הנוגע ברגליו

קה. הנוגע ברגליו צריך לרחוץ ידיו משום נקיות. ונכון שיטול ידיו שלש פעמים לסירוגין. ואפילו היו רגליו רחוצות ונקיות, ראוי להחמיר שיטול ידיו לאחר מכן. [הליכו"ע ח"א עמ' לו]

והנוגע בגרבים שעל רגליו, והיו הגרבים נקיות, אינו צריך ליטול ידיו, ונתבאר לעיל הלכה ק"א.

Touching Feet

Touching clean feet

105) After touching one's [or someone else's] feet, one must wash hands. It is recommended to rinse each hand three times alternately. Even if someone touches feet that have just been bathed thoroughly, it is still recommended that he wash his hands.[246]

Stockinged feet

If someone touches stockinged feet, he does not have to wash his hands if the socks are clean. This was explained above in halakha 101.

246. The *Ben Ish Hai* (*parashat Toledot* halakha 17) stated after touching someone's feet it is necessary to wash hands one time, as a matter of hygiene. Maran the Rishon Letziyon (*Halikhot Olam* Vol. I, page 36) pointed out that the *Ben Ish Hai* himself stated earlier in halakha 1 that powerful harmful forces are present on one's feet and it is not possible to remove them by washing the feet, whereas one can remove the harmful forces from one's hands through *netillat yadayim*. As stated above in halakha 23, if someone touches the hands of someone who has not yet performed *netillat yadayim*, he must wash his hands three times alternately since they have been contaminated by the harmful forces on the other person's hands. If so, certainly a person who touches someone's feet must wash his hands three times alternately.

One might suggest that the harmful forces contaminate the toes but not the soles of the feet, but the *Ben Ish Hai* himself taught that, regarding one's hands, the harmful forces contaminate one's fingers and palms every day except Yom Kippur and Tish'a Be'Av. If so, the harmful forces that infect people's feet contaminate their soles as well.

The responsa *Lev Hayim* Palachi (Vol. II, #5) ruled that if someone touches feet that have just been thoroughly cleansed, he does not have to wash his hands. He proved this from the Talmud's ruling (*Zevahim* 19b) that in the *Bet Hamikdash* each *kohen* would place his right hand on his right foot and pour the water of the *kiyor* on them together, and then repeat the process for his left hand and foot. It does not say anywhere that the *kohen* must wash his hands afterward since he touched his feet. It must be, therefore, that once the feet are bathed a person can touch them without having to wash his hands afterward.

The *Ben Ish Hai*, however, taught that we cannot compare our *netillat yadayim* to the *kohanim's* sanctification of their hands and feet in the *Bet Hamikdash*. Since that took place in such a holy place, it removed the harmful forces entirely from the *kohanim's* hands and from their feet. The act of *netillat yadayim* in other settings, however, is less effective. It can remove the harmful forces from one's hands but not from one's feet. For the same reason, it should be necessary to wash one's hands after touching feet even if the feet have just been thoroughly cleansed. In fact, the responsa *Rav Pe'alim* (Vol. II, #4:3) took issue with the *Lev Hayim's* ruling for this very reason. Several *Aharonim* (*Petah Hadevir* 4, *Zikhronot Eliyahu* Mani *ma'arekhet nun* #10 [page 28], *Yeriyot Ha'ohel* Gagin Vol. I, page 44a, *Kaf Hahayim* Sofer 4:73, *Yafe Lalev* 4:22) disagreed with the *Lev Hayim's* ruling, insisting that it is necessary to wash hands even after touching feet that have just been cleansed thoroughly since the harmful forces persist on one's feet regardless of the bathing. See more about this in responsa *Yabia Omer* Vol. V, #1:4 and 1:5.

Maran the Rishon Letziyon pointed out that the *Lev Hayim* himself taught (Vol. I, #63) that the reason for washing hands after exiting a restroom or public bathhouse, after taking off one's shoes or after touching one's feet is because harmful forces contaminate one's hands through these activities. Therefore, he concluded that it is best to wash one's hands three times alternately in these cases.

The *Halakha Berura* (page 98) ruled that technically, if someone touches feet just after they have been thoroughly cleansed he does not have to wash his hands, but he recommended being stringent in this matter, following the ruling of the *Halikhot Olam*.

Ribbi Yishmael and his mother

Maran the Rishon Letziyon cited the Talmud Yerushalmi (*Pe'a* 1, cited in Tosafot to *Kiddushin* 31b) relating that when Ribbi Yishmael would return each day

החופף את ראשו והמסתפר

קו. החופף שערות ראשו צריך ליטול ידיו. [ש"ע ס"ט]. והוא הדין אם חיכך בשערות ראשו, שלא בשעת חפיפה. [הלכה ברורה עמ' צח]. וכל זה דוקא שמחכך תוך השערות שבראשו, אבל אם נגע בשערות ולא חיכך אינו צריך נטילה, דאין בנגיעה [בשערות] זוהמא כמו בגופו. [כה"ח ס"ק עד]

Massaging the Scalp and Trimming Hair

Scratching one's head

106) After someone massages his scalp [with or without water and shampoo] or scratches his head under his hair, he must wash his hands. If he only touches his hair without scratching his head, however, he does not have to wash his hands. This is because touching one's hair does not make one's hands dirty, whereas touching one's skin [where it is normally clothed] does.[247]

from studying in the *bet midrash*, his mother would bathe his feet and then drink the water from the wash basin because she felt such awe and love for her holy son. When he realized what she was doing, he refused to allow her to continue. She then came to the *bet midrash* and complained to all the rabbis that her son does not fulfill the mitzvah of honoring his parents.

Shocked by such an accusation, the rabbis turned to Ribbi Yishmael and asked for an explanation. After he told them what had happened in his home, they told him that he must allow his mother to do as she pleased. The mitzvah of honoring her, they explained, is to permit her to fulfill her desire.

Maran the Rishon Letziyon expressed surprise at this ruling. How could the rabbis have permitted this woman to drink the bath water? Since one's feet are contaminated with harmful forces, surely the water used to bathe them is contaminated as well. Even though Ribbi Yishmael was an extremely holy person, this made it only more likely that harmful forces contaminated his feet. The evil spirit that is the source of these forces would seek out any possible way to connect with him and nourish itself.

The *Porat Yosef* (glosses on the Talmud) deals with a different issue. It is disgusting to think of drinking water used to clean someone's feet, and if so this act should be forbidden because of the mitzvah of *bal teshaketzu*. Although this woman did not consider it to be at all disgusting to drink this water, since most other people would consider it disgusting it should be forbidden for her to drink it. This question is based on the ruling of the *Zivhe Tzedek* (84:3; 116:52 citing the *Peri Hadash*) that if some activity is disgusting to most people, then even if there is an individual who does not consider it disgusting, it is forbidden for him to engage in that activity. Maran the Rishon Letziyon suggested a resolution for this question. Ribbi Yishmael was not only exceptionally holy, but also exceptionally clean. Any person would have considered it to be a privilege to drink the water used to wash his feet.

Nevertheless, this does not resolve the problem that the water is contaminated by harmful forces. Maran the Rishon Letziyon concluded by pointing out that Rabbenu Menahem Hame'iri (comment to *Kiddushin*) asserted that our text in the Talmud Yerushalmi is mistaken and that the correct text is that Ribbi Yishmael's mother wished to bathe his feet and he refused to allow her to do this demeaning act. It is not true, according to this, that she ever entertained the notion of drinking the bath water.

247. The Rama (gloss to 162:8) ruled that if someone dries his hand by rubbing it on his hair, his hand is not defiled, but if he scratches his scalp he must wash his hands again. Apparently, we consider the hair to be clean, but the scalp underneath it is usually damp with perspiration. The *Haye Adam* (40:19) and the *Ben Ish Hai* (*parashat Kedoshim* halakha 21) likewise ruled that "if someone touches his hair but does not scratch his head, he does not have to wash his hands, but when someone scratches his scalp he must then wash his hands, following the ruling of Rama in 162:8. The same ruling appears in the *Kaf Hahayim* Sofer (4:74), the *Eliya Rabba* (162:17) and the *Yafe Lalev* (4:23) citing the *Batte Kenessiyot*.

The *Melekhet Shelomo* (comment to *Yadayim* 2:3), cited by the *Halakha Berura* (page 98), ruled that if one rubs one's hair with one's fingers, the hands remain clean, but if someone scratches the scalp he comes into contact with the body's perspiration.

Putting on *Tefillin shel rosh*

Based on the above ruling, the *Aharonim* ruled that although a person touches his hair while securing his tefillin on his head, he does not have to wash his hands afterward.

ונטילה זו יטול פעם אחת, ואין צריך ג׳ פעמים. [באו״ח סו״ס תולדות]. וגם אין צריך שיטול ידיו בכלי. [ראה כה״ח ס״ק סא]

קז. אף המחכך בשערות ראשו שצריך ליטול ידיו, הוא דוקא שנוגע במקום שדרך לכסותו, אבל אם מחכך בראשו במקום שאין דרך לכסותו (כגון מחוץ למקום הכיפה), אינו צריך ליטול ידיו, כיון שאף שיש שם שיער שולט שם האויר, ואין בזיעה ההיא שום זוהמא. [כה״ח ס״ק צח]

והוא הדין המחכך בשער זקנו, אין צריך ליטול ידיו, וכן מנהג העולם שאין נזהרים בזה [כה״ח ס״ק עה], ובפרט אם אירע כן באמצע לימודו, שהנטילה תגרום לו להפסקה ולביטול תורה, שאין לו להחמיר ליטול ידיו. ואם ירצה ישפשף ידיו בבגד וילמד. [ילקו״י עמ׳ תה]

One rinsing under a running faucet is sufficient; it is not necessary to wash each hand three times,[248] nor is it necessary to pour the water from a container.

Different parts of the scalp

107) If someone scratches a part of his scalp that is normally covered by a hat, he must wash his hands, but if he scratches it in a place that is usually exposed to the air he does not have to wash his hands. For a man, the part of his head that is usually covered with a yarmulke necessitates hand-washing,[249] but not the rest of his head. The hair itself does not make the scalp underneath it a ''covered place'' and it does not collect sweat like a covered place.[250]

Likewise, it is not necessary to wash hands after scratching one's face under one's beard. The accepted custom is not to be stringent about this, especially while people are studying Torah. The stringency of going to wash one's hands after scratching under one's beard would cause one numerous interruptions in one's study, and therefore one should not observe such a stringency. If someone chooses, he may observe the stringency of wiping his hands clean with a cloth and continuing his Torah studies.

The *Peri Megadim* (*Eshel Avraham* 162:14) contended that according to the *Magen Avraham* one must make sure not to touch one's hair when putting on one's tefillin. According to the *Aharonim* cited in the previous paragraph, however, this is not necessary, and this is the common custom.

248. This is the ruling of the *Ben Ish Hai* (*parashat Toledot* halakha 17) and it can be compared to the halakha regarding shaving one's head explained below in halakha 108. Since the purpose of washing hands is for hygiene, one time is sufficient.

249. The responsa *Shevet Halevi* (Vol. II, #2:1) ruled that all the area of one's head that is covered by one's hat is considered a ''covered area,'' and not only the area under one's yarmulke. Apparently, he is referring to those men who wear their hats while they study Torah all day long, as is common among Hassidic Jews. For those people who wear hats only for prayers or while outdoors, only the area under the yarmulke is considered a covered area.

250. This is the ruling of the *Kaf Hahayim* Sofer (4:98). The *Ma'amar Mordekhai* ruled more stringently that if someone scratches the scalp underneath his hair anywhere on the head he must wash his hands. He agreed that if someone scratches his head in a place where the hair has been shaved off it is not necessary to wash hands. Harav Hayim Kanyevski ruled according to the *Ma'amar Mordekhai*, but the common custom follows the ruling of the *Kaf Hahayim*, the *Yalkut Yosef* (page 404) and the *Halakha Berura* (page 99).