אמנם אם היה יודע משקל המים, ושקל הבשר כנגדם, כשרים, כיון שלא נעשה המלאכה בגופן. [הגר"ז ס"ד. ובילקו"י ח"ג עמ' סז פסל המים]. והוא הדין אם שקלו המים בעצמו לראות כמה הם, כשרים. [כה"ח ס"ק יט]

יד. מים שנתן בהם דבר שמריח, יש מי שכתב לאסור המים דהוי כשרה בהן פיתו. אבל האחרונים הסכימו דאין בו איסור כלל, דאינו עושה מלאכה במים אלא בא להשביחן. [משנ"ב ס"ק יב]. וכן עיקר שיכול ליטול ממים אלו אף בברכה. ואם יש לו מים אחרים נכון שיטול מהם ולא יכניס עצמו לספק, ראה לקמן הלכה כ"ג.

If a container is marked at the points where its contents are one cup, two cups and so on, and someone fills it partially with water and places an item in the container to determine the item's volume by measuring the water's level, the water is now disqualified.

If someone uses water as a counterbalance to weigh meat on the other side of the scale, the water is still fit for the mitzvah of *netillat yadayim*. Being a counterbalance does not make it "used water" since nothing was done to the water itself.[85] Likewise, if someone weighs a container of water, the water remains fit for this mitzvah.

Perfumed water

14) Some *Poskim* ruled that if a fragrance was added to water it is disqualified for *netillat yadayim*. They equated this case to that of soaking bread in water. Nevertheless, the *Aḥaronim* rejected this view and ruled that perfumed water is perfectly fit for the mitzvah. Adding a fragrance to the water is not an example of using the water; it is an act of improving the water's quality.[86] It is therefore permissible to use perfumed water and to recite the blessing of *al netillat yadayim*. If other, plain water is available, however, it is recommended to use the plain water rather than use perfumed water since some *Poskim* disqualified it. See below in halakha 23.

85. This is the ruling of Harav Zalman (cited in the *Kaf Haḥayim* Sofer 160:19). The *Mishmerot Kehuna* ruled stringently in this case, however, and the *Yalkut Yosef* (Vol. III, page 67) stated that Maran the Rishon Letziyon concurred with this stringent ruling. Nevertheless, there is no hint to such a ruling in any of the published works of Maran the Rishon Letziyon. The *Piske Teshuvot* (page 373) cited only the ruling of Harav Zalman, while the *Halakha Berura* (footnote on page 180) cites both opinions without making any decision. Following the principles of the rules regarding *netillat yadayim*, it seems that the halakha should follow the lenient opinion.

86. The *Shene Luḥot Haberit* states that his mentors taught him that if a fragrance is added to the water it is disqualified just like water in which bread was soaked. The *Magen Avraham* (160:5) challenged this ruling, arguing that if this is so then adding a coloring to the water would likewise disqualify it even without the reason of changing the water's appearance. Furthermore, he argued that this cannot be called "using the water" since his intention is to improve it. Used water is ruined; it has become sewage, and that is not the case in this instance. Nevertheless, the *Eliya Rabba* upheld the opinion of the *Shene Luḥot Haberit*, and the *Ḥesed La'alafim* likewise ruled stringently.

The *Kaf Haḥayim* Sofer (160:20) ruled that since the *Poskim* debated this halakha, if someone used perfumed water he must not recite the blessing. The *Halakha Berura* (page 181), however, ruled that one may recite the blessing as well. Since we are in doubt whether this water has become "used water" we can revert to the general rule stating that whenever we are in doubt whether water has become "used" we may be lenient. This rule applies, not only when we are in doubt regarding what has happened to the water, but also to a case like this when the doubt is based on a debate of the *Poskim*. Since the halakha permits using this water for the mitzvah, one must also recite the blessing.

All this applies if no plain water is available. If plain water is available, it is recommended to use it rather than the perfumed water in order to avoid any doubt in one's mitzvah as explained below in halakha 23. See the *Halikhot Olam* (Vol. I, page 341).

טו. מים שנתן בהם דגים חיים, לזמן מועט, כדי שלא ימותו, כשרים לנטילת ידים. [הליכו"ע ח"א עמ' שלט]. אמנם מי "אקווריום" שיש בתוכם דגים, יש לפוסלם לנטילת ידים, דנחשבים כמים סרוחים. [ילקו"י עמ' סד]. וכן אם מת הדג במים יש לפסול המים לנטילת ידים, אלא אם כן תיכף שמת הדג סילקו, שאז לא נפסלו המים. [ראה כה"ח סופר ס"ק יג]

Aquarium water

15) If someone places life fish in a container of water for a short time to keep them alive, the water remains fit for the mitzvah of *netillat yadayim*. The water of an aquarium, however, is disqualified for the mitzvah, since it contains the refuse of the fish that live in it. Even if a fish is placed for a short time in a container of water, if the fish dies the water is disqualified unless the fish was removed as soon as it died.[87]

87. The *Magen Avraham* (160:5) ruled that if someone places fish in a container of water to keep them alive, it is not considered "used water" since the water does not do anything to the fish other than prevent them from dying. He added that this water is not considered sewage, either. The *Eliya Rabba* (160:3, cited in the *Mishna Berura* 160:9) goes even further, stating that even if the fish dies in the water it remains fit for the mitzvah. The *Kaf Hahayim* Sofer (160:13) took issue with this, pointing out that the *Poskim* spoke only about placing live fish in the water, not dead fish. Even according to the *Eliya Rabba's* leniency, if the dead fish is left in the water for some time, the water is considered putrid and is disqualified. His leniency applies only if the dead fish is removed from the water promptly.

The *Halakha Berura* (page 176) ruled that if someone places dead fish in a container of water to keep them fresh, the water is disqualified as "used water."

The *Magen Avraham's* reasoning

The *Magen Avraham* cited above explained that the water does not do anything to the fish other than prevent them from dying, and therefore it is not considered "used water." This seems to contradict the halakha (cited above in halakha 7) regarding someone who places vegetables in water to prevent them from wilting. In that case the water is disqualified because it penetrates the vegetable fibers and renews them. One would imagine that the same is true regarding fish.

The *Mahatzit Hashekel* (cited in *Halikhot Olam* Vol. I, footnote on page 340) insisted, however, that the water does not penetrate the fish's flesh whereas it does penetrate the vegetables' fibers. It is difficult to accept this distinction since a live fish is constantly sucking water into its mouth and running it through its gills in order to extract oxygen from the water. It seems illogical that this is considered a passive act that only prevents the fish from dying.

Even if one rejects the reasoning offered by the *Magen Avraham*, the halakha is still correct using the reasoning offered in *sefer Shulhan Hatahor* Komarna (160:4). He explained that the water remains fit for the mitzvah since "every natural body of water contains fish." Apparently, he meant to say that the natural existence of water is that it supports aquatic life and therefore keeping a fish alive does not make it "used water." (See the *Piske Teshuvot*, page 373.)

Although one might argue that there is a difference between water in its natural setting – lakes and rivers – and water in containers or man-made pools, the *Shulhan Arukh* did not consider this to be a vital difference. In either case, the water's affect on the fish does not make it "used water."

Aquarium water

Despite the ruling of the *Magen Avraham*, it is likely that the water of an aquarium is disqualified for the mitzvah of *netillat yadayim*. As the *Yalkut Yosef* remarked (Vol. III, footnote on page 65), the fish living in the aquarium pollute it with their own refuse and no one would consider drinking it. He added that his father, Maran the Rishon Letziyon, issued this ruling.

In contrast, the responsa *Netzah Yosef* (page 80) ruled that the water of an aquarium is the same as a container of water in which fish were placed. In both cases the water remains fit for this mitzvah. The *sefer Vaynatelem Vaynase'em* (page 127) concurred with the *Netzah Yosef*, arguing that anyone can see that an aquarium's water remains clean and fresh for a number of days, especially if the aquarium is equipped with a filter system. Therefore, the water may be used for the mitzvah of *netillat yadayim* and the blessing must be recited as well. An aquarium's water is disqualified only if it becomes dirtied.

The *Piske Teshuvot* (page 373) cited the ruling of the *Yalkut Yosef* as the halakha, meaning that water in an aquarium is disqualified.

טז. אם נתן מים בכלי כדי לבדוק אם הכלי נקוב, כשרים המים שבכלי לנטילת ידים, ואינם נחשבים למים שנעשתה בהם מלאכה. [הליכו"ע ח"א עמ' שלח]

יז. מים העוברים בצינורות, ומפעילים את שעון המים, או מגביהים את מצוף החבית של המים, כשרים לנטילת ידים, ואינם נחשבים למים שנעשתה בהם מלאכה. [הליכו"ע ח"א עמ' שלח, אור לציון ח"ב עמ' צב]

Testing container for leaks

16) If someone poured water into a container to test it for leaks, the water is still fit for the mitzah of *netillat yadayim*. It is not considered used water.[88]

Water meters

17) As tap water runs through the pipes into each private home or establishment, it turns the hands of the water meter. Despite the fact that the water performs this task it is not considered "used water" and it remains fit for the mitzvah of *netillat yadayim*. Likewise, when water fills a tank and raises a float that shuts the flow when the tank is full, it is not considered "used water" for having raised the float.[89]

88. The *Ben Ish Hai* (*parashat Kedoshim* halakha 11) ruled stringently in this matter, basing his ruling on the *Bet David* (#530). Maran the Rishon Letziyon (*Halikhot Olam* Vol. I, page 338) disagreed with this ruling, citing the *Bet Menuha* (page 38, #3). He decided that in this case the water does not become "used water" since it performs no labor at all. Although people can discern whether the utensil leaks by observing the water in the utensil, that does not make it "used water." This cannot be compared to someone who cools a bottle of wine in water, since in that case the water actually does something for the person using it.

Harav Akiva Eiger (gloss to *Siman* 160) likewise discussed this issue and he did not rule conclusively about it. Other *Aharonim* (*Eshel Avraham* Oppenheim; responsa *Vaya'an Avraham*; *Arukh Hashulhan*) ruled definitely that the water remains fit for the mitzvah. Maran the Rishon Letziyon concluded that even if these *Poskim* would have not ruled definitely, we would still rule leniently regarding the mitzvah of *netillat yadayim*. One may use this water and recite the blessing of *al netillat yadayim*.

89. The *Or Letziyon* (Vol. II, page 92) explained that Rambam asserted that "used water" is disqualified for this mitzvah since it is considered sewage. The tap water received in our homes is obviously not considered sewage despite the fact that it has been used to turn the meter. Therefore, the water is still fit for the mitzvah. The responsa *Heshev Ha'efod* (Vol. I, #149) concurred with this explanation and added that even according to Rabbenu Shimshon, who explained that "used water" is disqualified because it has lost its identity as water, our tap water would remain fit for the mitzvah.

As stated in the previous halakha, if someone uses water to test a container for leaks, it is not considered "used water." The act of providing information without changing anything at all does not make the water "used." If so, in this case as well the water entering the home is not disqualified by having provided the information on the water meter. This can be compared to someone who weighed a container of water. As explained in halakha 13, this water remains fit for the mitzvah even though the weight is ascertained by using the weight of the water. In this case as well, we may say that the water remains fit for the mitzvah even though its flow enables it to be measured with the meter.

Watermill

When someone builds a watermill over a stream and uses the stream's flow to turn the paddlewheel, all the water that runs through the mill is now "used water." According to the arguments presented here, however, it is possible to say that the water remains fit for the mitzvah since the paddlewheel simply takes advantage of the force of the water that is flowing naturally. The *Eshel Avraham* Butchatch discussed this issue. This issue applies as well to hydroelectric plants built in dams across rivers. The truth is that in either of these cases the water remains fit for the mitzvah without question since the rule of "used water" does not apply to waters of a mikveh or a *ma'yan* in the ground, as explained below in halakha 21.