our "celebrating" our ongoing and active relationship with God, while the corpse has already been "released" from that relationship (see Shabbat 30a \*mai dikhtiv "BaMetim Hofshi\*..."). However, this is not because the corpse knows what's going on (see the discussion between R. Hiyya and R. Yonatan at the beginning of the third chapter of Berakhot) - rather as a mark of our own sensitivity to - and awareness of - the power of death. 4 Amot is the established "reach" of a person - as evidenced by \*Kinyan Daled Amot\* (an acquisition made by some item being within 4 Amot of a person) - see Bava Metzia' 10a and MT Z'khiya uMattanah 4:9) - so, once outside of that perimeter, we can "ignore" the presence of the corpse or the grave.

**Q4:** Why does he have to reread, according to Rambam?

**A:** Rabbenu Manoach hints to the idea that due to the severe distractions involved in any of these situations, it may be judged to be impossible to have proper "Kavvanah" there. A straighter answer (plus, it's not clear that he even intends this) is that a part and parcel of K'riat Sh'ma - it's focal point - is Kabbalat 'Ol Malkhut Shamayim - accepting God as ruler and king. We could then argue in one of two ways: either these places are just "out of bounds" for Kabbalat Ol - or (perhaps more persuasively) there is something inherently contradictory about accepting God's rule in a place

where His law forbids doing so. How can we stand in a place where God (or the Rabbis - who He commands us to obey) forbade reading Sh'ma - and read that, declaring our allegiance to God and His Mitzvot?

**Q5:** What is RABD's argument?

**A:** RABD may argue that the prohibition of bathhouse and Beit haKissei are rooted in the unacceptability of the place, the proximity to the corpse is not due to something wrong with the place but because of insensitivity to the deceased - which doesn't directly stand in conflict with Kabbalat Ol.

**Q6:** What is the extent of their dispute? (i.e. would RABD argue that you never need reread in situations like this, or is he only referring to the "next to a corpse" situation?)

**A:** It seems clear from his words that he is only disputing the "corpse" case.

**Q7:** Why is "designation" (\*Hazmanah\*) significant regarding a Beit haKissei - but not for a bathhouse?

**A:** See the shiur.

**Q8:** What is the confusion regarding the designation-language of \*v'Zeh\* or \*v'Gam Zeh\*?

**A:** This is rooted in the sugya in Nedarim 7a on the issue of "Yadot" - where an ambiguous statement is made and there is circumstantial indication about the intent - whether we apply that indication and make the statement Halakhically effective. Rambam's language is a Hebrew translation of the "v'hadein" or "v'hadein nami" in the Gemara. Further explanation of this sugya is beyond the scope of this shiur.

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