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Dedicated in memory of
Joseph Y. Nadler *z”l*, Yosef ben Yechezkel Tzvi

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***Shiur* #09: *Netilat Yadayim* (4)**

**Rav David Brofsky**

**Introduction**

 Last week, we discussed which liquids other than water may be used for *netilat yadayim*. The *Rishonim* disagree as to whether one may use wine, fruit juice, or even honey and beer. The Shulchan Arukh (160:12) cites three opinions – the view which limits *netilat yadayim* to water, the opinion which permits using wine for *netilat yadayim* (the Rema limits this to white wine), and the view which permits using all juices in extenuating circumstances. The Rema adds that even beer or cooked honey may be used if necessary. The Mishna Berura (63) rules that one should be strict regarding wine, but one may use fruit juice “*bi-she’at ha-dechak.*”

 We also explained that one may not use water whose appearance has changed (*Yadayim* 1:3; Shulchan Arukh 160:1), water with which a *melakha* was performed (Shulchan Arukh 160:1), or water which is unfit to be drunk by cattle (Shulchan Arukh 160:9).

 In addition, we cited a debate regarding whether one may use water whose temperature is above *yad soledet bo*. Although the Shulchan Arukh (160:6) rules that one may wash his hands with hot water, the Mishna Berura (27) suggests that one allow hot water to cool down before using it for *netilat yadayim*, out of concern for those opinions that prohibit washing with water hotter than *yad soledet bo*.

 Finally, we questioned how much of one’s hands must be washed. We cited a debate between the Rosh and Rif regarding whether one must wash the entire hand until the wrist (Rif), or only until the fingers (Rosh). The Shulchan Arukh (161:4) cites both opinions and concludes that it is appropriate to act in accordance with the stricter opinion.

 This week, we will discuss the requirement of “*ko’ach gavra.*”

***Ko’ach Gavra***

As mentioned previously, *netilat yadayim* can be performed in two ways: immersing one’s hands in a river, spring, or lake, or pouring a *revi’it* of water over one’s hands. The Talmud teaches that there are two halakhic requirements related to the pouring of water over one’s hands: the water must come from a vessel (as we have already discussed) and it must be poured through *ko’ach gavra*, human force.

Regarding this second requirement, the Talmud teaches:

R. Papa said: A person may not wash the hands in a dike used for irrigation, because [the water] there does not run directly from the human act. If, however, he is quite close to the bucket, he may wash his hands [in the dike], because there it runs directly from the human act. (*Chullin* 107a)

This passage teaches two *halakhot*: that the water must be poured directly from a human act (*ko’ach gavra*) and that one may wash his hand in a dike close to where the water is poured, as that water at that stage is moving due to *ko’ach gavra*, and not due to gravity or inertia. The Beit Yosef (259) cites the *Hagahot Maimoniyot*, who explains that the requirement of *ko’ach gavra* is learned from the verse “And the clean person shall sprinkle upon the unclean” (*Bamidbar* 19:10).

Interestingly, Tosafot (*Chullin* 107a, s.v. *de-lo*) cites the Behag, who maintains that immersing one’s hands in a vessel is considered a valid form of *netilat yadayim*. *Ko’ach gavra*, he argues, is only required when one washes his hands outside of a vessel; when one washes his hands inside of a vessel, *ko’ach gavra* is not necessary.

 Although most *Rishonim* reject this view, the Shulchan Arukh (159:8) cites it and writes that one may rely upon it in extenuating circumstances. However, if afterwards one is able to wash his hands from a vessel, he should wash again without a blessing. The Mishna Berura (55) offers an example of such extenuating circumstances, such as a case in which the vessel is too heavy to lift and one can only immerse his hands in the water.

 The Taz (11) cites R. Shlomo Luria (Yam Shel Shlomo, *Chullin* 8:23), who rules that one should not rely upon the position of the Behag even in extenuating circumstances. The Chayei Adam (38:3) writes that one who must immerse his hands into a vessel should not recite the blessing and should wrap his hands in a cloth before eating, and the Mishna Berura concurs.

 When one does not have a vessel, may he wash his hands from a faucet? The *Rishonim* (see Rosh, *Chullin* 8:14; Mordekhai, *Berakhot* 200–201) write that if one opens the spigot of a bucket filled with water and it pours onto one’s hands, that is considered to be *ko’ach gavra*. The Shulchan Arukh (159:9) codifies this ruling, but writes that one must open the spigot repeatedly, for each flow of water. Apparently, water that flows from the bucket after the initial burst is not considered as resulting from *ko’ach gavra* (see Bi’ur Halacha, s.v. *be-khol shefikha*).

The Chayei Adam (ibid.; see also Mishna Berura 159:47) writes that if one pumps water from a river to a basin, while the water is being pumped, the water in the basin is considered to be connected to the river, and one may therefore immerse his hands in the basin. However, once the flow of water is interrupted, one may not immerse his hands in the basin. Furthermore, one may not wash his hands under the stream of water from the pump, as the pump is not considered to be a vessel.

The *Acharonim* write that one may not open the faucet over a basin and immerse his hands in the basin, as one cannot assume that the water from the faucet is “connected” to a body of water. However, may one open the faucet over his hands and assume that the initial water released is considered to be “*ko’ach gavra*”?

The *Acharonim* (Zekan Aharon 2:1; Tzitz Elizer 8:7; Yaskil Avdi OC 5:26) discuss whether one can consider the “*dud*” (boiler) located on one’s roof and the pipe which brings the water to the faucet to be a vessel. The Tzitz Eliezer permits one to wash from a faucet by opening and closing the tap in extenuating circumstances. Nowadays, cold water is not stored in boilers on rooftops, and hot water, depending upon how it is heated, is often not stored in a separate boiler. Accordingly, one should not wash his hands from a faucet. We will discuss what one should do if he is unable to wash *netilat yadayim* in a future *shiur*.

 Finally, who may pour the water over one’s hands? The *mishna* (*Yadayim* 1:5) teaches that “all are fit to pour water over the hands, even a deaf-mute (*cherish*), an imbecile (*shoteh*), or a minor (*katan*).” In addition, the *mishna* cites a debate regarding whether an ape (*kof*) may also pour water over one’s hands to fulfill the *mitzva* of *netilat yadayim*. The *Rishonim* disagree as to whether we rule in accordance with the view that validates *netilat yadayim* performed by an ape or not.

The Shulchan Arukh (159:11-12) rules that anyone can pour water over one’s hands, including a *cheresh*, *shoteh*, and a *katan*. Regarding an ape, he cites two views and indicates that he accepts the lenient position. The Rema rules that one should be stringent regarding an ape, and also comments that a child under six years old is no different than an ape regarding this *halakha*. Although it may seem rather uncommon to have an ape pour water over one’s hands for *netilat yadayim*, this case is relevant in determining whether the act of pouring the water must be done as a deliberate act (see Shulchan Arukh 159:12) and what suffices as “intention.”

Next week, we will discuss the manner in which *netilat yadayim* is performed.