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Mei Shefichut mixed with Rainwater

The *Mishnah* (2:3) discusses the status of a mixture of rainwater and *mei shefichut* (waste water). *Mei shefichut* is assumed to be *tameh*, therefore it appears we are dealing with a mixture of *tameh* and *tahor* water. The *Mishnah* initially teaches that it depends on which water constitutes the majority. If however they are equal, we rule stringently and the mixture is *tameh*. The *Mishnah* then continues by explaining that the proportions are only the determining factor if the *mei shefichut* was first in the mixture. If however it was the rainwater, then even if only a small amount of *mei shefichut* was poured in, the mixture is *tameh*. We shall try to understand why.

The *Rambam* (*Tumat Ochlin* 2:26) explains that when the rainwater precedes the *mei shefichut*, then the latter causes the former to become *tameh*. The *Raavad* comments that he is unsure as to the reason why the order is important. He suggests that perhaps it is because since the rainwater fell first and was long forgotten it too takes on the status of *mei shefichut*. The *Kesef Mishnah* adds that one might ask that if that were the case, the rainwater should be *tameh* even without the additional *mei shefichut*. He answers that the *gezeira* of *mei shefichut*, giving it a *chazaka* of *tumah*, is only when it has a *shem* (name) of *mei shefichut*.

The *Kesef Mishnah* however has a problem with the *Rambam*. If the rainwater preceded the *mei shefichut* we should say that each drop of the latter should be annulled in the majority of the water that is there. He therefore suggest that we are dealing with a case where the water is not still. Consequently, the status of the mixture is determined by whatever came last.

The *Chiddushei HaRosh Troib*, however explains that when it comes to *tumah* and *tahara* the concept of *bitul* (ordinarily) does not apply. With respect to liquids however, if they were not initially *le'ratzon*, then since they are not susceptible to *tumah*, *bitul* can apply. When the rainwater is first and resting there before us, the owner already considers them and they can become *tameh* irrespective of the quantity of *mei shefichut* it mixes with. If however the rain water follows the *mei shefichut*, since they have yet been considered, they are not susceptible to *tumah* and can *mevatel* the *mei shefichut*.

The *Tosfot Chadashim* explains in a similar manner, that we are dealing with a case where the water collects in a *kli*. If the *mei shefichut* is in the *kli* first, the owner clearly is not interested in the rainwater that falls later since it is falling in dirty water. It is not, like the previous explanation, that he has yet to consider the rain water, but rather he will not consider it. If, however the rainwater falls first and the water is useful, even a small amount of *tameh* liquid would cause it to become *tameh*.

The *Mishnah Achrona* goes one step further. He assumes that we are dealing with a *kli* or pit that was set aside to fill with drinking water. He explains that since he is anticipating the rainfall, if it precedes the *mei shefichut* then clearly he is *machshiv* the water and it is susceptible to *tumah*. If it first contains the *mei shefichut*, the rainfall will be of no benefit as it will immediately be spoiled and therefore not susceptible to *tumah*.

The *Mishnah Achrona* finds support for this line of reasoning from another *Mishnah* (4:10). There it teaches that if *tameh* water falls on wood followed by a greater quantity of rainwater, then it is *tahor*. If however one took the wood outside for them to be rained upon, then they are *tameh*. He notes that in that case, the *Mishnah* does not differentiate between the order in which the water falls, but instead whether one took the wood outside to be rained upon. He explains that in that case, the order is irrelevant because one does not want the wood to get wet. It is only when one demonstrates that he does – when he takes them outside to be rained upon – that the water would become *tameh*.

The *Chazon Nachom* explains that we find that the laws of *hechsher* and *tumah* are dependent on the *ratzon* of the owner. When a person pours the *mei shefichut* on the rainwater it is clear that he wants to make the collection a pool of waste water; so the entire mixture is *tameh*. If however the *mei shefichut* was first, then it is not obvious that he wants it to be all waste water. Instead we assume the he is happier to purify the *mei shefichut* and be annulled in the majority rain water that falls.¹

Yisrael Bankier

¹ Rav Lichtenstein (*Shiurei Haral* 128) cites the *Rid* maintains that there is not *bitul* at all when it comes to *tumah*. Our case of *Mei Shefichut* however

is a special *gezeira* in that it is assumed to be *tameh*, consequently it is only *tameh* when it is *be'ain*, ש"ע.

Revision Questions

מכשירין א' ג' – ב' י'

- Explain the debate regarding the previous question where the water falls on to attached fruit. (א' ג')
- What (and whose) opinion does *R' Yehoshua's* present? (א' ג')
- Explain the debate regarding one that shakes water from a bundle of vegetables and the water runs across the lower vegetables. (א' ד')
- What is the law regarding the water that is squeezed out of a leek and what is the law regarding the remaining water? (א' ה')
- What other case brought shares the same law? (א' ה')
- What are the two cases debated by *R' Shimon* and the *Chachamim*? (א' ו')
- What is the law regarding fruit that was hidden in water to prevent their theft? (א' ו')
- What is the law regarding fruit that was placed in the river to float for the sake of transportation? (א' ו')
- What is the law regarding moisture on a building? When does this change? (ב' א'-ב')
- What is the law regarding human sweat? When does this change? (ב' א')
- In what case is the sweat of a *tahor* person *tameh*? (ב' ב')
- What is the law regarding the moisture generated in a house that contains one *tameh* and one *tahor* pool? (ב' ג')
- What are the other three cases that share a similar ruling to the previous question and which case has a condition? (ב' ג')
- What is the law regarding one that washes his clothes with *mei shofchim* and rain falls on them? (ב' ד')
- What other case is listed that shares the same law and what is *R' Yehuda's* opinion regarding both cases? (ב' ד')
- When is there a restriction regarding when one can use a communal bath after *Shabbat*? (Include both opinions.) (ב' ה')
- When would one be forbidden from buying vegetables until the time it takes for them to be imported from a nearby location has past? (ב' ו')
- Explain the debate regarding how one should identify the religion of an abandoned child. (ב' ז')
- When would one not be required to announce that he found a lost object? (ב' ח')
- What is the law regarding bread that is found in a city that is populated by both *Yisraelim* and *goyim*? (ב' ח')
- What is the law regarding meat that was found in such a city? How does the law change if the meat was cooked? (ב' ט')
- When would produce that was found in the street be considered *tevel*? *Chulin*? *Demai*? (ב' י')
- Explain that debate regarding the status of fruit in a storehouse that is shared by *Yisraelim* and *goyim*. (ב' י')

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | שבת קודש |
|------------------------|----------------------|----------------------|----------------------|-----------------------|-----------------------|-----------------------|
| 17 January ז' שבט | 18 January ח' שבט | 19 January ט' שבט | 20 January י' שבט | 21 January יא' שבט | 22 January יב' שבט | 23 January יג' שבט |
| Machshirin 2:11-3:1 | Machshirin 3:2-3 | Machshirin 3:4-5 | Machshirin 3:6-7 | Machshirin 3:8-4:1 | Machshirin 4:2-3 | Machshirin 4:4-5 |

