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.

כח. המטביל ידיו מברך: "אשר קדשנו במצותיו וצונו על נטילת ידים", ולא "על טבילת ידים". [ש"ע סי' קנט ס"כ]. ובדיעבד אם כבר בירך "על שטיפת ידים", או "על טבילת ידים", יצא בדיעבד. [כה"ח סופר ס"ק צה]

כט. יש הסוברים שדוקא כשאין לו כלי יטביל ידיו במקווה או במעיין. וכן יש לנהגו לכתחילה שאם יש לו כלי לא יטביל ידיו, אלא יטול מהכלי כדת.

Blessing over immersing the hands

28) When someone immerses his hands in a mikveh or *ma'yan* in order to perform the mitzvah of *netillat yadayim*, he must recite the blessing of אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוֹתָיו וְצִוָּנוּ עַל נְטִילַת יָדָיִם – "Who has sanctified us through His commandments and has commanded us concerning washing the hands." He is not to recite a blessing of עַל טְבִילַת יָדָיִם – "and has commanded us concerning immersing the hands." Nevertheless, if someone did recite the blessing using the text of עַל שְׁטִיפַּת יָדָיִם – "and has commanded us concerning rinsing the hands" or עַל טְבִילַת יָדָיִם, he has fulfilled his obligation [and he need not repeat the blessing].[68]

Immersing permitted in the absence of a container

29) Some *Poskim* ruled that one should rely on immersing the hands in a mikveh or *ma'yan* only if one does not have a container available to perform *netillat yadayim* in the standard manner. It is best to practice according to this opinion and avoid immersing the hands when a container is available.[69]

Following the principle explained several times in this work, the opinion of Maran the Rishon Letziyon (as found in *Halikhot Olam* Vol. I, cited in the footnote to halakha 5) is that once the halakha is established that it is possible to perform *netillat yadayim* in a certain manner, it is necessary to recite the blessing as well. This should be the case regarding this halakha as well. Nevertheless, the *Halakha Berura* (page 146) decided that in this case, since the great majority of *Rishonim* ruled that one may not immerse the hands in a mikveh containing less than forty *se'a*, one should refrain from reciting the blessing. If someone insists on following the ruling of the *Shulḥan Arukh* and recite the blessing, no one has the right to protest his actions, but it is preferable to refrain from reciting the blessing. There is no hint in the *Halikhot Olam* (Vol. I, page 329) to the position of Maran the Rishon Letziyon in this matter.

68. The Rashba (comment to *Ḥullin* 107a) and other *Rishonim* cited by Maran in the *Bet Yosef* ruled that even when immersing the hands, the proper blessing is עַל נְטִילַת יָדָיִם, explaining that our Sages did not command us to immerse the hands, only to wash them. Immersing the hands is also a way to perform this mitzvah, since it is an act of purifying the hands no less than pouring water on them from a container. This is likewise the ruling of Maran in the *Shulḥan Arukh* (159:20). The Rama, on the other hand, ruled that the proper blessing when immersing the hands is עַל טְבִילַת יָדָיִם or עַל שְׁטִיפַּת יָדָיִם, following the ruling of *sefer Mitzvot Gadol*, the *Arba'a Turim* and other *Rishonim*. In practice, however, even the Ashkenazic *Poskim* agreed that one should recite the blessing of עַל נְטִילַת יָדָיִם, as explained by the *Mishna Berura* (159:97). The *Kaf Ha-ḥayim* Sofer (159:95) added that if someone mistakenly recited the text of עַל טְבִילַת יָדָיִם or עַל שְׁטִיפַּת יָדָיִם, he has fulfilled his obligation since many *Poskim* ruled that this is the proper text.

69. The Rashba wrote (responsa Vol. I, #190) that immersing the hands is an even better way to purify them than pouring water on them from a container. This gives the impression that one may certainly choose to fulfill the mitzvah in this manner even if one has a container available. Several *Rishonim* made a similar comment.

This is not necessarily the unanimous position of the *Poskim*. The *Ba'al Halakhot Gedolot* (comment to *Berakhot* chapter 6) seems to suggest that one may immerse the hands only if there is no container available with which to perform *netillat yadayim* in the standard way. The *Shibole Haleket* (#133) ruled likewise, and many *Aharonim* cited this halakha in a manner suggesting that one may rely on immersing the hands only when no container is available. The *Poskim* may contend that the main institution of our Sages was to perform the mitzvah through the act of pouring water from a container. After all, the blessing that they insituted – *al*

ל. ארבעים סאה מים שאובים שבקרקע, להרמב"ם אין מטבילין בהם את הידים, ולהראב"ד מטבילין. ולהלכה, יש לחוש לדעת הרמב"ם ולהחמיר שלא יטביל ידיו במים אלו. ובשעת הדחק שאם אין לו מים אחרים, ואין לו כלי ליטול ממים אלו, יטביל ידיו במים אלו ולא יברך. [ש"ע סי' קנט סט"ז. כה"ח סופר ס"ק פח,

Filling mikveh with poured water

30) Rambam ruled that if someone poured forty *se'a* of water from containers into a pit or pool in the ground, no one may immerse his hands in that water since it is not a kosher mikveh. [A mikveh must be a pool of collected rainwater that was not carried in any container at any time. Water carried in a container is called *mayim she'uvim* and it is not kosher to fill a mikveh.] Rabbenu Avraham ben David, however, ruled that [although it is not kosher to be used as a mikveh] it is kosher for the mitzvah of *netillat yadayim* [through immersing the hands in it].[70] In practice, we must follow the opinion of Rambam, but if someone has no other water available and no container for *netillat yadayim* he may immerse his hands in this pool and rely on the opinion of Rabbenu Avraham. He must not recite the blessing of *al netillat yadayim* in this case, however. If later during his meal a container becomes available, he should then

netillat yadayim – means the act of pouring water from a container. In fact, Rabbenu Yona (cited by Rabbenu Nissim in his comment to *Hullin* 107a) stated clearly that the main institution was to perform the mitzvah through pouring water on the hands from a container. It is possible to perform it through immersing the hands since that is certainly an act of purifying the hands, although it is not the act of the mitzvah that our Sages intended us to perform.

It is possible that these *Poskim* also agree with the Rashba. It might be that they mean only to say that even when someone has no container it is still possible to perform the mitzvah of *netillat yadayim* by immersing the hands in a mikveh or *ma'yan*, but that one may choose to immerse the hands even when a container is available. In fact, this might be the intention of the *Aharonim* (*Haye Adam*, *Kitzur Shulhan Arukh* Ganzfried, *Ben Ish Hai*, *Halikhot Olam* [Vol. I, page 329]), so that all *Poskim* concur with the ruling of the Rashba. It is more likely, however, that their intention is to rule that it is preferable to perform the mitzvah of *netillat yadayim* by pouring water from a container. Our Sages instituted the mitzvah in this manner since it is obvious that a mikveh will not be available in every location whenever someone wishes to eat. In almost every case, however, there will be a container available to enable one to perform *netillat yadayim*. Furthermore, the *Tanya Rabbati* (#22, cited in *Halakha Berura* page 143) wrote that it is unclear from the *Poskim* what text to use for the blessing when immersing one's hands in a mikveh or *ma'yan*. See the discussion in halakha 28. Therefore, it is best to perform the mitzvah in the manner that matches the text of the blessing of *al netillat yadayim* and avoid any controversy. If one has no container, however, one may certainly perform the mitzvah by immersing the hands in a mikveh or *ma'yan*.

At the seashore

One may not use ocean water for the mitzvah of *netillat yadayim* since it is not potable. Nevertheless, if someone would immerse his hands in the sea, it would be a valid act of the mitzvah. If someone is at the seashore and he has no fresh water available, it is unclear whether it is permissible in this case to simply immerse his hands in the sea or if he is obligated to go somewhere (within the distance of one *mil*) to find water for *netillat yadayim*. Most likely, the halakha does not obligate one to find other water in this case, but if someone does go to find other water he will receive a special blessing from Heaven.

70. Rambam reasoned that since this is an act of immersing, it must be in a body of water in which it is possible to purify one's entire body by immersing as well. Rabbenu Avraham reasoned that since the *tum'a* of one's hands is based on a rabbinical institution, it is possible to purify them through immersing in this body of water as well. During the era [the beginning of the period of the second *Bet Hamikdash*] that a *ba'al keri* was forbidden to study Torah until he immersed in a mikveh, the halakha was that he could immerse in a mikveh filled with water that had been carried in containers. This is Rabbenu Avraham's proof that if the *tum'a* is based on a rabbinical institution it is possible to immerse in such a mikveh, and immersing one's hands is no different. See the *Bet Yosef* in *Siman* 88.