



Volume 6. Issue 40

## Invalidating another's Mei Chatat

With the beginning of the seventh *perek* we learn that interrupting with an unnecessary activity (*melacha*) between filling the water for *mei chatat* (*milui*) and sprinkling the ashes of the *para aduma* into the water (*kiddush*) would invalidate the water for *mei chatat*. One case discussed in the first *Mishnah*, for example, is that if one had five containers of water valid and ready for *mei chatat*<sup>1</sup> and then performed *kiddush* on each one, only the first would be valid as the first *kiddush* would constitute *melacha* with respect to those that follow it.

The *Mishnah* then continues by explaining that if one asked another to perform *kiddush* for him depending on how he asked, all five could be valid. If he said “perform *kiddush* for you” then it is no different to the owner performing the *kiddush* himself. The statement “for you” effectively makes it as if the other person filled the water himself (*Bartenura*). If however he said “perform *kiddush* for me” then all are valid. The *Bartenura* explains that the one that filled water did not perform *melacha* and the water did not belong to the one that performed *kiddush*. This ruling is based on the principle that one cannot make *assur* that which does not belong to him.<sup>2</sup>

Not doubting the above principle that one cannot make *assur* another person's *mei chatat*, this case appears to be different. In this case the owner of the water expressly asked the other person to perform *kiddush* – he is his *shaliach*. Applying the principle that a *shaliach* of a person takes his place, why does the second person not invalidate the remaining water after performing *kiddush* on the first container of water?

The *Tifferet Yisrael* poses this question and provides an answer that sheds light on the principle of a *shaliach* takes the place of the sender – *shlucho shel adam k'moto*. Firstly he explains that we apply this principle

when the sender himself must perform the task to which the *shaliach* is being sent to perform. This is not the case for *kiddush*. Even if it was performed without the knowledge of the owner it is valid. Furthermore, the *Tifferet Yisrael* explains that *shlucho shel adam k'moto* only applies to that specific activity. For anything else, it is not as if the sender is performing it. Consequently the principle that one cannot make *assur* that which does not belong to him come into play and all the water is valid.

Another difficulty raised is that in *Gemara Gittin* (53a) we learn that if someone performs *melacha* with another's *mei chatat* he is not liable in the earthly court, but is liable in the heavenly court. Consequently it appears that one can invalidate another's *mei chatat*. The *Tosfot* there answers that in that case, the owner was happy with the *melacha* that was performed. Based on this *Tosfot*, the *Mishnah Achrona* explains that perhaps the second case is valid since the owner stated perform *kiddush* “for me”, thereby defining the second person's actions as being dependant on the *da'at* of the owner who would not wish to invalidate the remaining water in the manner that it was performed.

The *Mishnah Achrona* however prefers a different explanation of our *Mishnah*. He explains that at the core in what invalidates the water in this *Mishnah* is *hesech ha'daat* – the diversion of attention – and not *melacha* per se. In the first case where he states “perform *kiddush* for you” there is complete *hesech ha'daat* on the part of the owner. He has handed the water over and the second person neglects *shemira* of the remaining water when perform *kiddush* on the first. If however the owner states “perform *kiddush* for me” the owner has not divested himself from guarding the water at any point and all water is consequently valid.

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<sup>1</sup> Such a case would arise if all the water was originally collected for one *kiddush* and then the person changed their mind wanting to use the water for five separate *kidushin*. Were this not the case, each subsequent filling of water would constitute a break for the preceding one, thereby leaving only the last one valid.

<sup>2</sup> The *Tifferet Yisrael* (*Yachin* 18) explains that this rule only applies when the *issur* is dependent on the will of the owner. If the result would be prohibited when the action occurred on its own, for example, if forbidden fats (*chelev*) fell into food, then it would become prohibited even if another person performed that action.

## Revision Questions

פרה ז' א' - ה' ב'

- Can five people separately collect water for the purpose of one *kiddush mei chatat*? (ז' א')
- If those five people collected them for five *kidushin* can they be combined for one? (ז' א')
- Would the law be different in the previous case if they were all collected by one person? (ז' א')
- What is the law if one collected the water for one *kiddush* and then decided to use them water for five? In what case would the law change? (ז' א')
- Can one fill water for two *kidushin* at the same time? (ז' ב')
- Does the law change if the second is for someone else? (ז' ב')
- In what situation would one not invalidate the water if at the time of filling if he did another *melacha* with his other hand? (ז' ג')
- What is the law if one performs *kiddush* for himself and for someone else at the same time? (ז' ג')
- What is the law regarding a case where one says to another: (ז' ד')
  - “You perform *kiddush* on mine and I will perform *kiddush* on yours”?
  - “You perform *kiddush* on mine and I will collect water for yours”?
  - “I will collect water for yours and you perform *kiddush* on mine”?
- How should one collect water if they wish to collect water for *mei chatat* and for their own personal use? (ז' ה')
- Regarding the previous question, how should they then carry the water? (ז' ה')
- Can one return a rope he borrowed to fill water for *mei chatat* when returning from the task? (ז' ו')
- How should one wind the rope tied to the bucket when drawing the water for *mei chatat*? (ז' ז')
- In what case would hiding away the rope after filling not invalidate the water? (ז' ח')
- In what case would clearing potshard from the *shoket* prior to *kiddush* not invalidate the water? (ז' ח')
- What would the law be if one gave direction to another whilst caring the water for *mei chatat*? (ז' ט')
- Can one eat while carrying the water? (ז' ט')
- What is the general rule given by R' *Yehuda* regarding activities that invalidate water if performed whilst carrying it? (ז' ט')
- Explain the debate regarding who can be entrusted with guarding the water collected for *mei chatat*. (ז' י')
- Explain the debate about a case where one assisted another person when both people were filling water for *mei chatat*, regarding whether the water is invalid. What specific case is debated? (ז' י"א)
- What is the law regarding one that makes a breach in a fence on the way to filling the water for *mei chatat* and did so with the intention that he would rebuild it? (ז' י"ב)
- What are the two other cases brought similar to the one in the previous question? (ז' י"ב)
- What is the law regarding a case where two *shorim* are guarding the water and one does *melacha*? (ז' י"ג)
- Why should one perform *kiddush* barefooted? (ז' י"ד)
- What is the difference if the *mei chatat* falls on the person's skin or clothes? (ז' י"ד)

## Local Shiurim

### Sunday -Thursday

After maariv  
Mizrachi Shul

### Friday & Shabbat

10 minutes before mincha  
Beit Ha'Roeh

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## Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
22 <sup>nd</sup> November ה' כסלו	23 <sup>rd</sup> November ו' כסלו	24 <sup>th</sup> November ז' כסלו	25 <sup>th</sup> November ח' כסלו	26 <sup>th</sup> November ט' כסלו	27 <sup>th</sup> November י' כסלו	28 <sup>th</sup> November י"א כסלו
Parah 8:3-4	Parah 8:5-6	Parah 8:7-8	Parah 8:9-10	Parah 8:11-9:1	Parah 9:2-3	Parah 9:4-5

