The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ק"ס סעיף י"א

Overview

Siman 160 Seif 11:

If there is water about which one is uncertain whether it was used for work or if one is uncertain whether he has the minimum quantity of water or whether the water is tamei or tahor or if one is uncertain whether he washed his hands already or not one may be lenient (and any uncertainty regarding the taharah of one's hands he may be lenient.) **There is an opinion that maintains that if one has other water available he should wash his hands again to remove any doubt.** If someone who did not wash his hands touched water the water does not become invalidated for washing and is not considered tamei but it is prohibited to wash one's hands with water that a friend already used to wash his hands.

- If no other water is available theses waters may be used. (M.B. 46)
- In the case where one is uncertain whether he has the minimal quantity of water he may be lenient only if he already washed but not beforehand. (M.B. 47)
- Bais Yosef implies that one should search for water to wash again since eating without washing leads to poverty. (M.B. 52)
- If one knows he washed properly and some doubt arises whether he must wash again he is not required to wash again. (M.B. 53)
- If one swished his hands around in a utensil to make them tahor that water may no longer be used for washing since it was used for work even if one's hands were not that dirty. (M.B. 54)
- Even if the first person washed with an entire revi'is at once the water may not be reused. (M.B. 55)

Halacha Highlight

Using water that may be invalid

Shulchan Aruch Siman 160 Seif 11
מים שיש לו ספק
Water which carries with it a doubt

Shulchan Aruch presents many circumstances in which one is uncertain whether the water that is available is fit for use for washing one's hands. His ruling is that one may adopt a lenient perspective and assume the water is fit for washing. The rationale behind this ruling is that since the obligation to wash is only Rabbinic one may adopt a lenient position regarding matters of doubt. Mishnah Berurah goes so far as to say that even if one is presented with all of these uncertainties regarding the same water the water may be used for washing (מ"ב ס"ק מ"ט). Pri Megadim elaborates on the fact that Chazal adopted a lenient attitude with regards to hand washing and even when there is a s'feik s'feika that points to adopting a stringent conclusion, halacha regarding washing one's hands allows one to adopt a lenient position (חיי משה).

Mishnah Berurah (ס"ק מ"ו), however, adds an important qualification to this lenient ruling. He writes that it applies only if one does not have any other water to use. In the event that one has other water that is not in doubt regarding its fitness for use one should use that other water. Sha'ar HaTzion (ס"ק מ"ט) explains that when other water is available one should take into account Ra'avad's position that one who washed his hands with water that may have been used for work he did not discharge his obligation even b'dieved. He further explains that this circumstance is similar to a mixture containing food that is presently prohibited but after a period of time will become permitted—דבר שיש לו מתירין. When even the prohibited food in the mixture will become permitted at some point in the future we do not nullify the prohibited substance even if there is only a doubt regarding the presence of the prohibited substance. The same principle will apply here and one may not use water about which there is a doubt whether it is valid for washing one's hands if other water is available.

Stories to Share

Child's Play

ס' ק"ס, ס"ק י"א: "שכשך ידיו בדלי גופא לטהרן עי"ז הרי נעשה מלאכה בכל המים..."

One large family spent the day in a park near a lovely river. It was decided that they would bring washing water to a place where there was a table where they could eat without worrying about the children. Sometime before the meal was to start, one of their group drove his car to the water, filled a huge basin with water, drove the car back and set the basin up outside in a good place to wash. He put a vessel there to use for washing, and felt that he had done a good job providing water for the party.

As the adults were talking the children naturally began to play with the water, doing all sorts of things with it and the vessel. One child even washed his hands into the rest of the water. The rest of the party wondered what to do. Was the water disqualified by the child washing into it, like it would be with an adult?

When this question reached Rav Yosef Shalom Elyashiv, zt"l, he ruled decisively. "If children play with washing water we need not assume that it is disqualified. If the child washed his hands into the bucket with a vessel, however, there is no question that the water is disqualified, just like it would be with an adult. From the child's action we see that he wished to wash his hands, and, having done so, he disqualified the water."

שו"ת רבבות אפרים, ח"א, ס' ל"א:ה'