כה. יזהר לנקות המקום, בפרט בבית כסא המשמש גם לאחרים, וכמו שאמרו (חגיגה ה ע"א) על הפסוק (קהלת יב, יד) כי את כל מעשה האלהים יביא במשפט על כל נעלם. מאי על כל נעלם ? אמר רב זה ההורג כינה בפני חבירו ונמאס. ושמואל אמר, זה הרק בפני חבירו ונמאס. (פירש רש"י, ונמאס, קצה דעת חבירו בדבר). [ילקו"י עמ' רסא בהערה]

דיבור בבית הכסא

כו. לא ידבר שום דיבור בבית הכסא, אפילו דברי חול ואפילו תיבה אחת. [באו"ח הלכה י, וע"ע רמ"א ס"ב], ואפילו כשאין בבית, אלא בני ביתו בלבד אסור לדבר. [יבי"א ח"ח סו"ס א]. אך מותר לנחור ולהשמיע קול, כיון שאינו מוציא אותיות מפיו. [באו"ח שם]

Day 42

Leaving the restroom clean

25) After using the restroom, one must clean it before exiting. Our Sages taught (*Hagiga* 5a) that if someone kills a louse or spits in the presence of someone else who becomes nauseous from the sight, he will be punished for it. This is derived from the verse (*Kohelet* 12:14), "כִּי אֶת כָּל מַעֲשֶׂה הָאֱלֹהִים יָבִיא בְמִשְׁפָּט עַל כָּל נֶעְלָם – God will judge each of man's deeds, for every hidden act."[142] If the toilet bowl if left soiled, it might be nauseating to the next person who uses it.

Speaking in a Restroom

No speaking in a restroom

26) It is forbidden to speak even one word, even about mundane matters, in a restroom. Even if no one but one's family members are home, it is forbidden to speak while in the restroom.[143] It is permissible to snort or to vocalize a sound, but not a full syllable.[144]

crement and not other unclean substances. As mentioned above in the footnote to halakha 7, the *Mekor Hayim* (3) ridiculed those who took care not to wipe their noses with the right hand.

Carrying out refuse

The *Afike Meginim* (*Bi'urim* #18) states that although it is forbidden to wipe one's body with the right hand, one may carry out the garbage or a container of excrement with one's right hand. The *Piske Teshuvot* (page 31) cited this ruling as proof that a plumber may open pipes containing raw sewage with his right hand. Of course, when he is done he must wash his hands thoroughly.

142. The *Sefer Hassidim* (#44, cited in the *Yafe Lalev* 3:5) cited this passage and added: "Therefore, all those who fear God, the tzaddikim whom God protects from sin, must immediately forgive others who perform an unseemly act in their presence, such as killing a louse or spitting. There was one such pious person who would go and cover the spittle whenever he saw someone spit in his presence. He personally forgave the person who spat, but he covered the spittle so that no one else should come and be disgusted by it and become angry and unforgiving to the one who spat."

143. Speaking in a restroom

The Talmud teaches (*Berakhot* 62a): Ribbi Ami and Ribbi Asi were each able to enter the restroom alone without being injured [by demons]. The rabbis asked them, "Aren't you afraid [since this restroom was notorious for the vicious demons residing there]?" They replied, "We have a tradition from our teachers that by remaining silent and behaving modestly in a restroom [one is assured that no evil will befall him]."

The Talmud also teaches (ibid. 62b): Rav Safra entered a restroom. [While he was there] Ribbi Abba came to the entrance and coughed [to see if there was anyone inside]. Rav Safra said, "Please come in." After Ribbi Abba exited the restroom, he said to Rav Safra, "You have never even

ובתי כסאות מודרנים שיש בהם טלפון, ולפעמים הנפנה שם שומע קול צלצול טלפון, ויש לו ספק אם הוא ענין של הפסד ממון, או חולי, או צורך גדול אחר, המיקל לענות לטלפון יש לו על מה שיסמוך, אלא שיש לו לקצר בדבריו עד כמה שאפשר, אבל בלא זה אין להקל לדבר בבית הכסא כלל, **וכאמור.** [יבי"א ח"ח סי' א, הליכו"ע ח"א עמ' מ]

When speaking is urgent

If someone's telephone rings while he is in a restroom and he is afraid that if he does not answer the call he will incur a loss of money, there is a basis to be lenient and answer it, but he should try to speak as briefly as possible. The same applies if the call is about a medical emergency or some other urgent matter. Otherwise, one must take care never to speak while in the restroom.[145]

visited the country of Se'ir, but you have learned the culture of Se'ir (to behave immodestly in a restroom – Rashi). Doesn't it say in the Mishnah that there was a special signal to make it known whether or not the restroom in the *Bet Hamikdash* was occupied. We can deduce from there that it is improper [to speak in a restroom]." But Rav Safra did not want to cause Ribbi Abba to postpone relieving himself, since that might endanger his health. His concern was based on the *baraita* that teaches: Rabban Shim'on ben Gamli'el said, "If someone stops himself from urinating, he might become afflicted with bloating [of the prostate(?)]. If someone stops himself from defecating, he might become afflicted with jaundice."

The *Or Zaru'a* (Vol. I, #137) deduced from these passages that speaking while in a restroom is immodest. The Rama cited this ruling in his gloss to the *Shulhan Arukh* (3:1).

Rambam wrote (*Hilkhot De'ot* 5:6), "Torah scholars behave with extreme modesty.... One must not speak while relieving oneself even if one has an urgent need to speak." The *Lehem Mishne* explained that although Rambam specified these behaviors for Torah scholars, they are applicable for all people. Torah scholars, however, must be more stringent about observing them.

The *Sefer Haredim* (Unit *lo ta'ase* instituted by our Sages pertaining to one's mouth and larynx) offered an entirely different explanation for the halakha forbidding speech in a restroom. If someone speaks, he becomes susceptible to injury at the hands of the demons present in the restroom. By behaving modestly and remaining silent, one is safe. The Talmud (*Berakhot* 62a; *Gittin* 70a) mentions the presence of demons being likely in restrooms.

144. Grunting

The Talmud (*Berakhot* 62b) teaches that it is permissible to communicate by grunting while in a restroom.

145. When one needs urgently to talk

The *Sha'are Teshuva* (3:2) asserted that although Rambam ruled that it is forbidden to speak while in a restroom even when it is urgent, that is only while one defecates, but at other times one may speak if it is urgent. He asserted that the Rama, who wrote simply that, "one should not speak while there," refers to someone who is there but not defecating. That person may speak if he needs to urgently. Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. VIII, #1:4) disagreed with this, demonstrating that the Talmud teaches that the prohibition is equally strong even when not defecating.

The *Tahorat Hamayim* (*ma'arekhet dalet* #36) wrote that since the *Sefer Haredim* explained that when someone speaks in a restroom he becomes vulnerable to injury by the demons lurking there, it should be prohibited even when someone needs to speak to avert some other possible danger, and certainly it is prohibited despite a possible loss of money. Maran the Rishon Letziyon (ibid.) disagreed with this as well, demonstrating that the Talmud states clearly that it is permissible to speak to avert some danger. Although speaking in a restroom is dangerous as well, when a physical danger is present it overrides our concern for invisible, metaphysical dangers.

Maran the Rishon Letziyon added that there is room for leniency in case of a possible loss of money as well, based on a principle taught by Harav Yaakov of Emden (*Mor Uktzi'a* 3, page 4b). As mentioned above, the Talmud instructs us to excuse ourselves from our accompanying angels when entering a restroom. Rav Yaakov taught that this applied only in times of antiquity when restrooms were located outside the city. Therefore, the danger of being injured by demons was a common phenomenon. In our times, our restrooms are in the city, in or near our homes, and therefore the demons do not frequent them. Thus, it is no longer necessary to summon the angels to protect us when we enter a restroom. See above in the footnote to halakha 1.

Based on the fact that our restrooms are much less dangerous than those of the Talmud's era, the halakha forbidding speaking in a restroom is weaker. Therefore, there is room for leniency if one needs to speak to avoid a loss of money.

כז. גם קטן בר הבנה, טוב להרגילו שיהיה צנוע בבית הכסא, ושלא ידבר שם. [ילקו"י עמ' רסא, ועי' הלכה הבאה בשם הבא"ח]

Training children

27) Once a child is mature enough, it is recommended to train him to behave modestly while in a restroom and to refrain from speaking as well.

Another basis for leniency is founded on the fact that our toilets are flushed after each use. Some *Aharonim* ruled that no harmful forces exist in our restrooms because of this. The holy *Zohar* states (page 10b): "There is a spirit that resides in all restrooms, taking pleasure in the filth and human refuse contained in these structures. This harmful forces contaminates the hands of people [who enter the restroom]." We see from here that the harmful forces reside in a restroom because there is a constant supply of filth for their nurturing. One can argue, therefore, that our restrooms lack the constant supply of filth necessary for the harmful forces, so that they do not reside in them. Based on this, these *Aharonim* ruled that one may wash one's hands while in the restroom and it is unnecessary to wash them again upon exiting. This is a further basis for leniency to speak in a restroom when it is urgent.

Furthermore, the *Ben Ish Hai* (*parashat Toledot* halakha 16) asserts that the harmful forces that reside in a restroom is not as injurious as the one that rests on one's hands upon waking up in the morning. The latter form of harmful forces is connected to death, and therefore the halakha forbids one to walk four cubits without first performing *netillat yadayim* and shedding the harmful forces from one's hands. Such a stringency does not apply to someone who comes into contact with the harmful forces residing in a restroom. Now, according to Harav Shelomo Luria, the harmful forces of the morning are no longer present among us. If those harmful forces no longer affect us, then certainly the harmful forces of a restroom no longer affect us, and we may be lenient regarding speaking in a restroom when it is urgent.

Summarizing this, there are three bases for leniency to permit speaking in a restroom when it is necessary to avoid a loss of money: a) our restrooms are located in populated areas, unlike the restrooms in the times of our Talmudic Sages; b) our restrooms are clean since we flush the toilet after each use, so that the harmful forces have no basis to hover there; and c) it is possible that no harmful forces exist at all in our times.

This entire discussion is based on the platform that the reason it is forbidden to speak in a restroom is because of the danger of attack by the harmful forces lurking in the restroom. Rambam and *Or Zaru'a*, however, taught that it is forbidden to speak because of modesty, and that it is prohibited in all circumstances, even when it is very urgent. Nevertheless, Maran the Rishon Letziyon concluded that even according to Rambam there is a basis to permit speaking to prevent a loss of money, although it remains forbidden even when is some other urgent need to speak. Therefore, if someone's telephone rings while he is in a restroom and there is reason to suspect that he will lose money if he fails to answer it, he may do so. Even in such a case he should try to speak as few words as possible.

Asking for toilet paper

The *Yalkut Yosef* (page 263) ruled that it is permissible to speak while in a restroom if the conversation concerns one's use of the restroom. Therefore, one may ask someone else to bring toilet paper or water so that one will be able to clean oneself properly. His source for this ruling is tractate *Derekh Eretz* (10:3): "One is permitted to tell someone a halakha pertaining to a restroom while in a restroom."

This seems to be an unreliable source, however. The Ramban (cited by Maran in the *Bet Yosef Siman* 85) posited that although the Talmud Yerushalmi permits this, it is forbidden according to the Talmud Bavli. See the comments of Maran the Rishon Letziyon in responsa *Yabia Omer* (Vol. II, *Y.D.* #14:6; Vol. VIII, #1).

Someone once suggested to Harav Yosef Hayim Sonnenfeld that the halakha forbidding speaking applies only when speaking to someone else, whereas the passage permitting saying over a halakha about restrooms means that one may repeat the halakha to oneself, but not to others. Rav Sonnenfeld (responsa *Salmat Hayim* #10) disagreed with this, claiming that if it is permissible to speak about something while in a restroom, it makes no difference whether the person speaks to himself or to someone else. It is surprising that Rav Sonnenfeld did not cite this Ramban.

Nevertheless, logic dictates that there is a basis to permit someone in a restroom to ask for toilet paper, since it is necessary for basic human dignity. This is especially so if he asks after he has finished defecating or before he starts.