מ. נתבארו לנו ג׳ סברות לקולא: אינו נוגע במשקה, פחות מכזית, ומבושל. והנה אף שנתבאר שבכל אחד מהם אנו מחמירים להצריך נטילה, מכל מקום אם נצטרפו שני סברות לקולא, אין צריך ליטול את ידיו, דתרי חומרי לא מחמרינן. וכפי המקרים הבאים:

א. מבושל ואינו נוגע במשקה: אם מטבל מאכל במשקה מבושל, וגם אינו נוגע במשקה אין צריך ליטול ידיו דתרי חומרי לא עבדינן. ולכן מי שמטבל עוגה בתוך קפה או מרק מבושלים, ומקפיד שלא לגעת במשקה, אינו צריך ליטול ידיו, אף שאוכל יותר מכזית. [הליכו״ע עמ׳ שלא]. והוא הדין מי שאוכל פירות מבושלים קומפוט במים אין צריך לזה נטילת ידים כיון שאוכלם בכף ואינו נוגע בידיו בפירות, וגם המים הם מבושלים. [ילקו״י ח״ג עמ׳ מ]

Day 34

Combining two bases for leniency

40) Based on the above halakhot, there are three bases for leniency regarding eating foods moistened with a beverage: **a)** if one eats it without touching the moistened portion; **b)** if one plans to eat less than *kazayit* of the food; and **c)** if the beverage has been cooked. In practice, we do not rely on any one of these leniencies alone. In a case when two of these leniencies can be combined, however, it is not necessary to perform *netillat yadayim*. Following are examples of such combinations:

a) If the beverage has been cooked, and someone moistens the food in it and then eats the food without touching the moistened portion at all, it is not necessary to perform *netillat yadayim*. For example, if someone dips a piece of cake into coffee or tea and takes care not to touch the moistened portion at all, he does not have to perform *netillat yadayim*. This is the case even if he eats more than *kazayit* of the food.[35]

35. The *Ben Ish Ḥai* ruled that if the beverage has been cooked and someone wishes to eat the food without touching the part that has been dipped into the beverage it is not necessary to wash hands. Although Harav ḤIDA seems to have ruled stringently in this matter, he was referring to a case where the person is not careful to avoid touching the moistened part of the food.

Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. IX, page 243) demonstrated that the *Aḥaronim* debated this matter – the *Sheyare Kenesset Hagedola* ruled leniently while the *Ma'amar Mordekhai* ruled stringently. He concluded that since the *Ben Ish Ḥai* and the *Kaf Haḥayim* Sofer (158:39) ruled leniently as well, one may rely on their ruling. Nevertheless, if one follows the stricter opinion one will receive a special blessing from Heaven.

In *Halikhot Olam* (Vol. I, page 331) he ruled expressly that it is not necessary to perform *netillat yadayim* when eating a food dipped in a cooked beverage as long as one takes care not to touch the moistened portion of the food.

Breakfast cereals

A bowl of cereal with milk is definitely a food that has been moistened with a beverage and it would seem that it is necessary to perform *netillat yadayim* before eating it. Milk is one of the seven beverages, as explained below in halakha 42. Nevertheless, the common practice is to eat such a food without washing hands. Perhaps this is because the milk is considered a cooked beverage since it has been pasteurized, just as many *Poskim* ruled that pasteurized wine is considered cooked wine (and will no longer be rendered nonkosher if a non-Jew touches it). Since people eat breakfast cereal with a spoon and do not touch it with their hands, it turns out that there are two bases for leniency and therefore we are not obligated to perform *netillat yadayim* to eat it.

The *Halakha Berura* (page 42) disagreed with this reasoning, claiming that the leniency of cooked beverages applies only when the food one is eating has been cooked with the beverage. In that case, the beverage is subordinate to the food and it is as if there is no beverage present. In the case of cereal and milk where the food and beverage have simply been mixed together, it makes no difference that the beverage has been cooked.

The *Ben Ish Ḥai* and Maran the Rishon Letziyon (*Halikhot Olam* Vol. I), however, discussed the leniency of cooked beverages regarding someone who dips cookies into

ב. מבושל ופחות מכזית: אם מטבל עוגה פחות משיעור "כזית", בתוך משקה מבושל שאינו צריך ליטול ידיו, אף אם יגע במשקה. והוא הדין האוכל זיתים בשיעור פחות מ"כזית" אין צריך נטילה אף שנוגע ברטיבות שעליהם.

b) If someone plans to eat less than *kazayit* and he wishes to dip it into a cooked beverage, he does not have to perform *netillat yadayim* even if he touches the moistened portion of the food he is eating. Therefore, if someone wishes to eat an olive with his fingers, he may do so even though the olive is wet with the brine in which it is pickled since one olive is less than *kazayit*.[36]

coffee or crackers into soup. In that case, the food has not been cooked in the beverage and they ruled leniently nonetheless.

Even so, there is a basic difference between the two cases. When dipping a cookie into coffee and eating it, the coffee that has been absorbed into the cookie has become part of it and is no longer considered a beverage. When eating cereal with milk using a spoon, the milk remains a liquid completely separable from the cereal. Therefore, the fact that the milk has been cooked might not be a basis for leniency.

Even so, the *Halakha Berura* found a basis for leniency in this matter, based on the *Poskim* who ruled that if the common custom is to eat this food without touching it at all, it is not necessary to perform *netillat yadayim* before eating it even if it is moistened with a beverage that has not been cooked at all. See above in halakha 37 and the footnote there.

Dipping food into a cooked beverage

Although Maran the Rishon Letziyon and the *Ben Ish Hai* ruled leniently if one holds the dry end of the food, the *Halakha Berura* (page 43) ruled that one must perform *netillat yadayim* before eating in this manner. In his *Otzarot Yosef* (page 12) he explained that although one may be lenient if eating with a utensil, if one holds the food itself it is as if he is touching the moistened portion and therefore *netillat yadayim* is necessary. This is likewise the ruling of the *Or Letziyon* (Vol. II, page 91) and the *Birkat Hashem*. Nevertheless, in practice one may rely on the leniency of the *Ben Ish Hai* and the *Halikhot Olam*.

36. Eating less than than *kazayit* of food moistened with a cooked beverage

Maran the Rishon Letziyon (*Halikhot Olam* Vol. I, page 331) wrote clearly that technically it is permissible to eat less than *kazayit* of a food moistened with a beverage and it is not necessary to perform *netillat yadayim*. Nevertheless, he added that someone who has genuine fear of Heaven would not rely on this leniency unless there is another factor to add to its weight, such as when the beverage has been cooked or if the person does not touch the moistened food with his fingers. It is obvious from this that there is no obligation whatsoever to perform *netillat yadayim* if someone wishes to eat less than *kazayit* of a food dipped in a cooked beverage.

However, Maran the Rishon Letziyon seems to contradict this in responsa *Yabia Omer* (Vol. IX, page 243). He cited the dispute between the *Sheyare Kenesset Hagedola* and the *Ma'amar Mordekhai* regarding this case, and he pointed out that the *Ben Ish Hai* concurred with the lenient position of the *Sheyare Kenesset Hagedola*, adding that this makes a solid basis to rely upon in practice. Nevertheless, he concluded that "one will receive a special blessing from Heaven if one will be stringent in this matter. If one plans to eat less than *kazayit* of a food dipped in a cooked beverage and is careful not to touch the food at all, however, it is certainly unnecessary to perform *netillat yadayim*, *as written in my Halikhot Olam*."

This reference to the *Halikhot Olam* seems odd, since he wrote there that one may be lenient as long as any two of the three factors are present. That means that if one plans to eat less than *kazayit* of a food dipped in a cooked beverage, it is unnecessary to perform *netillat yadayim* even if one touches the moistened food. This is logical since technically it should be permissible to eat less than *kazayit* without washing hands in any case. Combined with any other one factor for leniency, it should become absolutely permissible even for the God-fearing. In fact, it is unnecessary to perform *netillat yadayim* when planning to eat even more than *kazayit* of a food dipped into a cooked beverage as long as one does not touch the moistened food, even though neither of these factors is strong enough for leniency by itself. Certainly, either one of these factors combined with that of eating less than *kazayit* should be sufficient grounds for leniency.

The truth is that it is possible to read the words of the *Yabia Omer* in a manner that allows for leniency in any case when two factors are present, and this would match the halakha as written in the *Halikhot Olam*. In fact, the *Halakha Berura* (page 42) as well ruled that *netillat yadayim* is not necessary when eating less than *kazayit* of food

ג. פחות מכזית ואינו נוגע במשקה: אם אוכל מאכל פחות מכזית, ומטבלו במשקה באופן שאינו נוגע במשקה, אין צריך ליטול ידיו. [ע"פ הליכו"ע ח"א עמ' שלא]

מא. מי שבא לאכול דבר שטיבולו במשקה, לאחר שבירך ברכת המזון, יש אומרים שאינו צריך ליטול ידיו, מאחר שידיו נקיות מהנטילה הראשונה שנטל לסעודה. ויש חולקים. ולכתחילה יש להחמיר בזה, והמיקל בזה בעת הצורך יש לו על מה שיסמוך. [ראה ילקו"י ח"ג עמ' מא]

c) If someone wishes to eat less than *kazayit* of a food dipped in a beverage without touching the moistened portion of the food at all, it is unnecessary to perform *netillat yadayim* whether or not the beverage has been cooked.[37]

Day 35

Eating wet food immediately after *Birkat Hamazon*

41) Some *Poskim* ruled that if someone performed *netillat yadayim* to eat a meal with bread and immediately after reciting *Birkat Hamazon* he wishes to eat a food dipped in a beverage, he does not have to perform *netillat yadayim* again. Other *Poskim* disagreed. One should be stringent in this matter. If someone finds it necessary, however, he may rely on the lenient opinion.[38]

dipped in a cooked beverage. Regarding dipping cookies in coffee, however, he ruled more stringently.

The *Yalkut Yosef* (Vol. III, pages 37 and 40) ruled as well that if someone plans to eat less than *kazayit* of cake moistened with a cooked beverage he may do so without performing *netillat yadayim* even if he touches the moistened portion. In a footnote, he pointed out that the passage in responsa *Yabia Omer* appears to contradict this. For some reason, the author did not cite the *Halikhot Olam*, although it clearly supports his ruling. Since it is possible to read the *Yabia Omer* in a manner that does not contradict the *Halikhot Olam*, the original ruling of the *Yalkut Yosef* is correct.

37. This is the ruling of the *Halikhot Olam* (Vol. I, page 331). This is because technically one may be lenient whenever eating less than *kazayit* of a moistened food, whether or not the beverage has been cooked and even if one touches the moistened food. Although it is best to be stringent in such a case, one may certainly be lenient if one refrains from touching the moistened portion of the food even if the beverage has not been cooked.

38. The *Ma'amar Mordekhai* (*Divre Mordekhai* 158) ruled that this case is no different than the halakha for someone who decides to eat bread immediately after reciting *Birkat Hamazon* – he must perform *netillat yadayim* a second time. Rabbenu David ben Zimra (cited by Harav HIDA in *Birke Yosef*), however, ruled leniently in this case, explaining that there is a fundamental difference between the obligation of *netillat yadayim* for eating bread and of *netillat yadayim* for eating foods dipped in a beverage. When performing this mitzvah in order to eat bread, one must be aware that by this act one is purifying the hands in order to eat bread as if he is a *kohen* and the bread is *teruma*. The act of reciting *Birkat Hamazon* demonstrates that a person has finished eating and has no intention of eating more bread until some time later. Thus he has automatically disqualified his hands from being ready for more bread-eating, and if he chooses to eat more bread even one minute after reciting *Birkat Hamazon* he must perform *netillat yadayim* again.

The obligation of *netillat yadayim* for eating foods dipped in a beverage, however, was not instituted to protect the sanctity of *teruma*, but in order to raise the level of the mundane act of eating by ensuring the hands' cleanliness. Once someone has performed *netillat yadayim* in order to eat bread, his hands remain in their pristine state through his reciting *Birkat Hamazon* and until he discontinues guarding their cleanliness. Therefore, if he wishes to eat foods dipped in a beverage immediately afterward he is exempt from performing *netillat yadayim* again.

The *Aharonim* (*Hesed La'alafim*; *Kaf Hahayim* Sofer) ruled like the *Ma'amar Mordekhai* in this matter. Furthermore, they ruled that even before one has recited *Birkat Hamazon*, as soon as one has rinsed his fingers with *mayim aharonim*, his hands are disqualified from enabling him to eat foods dipped in a beverage. If at that point someone would decide to eat such foods before going on to recite *Birkat Hamazon*, he must first perform *netillat yadayim* again.

Regarding this last case, the *Yalkut Yosef* (Vol. III, page 41) ruled that if it becomes necessary there is a strong enough basis to permit eating the food without performing *netillat yadayim*. The *Halakha Berura* (page 46) agreed to be lenient only if there is another basis for it such as eating the food with a utensil, if the beverage has been cooked or if less than *kazayit* is being eaten.