

HALOCHOSCOPE

This week's question:

A large institution temporarily has no water. The administration distributed plastic gloves so they may eat bread without washing *netilas yadayim*. One person has her own supply of bottled drinking water. Is it preferable for her to use up her drinking water to wash her hands, or should she rather not act differently from everyone else?

The issues:

- A) *Netilas Yadayim*, washing hands for bread
- B) *Krichas Mapah*, covering the hands when no water is available
- C) Using drinking water; *Prisha Min Hatzibur*, separating from the 'crowd'

A) *Netilas Yadayim*

The *mitzvah* of *netilas yadayim* is Rabbinical in origin. It was instituted by *Shlomo Hamelech*. At the time he instituted it, a heavenly voice proclaimed the joy of Hashem with the wisdom of *Shlomo*. *Netilas yadayim* is used as an example of how serious the Rabbinical institutions are, that one who violates them is liable to die, though not by the hands of *Bais Din*. One who takes this *mitzvah* lightly, such as one who is not careful to perform it correctly, or one who neglects to perform it conscientiously, is liable to a ban of excommunication, to become poor and to be removed from the world. The only true exemption from this obligation is a soldier in an army camp.

The original reason for this institution was *serach terumah*, as an appendix to the caution one must exercise with regard to *terumah* food. One of the *mitzvos* related to agriculture in *Eretz Yisroel* is *terumah*. A portion of the harvest must be separated after the entire crop has been processed and ready for milling. This portion is given to the *kohain*. Then various other tithes are separated. Scripturally, there is no specific amount for this separation, but the standard is to give one fiftieth, or 2%. Once this part has been separated and designated it attains a level of holiness and it may not become *tamei*, ritually defiled. It may only be eaten by a *kohain*. A non-*kohain* who eats it intentionally is liable for death, and if he ate it unintentionally he must repay the *kohain* and add a fifth of its value (actually, a quarter that becomes a fifth of the total). If it does become *tamei* it may not be eaten, with a severe penalty for one who eats it anyhow. Defiling *teruma* or other *taharos*, or otherwise spoiling or destroying it is forbidden Scripturally. Therefore, it is important that one who both handles and eats them observes these laws carefully.

A *kohain* wishing to eat *terumah* or any other *taharos*, foods requiring ritual purity, would normally observe the laws of *tum'ah* and *taharah* meticulously. If he was in the habit of eating them regularly, he would make a habit of observing these laws all the time, even when eating non-*taharos* food. Nonetheless, the Rabbis deemed it necessary to institute additional laws of *taharah*. One of these is *netilas yadayim*.

One who is truly *tamei*, contaminated by contact with a source of ritual defilement,

must go through a full *taharah* process, ritual cleansing. This involves immersion in a kosher *mikvah*, body of water qualified for this purpose. It also involves waiting until evening, or, in some instances a longer period, and for some, more steps in the process. *Tum'ah* is commonly transferred by touching. This is not limited to touching with one's hands, but the hands are always touching things. Often the person does not think about what he is touching. Therefore, the Rabbis decreed that certain things make only the hands *tamei*, with no requirement for immersion. Until the hands are cleansed one may not touch *terumah*. Touching it will contaminate it Rabbinically. This *tum'ah* is removed from the hands by washing them in the prescribed manner. It seems that this was instituted by the earlier generations, probably at the time of *Moshe* or *Yehoshua*. *Shlomo Hamelech* reinforced the institution by ruling that there is a general requirement across the board. Everyone must wash their hands before eating, regardless of whether they are *kohanim* or are eating or handling *taharos*.

Regular Rabbinical institutions are fences to protect one from violating a negative *mitzvah*. Thus, they are in a negative format, with no action required. *Netilas yadayim* is a positive *mitzvah*, one of seven rabbinical *mitzvos*. Therefore, a *brocha* is recited on it.

Nowadays, we do not practice the laws of *tum'ah* and *taharah*. The primary reason for this is that we are all considered *tamei'ei mais*, contaminated by direct or indirect contact with a corpse. This level of *tum'ah* is only fully cleansed with the parah adumah process, the red heifer that requires the rebuilding of the *bais hamikdash* for its preparation. In addition, many other laws of *taharah* are related to the *bais hamikdash*. We still separate *terumah* and *chalah*, the tithe from dough, though the grain or dough is presumed to have already become defiled. These tithes apply even nowadays, at least, Rabbinically, and at different levels depending on location. Accordingly, one could say that the institution of *netilas yadayim* should not apply to us. However, it was instituted as a *mitzvah* across the board, to apply at all times, in anticipation of the rebuilding of the *bais hamikdash*, may it be speedily in our days.

A second reason for the *mitzvah* is offered by some commentators. The Rabbis [*Shlomo* and his *bais din*] instituted this *mitzvah* for general spiritual cleanliness and holiness. This is linked by *asmachta*, a reference in the Torah indicating that it was an accepted practice back then. 'You shall sanctify yourselves and be holy ...' (*Shemini 11:44*). Another opinion in the Talmud links it to a verse that seems to state that one form of *tum'ah* remains if the *tamei* person does not wash his hands. This is superfluous. He is anyhow *tamei* until he immerses in a *mikvah*. Therefore, it is seen as an allusion to the Rabbinical institution of *netilas yadayim* that does not require immersion in a *mikvah*. There is even an opinion that implies a possible Scriptural *mitzvah* from this source. At any rate, it would appear that the rabbinical *mitzvah* dates back to the days of *Moshe*.

The *mitzvah* was only instituted for certain foods. First and foremost, it applies to one who will be eating bread. This is because the terminology used by the Torah in teaching the *mitzvah* of *terumah* refers to grain. Grain is primarily used for bread. For a bread meal one washes and recites the *brocha*.

For other foods, one must also wash if he plans to dip them in a liquid when eating them. He does not recite a *brocha*. The reason for this requirement is that to be susceptible to become *tamei* food must be wet before being handled by the *tamei* person. There

are seven liquids that qualify for this *hechsher*, preparing the food for susceptibility. They are wine, honey, olive oil, milk, dew (condensation), blood and water or any liquid containing them. [This is why we wash without a *brocha* at the *seder* before eating *karpas* in saltwater.] These liquids were given a precautionary status by the rabbis. When they are touched by something that has secondary *tum'ah*, they become elevated to the level of primary *tum'ah* and can make the food they touch primary *tum'ah* as well. Therefore, the Rabbis extended this to require anyone eating this way to wash *netilas yadayim*. This applies to eating the foods with one's fingers, making them wet. There is also a specific procedure for *netilas yadayim*, so that the hands will not simply be wet, that might itself cause them to become Rabbinically *tamei*. One must also dry them properly before beginning to eat.

When eating too small an amount of bread to become *tamei*, one need not wash. The poskim debate whether this minimum is the size of an olive or of an egg. Therefore, when eating the size of an olive one should wash without reciting the *brocha*. [See *Brochos 53b*, *Shabbos 62b*, *Eruvin 21b*, *Psachim 115a*, *Chagigah 18b*, *Sotah 4b*, *Chulin 105a-106a*, *Poskim. Tur Sh. Ar. OC 158*, commentaries.]

B) Kerichas Mapah

Since the issue that prompted the institution of *netilas yadayim* was the defilement of the hands, what if the hands will not come in contact with the food? For example, one could eat with a spoon or one could wrap his hand in a cloth. The Talmud states that the Rabbis allowed wrapping of a cloth for those who eat *terumah*, but not for those who eat *taharos*. This is referring to two groups of people. *Kohanim* who eat *terumah* regularly are in the habit of taking extra care with all of their food, including non-*taharos*. Others, who do not eat *terumah* (or *chalah*) regularly, but occasionally eat food from a *korban*, that has similar precautionary restrictions, are not in the habit of taking so much care. Wrapping with a cloth is considered a relaxation of the main *mitzvah*. People relying on it might tend to take the issue of the *tum'ah* lightly. Therefore, the Rabbis relaxed it for the *kohanim* who are in the habit of taking extra care anyhow, in the knowledge that they will be careful not to take the cloth off and touch the food. Others may not rely on it.

Many poskim apply this ruling nowadays as well. Thus, since none of us practice the care of the *terumah* eaters, we may not rely on this dispensation. However, others maintain that the ruling of the Talmud applies to non-*taharos* foods on a higher level. Those who knew they would be eating this type of holier foods, would also eat their *chulin*, plain foods, with the purity applied to *terumah* or to *taharos*. These foods require a higher level of cleanliness. They require *netilas yadayim* in their own right, with additional care. For these foods the Rabbis restricted the application of the leniency of *krichas mapah*. True *terumah* does not have the restriction, and one could rely on *krichas mapah* for it. Our *chulin* is totally mundane, with no connection any level of cleanliness. It is, in fact, presumed to be *tamei* anyhow. The entire concept of *netilas yadayim* is only *serach terumah*, an appendix to *terumah*. Therefore, our *chulin* should not be treated more stringently than true *terumah*, and we may rely on *krichas mapah* nowadays.

If one is traveling and does not have water available for *netilas yadayim*, he must go out of his way to find it. The Talmud obligates one to travel a distance of four mil ahead, i.e. that takes seventy-two minutes, or less than eighteen minutes back, if he knows that

he will get water there. Otherwise he may not eat bread. The poskim discuss whether he may rely on the lenient view that *krichas mapah* may be used, in this kind of difficult situation. Many poskim permit it, and that has become the prevailing practice. Some suggest that one should try to practice stringency. If one is very hungry, he might want to rely on this, because otherwise he will be endangering himself. [See Psachim 46a, Chulin 107b, poskim. Tur Sh. Ar. 163, commentaries.]

C) Drinking water

The Talmud says that one must always drink with his food. If one eats solid food without drinking he is causing the onset of stomach sickness. This need not be water, but any drink. However, the Talmud also says that after drinking other liquids one must drink water. If he did not he should be concerned for other things. Though these are not necessarily adhered to, nor relied on to deal with a health issue, Talmudic dicta should affect *halachic* rulings. Accordingly, if one has water but needs it to drink, he should be allowed to rely on *krichas mapah*. Furthermore, there should be no requirement to go out and buy specially bottled water when there is no other water for *netilas yadayim*.

However, the Talmud records a story about *Rabi Akiva* in jail. He was brought a measure of water each day. One day the guard stopped his messenger and spilled half the water. Rather than drink the remainder and eat without *netilas yadayim*, *Rabi Akiva* used the remainder for washing. He did this despite the chance that the lack of water would cause his death. He felt that this would be preferable to the death liability for violating *netilas yadayim*. Accordingly, those who wish to practice stringency and use drinking water for *netilas yadayim* in this situation have a precedent to follow.

One must avoid doing something differently from the group and causing strife. Those who see one person act more piously will take it as a condemnation of their own lack of piety. In our situation, where the group is using *krichas mapah*, one individual should not make it obvious that she wishes to wash with bottled drinking water. If she wishes to do it anyhow, she should wash in her private room and then wear the gloves like everyone else. Since many poskim rule against *krichas mapah*, and there is always the chance that she might remove the glove, the *netilah* would be permissible with a *brocha*. [See Brochos 40a, Shabbos 41a, Eruvin 21b, Psachim 50a etc., Poskim.]

On the Parsha ... And if [Hashem] will give me bread to eat and a garment to wear ... [25:33-34] Some say the bread refers to various *mitzvos* to do with bread and the garment refers to *talis*. In the *Bais Hamikdash* bread refers to the *lechem hapanim*. Outside the *Bais Hamikdash*, in the rest of *Eretz Yisroel* it refers to *challah*. [*Baraishis Rabah* 70:5] Perhaps we may suggest, Yaakov was going into *galus*, where he would not be observing *terumah* or eating *taharos*. He wanted a *mitzvah* to remind him of it. Without bread, he would not have the *mitzvah* of *netilas yadayim*. Yaakov wanted to be sure that he would always have the opportunity for this Rabbinical *mitzvah*, along with *bircas hamazon*, which is the only Scriptural *brocha* according to many.

🕯 Sponsored by Dr. Dennis Borochovitz, in memory of his mother, Sarah

Rivkah bas Yisroel a"h, whose Yahrzeit was on the Rosh Chodesh Kislev. 🕯

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