

HALOCHOSCOPE



This week's question:

Someone's finger nails are so long that they might present a problem of *chatzitza*, adhesion, to invalidate his *netilas yadayim*. May he cut them on *Erev Shabbos*, *Rosh Chodesh*?

The issues:

- A) *Chatzitza* for *netilas yadayim*
- B) Cutting nails *Erev Shabbos*
- C) *Melacha* on *Rosh Chodesh*
- D) *Tzava'as*, the ethical will of, R. Yehuda Hechasid

A) *Chatzitza*

Netilas yadayim is a type of ritual cleansing, modeled on the Scriptural *tevilah*, ritual immersion. Accordingly, the rules of *tevilah* on the entire body are applied here to the hands. The water must reach all parts of the body, and in our case, the hands. A *chatzitza*, adhesion, prevents the water from reaching the spot under it. The consensus is to apply all the rules of *chatzitza* to *netilas yadayim*. A minority view maintains that for *netilas yadayim* no rules of *chatzitza* apply. Scripturally, if the adhesion covers a minority of the surface area, it does not prevent the *tevilah* from taking effect. Rabbinically, this leniency is not applied when one cares about the presence of the *chatzitza*. This rule, called *makpid*, applies when the normal person would be concerned. If normal people are not concerned, it does not Scripturally disqualify the *tevilah* or *netilah*. If it covers the majority of the surface area, it disqualifies the *tevilah* Rabbinically.

If one washed without removing a known *chatzitzah*, the water is assumed not to have penetrated through the adhesion. In addition, the water used to wash can easily attain the *tumah*, uncleanness, that is on the hands to begin with. This will then invalidate the *netilah*. This is avoided by ensuring that the *netilah* is done with the correct amount of water and over the entire hand at one time. This is like *tevilah*, that must be done to the entire body at one time, and in a *mikvah*, a body of water of a minimum size. *Netilah* must be done with a vessel that holds a minimum of a *revi'is*, a few ounces. The majority view validates pouring an entire *revi'is* on the hand in one action. Or one pours some of it twice in a row. The first pouring washes off the *tumah*, and the second pouring removes the water that has become contaminated. For this to work properly, the first water must be in contact with the hand when the second water is poured. Water spreads from one part of the hand to the next by itself. If one has a *chatzitza*, it will probably get some of the first water on it from the rest of the hand. A wet *chatzitza* cannot be purified by the second pouring. It will then return to the rest of the hand, causing it to be recontaminated.

Various specific *chatzitzos* are cited by the poskim. There is a debate on why these examples are used. In one view, it is because these are presumed to be *chatzitzos* by all

normal people. Therefore, if one claims to be unconcerned about one of these, he is considered abnormal. Such abnormality is not taken into consideration when determining *halacha*. Therefore, the *chatzitza* invalidates even this person's *netilah*. Others maintain that even in these specific examples, if an individual claims to be unconcerned about this type of adhesion, he may elect to leave it on his skin during *netilah*. If there is a reason this that one would insist on an adhesion on his skin, it could be exempted from the rules of *chatzitza*. An example would be women who cultivate overgrown fingernails. At the time of the *netilah*, she is interested in keeping them attached. She will not want to remove them during the meal. Therefore, they are considered 'reverse *makpid*.'

Some types of *chatzitza* can depend on the part of the surface to which they adhere. Dirt on a fingernail would be removed. There are two types of dirt under the part of the nail closest to the fingertip. Common dirt gathers there naturally. People are not *makpid* on this type. An individual who is *makpid* must remove it. The second is build-up due to working with messy items. This must be removed. This may be removed on *Shabbos*, as long as one does not scrape the nails. This would involve a *melacha* of sorts. Refraining from scraping because of *Shabbos* would relieve the *chatzitza* situation. In our case, the person is clearly *makpid* on the length of his nails. The water is blocked from reaching the surface of the stump which is currently covered by the overgrowth. On *Shabbos*, he cannot remove it. [See Eruvin 4b Zvachim 98b Chulin 105a-106b etc. Nidah 67a-b Mikvaos 8:5 9:1-4 [Tosefta 6:4-5] Yadayim 1:1 2:1-2, Poskim. Tur Sh Ar OC 161:1-2 162:1-2 10, commentaries. Ketzos Hashulchan 33, Badei 7.]

B) Cutting nails on Erev Shabbos

Two *mitzvos* that relate to making *Shabbos* special, *kavod* and *oneg*, are derived from a *passuk* in Yeshaya. Many poskim consider these *mitzvos* quasi-Scriptural. Some commentaries say that what is done in advance of *Shabbos* to honor it is called *kavod*. *Oneg* includes whatever one does to highlight his enjoyment on *Shabbos* itself. Included in *kavod* is taking a haircut, and by extension trimming the nails, if they need to be cut.

The concept of overgrown hair being considered scruffy is obvious. However, it is spelled out in the Torah in *mitzvos* such as those of mourners. A *kohain* must groom himself so that he does not appear unkempt for his *avoda*, service. A king cuts his hair every day, and the high priest cuts it once a week – on *Erev Shabbos*. Thus *Erev Shabbos* is the ideal time to cut the hair. Grooming by cutting nails is a natural extension of this.

Additional sources are cited to cut hair on *Erev Shabbos* or *Yomtov*. The *Anshei Maamad* were delegates of non-Kohanim or *Leviyim* who represented their *Yisraeli* brethren praying for the acceptance of the daily offerings. They served one week at a time, in rotation. To encourage them to come prepared respectfully, they were forbidden to cut hair during this period. They were permitted to cut it on Thursday, in honor of *Shabbos*. On *Chol Hamoed* haircutting is forbidden, as an incentive to cut it on *Erev Yomtov*. The poskim derive from here that one should cut hair on *Erev Shabbos* as well.

Just as one must actively honor *Shabbos*, one may not affront its honor directly or indirectly. Therefore, one may not cut his hair or nails three days before *Shabbos* or *Yomtov*. The poskim debate the exact reason. Some say that they start to grow back by *Shabbos* or *Yomtov*. The newness will no longer be noticeable. Others say that if one cuts

them anyhow, he should do it for *Shabbos*. Doing it early gives the appearance that it is not being done for the honor of *Shabbos*. Some say one should also not take a haircut on Thursday, though the *Anshei Maamad* did so. Bathing on Thursday is an affront to *Shabbos*. There is a *minhag* not to cut nails of fingers and toes on the same day, except when preparing for *tevilah*. Accordingly, one set is cut on Thursday and the other on Friday. [See Yeshaya 58:13-14. Shabbos 118a-119b Psachim 50b 109a Taanis 15b 17a 29b Moed Katan 14a, Poskim. Tur Sh Ar OC 249 260-262, commentaries.]

C) *Melacha* on *Rosh Chodesh*

Rosh Chodesh is not a *Yomtov* in the traditional sense, but based on the language of the Torah, the Talmud concludes that indeed, *Rosh Chodesh* is called a *moed*. The term '*moed*' comes from the Hebrew for a meeting. It is a meeting between the Jew and G-d. This is the term used for all holidays. They are meant to be days when a Jew is free from work and able to devote himself to spiritual matters and connection to G-d.

The Torah's comparison of *Rosh Chodesh* to *Yomtov* is invoked to require eating, preferably a festive meal. Some poskim consider it Scriptural. Others maintain that the reference is *asmachta*, a Scriptural link to reinforce a Rabbinical ordinance. Nonetheless, in regard to its general status there appears to be some Scriptural connection to *moed*. The Talmud says that even though it is a 'holiday' it is permitted to do *melacha*, 'work' on *Rosh Chodesh*. Evidently, as a *moed*, it would be logical to have forbidden *melacha*.

Women have a custom to refrain from working on *Rosh Chodesh*. Some call it a *Tosfos Yomtov*, additional *Yomtov*. The three *Moadim* correspond to the forefathers. The twelve *Roshei Chodoshim* correspond to the twelve tribes. When the men sinned with the golden calf, these *Yomim Tovim* were taken from them and given to their wives, who did not succumb to the temptation. Most poskim subscribe to the view that it was never binding, but was adopted voluntarily by women. Some permit each woman to make her own personal undertaking. She should decide which *melachos* she wishes to refrain from, if at all. Women must, however, choose something to show the difference – for them – between *Rosh Chodesh* and all other days.

The Talmud discusses how many *aliyos*, people called to the Torah, apply on different days. On regular weekdays, such as Mondays, Thursdays, and fast days, three *aliyos* are called. More than this would be burdensome on working men. On *Rosh Chodesh* or *Chol Hamoed* four are called. There is less concern for working men, apparently, because they don't work then. A minority derive from here a practice of men to refrain from work, not as a *halachic* ruling, but as a *minhag*. This would seem to have been a different type of *minhag* than that followed by the women. The women considered it a minor *Yomtov*, during which *melacha* is forbidden. The men wanted to treat the day specially, so they refrained from work. There is also a view that men are forbidden to do *melacha* that is forbidden on *Chol Hamoed*. The views of poskim range from considering men who refrain from *melacha* to be mistaken, or even completely ignorant, to praiseworthy.

In practice, the *minhag* is followed by each community, or even each woman or man, according to her, his, or their, personal practices. They choose which *melachos* to refrain from. The basis for this liberty is that it was never an imposed ruling. As a self-adopted *minhag*, the women (and certainly men) are only bound to it according to the

way they agreed to it at first. If it proves to be too difficult in one form or another, one can assume that this was not intended in the original undertaking. [See Ki Sisa 33:7 Be-ha'alo-secha 10:10 Pinchas 28:15, commentaries. Sukah 27b Rosh Hashanah 16b Megillah 22b Chagigah 18a Shavuot 2a 9a 10a Erchin 10b Yerushalmi Taanis 1:6 Pirke d'R Eliezer 45 (RDL 22), commentaries, Poskim. Kuzari 3:5. Tur Sh Ar OC 417:1 419, commentaries, Mor Uketzia, Kaf Hachaim 28-33. Ar Hash 10. Tashbatz III:244.]

D) Tzava'as R Yehuda Hechasid

Rabbi Yehuda Hechasid lived about eight hundred years ago. His family, Kalonymus, formed the core Rabbinic leadership of Ashkenaz, southern Germany. Many rulings wherein Ashkenazim differ from Sepharadim are attributed to this family. They were in possession of Kabbalah, including orally transmitted secrets. R Yehuda was extremely pious, and rose to extraordinary spiritual heights. While he wrote commentaries on the entire Tanach and Talmud, he is best known for ethical works. They were published together as Sefer Chasidim. The first part is an ethical will that includes specific instructions for his surviving family. Some items of the *tzava'ah* raise questions. They seem to contradict normative Talmudic law. Accordingly, some speculate on its authenticity. Nonetheless, many poskim either reconcile it or assume that the author reconciled it himself, but that we either do not understand or have lost that part. Others, however, maintain that the Talmud is the last word. The will might have been written for specific disciples or immediate family members, based on unknown considerations. [See Halochoscope VIII:38.]

One such issue arises in our case. The *tzava'ah* forbids shaving, haircutting and cutting nails on *Rosh Chodesh*. The fact that shaving is included implies that the ruling applies to men as well as women. The poskim presume that this is connected to *melacha* on *Chol Hamoed*. This seems to contradict the aforementioned Talmudic ruling. Some suggest that this concurs with the minority view that *Rosh Chodesh* is indeed like *Chol Hamoed*. If *Rosh Chodesh* falls on *Erev Shabbos*, the ruling would restrict *kavod Shabbos*. Furthermore, if *Rosh Chodesh* was Thursday and Friday, one would need to shave on Wednesday, which would certainly affront *Shabbos*. Thus, the poskim debate whether to follow this ruling at all, or whether it was never meant to override *kavod Shabbos*.

Some suggest that one should cut them before *Rosh Chodesh*, and state that he is doing so *lichvod Shabbos Kodesh*, for the honor of *Shabbos*. This helps according to one view on the reason not to do it on Wednesday. In practice, even those who strictly follow the *tzava'ah* maintain that if the nails are so overgrown that they protrude past the fingertip, one must cut them on *Erev Shabbos*. This is the same length that is usually considered a *chatzitza* for *netilas yadayim*. [See Tzava'as R Yehuda Hechasid 48, Mekor Chesed 65 & introduction. Magen Avraham 260:1, commentaries. Kaf Hachaim 9 12 16.]

In conclusion, in our case, the person should cut them on *Erev Shabbos*.

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Sponsored by the Pfeffer family in memory of R. Meir Yaakov Kopel ben Yerucham Fishel z"l,

whose *yahrzeit* is on the 3rd of Adar (II). ☞

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