

# HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

## 70 - MODERN TUMAH AND TAHARAH ISSUES

### PART 1 - FOOD DIPPED IN LIQUIDS

OU ISRAEL CENTER - WINTER 2017

1. מסרת גיבורים ביד חלשים ורבים ביד מעטים וטמאים ביד טהורים ורשעים ביד צדיקים

על הנסים בתפילה

*One of the praises of 'al hanisim' on Chanukah is the celebration of the victory of the concept of 'taharah' over 'tumah'.*

- What is the Torah concept of taharah and how do we relate to it in today's world - halachically and hashkafically?

### A] WHAT ARE TUMAH AND TAHARAH?

- Invariably, but inadequately, translated as 'pure' and 'impure'. The expressions are probably best left in the Hebrew.
- טמאה is connected to the word אטום - closed in or blocked.
- They do not relate to physical cleanliness.

2. יראת ה' טהורה עומדת לעד.... (אלשיך - כי בלא חס תהיה לך יראת ה' טהורה תהיה עומדת לעד עמך)

תהלים יט"ו

*Fear of God is described as 'tahor' when it is long lasting.*

3. What is purity? The verse 'the fear of God is pure; it is everlasting' (Psalms 19:10) gives us a clue as to the real meaning of taharah (purity). Purity is that which is permanent. Purity is to be equated with permanent, continuity and everlastingness. Impurity, on the other hand, is to be equated with deterioration, decomposition and temporality. The corpse of a dead person is tameh - impure, because it represents the decomposition and deterioration of a heretofore noble existence. Neveilah (the carcass of an animal) is impure because it represents the deterioration of a former animal existence

R' Ahron Soloveichik, *Torah Tzniut Versus New Morality and Drugs*. Tradition 13:2 (Fall 1972) p.54<sup>1</sup>

*Rav Ahron Soloveitchik explains that 'taharah' really means something which is lasting and 'alive'. Tumah is usually connected with the temporary and finite, often with a connection to death.*

The connections between Tumah and death are clear: - dead human

- dead animal - neveilah
- metzarah - a body slowly wasting away
- niddah - loss of potential life
- keri - loss of potential life
- zav/zava - unhealthy reproductive systems
- yoledet - removal of the life of a child from within the mother.<sup>2</sup>

1. <http://traditionarchive.org/news/originals/Volume%2013/No.%202/Torah%20Tzniut%20Versus.pdf>

2. For a fascinating article on how the tumah of Yoledet fits with the connection with death see *Tumah: Birth as Death* - Rav Uri Cohen - <https://harova.org/torah/view.asp?id=1911>

**B] TAHARAH - APPLICATIONS****B1] IN TEMPLE TIMES**

- Entry to and preparation for entry to the Beit Hamikdash.
- Entry onto Har HaBayit (Zav, Niddah etc).
- Entry into walled cities (eg Metzora).
- Physical contact with other people and kelim (including clothes/furniture as well as pots/pans etc).
- Permissibility to eat certain foods - kodshim, teruma, challah, ma'aser sheni, chulin betaharah.

Note that Seder Taharot comprises 1003 Mishnayot out of a total of 4192 - almost 24%!

**B2] IN MODERN TIMES**

- Mikvah construction
- Niddah issues<sup>3</sup>
- Cohanim and contact/proximity to dead bodies.
- Netilat Yadayim for foods which are wet with the '7 liquids'<sup>4</sup>.
- Entry onto Har Habayit.
- Halachot of Netilat Yadayim for bread.
- Halachot of Schach on a Succah.

NB. Neither kashering kelim nor tevilat kelim<sup>5</sup> are related to taharah issues.

**C] DIPPING FOOD INTO LIQUIDS - THE HALACHIC ISSUE**

4. אמר רבי אלעזר אמר רב אושעיא: כל שטיבולו במשקה - צריך נטילת ידים

פסחים קטו.

*Chazal enacted a rabbinic halacha that if a person eats food which is dipped into liquid they must first wash their hands.*

**A Brief Introduction to the Levels of Tumah<sup>6</sup>**

<b><u>Av HaTumah</u></b> - a source of Tumah:	eg dead body, a person who is tamei met, metzora, niddah/zav, sheretz <sup>7</sup> .
<b><u>Rishon LeTumah</u></b> - a primary recipient of Tumah:	eg a person, kli or food that touched an Av HaTumah.
<b><u>Sheni LeTumah</u></b> - a secondary recipient of Tumah:	eg food (not people or kelim) that touched a Rishon LeTumah.

5. כל שטיבולו במשקין. כגון ירק זכותה או צחומץ לריך נטילת ידים משום משקה. שהידים שניות - וכל הפוסל את התרומה מטמא משקים להיות תחלה

רשב"ם שם

*The halacha of washing on dipped foods is based on a number of halachic principles in the laws of taharot:*

*(i) Chazal enacted that 'stam yadim' - hands which had not been specifically guarded against touching tamei objects - have a rabbinic din of 'Sheni LeTumah' - a second degree tumah. As such, they will invalidate Terumah<sup>8</sup> or Kodshim (which, due to their kodesh status, are more susceptible to contract tumah). Stam Yadayim will not however transmit tumah to regular food - chulin.*

3. Today niddah is more focused on 'issur veheter' between husband and wife, rather than tumah/taharah.

4. Consider the applications of washing/dipping for karpas at Seder.

5. Tevilat kelim is in some ways parallel to a kind of 'conversion' process for the dishes so that they can be put to Jewish uses.

6. This is highly over-simplified. More detail will follow in this and the coming shurim.

7. This is a brief list of some examples - there are almost 20 different Avot HaTumah.

8. Which is one reason for the Rabbinic decree of washing for bread. Cohanim would often eat their grain Terumah as bread and would of course have to wash their hands for this since Stam Yadayim are Sheni LeTumah, which will invalidate Terumah. In order to strengthen this halacha, Chazal required that EVERYONE must wash their hands for ALL bread, even if chulin. In that way, even today when there is no real application for the laws of taharah, the halacha of washing for bread will remain known in preparation for the return of the Beit Mikdash and reestablishment of the laws of taharah. There are however other reasons for the halachic requirement to wash for bread - see below.

(ii) As a separate rabbinic gezeira, since there are liquids which have a status of 'Av HaTumah' (eg the bodily fluids of a Zav) Chazal were stricter in the laws of taharah with liquids than with solids. In particular Chazal often designated liquids as on a higher level of tumah than the corresponding solid. Normally something touching tumah will contract a LOWER level of received tumah (eg Rishon to Sheni). However, Chazal enacted that a liquid touching a Sheni LeTumah will actually contract a HIGHER level of received tumah and will become (at least rabbinically) a Rishon LeTumah. As such, when Stam Yadayim (which are Sheni LeTumah) come into contact with liquids they make them Rishon.

(iii) As such, although Stam Yadayim will not transmit tumah to chulin solid food, if they touch liquids (even chulin) they will make them Rishon Letumah. These tameh liquids will in turn pass on tumah to the chulin to make it Sheni!

6. א כל האוכל הפת שמברכין עליו המוציא צריך נטילת ידים תחלה וסוף. ואף על פי שהיא פת חולין ואף על פי שאין ידיו מלוכלכות ואינו יודע להן טומאה לא יאכל עד שיטול שתי ידיו. וכן כל דבר שטיבולו במשקין צריך נטילת ידים תחילה.

רמב"ם ברכות פרק ו הלכה א

The Rambam<sup>9</sup> rules this halacha in the same place that he rules on washing for bread and clearly equates the two.

7. .... כל הפוסל את התרומה מטמא משקין להיות תחלה הוה לכו הכן פירות כמו נהמא ולריך לטול כמו זבחה. ואין נראה לפרש כן! דאם כן כי פריך 'למה לי נטילת ידים הא לא נגע' - ומאי נפקא מיניה? אפילו אי לא נגע כיון דסוף סוף אכיל משקה המטבול לא גרע מאוכל מחמת מאכיל דבעי נטילת ידים! .... ונראה דנטילה דבכא לא משום קדושה ונקיות כמו זבחה אלא משום שלא יטמא המשקין להיות תחלה .... ולפי זה נראה דאין לצרף על אותה נטילה .... וכ"ש אכן שאין אנו נזכרין מלממאות עזמנו ומלאכול אוכלין טמאין ואין אנו לריכין לאותה נטילה והמצרך הרי זה מצרך זכרה לצטלה ....

תוספות פסחים קטו. ד'ה כל שטיבולו

Tosafot reject the comparison to washing for bread. The halacha to wash for bread is not only based on considerations of taharah, but also on a concept of kedushah at the meal and elevating the activity of eating to compare with that of the Cohanim in the Mikdash. For that reason, Tosafot rule that washing for food dipped in liquid does not require a beracha. This is especially true these days when the laws of taharah do not generally apply.<sup>10</sup>

8. והתקדשתם (ויקרא יא:מד) אלו מים ראשונים, והייתם קדשים - אלו מים אחרונים

ברכות גג:

Chazal link the halachot of washing before and after the meal to the concept of kedushah - to elevate the act of eating.<sup>11</sup>

9. אם אוכל דבר שטיבולו באחד משבעה משקין שסימנם: י"ד שח"ט ד"ם (דהיינו: יין, דבש, שמן, חלב, טל, דם, מים) ולא נתגבג, ואפילו אין ידיו נוגעות במקום המשקה, צריך נטילה בלא ברכה. הגה: ואפי' אינו מטבול רק ראש הירק או הפרי אפ"ה יטול בלא ברכה

שולחן ערוך אורח חיים סימן קנח סעיף ד

The Shulchan Aruch rules that before eating dipped foods one must wash netilat yadayim but without a beracha. This is also the psak of the Rema. This applies to any<sup>12</sup> food<sup>13</sup> dipped<sup>14</sup> into one of the '7 liquids' - wine<sup>15</sup>, honey<sup>16</sup>, oil<sup>17</sup>, milk<sup>18</sup>, dew, blood<sup>19</sup> and water<sup>20</sup>.

This would therefore in principle apply to the following cases:

- Cookies dipped in milk.
- Washed fruit which is still wet.
- Cheese fondue.
- Large pieces of vegetables in olive oil.
- Cake dipped into coffee.
- Apples dipped in honey.
- Wet pickles.
- Olives soaked in olive oil.

9. This is the position of most Rishonim, including Rashi, Rabbeinu Yona and the Rosh.

10. According to other Rishonim - including the Maharam MiRottenburg and the Ba'al Hatur - the entire halacha of washing for dipped food is NOT applicable today.

11. Note other customs at a fixed bread meal which connect the eating to the Temple service - dipping in salt, removing the knives before bentching, throwing the bread to the guests.

12. And not just vegetables as sometimes incorrectly thought.

13. Simply licking these liquids from ones fingers does not require netilat yadayim. Similarly, foods normally eaten with cutlery (eg cereal and milk or chicken in sauce) do not require washing even if eaten by hand (some poskim are stricter if they are actually eaten by hand). Wet foods normally eaten by hand would require washing even if eaten with cutlery.

14. It will also apply if the foods are pre-washed and still (halachically) wet eg washed grapes. 'Halachically wet' means wet enough that if you touched them with your finger, that finger could then make something else wet.

15. Including grape juice.

16. Here bee's honey and not date honey.

17. Olive oil only.

18. Or liquid butter or cheese.

19. For those who are allowed to eat blood.

20. Including salt water - eg on Seder night.

NB fries dipped in ketchup<sup>21</sup> would not require washing as ketchup is not one of the 7 mashkim. The same would apply to sushi dipped in soy sauce.<sup>22</sup>

10. בלא ברכה. תוס' שם דס"ל דהאידינא ח"י נטילה זו אצל כל הגאונים ורוב הפוסקים הסכימו שגם האידינא נוכח כמו פת ולריך ברכה וכן עיקר

ביאור הגר"א אורח חיים סימן קנח סעיף ד

*The Vilna Gaon rules like the Rambam and other poskim who require washing for dipped food WITH a beracha!*<sup>23</sup>

11. (כ) בלא ברכה - כי יש מקלח הראשונים דכברי שלא הלכנו חכמים נט"י לדבר שטיבולו צמסקה אלא צימיהם שהיו אוכלים צטורה משח"כ עכשיו שכולנו טמאי מתים ולכך לא יצרך ענט"י שספק צרכות להקל והנה צמ"א הביא בשם הל"ח דהעולם ונהגים שלא ליטול ויש להם על מה שיסמוכו היינו על מקלח הראשונים הנ"ל. אצל הרבה אחרונים החמירו מאד צדצר וכתבו דהעיקר כרוב הפוסקים דלריך נטילה מדינא אף צזה"ז. ועיין צביאור הגר"א שגם דעתו כן והחמיר מאד צזה שאף לריך לצדצר ע"ז. ולכן אף דהעולם אין ונהגין לצדצר עכ"פ אין להקל לאכול צלי נטילה. ולריך לזה כל דיני נטילה כמו לפת. ומ"מ צפחות מכזית נ"ל פשוט שאין להחמיר צזה כלל דאפי' צפת הרבה אחרונים מקילין וכנ"ל צמ"צ: [נאמנס מהטור (סימן חע"ג ותפ"ו) לא משמע כן עיין שם, וצטלה דעתי מפני דעתו הרחבה ...

משנה ברורה סימן קנח ס"ק כ

*The Mishna Berura quotes the Magen Avraham who records that, these days, many people do not wash AT ALL for dipped food and rules that this is a legitimate opinion for those who rely on it. However, the Mishna Berura himself clearly rules that one SHOULD wash without a beracha.*

This is the psak of many Sefardi<sup>24</sup> acharonim - Ben Ish Chai<sup>25</sup>, Kaf Hachaim<sup>26</sup> and Rav Ovadia Yosef.<sup>27</sup> It is also the psak of the Chazon Ish<sup>28</sup>.

12. האוכל דבר שטבולו במשקה, או שבאה משקה על המאכל ועדיין הוא לח מן המשקה, אף על פי שהוא אינו נוגע במקום המשקה, מכל מקום צריך ליטול ידיו תחלה, רק לא יברך על נטילת ידים. והרבה מקילין בדבר זה אבל כל ירא שמים יש לו להחמיר על עצמו.

קיצור שולחן ערוך סימן מ סעיף יז

*The Kitzur Shulchan Aruch rules that this halacha should be followed by a Yarei Shamayim*<sup>29</sup>.

13. .... דבאמת משום טומאה וטהרה לא שייך אצלינו דאטו אנן נזהרין מטומאה ועיקר חיוב דנט"י הוא מוהתקדשתם וזה אינו אלא בפת באכילה קבועה .... ולדיעה זו אין חיוב כלל בזמן הזה ליטול ידיו לטיבולו במשקה וזה אינו רק בזמן הקדמון שאכלו בטהרה. וכ"כ להדיא הטור לקמן בס"י תע"ג בשם הר"ם מרוטנבורג ומטעם זה מקילים האידינא בזה ...

ערוך השולחן אורח חיים סימן קנח סעיף ד

*The Aruch Hashulchan brings a range of classic poskim who rule that the halacha of washing for dipped food does not apply at all today and that the custom is not to wash.*<sup>30</sup>

Other grounds for leniency include:

- Some poskim are more lenient with cooked liquids.<sup>31</sup>
- Some poskim are more lenient if one will definitely not touch the liquid.
- Some poskim are more lenient where each piece of food is smaller than a kezayit.<sup>32</sup>

21. The main ingredients of ketchup are tomatoes, sweeteners, vinegar, salt, spices, flavorings, onion and/or garlic.

22. Although Rav Ovadia (Yalkut Yosef 158:7) rules that one must also wash for cake dipped in grain whisky, which is difficult to understand.

23. This is also the custom of the Yemenites.

24. See also <http://www.dailyhalacha.com/m/halacha.aspx?id=1562>

25. Tazriah (16).

26. 158:13 and 25

27. See Yalkut Yosef 158

28. O.C.25, 14 & 15 s.v. kasav bM"B. See other contemporary psakim in [https://ohr.edu/this\\_week/insights\\_into\\_halacha/5106](https://ohr.edu/this_week/insights_into_halacha/5106)

29. Which of course raises the meta-halachic question of who classifies as a Yarei Shamayim and when.

30. Rav Melamed in Peninei Halacha recommends washing but explains that many people are lenient not to wash at all due to the concept of 'safek derabbanan'. He writes that, in situations where there is an additional level of safek - eg small pieces of food - there is a 'sfek sfeka' and even more reason to be lenient - see <http://ph.yhb.org.il/10-02-05/>

31. See Yalkut Yosef 158:11 for a discussion of whether one can rely on this.

32. Although on Seder Night we DO wash for karpas even though many have the practice to eat less than a kezayit. Some poskim are lenient even with less than a kebeitza.