כג. ליטול ידיו משאר נשים, אסור אפילו טהורה, אפילו אינה נוגעת בו. [ש"ע אהע"ז סי' כא ס"ה, עטרת זקנים סי' קנו סק"ג, יבי"א ח"ו חיו"ד סי' יט אות ג]

כד. אסור לאשה נדה ליצוק מים על ידי בעלה, אף על פי שאינה נוגעת בו, מפני שהוא דבר של חיבה בין איש לאשתו, ושמא יבואו על ידי כך להרגל דבר. אבל מותר לה להכין מים בכלי כדי שירחוץ בהם ידיו. [טהרת הבית ח"ב עמ' קצז, יבי"א ח"ו חיו"ד סי' יט]. והנזהר גם בזה תבא עליו ברכה. [עי' באו"ח ויבי"א שם]

כה. אם הקוף נותן מים לידים, יש פוסלים. ויש מכשירין. ונראין דבריהם. [ש"ע סי' קנט ס"ב]. ואף רשאי לברך על נטילה זו.

Day 48

Woman pouring on a man's hands

23) It is forbidden to have any other woman [besides the relatives listed in the previous halakha] pour the water on a man's hands for *netillat yadayim*, whether or not she is *nidda* and even if she does not touch him at all.[63]

Wife pouring on husband's hands

24) It is forbidden for a woman who is *nidda* to pour the water on her husband's hands for *netillat yadayim* even if she avoids touching him. This is considered an intimate act, and while she is *nidda* they must refrain from any acts of intimacy [even without physical contact]. It is permissible, however, for the woman to fill a container with water so that her husband can use it for *netillat yadayim*. If they refrain from this as well, they will receive a special blessing from Heaven.

Trained monkey

25) Some *Poskim* ruled that it is not possible to perform the mitzvah of *netillat yadayim* by having a trained monkey pour the water on one's hands. Others ruled that one can perform the mitzvah in this manner, and this appears to be the halakha in practice. After the monkey has poured the water on one's hands, one must recite the blessing of *al netillat yadayim*.[64]

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63. Harav HIDA (*More Ba'etzba*) implied that it is permissible to have a Jewish maidservant who is not *nidda* pour the water on her employer's hands. If she is *nidda*, he should avoid it as a matter of piety. Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. VI, *Y.D.* 19:3) pointed out, however, that although Maran ruled in the *Shulhan Arukh* (159:11) that it is permissible for a woman who is *nidda* to pour the water on a man's hands, that applies only to an immediate relative such as one's daughter, as the *Ateret Zekenim* explained. Any other [unmarried] woman who is *nidda* [and certainly a married woman, whether or not she is *nidda*] may not pour the water, as Maran ruled in the *Shulhan Arukh* (*E.H.* 21:5) that it is forbidden to have a woman wash one's face, hands or feet since these are considered intimate acts. Maran the Rishon Letziyon made a similar comment regarding the rulings of the *Yafe Lalev*.

Maran the Rishon Letziyon then suggested that it might be permitted if the woman pours cold water, bringing support for this from the words of Rabbenu Menahem Hame'iri. He then demonstrated that we may not rely on this since the Rashba (*Torat Habayit He'arokh*) and other *Rishonim* ruled specifically that it is forbidden even with cold water.

He then suggested another way to permit this, based on a comment by Harav Pinehas Horowitz (*sefer Hamikna* on *Kiddushin* 70) that if a woman offers to serve the man without him asking for it, it is permitted. The responsa *Ha'elef Lekha Shelomo* (*E.H.* #111) refuted this leniency, however.

In conclusion, it appears that Maran the Rishon Letziyon ruled stringently in this matter. The *Halakha Berura* (page 137) concurred with this, remarking that this is even more important in today's overly permissive society.

64. Maran cited both these opinions in the *Shulhan Arukh* and ruled leniently. The Rama, however, ruled stringently. The *Magen Avraham* (cited in *Mishna Berura* 159:74) wrote that if someone did perform *netillat yadayim*

הטבלת ידיו בכלי או בנהר

כו. הטביל ידיו במי מעין אפילו אין בו ארבעים סאה עלתה לו טבילה כל שמתכסים ידיו בהם בבת אחת. [ש"ע סי' קנט סי"ד]. ורשאי לברך על טבילה זו "אשר קדשנו במצותיו צונו על נטילת ידים". [הליכו"ע ח"א עמ' שכט]

Immersing Hands in a River or a Container

Immersing hands in a *ma'yan*

26) If someone immerses his hands in a *ma'yan*, he has fulfilled the mitzvah of *netillat yadayim*. This is the halakha even if the *ma'yan* contains less than forty *se'a* of water, as long as he is able to immerse his hands entirely in the water. He may also recite the blessing of *al netillat yadayim* for this act of immersing his hands.[65]

using a trained monkey, even Rama agrees that he has fulfilled the mitzvah. The *Eliya Rabba*, however, ruled that he should perform the mitzvah again but without reciting the blessing, and if he has no more water he may eat his bread relying on the *netillat yadayim* of his monkey.

Sefardic Jews may be lenient in this matter since we follow the rulings of Maran. Although the *Kaf Hahayim* Sofer (159:76) ruled stringently, adding that one must not recite the blessing after the monkey pours the water on one's hands because of *safek berakhot lehakel*, the *Halakha Berura* refuted this ruling. The rule, he explained, is to follow the lenient opinion regarding *netillat yadayim*. Once we have decided that the act of *netillat yadayim* is valid, one must also recite the blessing, as explained in *Halikhot Olam* (Vol. I, pages 320-322).

The *Halakha Berura* added that when a monkey pours the water, the person must have in mind that through this act he will be enabled to eat bread. If he does not have this in mind, he must repeat the act of *netillat yadayim* without reciting the blessing. See above, in the footnote to halakha 20 regarding a child younger than six years old.

Other trained animals

Maran in the *Kesef Mishne* wrote that he is unsure of the halakha regarding trained animals other than monkeys. Rabbenu Mano'ah ruled that all animals are equal, but Rabbenu Menahem Hame'iri wrote that Rambam permitted this only with a trained monkey since its features are similar to those of a human being. The *sefer Habattim* cites two opinions in this matter, and he concluded that all animals are equal. As long as a living creature pours the water consciously, the act of *netillat yadayim* is valid. The *Eliya Rabba* likewise ruled that all animals are equal, explaining that the Mishna mentions a monkey simply because it is the most likely candidate for such training.

The *Halakha Berura* (page 140) noted that there are multiple reasons to say that another animal's pouring is not valid. First of all, many *Rishonim* ruled that even a trained monkey cannot be used for the mitzvah. Even according to Rambam who ruled that a monkey can be used, it may be that this does not apply to other animals. Since Maran in the *Kesef Mishne* remained undecided in this matter, we must not rely on the lenient opinion. We certainly must not recite the blessing on such an act of *netillat yadayim*. At any rate, it is unlikely that anyone would need to use a trained bird or dog for this purpose.

65. A *ma'yan* is a spring, a body of water that is fed constantly by underground streams. It is possible to immerse in a *ma'yan* and become *tahor* even though the water continues to stream into a river or sea. The halakhot regarding a *ma'yan* are different than those of a mikveh. A mikveh is a pool of rain water. It is possible for a person to immerse his body or his hands in a mikveh only if it consists of at least forty *se'a* of water, as explained in the following halakha. If the body of water is a *ma'yan*, however, he may immerse his hands in it even if it contains less than forty *se'a*. The same applies to the rules of immersing *kelim* to make them *tehorim* – if it is a mikveh it must contain forty *se'a* but if it is a *ma'yan* any amount that can cover the *keli* at one time is sufficient. Some *Poskim* ruled that it is possible to immerse one's entire body in a *ma'yan* containing less than forty *se'a*, but the halakha in practice does not permit that. Regarding *netillat yadayim*, however, the halakha is more lenient. Maran explained all this in the *Bet Yosef* (*Siman* 159). See more in the *Mishna Berura* (159:79).

The *Kaf Hahayim* Sofer (159:81) recommended that one refrain from immersing the hands in a *ma'yan* containing less than forty *se'a* if it is at all possible. This is because Maran commented that it is unclear whether Rabbenu Asher ruled that this is permitted. He added that even if someone must perform the mitzvah in this manner he should not recite the blessing. Nevertheless, it is clear that Rambam permits immersing the hands in such a *ma'yan* and that this is the ruling of the *Shulhan Arukh*. Even according to Rabbenu Asher it might be permitted. Therefore, we can follow the principle of following the lenient opinion regarding the mitzvah of *netillat yadayim*. Once we have

כז. להטביל ידיו במי מקוה, אם יש בו ארבעים סאה, ודאי שמועיל. ואם אין בו ארבעים סאה, נחלקו הפוסקים, יש אומרים שדינו כמעיין ומועיל אף כשאין בו ארבעים סאה, ויש אומרים ששונה דין המקוה מדין המעין, וצריך ארבעים סאה. וכתב מרן השלחן ערוך [סי' קנט ס"ד] דנקטינן כדברי המיקל. ומכל מקום יש לחוש לחולקים, ולא יברך על נטילה זו. ואם נזדמנו לו אחר כך מים, יחזור ויטול ידיו כדת, ולא יברך על נטילה זו. [כה"ח סופר ס"ק פא וס"ק פג]. ונכון שיטנף ידיו, ויטול שנית בברכה. (ראה לעיל סימן קנ"ח הלכה י"ג).

Immersing hands in a mikveh

27) All the *Poskim* agreed that it is permissible to immerse the hands in a mikveh that contains at least forty *se'a* of water. Some *Poskim* ruled that it is permissible even if the mikveh contains less than forty *se'a*, while others ruled that the mikveh must have at least forty *se'a* unlike the rules regarding a *ma'yan*.[66] The *Shulḥan Arukh* ruled according to the lenient opinion. Nevertheless, it is recommended to refrain from relying on this leniency. If someone does immerse his hands in a mikveh containing less than forty *se'a*, he should not recite the blessing of *al netillat yadayim*. If afterward he has the opportunity to perform *netillat yadayim* in the proper manner, he should do so, but he must not recite the blessing at that time, either. The proper procedure is to defile his hands and then to perform *netillat yadayim* with the blessing. See above in *Siman* 158:13.[67]

established that one may perform the mitzvah in this manner, one may recite the blessing as well, as explained here a number of times. Maran the Rishon Letziyon (*Halikhot Olam* Vol. I, page 329) pointed this out as well, adding that the *Ben Ish Ḥai* likewise agreed that it is possible to recite the blessing even when immersing the hands in a *ma'yan* containing less than forty *se'a*. Nevertheless, if a container is available, it would be improper to perform the mitzvah in a manner that is invalid according to some *Poskim*. Therefore, the *Halakha Berura* (page 146) ruled one should choose to use a container in this case.

Minimum amount of water in a *ma'yan*

Maran in the *Shulḥan Arukh* (159:14) wrote that the *ma'yan* must contain at least enough water to enable a person to immerse his hands completely at one time. The *Mishna Berura* (159:80) added that although it is permissible to immerse the hands one at a time, the *ma'yan* must contain enough water to enable a person to immerse both hands at the same time. He explained in the *Sha'ar Hatziyun* (159:70) that when a person immerses his body in a *ma'yan*, there must be enough water to cover his entire body at once. Therefore, when someone immerses his hands in a *ma'yan* there likewise has to be enough water to perform the entire mitzvah at once, meaning to immerse both hands at once.

The *Ḥazon Ish* (23:10), however, understood from the *Shulḥan Arukh* that it is necessary only for there to be enough water to immerse the hands one at a time. He explained that there is technically no minimum amount of water for a *ma'yan*. As long as there is enough to actually perform the act of immersing each hand entirely, even one at a time, it is valid. He commented that the ruling of the *Mishna Berura* is unfounded.

66. Rabbenu Yona ruled leniently in this matter. He explained that according to Torah law, it is possible to immerse small ustensils in a mikveh consisting of only *revi'it* of rain water. Our Sages instituted a rule requiring the mikveh to contain forty *se'a* even when immersing small ustensils, just as this amount of water is required for a person to immerse in a mikveh. Since the mitzvah of *netillat yadayim* is not a Torah mitzvah, our Sages did not impose this stringency requiring forty *se'a* in order to immerse one's hands.

Rashi, Rambam and most other *Rishonim* ruled stringently, explaining that our Sages instituted a rule that any pool containing less than forty *se'a* of rain water is not considered a mikveh at all. Therefore, this amount of water is needed for every use of the mikveh. See the Tosafot to *Ḥullin* 106a.

67. The *Shulḥan Arukh* appears to have ruled that even in this case one may recite the blessing for immersing the hands in the mikveh. The *Kaf Haḥayim* Sofer (159:81), however, wrote that one must not recite the blessing in this case.