

# ליקוטי ופסקי הלכות

## "חוקי חיים"

ותלמוד  
"תלמידי תורה"  
לעשות רצונך  
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שע"י "חדר הוראה" שבונת מנחת יצחק פעה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Krias HaTorah

A Clean Place for Tefilah

Parshas Bamidbar 5783

297

### והיה מחניך קדוש

#### Source of the Issur

1. It says in the Torah (י"ד ט"ו) "כי תצא כ"ג, י"ד ט"ו) "You shall return and cover your tzoah [excrement]. For Hashem, your G-d, goes about within your camp ... your camp shall be holy, and He should not see any shameful thing among you and turn away from you." Chazal say that a person's "camp" refers to his four amos (גמ' ברכות דף כ"ה ע"א), as a person's four amos always acquires things for him, e.g., with respect to a found object, a *get*, or *hilchos Shabbos*; it is considered like the house and domain in which he resides (לבוש סי' ע"ט ס"א). Thus, when saying words of kedushah or *divrei Torah*, one must be careful there is nothing within his four amos that is a contradiction to kedushah, e.g., tzoah, urine, a bad odor, or the like.
2. **Long life.** The *posuk* says about one who is careful not to say words of kedushah in an unclean place, "For this matter your days will be lengthened" (גמ' ברכות דף כ"ד ע"ב, מ"ב סי' ע"ט סק"ה).

#### Forms of the Issur

3. **Speech.** One should not say any words of kedushah, e.g., *Shema*, *Shemoneh Esrei*, or words of *Torah*, in a place considered unclean according to *halacha*.
4. **Thought.** One may not think words of *Torah* in an unclean place either. Some say this is an *issur d'oraisa*; others say it is an *issur d'rabanan* (הובא המח' בבית אדם כלל ג).

#### With a Source, Without a Source [יש/אין לו עיקר]

5. **With a source.** There is a difference in *halacha* between an odor with a source and an odor without one. If the thing causing the bad odor, e.g., tzoah, urine, a garbage can, etc., is in front of a person, there is an *issur d'oraisa* to say words of kedushah in the presence of the odor it gives off. This is called "an odor with a source."
6. **Without a source.** If the source of the odor is not present, e.g., there is an odor from tzoah that is in another room (מ"ב הקדמה לסי' ע"ט אות ז) or from someone passing gas, the *issur* is only *d'rabanan* (ש"י ע"ט סי' ע"ט ס"ט ומ"ב סק"ל); see *Issue 296*, par. 16). In this case, it suffices to move just far enough that the odor is not present; there is no need to move four amos away (מ"ב סי' ע"ט סק"א).

#### Behind, to the Side

7. If there is uncovered tzoah behind or to the side of a person and within four amos, there is an *issur d'oraisa* to say words of kedushah. He must go four amos away from it and from the spot where the odor ends (ש"י ע"ט סי' ע"א).
8. **Questionable area.** If one said something with kedushah in an area where he should've questioned whether there might be tzoah and then indeed found some within four amos, he must say it again (ש"י ע"ט סי' ע"א), as he should have checked first (מ"ב סק"ל). Since he was negligent in not checking first, his *tefilah* is not accepted and, consequently, is not called a *tefilah* (ש"י ע"ט סי' ע"א).

#### Tzoah in Front of a Person

9. If the tzoah is in front of him, i.e., he can see it before him without turning his head (ח"י אדם הובא במ"ב סק"ה), he must distance himself until it is out of sight (ש"י ע"ט סי' ע"א). Some say that since the *issur* is derived from the above *posuk* ["He should not see any shameful thing among you"], there is an *issur d'oraisa* as long as one can see tzoah, even if it is in another room. However, if it is outside of the four amos in front of him, thoughts of kedushah are *mutar* (ש"י ע"ט סי' ע"א), (שם, ביאה"ל הקדמה לסי' ע"ט אות ב).

10. Others say the *issur* is derived from the words "Your camp shall be holy," not "He should not see..." Thus, if there is tzoah in another room, one may say words of kedushah even if he can see it, as another domain is not called "your camp." If it is in the same room, however, and it is within sight ahead of him, he may not even think thoughts of kedushah even if it is more than four amos away (ש"י ע"ט סי' ע"א, הובא בביאה"ל שם).
11. **In front and to the side.** Some *poskim* say tzoah in front of a person and off to the side [i.e., diagonally] is considered in front of him and the *issur* applies as long as he can see it (מג"א הובא במ"ב סק"ה). Others say it is considered to the side and a distance of four amos is enough (א"ר הובא שם).

#### Covered Tzoah

12. One may say words of kedushah in front of covered tzoah as long as there is no bad odor coming out (מ"ב סי' ע"ו סק"ג). This is derived from the *posuk* "You shall return and cover your tzoah" (גמ' ברכות דף כ"ה ע"ב, ש"י ע"ט סי' ע"א).
13. Tzoah or urine may be covered with anything, even paper, e.g., a newspaper or the like, and even with a cover designated for such waste (מ"ב סי' ע"ו סק"ג). The cover must be on all sides (מ"ב סי' ע"ו סק"ג) and not let a bad odor escape (סק"ט וסק"י).
14. **Transparent cover.** Even if one can see through the cover to the tzoah underneath, it is considered covered with respect to words of kedushah (ש"י ע"ט סי' ע"א).

#### Substances with the Same Status as Tzoah

##### Urine

15. **A small amount of urine.** One may say words of kedushah in front of urine absorbed in the ground, a cloth, or a diaper, even if the moisture reached the outer surface, as long as it is not wet enough to moisten something else [טופח ע"מ להטפיה] (שם).
16. **טופח ע"מ להטפיה.** However, if the cloth is wet enough that if one would touch it with his hand, there would be enough moisture on his hand to moisten something else, it has the status of tzoah and one must distance himself from it accordingly (שם).
17. **Smells bad.** One may not say words of kedushah in the presence of foul-smelling urine or a garment that smells foul from absorbed urine; this has the same status as tzoah (ביאה"ל בהקדמה לסי' ע"ט).
18. **Bedpan with urine.** One must distance himself from a wooden or earthenware bedpan used for urine the same way he would from tzoah, even if it is empty and clean. This is because urine is absorbed in the earthenware/wood, giving the pan the status of a bathroom (ש"י ע"ט סי' ע"א).
19. However, a bedpan made of metal, glass, or glazed ceramic that is nonabsorbent does not have the status of a bathroom. As long as it is clean both inside and out and does not emit a bad odor, one may say words of kedushah in its presence (שם ובמ"ב). The same is true of a bedpan made of hard, nonabsorbent plastic (הגרשז"א, נשמת אברהם א"ח סי' ע"ו הע' ט).
20. **Urine test.** When one does a urine test in a clinic and collects urine [or stool] in a closed, transparent container, words of kedushah may be said in its presence. This is because it is covered (above, 12), and the container is not considered a bedpan which words of kedushah may not be said in front of (above, 18) since, unlike a bedpan, it is meant to be used once and disposed of (אשי ישראל פ"ב). Also, it is made of hard plastic (19).

## Vomit

21. **Bad odor.** Foul-smelling vomit is like tzoah; one may not say words of kedushah in its presence, as it is considered a bad odor with a source (מ"ב סי ע"ט כ"ט). Thus, if one is on a bus or plane in the presence of a foul odor from vomit, it is like he is in the presence of tzoah, and he may not say words of kedushah.
22. **No bad odor.** However, one may say words of kedushah in front of vomit without a bad odor even though the vomit is repulsive (חי רע"א (בשם גזירות שמשון, מ"ב סי ע"ו סק"כ).

## Garbage Bin

23. One may not say Shema in front of foul-smelling garbage (ש"ע סי ע"ט (ס"ח). Garbage has the status of tzoah for all purposes; if it is in front of a person, he must go far enough that it is out of sight, even if he knows there is no tzoah or urine inside (מ"ב סי ע"ט), because there is still a bad odor.
24. **Modern-day home garbage cans.** Garbage receptacles in houses today usually do not have bad odors coming out, as they are meant to be emptied daily and are usually covered or built into a cabinet. Diapers are usually placed inside within a bag so that they do not give off a bad odor. Therefore, as long as a foul odor is not coming from a garbage can, one may say words of kedushah in front of it.
25. **Garbage in a beis medrash.** A garbage can in a beis medrash does not usually contain rotting items. It usually only contains tissues, disposable cups, and candy wrappers. Thus, there is no issur to daven in front of it. However, out of respect for the beis medrash, it is best to use a small garbage can with a cover. It should go in the back of the beis medrash, not in a strategic place like next to the amud or the aron kodesh.
26. **Public garbage container/dumpster on the street.** Garbage bins on city streets also do not usually smell foul, as people dispose of their garbage in closed bags. Also, they are usually covered or emptied frequently. Thus, one may say words of kedushah, e.g., brachos, Krias Shema if it is near the end of the zman, Kiddush Levanah, Kaddish at a funeral ל"ע, or think in Torah learning while walking on the city streets (ש"ת בצל החכמה ח"ו סי כ"ו, הגרש"א, הליכות שלמה פ"כ אות א).
27. **Underground receptacles.** One may certainly say words of kedushah on the streets in cities in Eretz Yisroel where, as of late, the garbage bins are built into the ground. The only part that protrudes aboveground is a chute that directs the garbage bags underground, and there is no odor outside. [Nebach on the cats crying, "What will we eat?"...]
28. However, when the street's garbage container is overflowing and garbage bags are dumped next to it, e.g., after Shabbos or Yom Tov or during a strike, and there are cats and Ravens rummaging through the trash and ripping open the bags, one should be machmir to stay four amos away from where the odor ends and turn away from it (פסקי תשובות סי ע"ט אות ח).
29. **Next to a garbage truck.** A person standing near a garbage truck, by the opening where the garbage goes, can usually smell a bad odor of garbage, as the garbage tumbles around and the bags tear there. Thus, one may not say words of kedushah. However, on the sides of the truck, it is mutar as long as one remains four amos away from where the odor ends (אשי ישראל פ"ג אות ל"ח).

## "Skunk Water"

30. The Israeli police spray "skunk water" from water cannons toward demonstrators [especially chareidim...] as a form of crowd dispersal. It is a substance with an extremely awful smell which remains on the body and anything else sprayed for days. The liquid is a water-based solution made of yeast and baking soda which creates a pH level in which the yeast synthesizes amino acids with a powerful odor.
31. The poskim discuss whether one may daven or say words of kedushah in front of this bad smell or whether one may daven in shul in front of someone who was sprayed with the smelly substance.
32. Some want to allow it based on the Chayei Adam's opinion that one may say words of kedushah in front of something that naturally smells bad, e.g., resin [עטרן], the odor of which comes from pitch secretion (ביאה"ל סי רס"ד סי"ג ס"ה בעטרן) or the like since something is only called tzoah if it smells due to rot (ע"ט סק"ג). Similarly, the smell of skunk water does not come from rot; it is natural, so there would be no problem (הגר"ב צ"ח ה"ה קוק).
33. However, the consensus of most poskim is that one may not say words of kedushah in front of it, as it produces the same result as naturally occurring rot, just the process is accelerated in a lab through chemical interactions. Hence, it is like it was produced

through an accelerated rotting process. It causes disgust and revolt in people just like something rotten, moldy, or disgusting. Thus, it is a contradiction to a camp of kedushah. It is no less than putrid water (מ"ב שם סק"א), whose bad odor causes people discomfort (ש"ע סי ע"ו). It is at least a safeik d'oraisa, for which one must be machmir כך דנתי פעם לפני כ"ק אדמו"ר רחמאסטרויקא ירושלים והסכים, ופעם מנע מלברך ברכת אירוסין תחת החופה עקב הסרחון שנבע ממי בואש, עד שהתיזו הרבה מי בושם (לנטרל את הסרחון הרע).

34. Once it dries, some want to treat the odor like an odor without a source. Even so, one must relocate to an area where the smell does not reach (above, 6).

## Words of Kedushah in Front of Children

### Child's Tzoah

35. The Shulchan Aruch rules that one does not need to distance himself from a baby's tzoah or urine to say words of kedushah (ש"ע סי פ"א (ס"א) since a baby's intestines do not make his food putrid like the tzoah of a gadol. There are multiple opinions as to how long it is considered "a baby's tzoah," as will be explained.
36. **Eating a k'zayis of grain.** One does not need to distance himself at all from the tzoah or urine of a baby who has never eaten a k'zayis of one of the five grains within k'dei achilas pras [the time it takes a gadol to eat three or four beitzim (מ"ב סי תרי"ב סק"ח)] (ש"ע סי פ"א (ס"א) ומ"ב שם). Once a baby eats grain, one must distance himself from the baby's tzoah and urine just like an adult's. If one davened or said Shema in front of the tzoah of a child over this minimum age, he must say Shema/daven again (ש"ע סי ע"ו ס"ה ומ"ב שם).
37. One may not say words of kedushah in front of the tzoah of a baby at an age when babies normally start eating grain within k'dei achilas pras, even if he has not seen that baby eat grain (מ"ב שם סק"ב). If one is certain a baby has never eaten grain, he may be meikel (שם).
38. **Age.** Some say this is from one year old and up (פתח הדביר שם) מו"ק. Others say nowadays that we feed babies grains, e.g., grain-based baby cereals, even earlier, one must be machmir starting at three or four months, depending on the particular circumstances (מסגרת השלחן על קצושי"ע סי ה' סק"ג, בית ברוך על ח"א כלל ג' ס"ק ס"ג).
39. **Machmir.** As a chumra (ביאור הגר"א י"ד רס"ה סק"ט) the poskim write that it is proper to distance oneself even from a newborn's tzoah, even though strictly speaking one may say words of kedushah there (רמ"א י"ד שם ס"ח לגבי מילה, מג"א פ"א סק"א, מ"ב סוסק"ג) (בית ברוך על ח"א כלל ג' סק"ע). The poskim agree there is no need whatsoever to keep distance from a newborn's urine before the age required by halacha (אשי ישראל פ"ג אות ל"ח).
40. **Bris.** Thus, before a mohel begins to do a bris, l'chatchilah, and as praiseworthy conduct, he should wipe away any tzoah (above, 39). However, if the baby made tzoah after he started the bris procedure but before the brachos and he cannot wipe it, he may say words of kedushah there according to halacha.

### Diapers

41. If a child is at an age when his tzoah has the status of a gadol's, and he has tzoah in his diaper, one may not say words of kedushah there. Even though the tzoah is covered by the diaper, the diaper itself is treated as a utensil meant for tzoah [גרף של רעין], which itself may not be present when words of kedushah are said (הגרש"א, הליכות שלמה (פ"כ אות ה').
42. **Covered by clothing.** If the soiled diaper is covered by clothing, e.g., an undershirt, pants, etc., the tzoah is considered covered, so if there is no bad odor, there is no issur (above, 12). If there is a bad odor, one may not say words of kedushah there; he has to distance himself in accordance with the halachos of distancing from tzoah.
43. **Unsure.** If one is not sure whether there is tzoah in a child's diaper, he may say words of kedushah near the child. He does not need to worry about the possible presence of tzoah. Even if it is there, it is covered (ש"ת שבט הלוי ח"ט סי ר' אות ב').
44. **Certain.** However, if there is definitely tzoah in a diaper causing a bad odor, one must stay four amos away from where the smell ends. Similarly, one must either check if a child is clean or go four amos away from him if several hours have passed since he was last checked and he is normally soiled at that point, or if it is a time when he usually soils his diaper, e.g., after a meal (אשי ישראל פ"ג אות ח"י).
45. **Diaper with urine.** If one knows a diaper only has urine but no tzoah, he may say words of kedushah in front of it. It does not have the status of a bedpan for urine since it is meant for one-time use (הגרש"א, הליכות שלמה שם).

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