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Watching the Mei Chatat

The *Mishnah* (7:11) taught:

If two people were filling [spring water] for *mei chatat* and they [assisted] one another in raising the water or they removed a thorn [embedded in the other's hand], if [they were collecting water] for one *kidush mei chatat* then the water is valid. If it was for two [i.e. they were working independently] then the water is invalid. *R' Yossi* said, even if it was for two, if they stipulated with one another then it is valid.

Why is the water invalid and what is the nature of the stipulation under which *R' Yossi* maintains that the water is valid?

The *Bartenura* explains that if they are working independently, if when one of them helps the other, what he is doing qualifies as a *melacha*. Such an intervening activity unrelated to his own end, invalidates his own water for use.

In order to understand *R' Yossi's* suggested solution we need understand why *melacha* is a problem.

The *Raavad* (*Rambam Para* 7:3) understands that *melacha* itself is only a problem since it constitutes a *hesech daat* – a distraction or loss of focus. The exception to where *melacha* is a problem irrespective of whether there was *hesech daat*, is if *melacha* is performed with the water or the ashes themselves. The reason is that just as *melacha* invalidates the use of the *para aduma*, the same applies for these two critical components.

The *Kesef Mishnah*, when explaining the position of the *Rambam*, however argues that were it true that the reason why intervening *melachot* were problematic was because of

hesech daat then the *Mishnah* should have raised this critical point. The fact that the *Mishnah* did not – the fact that it did not mention that if there was no *hesech daat* then intervening activity would not pose a problem – must mean that *melacha* itself is a problem. He therefore argues that *melacha* is a problem irrespective of *hesech daat* whether it is performed on the water itself or whether it is simply an intervening activity.

It is possible that these two understandings of the problem of *melacha* underpin the two different explanations of *R' Yossi's* solution.

The *Eliyahu Raba* explains that according to *R' Yossi* they can stipulate that they would help one another and they would only do so if the assistance was reciprocated. The advantage of this solution is that due to this condition, when one is helping the other, it can be defined as serving his own end (since he might need help soon as well). It is therefore not be considered an intervening and unrelated activity. One could suggest that according to this understanding, the concern here is redefining that activity so that it does not constitute a *melacha*.¹

Compare this understanding with the following. According to the *Bartenura*, *R' Yossi* explains that they can help each other if they stipulated that while one helps the other, the other will watch over both waters, then that is ok. According to this understanding, it appears no attempt is being made to redefine the *melacha*. This may be because the previous attempt will not help. Another possibility, is that this is because the concern is not the *melacha* per se, but the potential *hesech daat*. Consequently the solution is stipulating that one will care for both waters while the other's focus is elsewhere.²

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¹ The *Tifferet Yisrael*, who also presents this explanation, notes that we have learnt that if two people agree to draw water for each other, then only the second water is valid. Here it appears, that despite agreeing to help one another, it does not help. He answers that there is a difference between filling the water, which is a critical activity, and simply raising the bucket or pulling out a thorn. The latter can be considered superfluous; they are secondary to the main activities. Applying our reasoning, we can say that it is only the minor activities that can be redefined as not constituting a *melecha*.

² The *Tifferet Yisrael* finds this position difficult since we have learnt in previous *Mishnayot* that one can act as a *shomer* for another's *mei chatat* while he engages in other activities. If that is so, how can there be a debate in our *Mishnah*? The *Mishnah Achrona* explains that the debate between *R' Yossi* and *Chachamim* is that same as in the end of *Kinim*. He suggests that perhaps the *Chachamim* disagree there only due to a *gezeira* that people will behave in this manner and forget to proceed it with this *tenai*. While the *Bartenura* rules that the *halacha* is like *R' Yosi* in *Kinim* but not here, this may be simply because we treat the laws of *Para Aduma* far stricter than other places.

