Preface Behavior in Restrooms

Day 34

Our Torah encompasses every area of life. It governs even one's behavior in a restroom, instructing us how to sit, proper hygiene and more. Although a restroom is considered an unclean place according to the halakha, this does not lessen our responsibility to behave correctly and with the fear of Heaven even while occupied there.

The *Petah Hadevir* (2:8) explained: Our Sages taught that a public bathhouse is considered a polluted location unfit for the presence of the Shekhina or the holy angels. This does not mean however, that God is not present in such a place and that it is not necessary to act with the fear of Heaven while inside. Rather, God watches over us throughout the world. Therefore, it is necessary to behave modestly even in an unclean place.

The *Mishpat Tzedek* (*Mussar* #326) stated: Do not be disturbed by the fact that the holy King, Who sits on His Throne in Heaven, peers down at tiny worms that swarm in piles of manure and other places of filth. There is no difference to Him between large animals and tiny creatures; in both categories there are those that are impure. The fact that they are surrounded by filth makes no impression on Him, as the great poet, Rabbenu Shelomo ibn Gabirol, wrote, "There is no filth that can soil You." there is nothing in the natural world that is disgusting to God other than sinners.

In light of this, the *Petah Hadevir* concluded that it is necessary to behave modestly even in a place of filth. God's honor fills the entire earth without exception, even in impure places, and we must display our fear of Him wherever we are.

Bal teshaketzu

Our Sages taught (*Makkot* 16b) that the Torah forbids one to postpone relieving oneself when one feels the urge to do so. This is the meaning of the verse (*Vayikra* 20:25), "Do not make yourselves disgusting." This is the halakha as cited in the *Shulhan Arukh* (3:17), and as it appears below in halakha 2.

In context of its place in the Torah, this verse means that we must not defile our bodies and souls by eating nonkosher creatures. Our Sages, however,

gave it the additional meaning of someone who postpones relieving himself, thus carrying the disgusting human waste within his body even when he is capable of voiding it. They did not make it clear, however, whether this a Torah prohibition or a rabbinical institution attached to this verse.

The Talmud states (*Makkot* 16b) that if someone takes a physician's bloodletting tool and drinks [water] from it, he has transgressed the prohibition of, "Do not make yourselves disgusting." Maran cited this as the halakha in the *Shulhan Arukh* (*Y.D.* 116:6). The Ritba (commentary to *Makkot*) cited Rabbenu Meir Halevi ruling that this is a Torah prohibition, but he added that all other *Rishonim* ruled that this is forbidden by our Sages and not by the Torah. Our Sages used this verse to cover any activity that is disgusting, undignified and therefore unfit for our noble nation, including postponing relieving oneself while one has the physical urge to void.

Rabbenu Menahem Hame'iri and Rabbenu Shimshon bar Tzemah (*Zohar Haraki'a*, *lav* #194) both agreed that the prohibition of postponing relieving oneself is an institution of our Sages. The *Peri Hadash* (*Y.D.* 116:11) and other *Aharonim* deduced that this is the intent of Rambam as well (*Sefer Hamitzvot lav* #179).

On the other hand, the *Sho'el Umeshiv Tinyana* (Vol. III, #122) deduced from the same passage that according to Rambam it is a Torah prohibition, only that the transgressor does not incur the punishment of lashes. He explained that this is like eating a tiny amount on Yom Kippur – it is forbidden by the Torah but it is not punishable in court.

Maran the Rishon Letziyon (*Halikhot Olam* Vol. I, page 38) argued that the assumptions of the *Sho'el Umeshiv* are not well-founded. He concluded that this is forbidden by our Sages, not by the Torah. This is likewise the conclusion of Harav Zalman (*Mahadura Tinyana* 3:11, cited by Harav Yosef Hayim in *Mikabtze'el parashat Vayetze* halakha 3 and by *Kaf Hahayim* Sofer (2:47).

Rambam noted (*Hilkhot Ma'akhalot Asurot* 17:31) that there is a health factor involved here as well, declaring, "It is forbidden for anyone to postpone urinating or defecating when the urge arises. Whoever does so defiles his soul, besides exposing himself to serious illnesses. God will punish him for not caring properly for his health. Everyone must establish a regular pattern [of bowel movements], preferably at a convenient time so that it will not be necessary to excuse himself when with others and go to relieve himself. In this way, he will avoid causing his soul to be disgusting."

In *Hilkhot De'ot* (4:1), Rambam observed that, "Maintaining a healthy body is one of the practices that God has prescribed for us. It is impossible to concentrate on theological concepts while one is ill. Therefore, one must stay away from practices that harm one's body and one must pursue activities

that strengthen the body and keep it youthful. For example, one should eat only when hungry and drink only when thirsty. One must not postpone relieving oneself, even momentarily. As soon as one feels the urge to urinate or defecate, one must immediately go and do so.''

The *Ben Ish Hai* added that if someone fails to observe this halakha, it will weaken his ability to keep his thoughts pure and holy. See below in halakha 2. In the footnote to that halakha, please find a discussion about the time limit before one transgresses this prohibition.

Modesty in the Restroom

The halakha demands that each person behave in a modest manner. The *Ben Ish Hai* (*parashat Vayetze* halakha 4) explained that according to *Sefer Mitzvot Katan* and other *Rishonim* this is a Torah obligation. Others argued that modesty is not demanded by the Torah, but since it is one of the traits identifying the spiritual superiority of the nation of Yisrael over other nations, it remains something that is very important. Therefore, for the sake of modesty one must shut the door to the restroom while using it even in the dark of night. If this is difficult because of an overpowering stench inside the restroom, one may leave the door open at night when no one can see inside to allow some fresh air to circulate.

The *Ben Ish Hai* added (halakha 9) that when someone defecates in the field he must face either north or south, but not to the east or west. If the person is surrounded by walls or if there is at least a wall to the west of his position, then it does not matter which direction he faces even though he is under the open sky. He added that by behaving modestly even in the restroom one subdues the evil spirits. See above in *Siman* 2:1 and the footnote there about the necessity of maintaining one's modesty when dressing.

The Talmud (*Eruvin* 100b) cites Ribbi Yohanan teaching, ''Even if the Torah had not been given to us, we would be able to learn the trait of modesty from cats.'' Rashi explained that cats avoid defecating in the view of people, and they cover their stool afterward.

The *Mishna Berura* (*Bi'ur Halakha* 3) cited the *Sefer Mitzvot Katan* who listed the mitzvah of behaving modestly as a Torah requirement based on the verse (*Devarim* 23:15), ''Keep your camp holy.'' [The context of this verse is that when defecating in the field, one must afterward cover one's stool with soil.] Other *Rishonim* maintain that this verse applies only to an army going out to battle [when special divine protection is needed] as the verse implies. This is the opinion of Rambam in *Sefer Hamitzvot* (*ase* #192).

The *Petah Hadevir* (3:7) demonstrated that this is a dispute among the early *Rishonim* and concluded that being that some *Poskim* ruled that it is a Torah

obligation at all times, the principle of *safek de'Orayta lehumra* applies and we must follow the stringent opinion whenever a doubt arises.

The *Yafe Lalev* (Vol. I, 3:2, cited by the *Kaf Hahayim* Sofer 3:2) promised that whoever regularly behaves modestly while in the restroom will be protected from evil spirits and from death. This, he declared, is one of the three things that grant a person longevity.

The Talmud teaches (*Berakhot* 62a): Ribbi Tanhum bar Hanilai said, "Anyone who behaves modestly [even] when in a restroom will be protected from three things – poisonous snakes, scorpions and demons." Some added, "He will have only pleasant dreams." Rashi explained that because this person behaves modestly and tries not to be noisy while in the restroom, any snakes [in the vicinity] will not notice his presence and the demons will respect him and refrain from harming him or frightening him while he sleeps.

The Talmud continues, relating that a person once delivered a eulogy, praising the deceased for his modest behavior. Rav Nahman, who was present, challenged the speaker, "Did you follow him into the restroom to see whether or not he behaved modestly? Such a praise is appropriate only for someone who behaves modestly even when in the restroom."

Rav Nahman protested this because it is forbidden to praise someone in his eulogy for a good trait that he did not actually possess. If someone does so, both the deceased, the person delivering the exaggerated eulogy and those who nod in agreement will be punished. See the *Shulhan Arukh* (*Y.D.* 344:1).

The saintly King Sha'ul was particularly careful to behave modestly even in the privacy of a restroom, and this trait saved him from certain death. The prophet relates that once, while attempting to run down David and kill him, King Sha'ul paused and entered a dark cave in order to defecate, not realizing that David was hiding in that very cave. While Sha'ul tended to his needs, David sneaked over to him and cut a corner off his cape. Later on, David revealed himself from a safe hilltop and told the king, "Today you can see with your own eyes that God gave me the opportunity to kill you in the cave, but I spared you, saying that I dare not harm my master since he is God's anointed one" (*Shemuel I* 24:10).

The Talmud (*Berakhot* 62b) embellishes this exchange, adding that David told Sha'ul, "According to Torah law you may be killed since you are chasing me to murder me. The Torah's rule is that if someone comes to kill you, you should rise and kill him first. Because you acted with such extreme modesty, however, I spared you."

What was the extreme modest behavior of Sha'ul? The Talmud derives from the verse that he chose a cave that was hidden from view by two fences.

Furthermore, he felt his way to the farthest recess of the cave. Even then, he draped his cape over his body so that none of it would be exposed to view.

[The translator begs the reader's forgiveness for his choice of vocabulary in writing these halakhot. The Hebrew language is called *lashon hakodesh*, the holy tongue. The Ramban (commentary to *Vayikra*) explained that this is because it is a clean language. There are no terms that apply specifically to the sex act or the genital organs, nor is there any word that applies specifically to urine, excrement or the act of excreting these substances.

In writing the following halakhot, I faced the difficulty of translating terms that appear noble and pure in the holy tongue but vulgar when translated into English. I did not wish to use any slang or to confuse and burden the reader by tiptoeing around words that might seem offensive. In the end I chose to use exact English terms as if this was a medical textbook. It is my hope that the reader will judge me favorably, for I tried my best to avoid objectionable terms while attempting to maintain brevity and clarity as much as possible. MM]

