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Digest
Mishna Berura
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סימן ק"ס סעיף א'-ב'

Halacha Highlight

Water used for work

Shulchan Aruch Siman 160 Seif 2
עשה במים מלאכה
If one used the water for work

Shulchan Aruch (סע' ב') rules that once someone used water for some sort of work, for example, to chill wine or to wash dirty dishes, the water may no longer be used for washing. Mishnah Berurah (סק"ו) explains that once a person does something with the water it becomes comparable to waste water and thus invalid for washing. Sha'ar HaTzion (סק"י) relates that the explanation recorded in Mishnah Berurah is Rambam's explanation of this halacha, but Rash offers another explanation for this halacha but the later authorities seem to subscribe to Rambam's explanation. Magen Avrohom (סק"ג) writes that Rash's explanation is that once one uses the water for work it transforms it from being water. Teshuvas D'var Yehoshua (ח"א סי' צ"ח) suggests that Rash essentially agrees with Rambam. Water is normally used for drinking and by doing work with it, it is no longer considered regular water since it will be poured out after the work is done. Da'as Torah writes that a practical difference between Rambam's explanation and Rash's explanation is if one placed wine in water to chill the wine but realized immediately and removed the wine. According to Rash the couple of moments that the wine was in the water does not transform it from its regular state of being water. On the other hand, according to Rambam perhaps the very fact that the water was designated to be used to chill wine already disqualifies the water similar to the halacha of water designated for use in a bathroom. He leaves this issue unresolved.

Mishnah Berurah (סק"ז) records a dispute whether one person can invalidate another person's water by using it for some sort of work. Sha'arei Teshuvah maintains that one person can invalidate a friend's water but Rav Akiva Eiger is uncertain. The uncertainty is whether the principle that one cannot prohibit something that is not his own applies in this case.

Overview

Siman 160 Seif 1:

Water whose appearance changed, whether by itself, whether something fell into it or whether from the place where it was stored, it is invalid for washing.

- Rambam only mentions the case of water that changed as a result of something that fell into it and many later authorities agree that one may use water whose appearance changed by itself. (M.B. 2)
- If the appearance changes as a result of dirt or clay it is not considered as though its color changed since the nature of water is to have dirt or clay and if one leaves it for a period of time it clears up. (M.B. 3)
- The disqualification of water changing colors is limited to when one will pour water on his hands but one who will immerse his hands in forty seah does not have to worry about slight color changes in the water. (M.B. 4)
- If the water returns to its original state it may be used. (M.B. 5)

Siman 160 Seif 2:

If one did some sort of work with the water it is invalid, for example, if one soaked his bread in water, even if his intent was to soak it in one container and he soaked it in another. If one chilled wine in water the water is invalid. If one washed dishes in water the water is invalid but if the dishes were clean or new they remain fit for use. If a baker immersed loaves in water they are unfit for use but if he merely immersed his hands and rubbed them on the loaves or if he took a handful of water for this purpose the water that remains was not used for work and therefore is valid for use if the color did not change. (The same halacha is true regarding the water that the baker used to wash his hands of the dough that stuck to them.)

- When a person uses water for some purpose it becomes waste water which is invalid for use for washing. (M.B. 6)
- Rav Akiva Eiger is uncertain whether one person can invalidate water that belongs to a friend by using it. (M.B. 7)
- If one did not intend to put the bread in water altogether it is not invalidated. (M.B. 8)
- If the wine was cold and one's intent was that is should not become warm the water is valid. Similarly, if one placed fish in the water so that they should not die it is not considered using the water for work. (M.B. 9)
- Water used to wash vegetables is also invalid. If one soaked vegetables so that they should not whither there is a debate whether the water is disqualified. If one obtains additional water he should wash again without a beracha. (M.B. 11)
- If one put a substance in water to give it a smell Shelah writes that it may not be used but other authorities agree that there is no restriction against using this water. (M.B. 12)
- There is a debate whether water becomes invalidated if it was used to determine whether a utensil has a hole in it. (M.B. 13)
- Immersing one's hands is not considered work and even if one's hands were not washed the water does not become tamei. (M.B. 14)
- גלוסקין are cakes that are smeared with water after they are prepared. Sometimes the cake is immersed in water and sometimes one immerses his hands and rubs them on the cake. (M.B. 15)
- Many later authorities agree that washing dough off one's hands is considered work with that water and it is invalid for washing. (M.B. 18)

Stories to Share

A Question of Discomfort

ש"ע ק"ס, א': "מים שנשתנו מראיהן..."

Today's amud discusses netilas yadayim.

One family went on a trip in a very rural area. It was time for lunch and they were quite hungry, but there was no water to be found. Only farmland surrounded them.

They realized that the only way to get water was to ask one of the non-Jewish farmers. Although it was likely that they would get some water, they were afraid that the non-Jew would shame them when they explained why they wanted it. Also, they wondered whether they were really required to ask a local non-Jew for water.

When this question reached Rav Moshe Sternbuch, shlit"a, he ruled that they were not obligated to ask a non-Jew for water. "On the surface it emerges from the Yerushalmi in the beginning of Peah we find that, in general, one is not obligated to collect money to fulfill mitzvos he cannot afford—even d'oraisa mitzvos.

"However, this is presumably because it is disgraceful to admit that one is destitute and requires money to fulfill the mitzvah. But regarding one who simply doesn't have water, there is no embarrassment in requesting water since the non-Jew will not think he asks because he is poor. Yet it is uncomfortable for him to ask for water, especially to request this favor from a non-Jew. It seems likely that one should be willing to endure this level of discomfort to fulfill the mitzvah.

"Yet from the Biur Halacha in siman 656 which learns the Yerushalmi differently, and from various leniencies in netilas yadayim it is clear that one does not have to ask for water, especially if he is afraid the non-Jew will shame him. Instead, he can wrap his hands and eat. But if the non-Jew will not mock him he should definitely ask, just like he would ask for help if he had trouble with his car."

תשובות והנהגות, ח"א, ס' קס"ז