מתחת לפני הקרקע כעין מי תהום, בזה אפשר להקל, שפנים חדשות באו לכאן. [הגר"ש ואזנר בקובץ מבית לוי ח"ה עמ' סו, להורות נתן ח"י סי' כג. הו"ד בפסקי תשובות עמ' שעו]

**לב.** מים שהיו בתוך כלי, ושהו בבית הכסא, אפילו היו מכוסים, נכון להחמיר היכא דאפשר שלא ליטול בהם את הידים, ובשעת הדחק יש להקל ובפרט בבתי כסאות שלנו. [יבי"א ח"ג סי' א אות י, ח"ד סי' ה]. דין נטילת ידים לסעודה באמבטיה או בבית הכסא, יתבאר לקמן בסימן קס"ה הלכות ג'-ד'.

water is pumped back to the surface, it is considered natural, unused water and it is fit for *netillat yadayim*.[100]



**Water from a restroom**

**32)** It is recommended to avoid using water that was taken from a restroom for *netillat yadayim*, even if the container of water was covered while it was in the restroom. If no other water is available, one may be lenient and use it. This is especially so in restrooms with modern toilet facilities.[101] The halakha regarding performing the mitzvah of *netillat yadayim* in restrooms will be explained below in *Siman* 165:3 and 165:4.

**100.** These are the rulings of Harav Shemuel Wosner and the responsa *Lehorot Natan* Gestetner.

**Putrid water that has been purified**

Harav Yaakov Ades asked Maran the Rishon Letziyon about putrid water that has been purified in a distillation plant. Do we say that now the water is clean and therefore it is fit for the mitzvah or do we say that since it had been disqualified it remains in that status even after it has been purified? In a handwritten responsum, he discussed the issue at length, without concluding with a definite ruling about the water's status or if one may recite a blessing when using it for *netillat yadayim*. This responsum was printed in full in the *Yalkut Yosef* (Vol. III, page 71). Harav Yitzhak Yosef summed up the halakha as "Some *Poskim* ruled that if putrid water is purified it becomes fit for the mitzvah of *netillat yadayim*."

This is not the same as reprocessed sewage, which remains disqualified for the mitzvah as written above. Sewage is used water and it therefore remains as such even after it is purified. The discussion here is about water that was not used but became putrid.

**101.** Our Sages taught us that an "evil spirit" resides in a restroom and contaminates anything brought inside. For this reason, whenever someone enters a restroom he must wash his hands upon exiting, even if he had not done anything or touched anything while in the restroom. The *Shalme Tzibbur* (page 18b) ruled that if someone brought a container of water into a restroom, the water in that container may still be used for *netillat yadayim* if no other water is available. He explained that we may assume that no "evil spirit" has contaminated this water. The spirit seeks out people since they have sacred souls but it has no interest in inanimate objects or material. The *Zivhe Tzedek* (*Y.D.* 116:48) concurred with this ruling. The responsa *Lev Hayim* Palachi (Vol. I, #66), however, argued that the evil spirit of the restroom does contaminate the water. This is likewise the position of Harav Yosef Hayim in his *Od Yosef Hai* (*parashat Toledot* halakha 6). Maran the Rishon Letziyon cited these sources in responsa *Yabia Omer* (Vol. III, #1:10).

In responsa *Yabia Omer* (Vol. IV, #5), Maran the Rishon Letziyon ruled that although food should not be brought into a restroom, if someone did take food into a restroom the food may still be eaten. This is certainly the case if the food was in a closed container. If the food was not in a closed container and it is possible to rinse it off, one should rinse it three times to rid it of the evil spirit before eating it. If rinsing the food will ruin it, one may rely on the opinion of the *Shalme Tzibbur* that no evil spirit contaminates inanimate things such as food or beverages. Another basis for leniency is that some *Poskim* decided that this evil spirit existed in the Talmudic era but not in our times. Someone who refrains from eating any food that was brought into a restroom and serves it only to small children will receive a special blessing from Heaven. If he is lenient and eats it himself, however, he has committed no sin.

In practice, one should try to avoid using water that was in a restroom for *netillat yadayim*. If no other water is available, however, one may use it and recite the blessing. This is especially so since our modern toilet facilities are flushed after each use. See responsa *Yehave Da'at* (Vol. III, #1).

## סוגים שונים של מים

**לג.** אין ליטול ידיו בכלי שממלא אותו בשלג או ברד, אלא אם כן ריסקן או הפשירן עד שנעשו מים. ואם אינו יכול להפשירן, ואין לו מים אחרים, יטול מהם רביעית בלא ברכה. [ראה ש"ע סי' קס סי"ב, משנ"ב סקנ"ח, כה"ח ס"ק סד].

והנוטל חתיכת שלג בידו ומשפשף ידיו בהם, לא עלתה לו נטילה, לכל הדעות. [ראה א"ר סקכ"ב, בא"ח פ' קדושים הלכה טז]

**לד.** לטבול ידיו בשלג, אם יש שלג ארבעים סאה בתוך גומא, מותר להטביל ידיו בהם, וכשרים מדין טבילה. ויש מתירין אפילו אם אין השלג בתוך הגומא, אלא שטוח על פני הארץ, אך מכל מקום

## Water From Various Sources

**Snow and ice**

**33)** It is not possible to perform the mitzvah of *netillat yadayim* by pouring snow or hailstones from a container onto one's hands. First the snow or ice must be melted and then the water may be used. If it is not possible to melt it and no liquid water is available, one may perform the mitzvah by pouring *revi'it* of the snow or ice on the hands, but one must not recite the blessing.[102] It is certainly not possible to perform *netillat yadayim* by rubbing one's hands on a snowball.

**Mikveh of snow**

**34)** If forty *se'a* of snow is collected in a pit, some *Poskim* ruled that it is possible to perform *netillat yadayim* by immersing one's hands in the snow. Others ruled that this is permissible even if one immerses the hands in snow on the ground's surface and not in a pit, as long as there are forty *se'a* of snow.[103] Nevertheless,

**Performing *netillat yadayim* in a restroom or bathroom**

It is permissible to perform *netillat yadayim* in a bathroom that has no toilet facilities. One should exit the bathroom before reciting the blessing. If there is a toilet facility in the bathroom, one must not perform *netillat yadayim* there unless it is impossible to do so elsewhere. See below in *Siman* 165:3 and 165:4.

**Water stored underneath a bed**

If someone slept on a bed while a container of water was stored underneath it, it is best not to use this water for *netillat yadayim* or to drink it. If no other water is available, one may use this water for *netillat yadayim* and recite the blessing.

Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. I, #9) ruled that one should follow the opinion of Harav Eliyahu of Vilna and Harav HIDA that it is forbidden to consume any food or beverage stored underneath a bed. If this will cause a hefty loss, however, there is room for leniency, following the ruling of the *Shevut Yaakov* and several other *Poskim*. Besides, Rambam ruled that in our times there is no such thing as an evil spirit. If the food is still raw, there is even a stronger basis for leniency. Nevertheless, it is proper to be stringent about this unless one faces a hefty loss. If possible, one should pour water three times over the foodstuff before eating it. Some *Poskim* ruled that if no one slept on the bed while the food was under it, it may be eaten even if no hefty loss faces its owner.

Regarding the mitzvah of *netillat yadayim*, one should not use water that had been stored under a bed unless no other water is available. In such a case, one may recite the blessing as well. This is the conclusion of the *Halakha Berura* (page 168). Regarding using this water for *netillat yadayim* upon waking up in the morning, the *Halakha Berura* (Vol. I, page 63) wrote that Maran the Rishon Letziyon told him that one may rely on the *Poskim* who are lenient about this if no other water is available. If other water is available, one should follow the opinion of the *Poskim* who ruled stringently in this matter.

**102.** Maran in the *Shulhan Arukh* (160:12) ruled that one may not perform *netillat yadayim* with snow or ice unless it has been melted. The *Magen Avraham* mentioned that some *Poskim* permit pouring snow onto one's hands from a container if no other water is available. It is possible to rely on this opinion when one has no other choice, but one may not recite the blessing in this case. See the *Kenesset Hagedola* and the *Eliya Rabba*.

**103.** The *Mishna Berura* commented that if someone wishes to take advantage of this leniency, he must make sure that the snow is deep enough to cover his hands when he immerses them in it.

צריך שיהיה בו ארבעים סאה, ויתחוב ידיו בו. ויש חולקין דסבירא להו אין טבילה מועלת לידים בשלג. על כן אין לסמוך על טבילת השלג, אלא בשעת הדחק שאין לו תיקון אחר לעשות. [באו"ח פי קדושים הלכה טז]

**לה.** אין ליטול ידיו ביין לכתחילה. ובשעת הדחק כשאין לו מים אלא יין, רשאי ליטול ידיו ממנו. והוא הדין שרשאי בשעת הדחק ליטול ידיו במי פירות כמיץ תפוזים טבעי וכיו"ב, וכן בשכר המבושל עם מים הנקרא "בירה". והרוצה לברך על נטילה זו יש לו על מה שיסמוך.

**ובסוגי** משקאות קלים למיניהם, כגון מיץ פטל וקוקה קולה, לא יטול ידיו בהם אלא בשעת הדחק כשאין לו מים, ולא יברך על נטילה זו. אמנם אם נוטל ידיו בסודה או ב"ספרייט" שהוא משקה בלא צבע, יכול אף לברך על נטילתו. [ראה אור לציון ח"ב עמ' ש]

there are *Poskim* who ruled that it is not possible in any circumstances to fulfill this mitzvah by immersing one's hands in snow. Therefore, one may rely on this leniency only when one has no other choice.[104]

**Wine or fruit juice**

**35)** If someone has any other choice, he should avoid performing *netillat yadayim* with wine. If no water is available, however, he may use wine. In fact, he may use any natural fruit juice or beer in such a case. There is a firm basis to justify reciting the blessing of *al netillat yadayim* when performing the mitzvah in this manner.

**Soft drinks**

If any of the above beverages are available, one should use it rather than use a colored soft drink such as cola. If cola is the only beverage available, one may use it for the mitzvah but one must not recite the blessing. When using a transparent soft drink such as club soda or lemon-lime soda, reciting the blessing is warranted.[105]

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**104.** Maran ruled in the *Shulhan Arukh* (*Y.D.* 201) that it is permissible for a woman to immerse in a mikveh filled with snow. Rama demurred, ruling that it is best to avoid it. Regarding the mitzvah of *netillat yadayim*, Rama (160:12) referred to his ruling in *Yore De'a*, meaning that it is best to avoid immersing one's hands in snow. The *Ture Zahav* ruled that it is permissible to immerse one's hands in snow even if another source of water is available. Several *Aharonim*, including the *Ben Ish Hai*, however, permitted it only if it is the only option available.

The *Sifte Kohen* did not permit a woman to immerse in snow unless it has been melted into water. The *Magen Avraham* (160:16) cited this ruling, apparently applying the stringency to *netillat yadayim* as well. This is the understanding of the *Mahatzit Hashekel*. The *Eliya Rabba* (cited in the *Sha'ar Hatziyun* 160:61) claimed that it is possible that the *Sifte Kohen* would rule leniently regarding *netillat yadayim*, especially in light of the fact that several *Poskim* permitted a woman to immerse in snow. In practice, one may rely on the lenient opinion of the *Ture Zahav* when no liquid water is available.

**Reciting the blessing when immersing hands into snow**

The *Ben Ish Hai* did not mention whether or not one must recite the blessing when immersing hands in snow for *netillat yadayim*. The *Kaf Hahayim* Sofer (160:64) stipulated that it is possible to recite the blessing only when the snow has been melted into water. Otherwise, one may immerse one's hands in forty *se'a* of snow but without reciting the blessing. The *Halakha Berura* (page 207), however, wrote that since Maran and other *Aharonim* ruled that it is permissible to immerse one's hands in snow when no water is available, one may recite the blessing as well.

**105.** Maran cited several halakhic opinions [from the *Rishonim*] regarding performing *netillat yadayim* with wine or other fruit juices. In presenting this discussion here, the arguments have been organized in the same manner as in the *Otzerot Yosef* (#7). The debate is based on the passage in the Talmud (*Berakhot* 50b) stating that Ribbi Eliezer ruled that one may perform *netillat yadayim* with wine if no water was added to it. If water was added to the wine it may no longer be used for the mitzvah. The *Ha-*