

Q&A from the Bais HaVaad Halacha Hotline

Service Area

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Q On a construction site, may I make a *bracha* in an area designated in the blueprints to become a bathroom?

A Prayers, *brachos*, and words of Torah may not be spoken in the presence of waste, as the Torah (Devarim 23:15) says, *vehaya machanecha kadosh* (and your camp shall be holy). It is sufficient to distance oneself four *amos*, provided that the odor doesn't reach his location and the object is not visible. A *mechitzah* is also effective; see Shulchan Aruch (O.C. 79:1-2) for details.



A bathroom is a designated place of waste and so is subject to this halacha even when clean. To be considered a bathroom, a room must have been used for that purpose at least once (Shulchan Aruch O.C. 83:1), because of the halachic principle that *hazmanah lav milsa hi* (verbal designation is immaterial). But this only applies to the areas *adjacent* to a new bathroom; to daven or study *inside* it is degrading and forbidden (ibid.). Some even require a separation of four *amos* if there are no walls (Mishnah Brurah ibid. 7). So during construction, *brachos* should not be made inside the future bathroom but beside it (Mishnah Brurah ibid. 9). But contemporary *poskim* suggest that a blueprint alone isn't *hazmanah* at all, and until the bathroom studs are erected one may daven in the room itself (Piskei Teshuvos ibid.).

Today's bathrooms are viewed more leniently by the *poskim* because the waste is quickly flushed out of the room. But since this leniency is uncertain, one shouldn't make a *bracha* in the room designated as the bathroom (see Chazon Ish O.C. 17:4).