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.

ועי' ביאור הלכה ד"ה ולהראב"ד]. ואם נזדמן לו אחר כך כלי, יחזור ויטול ידיו בלא ברכה. ונכון שיטנף ידיו, ויוכל ליטול ידיו בברכה.

לא. שאובה שהמשיכוה כולה גם להרמב"ם מטבילין בהם הידים. [ש"ע סי' קנט סט"ז]. ובלבד שיהיו בהם ארבעים סאה. [משנ"ב ס"ק מב, כה"ח סק"נ]. וגם צריך שיהיו המים מכוסים במקום אחד ולא זוחלין ממקום למקום, ולכן צריך שיסתום בסוף הצנור כדי שיתכנסו המים, ויהיו נקווים ועומדים. [משנ"ב וכה"ח שם]

לב. לא יטול מהנהר מים בידו אחת ויתן על ידו השנית, לפי שאין כאן לא נטילה ולא טבילה. [ש"ע שם סי"ז]

perform *netillat yadayim* without reciting any blessing. The best course of action is to defile the hands so that he can then perform *netillat yadayim* and recite the blessing.[71]

Pouring water indirectly into the pool

31) If someone filled a mikveh pool with *mayim she'uvim*, water that has been carried in containers, but instead of pouring the water directly into the pool he poured the water onto the ground and allowed it to run by itself into the pool, even Rambam agreed that the mikveh is kosher for someone to immerse his hands in it for the purposes of *netillat yadayim*. The Talmudic term for this process is *hamshakha*. He must pour at least forty *se'a* of water into the mikveh. This water must be standing; if it continues to flow, it is not considered a mikveh at all. The definition of a mikveh is a pool of standing, collected rainwater.

Pouring river water from one hand onto the other

32) It is not possible to cup one hand in a river and pick up water and pour it on the other hand for the purposes of *netillat yadayim*. Anyone who attempts this fails to purify his hand altogether, since he has neither immersed it in the river nor has he poured water on it from a container. [See above in halakha 13.]

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71. The *Mishna Berura* (*Bi'ur Halakha*) demonstrated that the great majority of *Rishonim* concurred with the ruling of Rambam. Judging from the manner in which the two opinions are presented in the *Shulḥan Arukh*, it appears that Maran ruled in practice according to the opinion of Rabbenu Avraham. He wrote "Rambam's opinion is such-and-such, but Rabbenu Avraham ben David's opinion is such-and-such," and the general rule is that Maran ruled like the second opinion he cites in the *Shulḥan Arukh*.

It is possible, however, that this rule does not apply in this case since Maran named the two opinions instead of simply writing that "some *Poskim* ruled like this and other *Poskim* ruled like this." This is especially likely since Maran cited Rambam by name in this case, and some *Aḥaronim* stated that the rule is that Maran always followed Rambam's opinion when he cited him by name. (See the comment of Maran the Rishon Letziyon in responsa *Yabia Omer* Vol. VII, *E.H.* #8:5, 6.)

The *Kaf Haḥayim* Sofer (159:88) decided that even if someone follows the lenient opinion of Rabbenu Avraham he must not recite the blessing, based on the principle of *safek berakhot lehakel*. The *Halakha Berura* (pages 153 and 154) demonstrated that no other *Rishonim* concur with the opinion of Rabbenu Avraham and ruled therefore that one may not rely on his opinion unless one has no container with which to perform *netillat yadayim* in the regular manner. He added that it is best that, even after immersing the hands, one wrap the hands in cloth so that the bare fingers do not touch the bread when eating it.

As explained above in the footnotes to halakhot 13 and 26, if while one is eating the opportunity comes up to perform *netillat yadayim* with a container, it is best to defile the hands first so that one may then recite the blessing of *al netillat yadayim* without any doubt.

לג. ידו אחת בנטילה, וידו אחת בטבילה, ידיו טהורות. [ש"ע שם סי"ח]

לד. המטביל ידיו, אין צריך שתי פעמים, ולא ניגוב, ולא להגביה ידיו. [ש"ע שם סי"ט]. ועל פי הקבלה, אף המטביל ידיו, יטבילן שלש פעמים, ואחר כך ישפשף ידיו ג' פעמים, ויגביה את ידיו כנגד ראשו, ויברך "על נטילת ידים", ואחר כך יורידם וינגבם, ואחר כך יברך המוציא. [כה"ח סופר ס"ק צג, בא"ח טהרות אות יב]. וראה לעיל סימן קנ"ח הלכה ל"א.

לה. טבילת ידיו במי הים, שפסול לנטילת ידים, אבל כשר לטבילה, יתבאר לקמן סימן ק"ס הלכה כ"ט.

Immersing one hand and pouring on the other

33) If someone pours water on one hand from a container and then immerses the second hand in a mikveh or *ma'yan*, he has fulfilled the mitzvah of *netillat yadayim*.

Raising hands and drying them

34) When immersing one's hands in a mikveh or *ma'yan*, it is not necessary to immerse them more than once. After immersing them, it is not necessary to hold one's fingers upward [as is necessary when performing the regular *netillat yadayim*] nor is it necessary to dry the hands before eating the bread.

According to the Kabbalists, it is necessary to immerse the hands three times and then to rub each hand three times with the other hand, and finally to raise the fingers upward to be level with one's face. In that position, one recites the blessing of *al netillat yadayim*. After reciting the blessing one may lower the hands, but one must dry them before reciting the blessing of *hamotzi*.[72] See above in *Siman* 158:31.

Immersing in sea water

35) One may not pour ocean water on one's hands for *netillat yadayim*, as will be explained below in *Siman* 160:29. Nevertheless, one may immerse one's hands in ocean water and fulfill the mitzvah of *netillat yadayim*.

72. Drying the hands after immersing them

Above in *Siman* 159:31, it was explained that according to Maran in the *Shulhan Arukh* it is not necessary to dry the hands at all if one immersed them in a mikveh or if one poured *revi'it* of water on each hand. A number of *Aharonim* (*Yam Shel Shelomo*; *Bayit Hadash*) ruled that after pouring *revi'it* of water on each hand one must dry them, but they agreed that if one immersed the hands in a mikveh or *ma'yan* it is not necessary. The *Levush*, however, ruled that in every case, even after immersing the hands, one is obligated to dry them before eating, for it appears disgusting to eat bread with wet hands. The *Kaf Hahayim* Sofer remarked that the common custom is to always dry the hands, even after immersing them in a mikveh. The *Ben Ish Hai* likewise ruled that one must dry the hands in every case as a measure of cleanliness. It appears from his words that this is important according to the Kabbalah as well.

Raising the hands, immersing three times and rubbing the hands on one another

Above in *Siman* 158:15 it was explained that according to the halakha it is necessary to pour water on each hand twice since the water left on the hands from the first pouring has become *teme'im*. In *Siman* 158:23, it was explained that one must hold one's fingers upward because of a suspicion that the water on one's hands is *teme'im* as well. All of this should not apply when immersing the hands in a mikveh or *ma'yan* since no water becomes *teme'im* at all. Therefore, Maran ruled in the *Shulhan Arukh* (159:19) that when someone immerses his hands it is not necessary to raise his fingers upward or to dry his hands. The *Ben Ish Hai* (*parashat Tahorot* halakha 12), however, ruled that even when immersing the hands, it is necessary to immerse them three times and then to rub each hand with the other three times to satisfy the requirements of the Kabbalah. The *Kaf Hahayim* Sofer (159:94) likewise wrote that according to the Kabbalah one

שכשוך ידים בכלי

לו. אם הכניס ידיו לתוך כלי של מים ושכשך ידיו בהם אם הכלי מחובר לקרקע לא עלתה לו נטילה. ואם אינו מחובר לקרקע, יש אומרים שעלתה לו נטילה, ויש אומרים שלא עלתה לו. ובשעת הדחק יכול לסמוך על דברי המתירים. [ש"ע סי' קנט ס"ח]. ומכל מקום לא יברך על נטילה זו, וגם יאכל על ידי שיכרוך ידיו במפה. [משנ"ב ס"ק נו, כה"ח ס"ק סג]

ואם אחר כך נזדמן לו ליטול בדרך נטילה, נוטל בלא ברכה. [ש"ע שם]. ונכון שיגע במקומות המטונפים, ואז יברך בנטילה השניה. [כה"ח שם]. אמנם אם לא ידע ובירך בנטילה ראשונה, כשיטול שנית לא יברך. [כה"ח שם]

Day 51

Immersing Hands in a Container of Water

A container attached to the ground

36) If a container is attached permanently to the ground and filled with water, one cannot fulfill the mitzvah of *netillat yadayim* by immersing the hands in it.

A container detached from the ground

The *Poskim* debated the halakha of immersing one's hands in a container if it is not attached to the ground. Some ruled that one may perform the mitzvah in that manner and others ruled that one may not. When someone has no other choice, he may rely upon the lenient opinion, but he must not recite the blessing of *al netillat yadayim*. After immersing his hands, he should wrap them in a cloth so that his fingers do not touch the bread when he eats it. If afterward it becomes possible to perform *netillat yadayim* in the usual manner, he should do so, but he must not recite the blessing at that time, either.[73] The correct course of action is to defile his hands and then perform *netillat yadayim* and recite the blessing. If someone had mistakenly recited the blessing after immersing his hands in the container, he must not recite the blessing again when performing *netillat yadayim* in the usual manner.

must perform the entire procedure of *netillat yadayim* even when immersing the hands, as written in the halakha here.

73. Most *Poskim* agreed that it is not possible to perform *netillat yadayim* by immersing the hands in a container. Since the water is in a container, it must be poured on the hands through *ko'ah gavra*, a person's physical efforts. This might be compared to the mitzvah of the *kohanim* to wash their hands from the *kiyor* (basin) in the *Bet Hamikdash*. Just like the *kohen* cannot fulfill his obligation by immersing his hands in the *kiyor*, as we are taught in *Zevahim* 21a, we cannot fulfill our obligation of *netillat yadayim* by immersing our hands in a container of water.

The lenient position is that there is no halakha that demands that the water be poured by someone onto the hands. The halakha demands only that the water used for *netillat yadayim* be in a container. Once the water is in a container, it makes no difference whether it is then poured on the hands or if the hands are immersed into the water.

Maran cited both these opinions in the *Shulhan Arukh* (159:8). He ruled that when one has no other option one may rely upon the lenient opinion.

All the above discussion concerns immersing the hands in a container that is not attached to the ground. If the container is permanently attached to the ground, all *Poskim* agree that one cannot fulfill the mitzvah of *netillat yadayim* by immersing the hands in it. Such a container appears like a mikveh, but the water in it is unfit for a mikveh since it is being carried in a container. Even if the container holds more than forty *se'a* of water, it is nevertheless disqualified. Even according to Rabbenu Avraham ben David who, as explained above in halakha 30, ruled that one may immerse the hands in a mikveh filled with water that had been carried in a container, that is true only in a genuine mikveh built into the ground. If the water is in a container that was later attached to the ground, however, everyone agrees that it is disqualified for the mitzvah of *netillat yadayim*, as explained by the *Mishna Berura* (*Bi'ur Halakha*) and the *Halakha Berura* (page 124). If someone would immerse his hands in it, he may not eat his bread until he performs *netillat yadayim* in the proper manner, following the ruling of the *Mishna Berura* (159:89).