

HALOCHOSCOPE ^{TOI}

Someone is at a rest stop on the road and needs to wash *Netilas Yadayim*. May he wash in the rest-rooms? If there is no towel available, he will have to let his hands dry off. At Which point must he recite the Brocha, *Al Netilas Yadayim*?

The issues:

(A) *Netilas Yadayim* for eating bread

(B) Washing in a rest-room

(C) *Ovair La'asiyasan*, reciting a Brocha before performing a Mitzvah

(A) *Netilas Yadayim*

Certain foods may not be *Tamei* Spiritually contaminated. *Tum'ah* is commonly transferred by touching. Hands touch things, often without the person thinking about what he is touching. Therefore, the Rabbis decreed that certain things contaminate only the hands, as opposed to regular *Tum'ah* which contaminates the entire body. Until the hands are cleansed touching these foods will contaminate them Rabbinically. This *Tum'ah* is removed by washing the hands.

To reinforce the institution, the Rabbis required all people to wash their hands before eating, regardless of which foods they were handling. This is one of the seven positive *Mitzvos Miderabanan*, and has a Brocha recited for it. Today, we do not practice the laws of ritual purity. Nonetheless, the Rabbinical institution still applies, in anticipation of the rebuilding of the *Bais Hamikdash*.

Some commentators add that the Rabbis linked this Mitzvah (by *Asmachta*.) to a Passuk in the Torah: "You shall sanctify yourselves and be holy..."

The terminology used by the Torah when commanding the Mitzvah of *Terumah* (tithes, the most common holy food) refers to grain, which is primarily used for bread. Accordingly, *Netilas Yadayim* is only required before a bread meal. [See *Brachos* 53b, *Chulin* 105a-b, 106a, *Chagiga* 18b, *Poskim*. *Rambam Hil. Brachos* 6:1-2. *Toras Habayis* (Rashba) *Bayis* 6: Shaar 1. *Tur*, *Bais Yosef*, *Shulchan Aruch Orach Chaim* 158: *Levush*, commentaries.]

The *Tum'ah* on unwashed hands does not automatically contaminate non-*Terumah* solid food, but contaminates liquids, which can in turn contaminate non-*Terumah* foods. Therefore, though there is no *Tum'ah* on the food we eat

today, we may not simply wet our hands and then eat. The water on the hands becomes Tamei from the hands. Therefore, Netilas Yadayim water is poured from a *Kli*, receptacle. This way it is a form of ritual cleansing, similar to immersion in a *Mikvah*. The *Kli* must hold a *Revi'is*, the minimum liquid measure for most Halachic purposes. This shows that it is a *Kli Tashmish*, a receptacle made for a use. The amount of water that one must start with for Netilas Yadayim is also a *Revi'is*, in part, because this is the minimum required Scripturally to cleanse small items from Tum'ah. Since the first water is contaminated, it is washed off with a second lot of water, unless a whole *Revi'is* was used in the first gush. [See Yadayim 1:1-2. Chulin 105a-107b. Rambam Hil. Keilim 2:1. Sh. Ar. O.C. 159:1-5, 7, 9.]

(B) Washing in a rest-room

In a rest-room one may not recite Brachos or study Torah. This is based on two Mitzvos, *Vehaya Machanecha Kadosh*, your "encampment" shall be holy, and *Lo Yir'eh Becha Ervas Davar*, [Hashem] shall not see nakedness in you. [Parshas Ki Seitzei 23:15.] These forbid associating with holy matters in the presence of indecency. Scripturally, only in the presence of solid fecal waste, and the receptacle used for the same, must one refrain from Brachos. Rabbinically this is extended to include liquid waste. This automatically included rest-rooms due the absence of plumbing, except for Persian rest-rooms, which were viewed as being exceptionally clean when not in use. Many Poskim, therefore, do not include our rest-rooms in this category, when not in use, due to modern plumbing. In addition, the room is not designated for relieving alone but also for washing ones hands and face. Consequently, though it is better to recite the Brocha outside the room, the Netilas Yadayim may be done in the room, when there is no other choice.

However, an additional problem arises. A *Ruach Ra'ah*, bad presence, in these rooms attaches itself to the hands. One must wash Netilas Yadayim to remove the *Ruach Ra'ah* after leaving the room. Thus, it would not help to wash in a bathroom anyway. Some Poskim maintain that there is no *Ruach Ra'ah* in modern rest-rooms, due to our plumbing systems. Others point out that washing will remove the *Ruach Ra'ah*, and while the hands are wet it will not reattach. Therefore, one may wash inside the bathroom and dry the hands outside. The water is not stored in the bathroom but in pipes in the walls, and is concealed from the *Ruach Ra'ah*. All Poskim agree that using the rest-rooms for this is not desirable and should only be used when there is no other choice. [See Brachos 23a-26a 62a. Shabbos 10a-b 40b. etc. Commentaries Poskim. Tur Sh. Ar. O.C. 3:1 4:18 73-87. Aruch Hashulchan

74:4. Taz 84:2. Chazon Ish O.C. 17:4 24:26. Minchas Yitzchok III:36 Chelkas Yaakov I:205 II:162 Yabia Omer III:1-2 Shevet Levi O.C. 3 Tzitz Eliezer VII:5.]

In our case, the room is in use. There is an advantage if the washing area is partitioned from the urinals. Nonetheless, the best solution would be to remove water from the rest-room to wash outside. Second best would be to wash inside, then to dry the hands outside. If the room has no portable towels one would have to let them dry by themselves outside. Is this preferable, or should one wash and dry them inside? Assuming that a Brocha can be recited in the washing area, albeit not so desirably, is there an advantage to letting the hands dry outside? Since the Brocha will anyhow be recited outside, maybe one should not dry them manually first. Should one recite the Brocha before entering the rest-room in this case?

(C) Ovair La'asiyasan

The Rabbinical institution of Brochos on Mitzvos is based on a number of Scriptural ideas, including a link to the blessings after meals and before Torah study. The Talmud debates when this Brocha should be recited. In one view it is recited while performing the Mitzvah, in the other view beforehand. The latter view, which is followed, is explained to mean that one sanctifies himself and accepts the yoke of servitude to Hashem before performing a Mitzvah. An exception to the rule is the immersion of a convert. He can not recite a Brocha detailing his sanctity and obligation before he is a Jew. Therefore, he recites it afterwards. Some commentaries add other types of immersion, either because prior to immersing one may not recite Brochos, or because the same Brocha is recited. Therefore, the institution of this Brocha was to recite it after the Mitzvah.

The Poskim raise the issue of Netilas Yadayim. In some situations, such as when one has filthy hands, he may not recite Brochos until after washing them. Another factor is added. As we mentioned in section B, one may not eat with wet hands. therefore, even after washing, one has not completed the Mitzvah. If part of the Mitzvah remains to be performed, reciting the Brocha at this point is still considered *Ovair La'asiyasan*. The Poskim debate whether it is therefore preferable to wash before the Brocha, or whether one with clean hands may recite the Brocha before washing. The Sefardim have the Minhag to recite the Brocha between the two washings. The Ashkenazim recite it before drying the hands.

If one performed a Mitzvah (other than the immersion of a convert) without first reciting the Brocha, the Poskim debate whether he may recite it afterwards. Some maintain that there is no provision for reciting it later, just as one may not recite the

Brocha on food after consuming it. Others maintain that Brochos on Mitzvos are not the same, and may be made up for immediately following the Mitzvah. Some maintain that since the matter involves uttering Hashem's Name, the rule of refraining from Brochos in cases of doubt applies.

In the case of Netilas Yadayim, reciting the Brocha after drying is more complicated. The implication of the arguments made to recite it after washing are that it is permissible to recite it afterwards. The idea that not having dried the hands yet extends the performance of the Mitzvah seems to be an additional feature. In addition, there are cases when drying is not essential, such as when dipping them in a river or pouring an entire *Revi'is* over them. However, in these cases maybe one should actually say the Brocha beforehand. Thus, the Poskim debate whether one may recite it after drying the hands. Though the majority rule that one may do so, it is recommended to try to satisfy the minority view. [See Yerushalmi Brochos 9:3, Psachim 7b (Tosafos) Poskim. Tur Sh. Ar. O.C. 158:11-13, Yoreh Deah 19:1 (Shach 3), commentaries. Shaagas Aryeh 26.]

In our case, what if one will not be doing an act of drying? Does allowing them to dry also extend the performance of the Mitzvah? Would it be preferable to say the Brocha before washing? Is it preferable to wait before washing until a tissue or the like is available to dry them on? In light of the source of the water, it would seem more appropriate to wash first. Since it is anyhow preferable not to wash inside the rest-room, it would certainly seem better to recite the Brocha outside, and even better to both wash and recite the Brocha outside. The main reason that the drying is considered an extension of the Mitzvah is that if the purpose is to eat without defiling the food, and wet hands defile it anyhow, drying them is part of the Mitzvah. The argument could therefore be made that until the hands are dry, whether manually or by themselves, the Mitzvah is incomplete. If so, one could recite the Brocha as long as his hands are wet enough to wet the food. Accordingly he need not wait until he has a drying utensil. He may wash, recite the Brocha, and wait for his hands to dry.

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1516 KANSAS AVE.
WHITE OAK, PA 15131 (412) 673-6274
e-mail: halochoscope@altavista.com