



Volume 12. Issue 70

## Washing Hands with Drinking Water

The *Mishnah* (1:4) taught that water used for washing dishes or cleaning weights may not be used for washing hands. This fits under the rule stated in the previous *Mishnah* that any water that has been used for *melacha* is *pasul* (invalid). There, the *Bartenura* explains that once used it loses its status of *mayim* (water). The *Rambam* explains that they become *mei shefuchim* (waste water). That said, our *Mishnah* continues that water that has been used to rinse off clean or new dishes is still valid.

The *Beit Yosef* (160:4) quotes the *Terumat HaDeshen* that adds that one might think that water from which a chicken drank would be *pasul*. He cites the *Mishnah* in *Parah* (9:3) that states that any bird that drinks from *mei chatat*<sup>1</sup> is invalid for use, except for a dove. *Rashi* (*Chullin* 62b) explains that since some water would fall back, it is invalid since it is as if *melacha* has been performed with them. The *Tosfot* (*Chullin* 9b) however question the connection between drinking and *melacha*.<sup>2</sup> He also cites the *Ohr Zarua* who rules that water from which a dog drank would be *pasul*. The fact that a dog was singled out implies that any other animal would not be problem. If however drinking is a *melacha* then there should be no difference. Finally, even according to *Rashi*, the *Terumat HaDeshen* reasons that it would only be a problem for *mei chatat*. For washing hands however, the small amount of water that returned after the chicken drank from the water would certainly be *batel* (annulled) in the valid water to which it returned.

The *Beit Yosef* however is not convinced by the proof brought from the *Ohr Zarua*. If the above reasoning is sound, then why is the water *pasul* if a dog drank from it? It would appear that water drank by any animal would be *pasul* and the case of the dog was simply used as one example.

The *Beit Yosef* however a more fundamental issue. Why would an animal having a small drink be worse than using the entire body of water to rinse already clean dishes (which is valid for use)? Furthermore, even according to *Rashi* that

defines drinking as a *melacha* that may only be the case for *mei chatat*. As we have seen in *masechet Para*, we are particularly stringent when it comes to *mei chatat*. It might be that there due the general stringency, we treat even small actions as *melacha* whereas for washing hands it does not qualify. Consequently, he rules in the *Shulchan Aruch* that if any animal or bird drank from the water, it may be used to wash hands.

The *Bach* finds the *Beit Yosef*'s position difficult in that goes counter to the *Ohr Zarua* who cited the *Rabeinu Channanel*. He therefore explains that *Rashi*'s does not mean that the water is invalid because of *melacha*. Instead *Rashi* was explaining that the water from which a chicken drank is *pasul* just like water that had *melacha* performed with it. In other words, just as in the case of *melacha* it is invalid because it becomes waste water, when an animal drinks from the water they become disgusting (*mius*) and likewise will be poured away. He continues that since when a person drinks and some spills back, we discard all the water, this would certainly be true in the case of animals. In contrast, when rinsing already clean dishes, the water is not spoiled and would therefore be valid.

The *Bach* therefore upholds the position of the *Terumat HaDeshen* and the *Ohr Zarua*. In other words, when it comes to birds, the small amount that might spill back is *batel* and the water may be used. If however a dog or pig drank from the water, the water is spoiled and may not be used. The *Mishnah Berura* cites this position that differentiate between cases involving birds and cases involving dogs or pigs. He also cites the *Chaye Adam* who writes that one can rely on the *Shulchan Aruch* in pressing circumstances even in these cases.

As with any of these articles, one should seek the advice of their local halachic authority before drawing any practical conclusions.

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<sup>1</sup> Recall, that this refers to spring water onto which the ashes of the *para aduma* have been placed. That water was used as part of the purification process for one who was *tameh met*.

<sup>2</sup> The *Mishnah Berura* notes that the *Rishonim* provide different reasons why such water would be invalid, but they do not apply to *netilat yadayim*.

**Revision Questions**

ידיים א': ג' – ד': ב'

- When can one use fetid water for hand washing? (א': ג')
- Can one use water into which dye fell? (א': ג')
- Explain the debate regarding using water into which bread fell. (א': ג')
- Can one use water that was used for washing utensils? (א': ד')
- Regarding the previous question, does it matter if the utensils were brand new? (א': ד')
- Can water from which a baker took water to wet his bread rolls be used? (א': ה')
- Can a *katan* pour water on another person's hands for *netilat yadayim*? (א': ה')
- Can a monkey pour water on a person's hands? (א': ה')
- What is the law regarding one that washed one hand with one pour of water? (א': ב')
- Explain the debate where one washed two hands with one pour of water. (א': ב')
- Explain the debate if *trumah* then fell into that water. (א': ב')
- What is the law if *trumah* fell into: (ב': ב')
  - *Mayim Rishonim*?
  - *Mayim shniyim* that fell in a different place?
  - *Mayim shniyim* that fell in the same place as the *mayim rishonim*?
- What is the law if one washed their hands and then found a foreign item on them? (Include both opinions.) (ב': ב')
- Provide some examples that explain the following: (ב': ג')  
"הַיְדֵיִם מְטַמְאוֹת וּמְטַהְרוֹת עַד הַפְּרֶקֶת."
- What is the law if one washed one hand then rubbed their hands together? Then scratched their head? (ג': ב')
- Explain the following rule providing examples for each: (ב': ד')  
"קִפְּקֵי הַיְדֵיִם לְטַמְאָה וּלְטַמְאָה וְלִטְהָרָה – טְהוֹר."
- Who argues with one of the previous cases and which one? (ב': ד')
- Explain the debate regarding one that places his hand (only) inside a *bait menuga*. (א': ג')
- Which other case is debated in the same manner? (א': ג')
- Explain the debate between the *Chachamim* and *R' Yehoshua* regarding the food that can cause make hands *tameh*. (א': ג')
- Complete the following rule: (ג': ב')  
"כָּל הַ... מְטַמְאָה אֶת הַיְדֵיִם לְהִיּוֹת \_\_\_\_\_."
- Can one hand cause the other to become *tameh*? (ג': ב')
- Can *tefillin* straps make hands *tameh*? (ג': ב')
- Explain the debate regarding how much of the parchment of *sifrei kodesh* can make hands *tameh*. (ג': ד')
- If the writing of a *sefer* becomes rubbed out, how much must remain in order that it can still make hands *tameh*? (ג': ה')
- Which *sefarim* are debated regarding whether they are *metameh yadayim*? (ה': ג')
- What was decided *bo vayom* regarding (and explain each debate):
  - *Areivat ha'raglayim*? (ד': א')
  - *Korbanot* that were slaughtered for the purpose of a different *korban*? (ד': ב')

**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/](http://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
13 March ג' אדר	14 March ד' אדר	15 March ה' אדר	16 March ו' אדר	17 March ז' אדר	18 March ח' אדר	19 March ט' אדר
Yadayim 4:3-4	Yadayim 4:5-6	Yadayim 4:7-8	Uktzin 1:1-2	Uktzin 1:3-4	Uktzin 1:5-6	Uktzin 2:1-2

