

HALOCHOSCOPE

This week's question:

Someone gets his hands soiled at work, to the point that he is unable to clean them thoroughly. When he eats, he prefers not to touch his food. When he washes *netilas yadayim*, should he refrain from reciting the *brocha*, since he will not be handling the bread?

The issues:

- A) *Netilas yadayim*, washing hands for bread
- B) *Krichas mapah*, covering the hands when no water is available

In next week's issue:

- C) *Chatzitza*, removing adhesions before washing
- D) Our case

A) *Netilas Yadayim* [Based largely on Halochoscope XI:18]

The *mitzvah* of *netilas yadayim* is Rabbinical in origin. It was instituted by *Shlomo Hamelech*. At the time he instituted it, a heavenly voice proclaimed the joy of Hashem with the wisdom of *Shlomo*. *Netilas yadayim* is used as an example of how serious the Rabbinical institutions are, that one who violates them is liable to die, though not by the hands of *Bais Din*. One who takes this *mitzvah* lightly, such as one who is not careful to perform it correctly, or one who neglects to perform it conscientiously, is liable to a ban of excommunication, to become poor and to be removed from the world. The only true exemption from this obligation is a soldier in an army camp.

The original reason for this institution was *serach terumah*, as an appendix to the caution one must exercise with regard to *terumah* food. One of the *mitzvos* related to agriculture in *Eretz Yisroel* is *terumah*. A portion of the harvest must be separated after the entire crop has been processed and ready for milling. This portion is given to the *kohain*. Then various other tithes are separated. Scripturally, there is no specific amount for this separation, but the standard is to give one fiftieth, or 2%. Once this part has been separated and designated it attains a level of holiness and it may not become *tamei*, ritually defiled. It may only be eaten by a *kohain*. A non-*kohain* who eats it intentionally is liable for death, and if he ate it unintentionally he must repay the *kohain* and add a fifth of its value (actually, a quarter that becomes a fifth of the total). If it does become *tamei* it may not be eaten, with a severe penalty for one who eats it anyhow. Defiling *teruma* or other *taharos*, or otherwise spoiling or destroying it is forbidden Scripturally. Therefore, it is important that one who both handles and eats them observes these laws carefully.

A *kohain* wishing to eat *terumah* or any other *taharos*, foods requiring ritual purity, would normally observe the laws of *tum'ah* and *taharah* meticulously. If he was in the habit of eating them regularly, he would make a habit of observing these laws all the time, even when eating non-*taharos* food. Nonetheless, the Rabbis deemed it necessary

to institute additional laws of *taharah*. One of these is *netilas yadayim*.

One who is truly *tamei*, contaminated by contact with a source of ritual defilement, must go through a full *taharah* process, ritual cleansing. This involves immersion in a kosher *mikvah*, body of water qualified for this purpose. It also involves waiting until evening, or, in some instances a longer period, and for some, more steps in the process. *Tum'ah* is commonly transferred by touching. This is not limited to touching with one's hands, but the hands are always touching things. Often the person does not think about what he is touching. Therefore, the Rabbis decreed that certain things make only the hands *tamei*, with no requirement for immersion. Until the hands are cleansed one may not touch *terumah*. Touching it will contaminate it Rabbinically. This *tum'ah* is removed from the hands by washing them in the prescribed manner. It seems that this was instituted by the earlier generations, probably at the time of *Moshe* or *Yehoshua*. *Shlomo Hamelech* reinforced the institution by ruling that there is a general requirement across the board. Everyone must wash their hands before eating, regardless of whether they are *kohanim* or are eating or handling *taharos*.

Regular Rabbinical institutions are fences to protect one from violating a negative *mitzvah*. Thus, they are in a negative format, with no action required. *Netilas yadayim* is a positive *mitzvah*, one of seven rabbinical *mitzvos*. Therefore, a *brocha* is recited on it.

Nowadays, we do not practice the laws of *tum'ah* and *taharah*. The primary reason for this is that we are all considered *temei'ei mais*, contaminated by direct or indirect contact with a corpse. This level of *tum'ah* is only fully cleansed with the *parah adumah* process, the red heifer that requires the rebuilding of the *bais hamikdash* for its preparation. In addition, many other laws of *taharah* are related to the *bais hamikdash*. We still separate *terumah* and *chalah*, the tithe from dough, though the grain or dough is presumed to have already become defiled. These tithes apply even nowadays, at least, Rabbinically, and at different levels depending on location. Accordingly, one could say that the institution of *netilas yadayim* should not apply to us. However, it was instituted as a *mitzvah* across the board, to apply at all times, in anticipation of the rebuilding of the *bais hamikdash*, may it be speedily in our days.

A second reason for the *mitzvah* is offered by some commentators. The Rabbis [*Shlomo* and his *bais din*] instituted this *mitzvah* for general spiritual cleanliness and holiness. This is linked by *asmachta*, a reference in the Torah indicating that it was an accepted practice back then. 'You shall sanctify yourselves and be holy ...' (*Shemini 11:44*). Another opinion in the Talmud links it to a verse that seems to state that one form of *tum'ah* remains if the *tamei* person does not wash his hands. This is superfluous. He is anyhow *tamei* until he immerses in a *mikvah*. Therefore, it is seen as an allusion to the Rabbinical institution of *netilas yadayim* that does not require immersion in a *mikvah*. There is even an opinion that implies a possible Scriptural *mitzvah* from this source. At any rate, it would appear that the rabbinical *mitzvah* dates back to the days of *Moshe*.

The *mitzvah* was only instituted for certain foods. First and foremost, it applies to one who will be eating bread. This is because the terminology used by the Torah in teaching the *mitzvah* of *terumah* refers to grain. Grain is primarily used for bread. For a bread meal one washes and recites the *brocha*.

For other foods, one must also wash if he plans to dip them in a liquid when eating them. He does not recite a *brocha*. The reason for this requirement is that to be susceptible to become *tamei* food must be wet before being handled by the *tamei* person. There are seven liquids that qualify for this *hechsher*, preparing the food for susceptibility. They are wine, honey, olive oil, milk, dew (condensation), blood and water or any liquid containing them. [This is why we wash without a *brocha* at the *seder* before eating *karpas* in saltwater.] These liquids were given a precautionary status by the rabbis. When they are touched by something that has secondary *tum'ah*, they become elevated to the level of primary *tum'ah* and can make the food they touch primary *tum'ah* as well. Therefore, the Rabbis extended this to require anyone eating this way to wash *netilas yadayim*. This applies to eating the foods with one's fingers, making them wet. There is a specific procedure for *netilas yadayim*. The hands will not simply be wet. That might itself cause them to become Rabbinically *tamei*. They must be dried properly before beginning to eat.

The reason that no *brocha* is recited is due to a debate between the poskim on this matter. We follow the rule of *safek brochos lehakel*, when there is a doubt about a *brocha* we tend to leniency. Since it involves a Rabbinical obligation, the Rabbis do not impose it in cases of doubt. One may not tend to stringency voluntarily, since this also involves a Scriptural *mitzvah* that forbids uttering Hashem's Name in vain.

The poskim debate what is included in *tibulo bemashkeh*, foods dipped in liquids. Some say that it includes those foods that are typically dipped in a liquid. Foods that are not usually dipped, but happen to be wet, are not included. One may eat these without *netilas yadayim*. The institution of *netilas yadayim* for such foods follows the same model as that for bread. Bread is common. The institution was never extended to other foods, because they were not as common. Similarly, foods commonly dipped were included in this institution. One who wishes to dip other foods is considered abnormal. The institution was never made for abnormal situations. Others maintain that any foods that are wet may not be eaten without *netilas yadayim*. In this instance, one follows the local prevailing custom. However, many maintain that fruit and vegetables that are routinely washed must be dried before they are eaten without *netilas yadayim*.

When eating too small an amount of bread to become *tamei*, one need not wash. The poskim debate whether this minimum is the size of an olive or of an egg. Therefore, when eating the size of an olive one should wash without reciting the *brocha*. [See Brochos 53b, Shabbos 62b, Eruvin 21b, Psachim 115a, Chagigah 18b, Sotah 4b, Chulin 105a-106a, Poskim. Tur Sh. Ar. OC 158, commentaries.]

B) Kerichas Mapah

Since the issue that prompted the institution of *netilas yadayim* was the defilement of the hands, what if the hands will not come in contact with the food? For example, one could eat with a spoon or one could wrap his hand in a cloth. The Talmud states that the Rabbis allowed wrapping of a cloth for those who eat *terumah*, but not for those who eat *taharos*. This is referring to two groups of people. *Kohanim* who eat *terumah* regularly are in the habit of taking extra care with all of their food, including non-*taharos*. Others, who do not eat *terumah* (or *chalah*) regularly, but occasionally eat food from a *korban*, that has similar precautionary restrictions, are not in the habit of taking so much care.

Wrapping with a cloth is considered a relaxation of the main *mitzvah*. People relying on it might tend to take the issue of the *tum'ah* lightly. Therefore, the Rabbis relaxed it for the *kohanim* who are in the habit of taking extra care anyhow, in the knowledge that they will be careful not to take the cloth off and touch the food. Others may not rely on it.

Many poskim apply this ruling nowadays as well. Thus, since none of us practice the care of the *terumah* eaters, we may not rely on this dispensation. However, others maintain that the ruling of the Talmud applies to non-*taharos* foods on a higher level. Those who knew they would be eating this type of holier foods, would also eat their *chulin*, plain foods, with the purity applied to *terumah* or to *taharos*. These foods require a higher level of cleanliness. They require *netilas yadayim* in their own right, with additional care. For these foods the Rabbis restricted the application of the leniency of *krichas mapah*. True *terumah* does not have the restriction, and one could rely on *krichas mapah* for it. Our *chulin* is totally mundane, with no connection to any level of cleanliness. It is, in fact, presumed to be *tamei* anyhow. The entire concept of *netilas yadayim* is only *serach terumah*, an appendix to *terumah*. Therefore, our *chulin* should not be treated more stringently than true *terumah*, and we may rely on *kerichas mapah* nowadays.

If one is traveling and does not have water available for *netilas yadayim*, he must go out of his way to find it. The Talmud obligates one to travel a distance of four *mil* ahead, i.e. that takes seventy-two minutes, or less than eighteen minutes back, if he knows that he will get water there. Otherwise he may not eat bread. The poskim discuss whether he may rely on the lenient view that *krichas mapah* may be used, in this kind of difficult situation. Many poskim permit it, and that has become the prevailing practice. Some suggest that one should try to practice stringency. If one is very hungry, he might want to rely on this, because otherwise he will be endangering himself. The rule is that the hands must be wrapped, rather than wrapping the bread. Furthermore, many poskim maintain that both hands must be wrapped, or one may wear gloves. Using a spoon also avoids contact with the food. However, while one using his hands might easily switch hands and touch the food with either hand, one using a spoon will be able to avoid this. Therefore, one need not hold a spoon in both hands. Some question using a spoon for foods that are not eaten with a spoon. For example, one does not usually eat bread with a spoon, unless it is cut into small pieces. Therefore, if one needs to rely on this, he should cut the bread into small pieces. Those who follow the view that all foods eaten wet require *netilah*, may use a spoon for them, especially if they are anyhow small pieces.

Foods that are dipped or steeped in liquids and are usually eaten with a spoon do not require *netilas yadayim*. For example, one may eat a vegetable soup without *netila*. Furthermore, some say that if the food is usually eaten with a spoon, and one happens to eat it with his fingers, he need not wash first. Thus one may fish a piece from a soup with his fingers. Similarly, some say that one who dips his fingers into one of the seven liquids and licks it, such as wine or honey, need not wash. Others disagree, but some of them agree that one need not admonish one who does not wash in this instance. [See Psachim 46a, Chulin 107b, Poskim. Tur Sh Ar 158:4 163:1, commentaries.] .. *to be continued* ..

© Rabbi Shimon Silver, July 2012.

Subscriptions and Sponsorships available. (412) 421-0508. halochoscope@hotmail.com