סימן קם

מים הכשרים והפסולים לנטילה

שינוי מראה המים

א. מים שנשתנו מראיהן, בין מחמת עצמן, בין מחמת דבר שנפל לתוכן, בין מחמת מקומם, פסולים. [ש"ע סי' קס ס"א]

ב. מים שנפל לתוכם עפר וטיט, אף על פי שנעכרו ונשתנה מראיהם כשרים, לפי שגידול המים הוא בעפר וטיט, ודרכם בכך ולא חשיב זה שינוי, ומכל מקום אם הם עכורים ביותר שאין הכלב יכול לשתות מהם פסולים. [באו"ח פ' קדושים הלכה ב]. וראה לקמן הלכה כ"ו.

Siman 160

Water Fit for *Netillat Yadayim*

Day 52

Does not appear like water

1) If water has the appearance of some other liquid, whether because of some additive, because of its location or due to some natural cause, it is unfit for the mitzvah of *netillat yadayim*.[74]

Muddy water

2) Muddy water is still fit for the mitzvah of *netillat yadayim* despite the fact that it is not transparent. This is considered the natural color of water since many natural bodies of water are muddy.[75] Nevertheless, if the water is not potable and even a dog could not drink it, it is unfit for this mitzvah. See below in halakha 26.

74. Natural causes

If water stood stagnating for a long time and has turned green or red with algae, it is no longer fit for *netillat yadayim*. The *Mishna Berura* (160:2) cited *Aḥaronim* demonstrating that according to Rambam such water is still fit for this mitzvah, and they ruled accordingly. The *Shulḥan Arukh*, however, states that this water is unfit. The *Ben Ish Ḥai* (*parashat Kedoshim* halakha 1) ruled that we must follow the decision of the *Shulḥan Arukh*. This is likewise the conclusion of the *Halakha Berura* after a lengthy discussion, adding that if someone performed *netillat yadayim* with such water he must perform it again with proper water and must recite the blessing a second time.

Due to an additive

If ink or dye mixes with water and colors it, it is unfit for the mitzvah of *netillat yadayim*. This is the halakha even if the object exuding the color has not yet dissolved in the water. The halakha is the same if smoke discolors the water. The *Piske Teshuvot* (footnote on page 369) pointed out that sometimes a bit of dishwashing liquid is in the cup used for *netillat yadayim* and when it is filled with water it changes color because of the soap. This water is disqualified for the mitzvah of *netillat yadayim*.

Water that has changed due to its location

Rabbenu Mano'ah (comment on Rambam, *Hilkhot Berakhot* 6:7) explained that if color bled from the container of the water and colored it or if the water became red with rust, the water is no longer fit for the mitzvah of *netillat yadayim*. The *Mishna Berura* (*Sha'ar Hatziyun* 160:1) suggested that the same halakha would apply to water that is stagnant to the point that it changed color.

75. This is the explanation of the *Aḥaronim* for this halakha, as cited in *Ben Ish Ḥai* (*parashat Kedoshim* halakha 2). The *Peri Megadim* (*Mishbetzot Zahav* 160:1, cited in *Halikhot Olam* Vol. I, page 336) added that it is not necessary to let the muddy water stand until it becomes trans-

ג. מים שיש בתחילת יציאתם מהברז כעין מראה ערפל לבן, ולאחר זמן קצר נעלם המראה הלבן ונעשים המים צלולים, מותר ליטול ידיו במים אלו מיד, אפילו לכתחלה, ואין צריך להמתין עד שיחזרו למראה הרגיל שלהם. [הליכו"ע ח"א עמ' שלו]

מים שנעשה בהם מלאכה

ד. עשה במים מלאכה או ששרה בהם פתו, אפילו נתכוין לשרות בכלי זה ונפל לשני, פסולים לנטילת ידים. [ש"ע סי' קס ס"ב]

Foggy tap water

3) In many locations, tap water appears foggy white for a few minutes and afterward it becomes transparent. This water is fit for the mitzvah of *netillat yadayim* immediately, even before it becomes clear. It is not necessary to wait at all in order to perform the mitzvah.[76]

Used Water

Soaked bread in water

4) Once water has been used for some purpose, it is disqualified for the mitzvah of *netillat yadayim*. Likewise, if someone soaked bread in water it is disqualified. If someone intended to soak the bread in one container and it accidentally fell into another container of water, the water in the second container is likewise disqualified.[77]

parent. If the water is so muddy that it is not fit for a dog to drink, however, it is unfit for the mitzvah, as explained below in halakha 26.

Dirt, stones and seeds

The *Hazon Ish* (22:9) ruled that if water has solid contaminants that do not dissolve like a dye, the water is still fit for the mitzvah since its appearance has not been altered. Therefore, if there are pebbles, seeds or nutshells in the water, they do not affect its kosher status. If someone soaks seeds or beans in water, however, the water is no longer fit for the mitzvah since it is "used" water. These are the rulings of the *Piske Teshuvot* (page 369).

76. This question was presented to Maran the Rishon Letziyon (*Halikhot Olam* Vol. I, page 336). He consulted with an engineer, who explained to him that the white fog is nothing but millions of minute air bubbles in the water due to its being pumped into the city's pipes. Once the water is released from the tap, the bubbles gradually dissipate and the water assumes its natural transparency.

Maran the Rishon Letziyon ruled that the foggy water is no worse than water containing pebbles or seeds and therefore it is fit for *netillat yadayim*. Furthermore, it is not necessary to wait until the water becomes clear since the water itself has not been changed. This is similar to the halakha cited previously.

The responsa *Minhat Yitzhak* (Vol. IX, #13) ruled that it is necessary to wait until the water becomes clear, but Maran the Rishon Letziyon rejected this position. The responsa *Or Letziyon* (Vol. II, page 92) concurred with his lenient ruling.

The *Even Yisrael* Fisher (Vol. VII, #11) added another argument strengthening this leniency. He explained that the air bubbles in the water do nothing to the water. They cannot be compared to dye or ink that dissolves into the water itself. The *Or Letziyon* cited this argument as well.

Rusty tap water

Sometimes the tap water is red or brown because of rust in the pipes. In this case as well, if the water is left standing the pollutants will settle at the bottom of the container, leaving the water transparent. According to the ruling cited here regarding water mixed with pebbles or seeds, it is permissible to use this water for the mitzvah of *netillat yadayim* even before it becomes clear. This is likewise the ruling of the *Yalkut Yosef* (Vol. III, page 60) and the *Piske Teshuvot* (page 370).

77. This is the opinion of our Sages in the Mishna (*Yadayim* 1:3). Shim'on Hatimni, also cited in that Mishna, ruled that the water may still be used for the mitzvah. Rambam, Rabbenu Shimshon and Rabbenu Asher all ruled like the Sages in the first opinion, as demonstrated in the *Bet Yosef*, and this is the ruling of the *Shulhan Arukh*. Because of this, even if someone did use this water for *netillat yadayim* his actions are totally invalid. He must perform the mitzvah again the proper way and recite the blessing.

ואם לא נתכוין לשרות הפת כלל במים, אלא שנפל הפת מעצמו, יש לחוש לכתחילה לסברת המחמירים שלא ליטול במים אלו, ואם אין לו מים אחרים יטול ממים אלו בלא ברכה. [בן איש חי פ' קדושים הלכה ג. כה"ח סופר סק"י]. ואם אחר כך נזדמנו לו מים יטול ידיו בלא ברכה.

The *Poskim* debated the rule if bread fell accidentally into a container of water when the owner had no intention of soaking it at all. If other water is available, one should refrain from using the water in which the bread was soaked in deference to those *Poskim* who ruled that it is disqualified for the mitzvah of *netillat yadayim*. If no other water is available, one may perform the mitzvah with this water but one must not recite the blessing of *al netillat yadayim*. During the meal, if other water becomes available one should perform the mitzvah a second time, but he must not recite the blessing at that time either.[78]

78. Most *Aharonim* (*Bayit Hadash*, *Magen Avraham*, *Eliya Rabba*, *Mor Uktzi'a*, *Mishna Berura*) ruled leniently, that if no one had any intention to soak bread in the water and it happened by accident, the water is not considered used and it is still fit for *netillat yadayim*. The *Ture Zahav*, however, insisted that according to the *Shulhan Arukh* the water becomes disqualified once this happens even if no one intended to use it to soak the bread.

The *Peri Megadim* suggested that this halakha depends on which reason used water is disqualified. Rambam explained that once water has been used it is considered garbage, something to be disposed of. This is so only if someone used the water on purpose; if bread fell accidentally into the water and was soaked there unintentionally, one would not necessarily wish to discard the water. Therefore, the water is still fit for the mitzvah. Rabbenu Shimshon, however, explained that used water is disqualified because it loses the status of water after being used. This would be the case even if the water was used unintentionally, and therefore the water is no longer fit for the mitzvah.

Afterward, the *Peri Megadim* reconsidered and decided that even according to Rambam the water is disqualified in this case. The *Ma'amar Mordekhai* (160:4) concurred with this, claiming that it is clear from the *Bet Yosef* that such water is disqualified. The *Ben Ish Hai* (*parashat Kedoshim* halakha 3), however, wrote that the words of the *Shulhan Arukh* imply that this water is still fit for the mitzvah. Nevertheless, he ruled that one should avoid relying on the lenient opinion as long as other water is available. If no other water is available, he agreed that this water may be used, but no blessing should be recited. This is likewise the ruling of the *Kaf Hahayim* Sofer (160:10).

According to the principles laid down by Maran the Rishon Letziyon, the halakha should be that when using this water one must also recite the blessing, following the simple wording of the *Shulhan Arukh*. Once we have agreed that it is possible to perform the mitzvah with this water, and this is the opinion of Maran, the blessing should be required as well. Nevertheless, it is not at all clear that this is the opinion of Maran, and therefore one must not recite the blessing in this case, following the ruling of the *Ben Ish Hai* and the *Kaf Hahayim*. This is the conclusion of the *Halakha Berura* (*Otzerot Yosef*, page 27).

If bread is soaked only momentarily

The *Kaf Hahayim* Sofer (160:10) explained that the issue of water into which bread has fallen accidentally applies only if the bread remained in the water for some time and actually became soaked. If the bread was removed from the water immediately after it fell into the water, the water is definitely still fit for the mitzvah.

One person soaked his bread in someone else's water

Harav HIDA (*Birke Yosef* citing Mahar"a Nahum) ruled that a person cannot render someone else's water unfit without his consent. The *Aharonim* debated this issue, and the *Halakha Berura* (*Otzerot Yosef*, pages 27-29) concluded that in practice the water may be used if no other water is available, but one must not recite the blessing. This is likewise the conclusion of the *Yalkut Yosef* (Vol. III, page 65).