

HALOCHOSCOPE

This week's question:

May one recite *brochos* or *tefilos* in the presence of an odor that he personally finds extremely unpleasant? For example, if one can't stand the smell of certain foods, may he hold his nose and recite holy things in its presence? What if the food is beginning to go bad and smell bad, but others would still eat it? This person finds it revolting. What if it is a food that gives off an unpleasant odor until it is cooked, such that ordinary people also find it somewhat revolting?

The issues:

- A) *Brochos* in the presence of uncleanness
- B) Foul odors
- C) *Bal Teshaktzu*, avoiding revulsion
- A) *Brochos* in the presence of uncleanness

Two *mitzvos* in the Torah preclude uttering holy things in the presence of indecency or uncleanness. *Vehaya Machanecha kadosh*, your encampment shall be holy, is a positive *mitzvah* to make sure that the vicinity where a *tefilah* or *brocha* will be recited is clean and holy. *Lo yir'eh becha ervas davar*, [Hashem] shall not see in you[r] midst] a nakedness, sounds like a result of the first *mitzvah*. The Talmud interprets this as a second, negative *mitzvah* on the same subject. While there is no direct reference to *devarim shebikedusha*, these are understood to refer to the respect and special attention to conduct at a time when one utters holiness. They also refer to the respect one must show holy items. One refrains from associating indecency with these matters.

The holiness referred to includes all *tefilos* and *brochos*, and audible Torah study. Even though the obligation to recite *brochos* is, for the most part Rabbinical, the concept of a *brocha* is Scriptural. Thus, the Torah can refer to anything included in this concept. A *brocha* includes the holy Names of Hashem. Even a greeting with one of Hashem's Names may not be uttered in the presence of certain types of indecency. The word 'Shalom' is also a sub-name of Hashem.

Scripturally, one may not utter anything holy while relieving himself, whether it is for solid or liquid waste. It is also Scripturally forbidden to recite holy things in the presence of unclad people, whether or not they are presently relieving themselves. It is also Scripturally forbidden to recite any part of *davening*, *brochos* or Torah study in the presence of solid fecal waste, or in the presence of the receptacle used for it, even after it is emptied and washed. It is Rabbinically forbidden in the presence of a receptacle for liquid waste, or collected liquid waste or in the presence of *zuhama*, the dirt washed off people that is considered somewhat like waste. [It often contains some waste as well.] Scripturally, liquid waste is forbidden only as it comes forth from the body.

These all forbid utterances in a rest room or in a bathroom even when no unclad per-

son is present. A *mikveh*, when no unclad people are present, is considered an exception by many poskim. The reason is debated, but one suggestion is that people are required to be thoroughly cleaned before immersion. Therefore, there is no *zuham*a in the water. However, it should be noted that some do not except a *mikveh*, and point out that the water does collect a lot of *zuham*a.

Urine that has become absorbed is not included in the Rabbinical prohibition. Therefore if one is near a place where the ground has absorbed some urine, or clothing that absorbed it, even one's own clothing, he may *daven* or recite *brochos*. These *mitzvos* forbid reciting anything holy with any fecal matter attached to any part of the body. Thus, one must relieve himself if possible, and certainly clean himself as much as possible, before *davening*, or saying a *brocha*. Indecent smells also forbid such utterances, as will be discussed in the next section. It is important to note that if one violated this *mitzvah*, if the restriction was Scriptural, he has not fulfilled his obligation to recite whatever he recited. In many cases, he must repeat it. If it is Rabbinical, the ruling varies. [See Parshas Ki Saitzai 23:15. Brochos 23a-26a, Shabbos 40b, Chulin 110b, Poskim, Tur Sh. Ar. OC 3:1 4:18 38 43 4473-87 92 103, commentaries.]

B) Foul odors

Indecent smells are given two classes. *Raiach ra sheyaish lo ikar* is a smell that comes from something tangible. *Raiach ra she'ain lo ikar* means a smell with no tangible source. The poskim debate the qualifications for the second type. Some maintain that as long as the source is covered and is not seen, the smell emitted by it is considered *ain lo ikar*. Others maintain that to qualify as *ain lo ikar* it must be purely a gas. Both of these smells are offensive, but the second class has some leniencies associated with it.

Raiach ra shyaish lo ikar is treated like solid waste. It is considered Scripturally forbidden to utter anything holy in its presence. 'Presence' for these purposes includes a radius of four cubits from the spot where the smell is no longer detected. This is derived from the laws of *Shabbos*, where four cubits is considered a domain. Thus, it would be an 'encampment'. The poskim debate the status of this additional radius. Some maintain that it is a Rabbinical extension of the Scriptural prohibition, which extends only to where the smell reaches. Others maintain that the additional area is included in the Scriptural prohibition. If one is in another room, where the smell reaches into, the poskim debate the status of the extra radius. Those who consider covered waste *ain lo ikar*, would say that one he need only distance himself from the actual smell. The others might say that one needs to go an additional four cubits away from that spot.

Raiach ra she'ain lo ikar is forbidden Rabbinically. Therefore, one need only distance himself from that actual smell. If it is a smell from expelled gastric gases, the person emitting it may not *daven* or recite a *brocha* until it dissipates. However, the restriction on others nearby is debated. Since this is a Rabbinical restriction of lesser order, it does not pose such restrictions on some parts of *davening*. While it would not help the one expelling the gas, those smelling it, or any other *raiach ra she'ain lo ikar*.

Thus far, we have assumed that the smells we discuss are from human waste matter or the like. There are other types of odor that are included to a greater or lesser degree. However, fecal matter is automatically assumed to emit a foul odor. Other sources may or may not be presumed to do the same. The common additional examples are waste mat-

ter from animals, a waste or garbage heap, a carcass and a pool of putrid water or other liquid. What these have in common is that they all involve some decaying matter. Animal waste varies according to the type of animal and its diet. A waste or garbage heap is debated. Some maintain that it automatically gives off a foul odor, while others say that only if one knows of the odor is it included. Thus, if one had already *davened*, the question arises whether he must assume that there was a smell, possibly invalidating his recital. Many maintain that a regular garbage can or heap could only be considered stringent if it usually has fecal waste matter thrown there. Otherwise, one may assume that it does not emit a foul odor. Evidently, the assumption that decaying food waste smells bad does not qualify the garbage as a *raiach ra sheyaish lo ikar*. If one does smell it, he should certainly act stringently. In addition, garbage cans that are kept inside the house are not allowed to become so smelly. The garbage is usually removed before it emits a strong smell. The type of garbage heap that raises a real issue would be an outdoor can or dumpster that is not emptied until it has begun smelling. Hot weather also hastens decay.

Putrid water pools are considered the same as solid fecal waste. These include stagnating water. This would have dead organisms and other decaying matter in them. Any unfiltered collection of water could be included (see above regarding a *mikveh*). If people find the smell offensive, it has reached this point. It includes the pool used to soak flax or other plants to separate them into their fibers. A tanning cistern also stinks. It also includes a pool used to clean clothing, especially children's soiled clothing. The initial washing might be done in a pool of water that is reused. Any sewer would could pose this kind of problem, including a storm drain, if the water is left to collect there. In this instance it would depend on the level of offensiveness as perceived by people.

Even if one can not see the offensive source of the smell, such as by night or in the dark, he must distance himself from it. This shows that the smell itself is considered indecent, rather than as a symptom of the source. Similarly, if one is ill and can not smell, if it is the type of smell that regular people find offensive, he must keep a distance.

Other smelly items could fall into two additional categories. Some items smell bad naturally, but not due to decay. This includes tar and petroleum products, that the Talmud says are unacceptable as fuel for *Shabbos* candles due to their odors. [Some would probably suggest that 'fossil fuels' are indeed decaying organic matter. However, they have reached a stage that they are no longer decaying.] These do not pose a problem.

Others produce a bad smell that is removed when its source is removed or goes away naturally. These include the smell of a butchering house. Presumably, the smell referred to comes from the intestines. However, this would seem redundant, since the waste matter in the intestines would have been included in the main categories. Therefore, it seems that to those who do not work with butchering meat, the smells are considered bad in their own right. Similarly, a wine cellar is listed as a source of bad smells. Perhaps this refers to the presence of some bad wine. These smells pose a problem.

Smells that are not considered bad by people, even if they come from some form of decay, do not pose a problem. Thus, if food is beginning to go off, but is tolerated by people in general, especially if it is edible would be considered tolerable for holy utterances as well. Sometimes, special consideration is given to an *istanis*, pampered or overly sensitive person. In our case, the person finds smells offensive, that do not arouse re-

vulsion in others. Perhaps, they would be considered *ain lo ikar*. If the Rabbinical extension forbidding these smells is due to a similarity to *yaish lo ikar* this should only apply to odors that are universally considered bad. Or it could be due to the disturbing smell interfering with one's *tefilah*. In that case, any odor that is found bothersome would be forbidden. Since the poskim specify that naturally bad odors are not forbidden, even as *ain lo ikar*, it would seem that this is not the case. If one can not concentrate, he may not recite the *brocha* anyhow, but for other reasons. Therefore, if he holds his nose, he may recite the *brocha*. [See refs to Sec. A. Tur, Sh Ar OC 79:1 86, commentaries.]

C) Revulsion

The Torah forbids doing something revolting by eating forbidden creatures. The Talmud cites this as a punishable negative *mitzvah*. However, the poskim debate whether the intent is indeed to consider it Scriptural. [There are separate Scriptural *mitzvos* forbidding these creatures.] Many poskim maintain that as a *mitzvah* in its own right, it can only be considered Rabbinical. Nonetheless, it is cited as an important *mitzvah*. Not only are detestable creatures forbidden, but also kosher food that is revolting, such as live fish, or foods that have become mixed with some vomit or other waste matter. Even drinking or eating from utensils that were once used regularly for these is forbidden. Apart from eating detestable foods, the *mitzvah* forbids doing anything revolting. The most common example is restraining oneself from relieving himself. One may not recite a *brocha* in this state. If he did so, in most cases, it is invalid. Subjecting oneself to revolting smells is not cited as an example by the poskim. One who finds it so revolting, will not subject himself. For one who can tolerate the smells, it appears that smelling them does not violate this *mitzvah*. Accordingly, one who is disturbed by the smells could still recite a *brocha* in their presence. The Talmud records a few incidents of bad breath affecting the ability to study Torah. However, these could be attributed to *istanis* situations, or to overpowering smells that disturbed ordinary people. [See Shemini 11:43. Shabbos 90b Eruvin 28a Psachim 24a Makos 16b Meilah 16b-17a, Poskim. Sanhedrin 11a, Pirka DR Eliezer 1. Tur Sh Ar OC 3:17 92:2 103 170:10 15 16 22, YD 13:1 81:1 104:3 116:6 (Darkei Teshuva 104 105), commentaries.]

On the Parsha ... *Burn the whole ram on the mizbaiach, it is a pleasing smell a burnt offering for Hashem ... [29:18] A pleasing smell, pleasing My spirit, I spoke and My will was done .. [Rashi] It could not mean that the smell itself is pleasing, for there is no worse smell than that of burning flesh and bones. [Sifsei Chachamim.]* The question arises, how could the *Kohanim* perform the service in the *Bais Hamikdash*, including the *tefilos* and the singing of the *Leviyim*, if the smell was so unpleasant? Clearly, the smell of burning meat is not considered repugnant or offensive. It is not considered 'pleasant', but would not be included in the type of smell that forbids uttering holy things. (The bull offering, that was burned totally, including its digested food [29:14], was burned outside the camp. This smell would indeed be offensive.) Alternatively, perhaps the thought that this smell came from holy offerings created a tolerance, or even an attractiveness to those smelling it. (However, this could not apply to the foul odor of the burning bull's digested food. There is no mention of that being a *raiach nichoach*.)



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