סימן קנט

דיני הכלי

ממה יהיה עשוי הכלי

א. אין נוטלים לידים אלא בכלי. וכל הכלים כשרים, בין העשויים עץ או זכוכית, ואפילו כלי גללים, וכלי אבנים, וכלי אדמה, שאינם חשובים כלי כלל לענין קבלת טומאה, על כל פנים כלים הם וכשרים לנטילת ידים. [ב"י ושו"ע ר"ס קנט, משנ"ב ס"ק ג כה"ח סק"ב]

אבל אם לקח ספוג מלא מים, וסחט המים ממנו על ידיו, לא עלתה לו נטילה, מכיון שאין הספוג חשוב כלי. [ברכ"י סק"א, כה"ח סק"ג]

ב. כוס העשוי מפלסטיק או מנייר עב, כשר לנטילת ידים, שאף שהוא "חד פעמי", מכל מקום חשוב כלי לענין נטילת ידים. [ראה חזו"ע שבת ח"ב עמ' נד]. וכמובן שאם יש שם כלי אחר, שעדיף שלא יטול באלו.

Siman 159

The Proper Utensil for *Netillat Yadayim*

Using a *keli*

1) In order to perform the mitzvah of *netillat yadayim*, one must pour water onto the hands from a container that has the halakhic status of a *keli*. The container can be of any material – wood, glass, stone, dried earth[46] or even dried dung. Even though containers made from some of those materials are not susceptible to becoming *teme'im*, they are nevertheless considered *kelim* and may be used for *netillat yadayim*.

If someone took a large sponge, soaked it in water and then squeezed it out over his hands, he has not fulfilled the mitzvah of *netillat yadayim* at all. A sponge is not considered a *keli* at all even though it can hold liquids.

Day 39

Disposable containers

2) Plastic or cardboard containers can likewise be used for *netillat yadayim*. Even if it is a disposable container meant to be used once and then discarded, it is still kosher for this mitzvah.[47] If another container is available, however, it is best to refrain from using disposable containers.

46. The *Mishna Berura* (159:4) and the *Kaf Hahayim* Sofer (159:5) explained that this means a container made by molding natural clay into a desired shape and then drying it in the sun. Even though such a container is not susceptible to becoming *tame*, it still has the status of a *keli*. If the clay container would be fired in a kiln, it would then have the status of *keli heres*, an earthenware vessel, and would be susceptible to becoming *tame*. Either one is kosher for the mitzvah of *netillat yadayim*.

47. The responsa *Igrot Moshe* (Vol. III, #39) ruled that one must not recite kiddush while holding the wine in a disposable cup, since it is not respectful for the mitzvah. If

there is no other cup available, however, he agreed that it can be used. The responsa *Sheraga Hame'ir* (Vol. I, #55) cited the Satmar Rebbe ruling that one should not use a disposable cup for kiddush. The *Or Letziyon* (Vol. II, page 314) ruled likewise that it is best to avoid using a disposable cup for kiddush.

Rambam (*Hilkhot Kelim* 5:7) ruled that if someone fashioned a flimsy container of woven reeds and placed some food in it, it is susceptible to become *tame* only if he plans to use it more than once. If he plans to use it once and then discard it, it cannot become *tame*. Likewise, if someone has a cow's horn and he plans to use it once and discard it, it cannot become *tame*. If he plans to use it regularly, it can become *tame*. It is not possible to use this as proof against the use of disposable cups for *netillat yadayim*, however, since he did not state that disposable items are not *kelim*. He stated only that they are not susceptible to *tum'a*, and regarding the mitzvah of *netillat yadayim* the container does not have to be susceptible to *tum'a*. As long as the container has the status of a *keli*, it may be used, as stated in the halakha here.

The responsa *Tzitz Eliezer* (Vol. XII, #23) disagreed with the ruling of the *Igrot Moshe*, and he permitted using disposable cups, whether paper or plastic, for kiddush. He explained that these containers are full-fledged *kelim* and the fact that they are meant to be disposable means nothing halakhically. This cannot be compared to the cases discussed by Rambam, either, since those items were never manufactured to be containers. Even in the cases discussed by Rambam, the items are full-fledged *kelim* if the person decided to use them repeatedly. Disposable cups are certainly capable of being used a number of times [and during one meal a person might refill it any number of times]. It is considered disposable only because its low cost makes it reasonable to discard it rather than rinse it and put it away for another time. In fact, it is clear from Rambam (*Hilkhot Kelim* 2:1) that such "disposable" items are full-fledged *kelim*.

Many *Aharonim* (*Shulhan Shel Shelomo* Zalman Auerbach, Vol. II, chapter 47, footnote 51; responsa *Be'er Moshe*, *Pe'at Sadekha*, *Mishne Halakhot*) ruled leniently in this matter. The responsa *Vayashev Moshe* insisted that although the Satmar Rebbe refused to use a disposable cup, that was only because he wished to use something nicer for the mitzvah but not because he held that it is wrong to use such a cup for kiddush. Maran the Rishon Letziyon (*Hazon Ovadya Shabbat*, pages 54-56) ruled as well that it is permissible to use a disposable cup for kiddush, but he added that it is certainly better to use an expensive silver or crystal cup for the honor of the mitzvah.

According to this, it should be permissible to use a disposable cup for the mitzvah of *netillat yadayim* as well. The Pupa Rav (cited by the *Sheraga Meir* Vol. I, #55) ruled that it is perfectly acceptable to use a disposable cup for the mitzvah of *netillat yadayim*. Since these cups are good enough for drinking during a meal, it makes no difference that they are made of paper and that they are inexpensive. The responsa *Haye Halevi* (Vol. I, #22) cited Harav Shemuel Wosner as declaring that there is no basis to rule that one may not use disposable cups for *netillat yadayim*, since they are *kelim* technically. The responsa *Be'er Moshe* (Vol. V, #41-43) and responsa *Az Nidberu* (Vol. VI, #48) both concurred with this. According to *sefer Ma'yan Omer* (Vol. I, page 286), Maran the Rishon Letziyon concurred with this ruling as well.

Nevertheless, the responsa *Kinyan Torah* (Vol. I, #49) ruled that one may not use disposable cups for *netillat yadayim*, unless they are made to hold boiling-hot water. This is based on Rambam (*Hilkhot Kelim* 12:14), and it appears that he would agree that cups made to hold hot water may be used for *netillat yadayim*. The *Halakha Berura* made a similar distinction. The *Kinyan Torah* cited testimony that the Satmar Rebbe once refused to perform *netillat yadayim* with a disposable cup and he waited a long time for an acceptable container to be brought to him. As stated above, it is unclear whether this proves that he considered these cups invalid for the mitzvah. The *Or Letziyon* (Vol. II, page 91) ruled that one must not use disposable cups for *netillat yadayim*. He added that if no other cup is available, one may use a disposable cup and then eat the bread in a normal manner without wrapping one's hands in a cloth, but one must not recite the blessing of *al netillat yadayim* in this case.

As mentioned above, Maran the Rishon Letziyon ruled that one may use a disposable cup for kiddush. If so, it is more than likely that he permits using one for *netillat yadayim* as well and to recite the blessing of *al netillat yadayim*. Nevertheless, if another utensil is available, it is certainly more correct to refrain from using a disposable cup and performing the mitzvah in a questionable manner. If only a disposable cup is available, however, one may use it in good conscience and recite the blessing as well.

A solution for all situations

If someone has only a disposable cup to use for *netillat yadayim*, he should make up in his mind that he or other people will use the cup again afterward. Then, it is no longer considered a "one-use" cup and it gains the status of a *keli*. The *Or Letziyon* himself ruled that if this is done it becomes permissible. See more in the *Halakha Berura* (page 90).

The *Piske Teshuvot* (footnote on page 354) wrote that there is a common misconception that when only disposable cups are available one should use two cups, one inside the other. It makes no difference whether a person uses one cup or many cups. The proper manner to remove the status of "disposable" from the cup is as stated here – to decide to use it more than once.

ג. צריך שיהיה הכלי מחזיק בתוכו רביעית. [ש"ע סי' קנט ס"א]. והוא שמונים ואחד סמ"ק. [ראה חזו"ע פסח ח"ב עמ' טז]. ואם הוא פחות מרביעית פסול לנטילת ידים אפילו רוצה למלאותו ב' וג' פעמים. [גר"ז ס"ג]

כלי שניקב

ד. בשיעור הנקב יש שיעור "מוציא משקה" ושיעור "כונס משקה". "כונס משקה" הוא שיש בכלי נקב גדול בשיעור כזה שאם יתנו ישימו אותו על משקים יכנסו בתוכו דרך הנקב, והוא גדול מנקב בשיעור "מוציא משקה" שהמשקים שבתוך הכלי יוצאים בו.
אם ניקב הכלי בשיעור "כונס משקה", אז בטל מתורת כלי ואין נוטלים ממנו לידים, ואפילו אם הוא מחזיק רביעית מן הנקב ולמטה. ודוקא שנוטל דרך פיו למעלה שמה שממנו מן הנקב ולמעלה אינו

Size of the container

3) The container must be able to hold at least *revi'it* (81 cc/ 3 fl. oz.) of water. Any container smaller than this cannot be used even if one refills it several times.[48]

Day 40

A Container That Leaks

Motzi mashke* vs. *kones mashke

4) The Talmud describes two levels of leaks in a container – *motzi mashke* and *kones mashke*. *Motzi mashke* means simply that the container leaks, that if one fills it up the liquid will slowly seep out through a tiny puncture. *Kones mashke* means that if someone pushes the empty container down into water, the water will begin to seep into the container through the puncture. Technically, it is possible for a container to have a leak that is *motzi mashke* but still not be *kones mashke*. [In such a case, the container is still kosher for the mitzvah of *netillat yadayim*.]

The halakha is that a container made to hold liquids but has a leak that is *kones mashke* no longer has the status of a *keli*. [If the hole in it is that large, it leaks at an unreasonable rate for its intended use.] Therefore, that container is not fit for the mitzvah of *netillat yadayim*.

Even if the hole is above the point where the container holds *revi'it* and it is possible to pour *revi'it* of water into it and nothing will leak out at all, the container is disqualified.

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48. This is the ruling of Harav Zalman (159:3). He derived this halakha based on a question -- why is it necessary to tell us how much the container must hold? After all, we already know that there has to be *revi'it* of water, so of course the container has to be large enough to hold *revi'it*. It must be, therefore, that the halakha is telling us that a smaller container cannot be used even if refilled several times. See more about this in the *Bi'ur Halakha* (159:1).

Collapsible cup

Some cups are made of sections that fit into one another when they are not being used. To use them, one pushes the sections out from one another so that they assume the shape of a cup, and after using the cup one pushes the sections together for easy storage. The cup can hold *revi'it* of water only when the sections are stretched out to form a cup. The *Shulhan Esh* ruled that this cup is kosher for use for *netillat yadayim* as long as the sections hold together tight and do not allow any water to leak out between them. This is likewise the ruling of Harav Shelomo Zalman Auerbach, cited in *sefer Birkhot Shamayim* (#2:5).