## סוגי כלים שונים

י. כלי שמתחלת הייצור שלו נעשה כך שאינו יכול לעמוד בלא סמיכה, ואין משתמשין בו אלא על ידי סמיכה, חשוב שפיר כלי, וכשר לנטילת ידים. [ש"ע סי' קנט ס"ה]

Day 43

## Shape of the Container

**Container without flat bottom**

**10)** If a container was manufactured purposely without a stable and flat bottom, so that if it is not held in place or supported it will fall over and all its contents will spill out, it is nevertheless considered a viable *keli* and it can be used for the mitzvah of *netillat yadayim*.[55] If it was originally manufactured with a flat,

**55. A container that can hold water only if its top is sealed shut**

Maran in the *Shulḥan Arukh* (159:5) described a sprinkling can, a bell-shaped container with a perforated bottom and a narrow opening on top. As long as someone keeps his finger pressed tightly on the top opening, no water will fall through the holes in the bottom. This container may be used for *netillat yadayim*. Since this container was made to be used in this manner as a sprinking can, it is considered a viable *keli*. The *Mishna Berura* (*Bi'ur Halakha*) demonstrated that a number of *Poskim* disagreed with this ruling, but in practice one may rely on the opinion of Maran. If the holes on the bottom are large, however, he ruled that one should not use this container since Rambam's opinion is that such a container is not susceptible to become *tame* and it is not a *keli*.

As Sefardic Jews, we can rely on Maran's opinion even in this case since the general rule is to follow the lenient opinion regarding the mitzvah of *netillat yadayim*. Once we have established that one can perform the mitzvah with this container, one must recite the blessing of *al netillat yadayim* as well. The principle of *safek berakhot lehakel* does not apply in this case. This is likewise the ruling of the *Halakha Berura* (page 111).

**Soup ladles**

The principle laid down here is that it is permissible to use a container for *netillat yadayim* even if it can hold its liquid contents only with external support, as long as it was made with this purpose in mind. In the *Shulḥan Arukh*, however, Maran ruled that a leather flask must be fitted with a base that enables it to stand on its own and hold liquids. Otherwise, it is not fit for this mitzvah even though it is made to be a container for liquids since it cannot hold the liquids unless it is held or suspended. This seems to contradict the previous halakha about the sprinking can. The *Ture Zahav* reconciled this, explaining that a leather flask has no inner space at all when it is empty; it lies flat and shapeless. Other containers retain their shape as a container at all times, even when empty and lying in a drawer. Many *Aḥaronim* cited this as the correct resolution for this contradiction.

The *Matte Yehuda* and the *Bene Tziyon* Lichtman offered another viewpoint, explaining that a leather flask is disqualified because its main use is to hold solid items. If the container's main purpose is to hold liquids, such as a sprinking can, then it is kosher even though it can hold liquids only with outside assistance.

The *Bet David* explained that the problem with using a leather flask is that it is made for containing and carrying liquid, but not for pouring from it on one's hands. The sprinking can, on the other hand, is made for the purpose of pouring water from it, not only to hold water. According to his reasoning, any container that cannot hold liquid without outside support and is not made for pouring is disqualified, even if it maintains its shape at all times.

Finally, the *Ma'amar Mordekhai* (159:9) explained that if a container is normally used to hold liquids by supporting it from its bottom or from a side it is kosher. A leather flask is used by holding up its top edges; not by supporting it from its bottom, and therefore it is disqualified.

Thus, we have four different possible ways to understand the rulings of Maran. Regarding the use of a soup ladle for the mitzvah of *netillat yadayim*, it seems that according to the understanding of the *Ture Zahav* it may be used since the ladle retains its shape all the time. Although if placed on a flat surface it will turn over and spill out its contents, it is made to hold liquids when held upright by a person. According to the *Matte Yehuda* as well, a soup ladle is fit for the mitzvah of *netillat yadayim* since its main purpose is to transfer liquids from one container to another. It is fit for this mitzvah since it can be made to stand upright by being held or supported.

According to the explanation of the *Bet David*, a soup ladle is fit for the mitzvah since its purpose is for the transfer of liquids and to facilitate pouring liquids. This is how the *Piske Teshuvot* and the *Halakha Berura* explained his

**אבל** כלי שלא היה צורתו כך מתחלת הייצור, וכגון שבמשך הזמן נפחת קצת ממקום מושבו ונתעגל שם, וכעת אינו מחזיק רביעית אלא כשסומכים אותו, ואם לא יסמכוהו ישפכו המים ולא ישאר בו רביעית, אינו כלי, ופסול לנטילת ידים. ואם הרחיב הכלי מלמטה עד שמקבל רביעית כשהוא יושב שלא מסומך, נוטלים ממנו. [שו"ע שם ס"ג]

**וכלי** גדול שאף כשעומד בלא סמיכה ונשפכים המים מתוכו עדיין מחזיק רביעית, לא נתבטל מעליו שם כלי וכשר לנטילת ידים. [ב"י, משנ"ב ס"ק יג]. ומכל מקום לא יטול אלא מאותם המים שמחזיק אף

stable bottom allowing it to stand upright on its own but afterward it was dented or broken so that it no longer can stand upright and hold its contents without being supported, it is no longer considered a *keli*, since it cannot hold a *revi'it* without support. If someone repairs it so that it can now hold at least *revi'it* of water without any support, it may once again be used for *netillat yadayim*.

If the dented container still holds at least *revi'it* of water even when lying on its side without support, it is still kosher. In these cases, however, one must make sure to use only

position. According to the *Ma'amar Mordekhai*, however, it might be disqualified since it is not meant to be used by holding it upright from its bottom.

In tractate *Kelim* (30:2), Ribbi Akiva ruled that a *tarvad* is considered a *keli* and it is susceptible to *tum'a*. A *tarvad* is like a bowl without a flat bottom. When it is placed on a flat surface, it rolls over and its contents spill out. Even so, Ribbi Akiva considered it to be a *keli* and this is the ruling of Rambam (*Hilkhot Kelim* 12:17). The *Birkhot Shamayim* wrote that this seems to support the opinion of the *Poskim* that a soup ladle is kosher for *netillat yadayim*, unless one argues that the fact that a *keli* is susceptible to *tum'a* does not necessarily mean that it is fit for *netillat yadayim*.

In conclusion, since the *Poskim* debated whether a soup ladle is fit for *netillat yadayim* and the general rule is to follow the lenient opinion in halakhic debates concerning *netillat yadayim*, one may use a soup ladle and one may recite the blessing of *al netillat yadayim* as well. Nevertheless, it is best to avoid using a soup ladle if another container is available. The responsa *Az Nidberu* (Vol. VIII, #41) ruled stringently in this matter, but there is a difficulty with his argument.

**Plastic bags**

Since plastic bags cannot hold liquid unless they are held up, they are disqualified for the mitzvah of *netillat yadayim*. Even though the bag is made to be used in this manner, it is disqualified since it is flat when it is empty and has no inner space at all. This is the ruling of the responsa *Avne Yashefe* (Vol. I, page 48). Actually, plastic bags are disqualified even according to the *Matte Yehuda* since they are made to hold all sorts of items, both solid and liquid.

**Milk bags**

In the Land of Yisrael, milk is marketed in plastic bags. At home, the bag is inserted into a plastic pitcher and a corner of the bag is snipped off to enable people to pour the milk from it. If someone would cut open the top of an empty milk bag and fill it with water, can he use it for the mitzvah of *netillat yadayim*?

According to the *Matte Yehuda* it should be kosher since the bag is made for holding liquids only. According to the *Ture Zahav*, the *Bet David* and the *Ma'amar Mordekhai*, however, such a bag is disqualified. The responsa *Shevet Hakehati* (Vol. I, #86) maintained that it is disqualified according to the *Matte Yehuda* as well since we cannot say that a used milk bag is designated for holding liquids; a used milk bag is invariably thrown away and never used again. Since the bag is a disposable item, we have the additional issue of those *Poskim*, notably the *Or Letziyon*, who ruled that one must use not use disposable cups for *netillat yadayim*. Indeed, the *Or Letziyon* (Vol. II, page 92) ruled that since the bag cannot stand on its own, it is disqualified for this mitzvah.

The *Birkhot Shamayim* (cited in *sefer Piske Teshuvot* page 360) and the responsa *Shevet Hakehati* ruled that even if the milk bag is inserted into the pitcher made especially for such milk bags, it cannot be used. The *Aharonim* added that a hot water bottle is likewise disqualified for this mitzvah, having the same status as a leather pouch. See more about this in *sefer Me Revi'it* (*Siman* 159, page 63).

כשמוטה על צדו, אבל לא ממים יתרים שמחזיק כשאוחזין אותו בידים במישור, שהם אינם באים מכח כלי. [הגר"ז סי' קנט ס"ז]

**יא.** קנקן שיש לו בליטה בשפתו כעין משפך, שבולט החוצה משפת הכלי, אם היה הפתח הזה בולט מעל שפת הכלי, יש מחמירים שלא יטול מכלי זה דרך הפתח, אלא משפת הכלי הנמוכה יותר, והטעם משום שאין הכלי מחזיק המשקה רק עד השפה, לכן מהשפה ולמעלה אין שם כלי עליה. [משנ"ב ס"ק כד]. ומנהג הספרדים להקל בזה. [מחב"ר, בא"ח פ' תזריע ה"ז]. וטוב להזהר בזה היכא דאפשר. [בא"ח שם, כה"ח סופר סק"י. וע"ע אור לציון ח"ב עמ' רצט]

as much water as the container can hold when lying without being supported. If he uses more than that amount of water, the extra amount is not considered to be held in a container.[56]

Day 44

**Spout on a pitcher**

**11)** Most pitchers have a spout to facilitate pouring. Some *Poskim* ruled that if this spout rises higher than the rest of the pitcher's rim, one may not use this pitcher for *netillat yadayim* and pour the water through its spout. They argued that the spout cannot be considered part of the container since it is not possible to fill the container up to the top of the spout. Instead, one must pour the water from the lower rim of the pitcher. Sefardic Jews may practice leniently regarding this case, but it is commendable to avoid it if it is possible.

**56.** A careful reading of Rav Zalman's ruling reveals that one must fill the container with no more water than it can hold without being supported or held. One may not fill it with more water than that amount and then use only the lesser amount for *netillat yadayim*. If it is filled with more water than it can hold without support, its contents are a mixture of water in a *keli* and water that is not in a *keli*.

**Pot covers**

If an inverted pot cover can hold *revi'it* of water even without being supported, which depends generally on the type of handle attached to the top, it should be permissible to use it for *netillat yadayim*. There is a different issue to contend with, however. Maran ruled in the *Shulḥan Arukh* (159:4) that if someone fit a sack into a frame so that it stands straight and lined the inside with pitch so that it is waterproof, he nevertheless may not use it for *netillat yadayim* since sacks are not made for the purpose of holding liquids. Since our pot covers are not made to be inverted and to hold liquids, they should be disqualified for *netillat yadayim* for the same reason. Although Maran ruled (159:3) that a barrel's cover may be used for *netillat yadayim* if it is made to stand steady when inverted, that is because it was normal for the covers to be used to hold liquids in those cultures, as explained by the *Bayit Ḥadash* and the *Mishna Berura* (159:17).

The Rashba, in his *Torat Habayit*, ruled stringently regarding all pot covers. In his *Torat Habayit Hakatzer*, however, he seems to have retracted this ruling, as pointed out in the *Mishna Berura* (*Sha'ar Hatziyun* 159:21). The *Bayit Ḥadash* ruled that pot covers are kosher only if the owner designated them to be used for containing liquids. The *Ture Zahav* refuted this position. Following the principle of ruling according to the lenient position regarding the halakhot of *netillat yadayim*, pot covers may be used for this mitzvah and the blessing of *al netillat yadayim* may be recited as well.

**In conclusion**, if a pot cover or barrel cover is made specifically to be used when inverted to hold liquids, it is kosher to be used for *netillat yadayim* even if it cannot stand and hold the liquid unless it is supported from the bottom. If the cover was not made for this purpose but it is sometimes used to hold liquids, it can be kosher for *netillat yadayim* only if it can stand flat and hold *revi'it* of water without any support. If it is never used to hold liquids, it is disqualified even if it can stand flat and hold *revi'it* of liquid without being supported. See more about this in *Halakha Berura* (pages 107-109).