The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Wed, February 16, 2022 ■ ט"ו אדר א', תשפ"ב
סימן קנ"ט סעיף ח'

Overview

Siman 159 Seif 8:

If one inserted his hands into a utensil filled with water and agitated the water – if the utensil is attached to the ground he has not properly washed his hands but if the utensil is not attached to the ground some authorities maintain that he has properly washed his hands and others say that he did not. In a difficult circumstance one may rely upon the lenient position. If later on one has the opportunity to wash again he should do so without reciting the beracha.

- Most Poskim do not accept immersing one's hands in a utensil since the water has to flow as a result of a person's force but some Poskim contend that all that is required is that one's hands should be washed from a kli. (M.B. 51)
- Even if the utensil contains 40 seah it is invalid. (M.B. 54)
- Taz in the name of Maharshal contends that even in a difficult circumstance one may not rely upon the lenient position. One who relies upon the lenient opinion should not recite the beracha when he washes, additionally, he should have his hands covered as he eats. (M.B. 56)

Stories to Share

A Detached Vessel

ס' קנ"ט, ח': "אם הכלי מחבר לקרקע לא עלתה לו נטילה..."

On today's amud we find that one may not immerse his hands in a vessel that is attached to the ground.

Building a mikveh is a very complex matter, with many halachos that pertain to the construction. If one could find a way to build a pre-fab mikveh, his invention would likely be quite lucrative.

Someone once asked Rav Shlomo Moshe Amar, shlit"a, "Can I manufacture ready-made leak-proof walls and attach another such wall as a floor as a kind of pre-fab mikveh?"

The rav responded, "If I understand you correctly, you attach the walls and floor to form a sort of room and only then lower this into a cavity in the ground. It must be that then you attach it to the ground. Am I correct? If this is the case, such a structure is prohibited from being a mikveh just like any other detached vessel.

Rav Amar continued, "And even though we hold that a vessel which holds more than forty se'ah cannot become defiled, as we find in the Rambam in Hilchos Keilim, he makes clear that he is referring to a wooden vessel exclusively. So there are two possible reasons why your structure is disqualified. The first is because of the fact that any water placed in this is considered water drawn in a vessel. The second is based on the Tosefta in Parshas Shemini that one may not immerse in a vessel!"

שו"ת שמע שלמה, ח"ד, יו"ד, ס' ה'

Halacha Highlight

Immersing one's hands in water in a utensil

Shulchan Aruch Siman 159 Seif 8

אם הכניס ידיו בתוך כלי של מים

If one put his hands into a utensil of water

Shulchan Aruch presents a disagreement whether immersing one's hands in water contained in a utensil is an effective means of washing one's hands. The stringent position maintains that for netilas yadayim to be effective the water must be poured by human force (כח גברא) and immersing one's hands in a utensil of water does not involve the movement of the water by human force. The lenient position contends that there is no requirement that the water should be poured by human force; the only requirement is that the washing should be done with a utensil (מ"ב ס"ק נ"א). When a person immerses his hands in a utensil he has made his hands tahor with a utensil. Shulchan Aruch rules that in a difficult circumstance, e.g. he doesn't have another utensil and he cannot lift this utensil (מ"ב ס"ק נ"ה), one may rely upon the lenient opinion. If one relied upon the lenient opinion and then the opportunity arises to wash one's hands in the normal manner arises he should wash his hands without reciting the beracha.

When the Mishnah Berurah (מ"ב ס"ק נ"ד) explains the rationale behind the stringent position, he actually presents two reasons why immersing one's hands in water contained in a utensil is ineffective. The first explanation is the explanation cited above that netilas yadayim requires the water to be propelled by human force and if one immerses his hands in the water it was not propelled by human force. The second reason is that netilas yadayim is parallel to the manner of washing hands performed by the kohanim in the Bais HaMikdash and if the kohanim merely immersed their hands in the kiyor the washing was ineffective. A practical difference between these two explanations would be if a utensil is mostly full and one sticks his hands into the airspace of the utensil and with his elbows bangs the utensil causing the water to move and cover his hands. Since his elbow caused the water to move according to the first explanation the washing was effective but according to the second explanation the washing is ineffective since it does not parallel the washing done in the Bais haMikdash (ספר משנה הלכה).