כ. מי שלא נטל ידיו, ונגע במים, לא נפסלו אותן מים לנטילה, ולא מיקרי מים טמאים. אבל אסור לרחוץ ידיו ממים שנטל בהם חבירו כבר. [רמ"א סי' קס ס"א]

כא. אין מלאכה פוסלת אלא במים שאובים, בין שהיו בכלי בעת שנעשתה בהם מלאכה, בין שהיו מונחים בקרקע בשעת המלאכה, שכיון שהיו שאובים מתחלה מלאכה פוסלת בהם. אבל לא במי

If someone touches water

20) If someone who has not performed *netillat yadayim* touches water in a container, he does not disqualify that water. It may still be used for the mitzvah of *netillat yadayim*. If someone performs *netillat yadayim*, pouring the water into a basin, no one else can use the water again for *netillat yadayim*.[92]

Water of a mikveh

21) The rule of "used water" applies only to water that has been drawn and placed in a container. If it then is used, whether in the container or even after it has been poured into a pool, it is disqualified. Once water has the status of "drawn water," the concept of becoming "used water" is applicable. Water in a mikveh or a *ma'yan*, however, is not disqualified even if it is used by someone. For example, if

---

Maran the Rishon Letziyon (*Halikhot Olam* Vol. I, page 340) concluded that in practice we should avoid using water from which a dog or pig drank, following the opinion of the *Or Zaru'a*, since the *Magen Avraham* brings support for that opinion from the Tosefta. The *Magen Avraham* added that if Maran had been aware of this passage of the Tosefta he would not have ruled differently. Therefore, if someone did use this water for *netillat yadayim*, it is recommended that he perform the mitzvah again with proper water.

All this applies to water from which a dog or pig drank. If it was any other species of mammal or bird, Maran the Rishon Letziyon ruled that the water remains fit for the mitzvah, as Maran ruled, in contrast to the *Kaf Hahayim* Sofer (160:27) who lumped together horses and donkeys with dogs and pigs.

The *Ben Ish Hai* wrote that according to the *Poskim* who disqualified water after a chicken drinks from it, the same applies if any other species of bird drank from it, except for doves. He recommended observing this stringency if possible, calling on people to keep their water barrels covered so that no bird would drink from them. Even according to the *Ben Ish Hai*, this is a stringency beyond the requirements of the halakha.

92. The *Mishna Berura* (160:55) explained that this water has been rendered *teme'im* by being used for *netillat yadayim*. Even if someone would pour *revi'it* of water on each hand, in which case the water does not become *teme'im*, it is still disqualified since it is now "used water."

The *Aharonim* (cited in the *Mishna Berura* 160:54) ruled that if someone wishes to wash his hands after exiting the bathroom, he may scoop up water from the barrel in his hands and wash them in another place. In this way, the water remaining in the barrel remains fit for the mitzvah of *netillat yadayim*. The fact that he touched the water does not disqualify it. If someone would dunk his hands in the barrel and rub them in the water to clean them, he would disqualify the entire barrelful as "used water." This is so even if there was no real filth on his hands. Since he had touched his skin and is required by the halakha to wash his hands, this is considered an act of washing hands making it "used water."

Water that drips from the hands into the barrel

If someone washed his hands, whether performing *netillat yadayim* to eat bread or to cleanse his hands after using a restroom, and some water dripped from his hands into the barrel of yet unused water, the water in the barrel is not disqualified. There is nothing wrong with using that water afterward for *netillat yadayim*.

The *Ben Ish Hai* (*parashat Kedoshim* halakha 19) ruled that if some disqualified water becomes mixed with a greater amount of kosher water, all the water may be used for *netillat yadayim*. This is an example of *bittul berov*. This is the halakha even if there was an entire *revi'it* of disqualified water. See the comment of the *Halakha Berura* (pages 166 and 204).

מקוה או מעין בעודם מחוברים, שאם עשה בהם מלאכה במחובר, כשרים לנטילת ידים, אפילו לוקח מהם בכלי. [ש"ע סי' קס ס"ה ומשנ"ב ס"ק כד, כה"ח ס"ק לא]

כב. מים של בריכת שחייה פסולים לטבילת ידים בהם, ואף ליקח מהם מים בכלי וליטול בהם את ידיו. וראה בהערה בירור הדברים.

someone washed dishes in a mikveh, the water is still fit for the mitzvah and someone may fill a container with it and use it for *netillat yadayim*.

Swimming pool

22) The water in a swimming pool may not be used for *netillat yadayim*, nor may someone immerse his hands in it as if it was a mikveh.[93]

93. Maran in the *Bet Yosef* cited Rambam (*Hilkhot Berakhot* 6:8) ruling that "water becomes like sewage once it has been used and it is disqualified for the mitzvah of *netillat yadayim*. For example, if someone washed dishes or soaked his bread in water that had been carried in a container, whether the water is now in a container or in a pit in the ground, the water is disqualified for *netillat yadayim*." This implies that the issue of "used water" applies only to water that had been in a container, but water that was never carried in a container does not become disqualified even after it is used.

Swimming pools

In Adar of 5768, my dear friend **Adam Azrak** asked me whether it is permissible to use the water in a private swimming pool for *netillat yadayim*. At that time, I replied to him that the water in the pool is disqualified since people bathe in it and swim for exercise and fun, making it "used water." At this time, I would like to present a full discussion of this issue, with God's help.

First of all, the water is not disqualified because of the chlorine added to it since no one mixes so much chlorine in the water that it becomes unsuitable for drinking. As long as the water is still potable, it remains fit for use for this mitzvah, as explained below in halakha 26. There are two issues that need to be clarified. One is whether a swimming pool can be considered to be a mikveh. The second question is, assuming it is not a mikveh, does the fact that people swim in it make it "used water" as if someone had washed dishes in it or cooled a bottle of wine in it?

Status of a pool's water

Since a swimming pool is filled by running water through pipes or hoses, the water should be considered "drawn water," and the pool cannot be considered a mikveh. Above (*Siman* 159:30) it was explained that according to Rabbenu Avraham ben David one may perform the mitzvah of *netillat yadayim* by immersing the hands in a pool containing forty *se'a* of drawn water even though it is not a kosher mikveh for other purposes. In practice, one may rely on this opinion only when one has no other choice. Otherwise, we follow the opinion of Rambam that it is not possible to immerse the hands in such a pool of water.

If the pool was filled by pouring drawn water on the ground and allowing it to run along the ground and into the pool, however, even Rambam agreed that it is possible to immerse hands in the pool if it now contains at least forty *se'a*. Although such a pool may not be used as a mikveh for a person to immerse his entire body or to immerse new kitchen utensils, our Sages were more lenient regarding the mitzvah of *netillat yadayim*.

Maran the Rishon Letziyon (*Halikhot Olam* Vol. I, page 142) wrote a responsum to Harav Barukh ben Hayim, *zt"l*, ruling that the water in a swimming pool is drawn water and it is not possible for married women to use it as a mikveh. Our Sages instituted a rule that a pool filled with drawn water is disqualified as a mikveh, and no rabbi has the right to instruct women to use it as a mikveh under any circumstances.

Since a swimming pool is filled with drawn water, only Rabbenu Avraham ben David would rule that one may immerse the hands in it to fulfill the mitzvah of *netillat yadayim*. If one has no other choice, one may rely on that opinion but one must not recite the blessing of *al netillat yadayim*.

The *Piske Teshuvot* (Vol. II, footnote on page 368) claimed that swimming pools have the status of drawn water that has been poured onto the ground and allowed to flow into the pool (*hamshakha*). Therefore, he ruled that all *Poskim* agree that one may immerse the hands in it for the mitzvah of *netillat yadayim*. However, this is a difficult ruling since the fact is that most swimming pools are filled with genuine drawn water and not through *hamshakha*. Even though the pipes have been attached permanently to

כג. אם יש לפניו מים שיש בהם ספק אם נעשתה בהם מלאכה, כשרים לנטילת ידים, שכל ספק בטהרת ידים טהור. ומברך גם כן בשם ומלכות "על נטילת ידים". והרי זה דומה לדין ספירת העומר בבין

When in doubt

23) If someone has a container of water and he suspects that it has become "used water," he may assume that this did not happen and he may use this

the ground, they still have the status of *kelim* and the water that runs through them becomes genuinely "drawn water."

Actually, the *Piske Teshuvot* disqualified swimming pools as a mikveh for immersing the hands for a different reason. He contended that the pool cannot be considered a mikveh at all since the water constantly runs through the filter system and it therefore has the status of "flowing water." A mikveh, by definition, is a body of standing water that does not flow. This argument was echoed by the *sefer Hiddushe Batra al HaMishna Berura* (page 93). Maran the Rishon Letziyon (*Tahorat Habayit* Vol. III, page 336) and responsa *Shama Shemuel* (Vol. V, page 106) countered that mikveh waters are not disqualified by the filter system through which they run. [The filter system in a community mikveh is constructed in a fashion that does not disqualify the mikveh waters as "drawn water."] It may be, however, that the filter system in an ordinary swimming pool would disqualify its waters as "drawn water" even if the pool had originally been filled in a manner that did not disqualify the water.

Used water

Once we have established that a swimming pool does not have the status of a mikveh for *netillat yadayim* and it is not possible to perform this mitzvah by immersing one's hands in it, we can now turn to the second issue requiring clarification: When people swim in the pool, does this disqualify the water as "used water"? As explained in the halakha here, the waters of a mikveh or *ma'yan* cannot be disqualified as used water. Drawn water, on the other hand, can be disqualified even it is now in a pit dug into the ground. The *Olat Tamid* (160:6, cited in the *Mishna Berura* 160:24 and the *Kaf Hahayim* Sofer 160:31) explained specifically that even if the water becomes used only after it is in the pit, it is nevertheless disqualified since it had once been drawn in a container.

Rabbenu Avraham ben David ruled that, regarding the mitzvah of *netillat yadayim*, a pool filled with forty *se'a* of drawn water has the status of a mikveh and one may immerse the hands in it. Does this mean that even if someone uses the water it is not disqualified as "used water," like the rules that apply to a regular mikveh?

The same question applies to a pool filled with forty *se'a* of drawn water, if the water was poured on the ground and allowed to flow into the pool. All the *Poskim* agreed that this pool has the status of a mikveh regarding *netillat yadayim* and one may immerse the hands into it. Does this mean that all *Poskim* agree that the water in this pool remains fit for the mitzvah even if it is used and someone may take a container of water from it and perform *netillat yadayim*? These questions were raised in *sefer Birkhot Shamayim* (Weiss, footnote 85 on page 244). He likewise noted that it is impossible to infer any clue to this issue from the words of the *Shulhan Arukh*, since in one place they imply one thing but afterward they imply the opposite.

The *Piske Teshuvot* cited above apparently assumed the lenient position in both these questions. Once the waters are considered a mikveh regarding *netillat yadayim*, they are not disqualified even if they afterward are used, he ruled. This ruling is cited in *sefer Sha'are Haberakha* (footnote on page 49).

The *Arukh Hashulhan* (160:1) apparently concurred with this since he stated that Rambam would say that if there is a pool filled with forty *se'a* of drawn water and someone used the water in it, the water is disqualified *since Rambam ruled that one may not immerse hands into this pool for netillat yadayim*. We can deduce from this that according to Rabbenu Avraham ben David the water would not become disqualified even if someone used it.

The Nadvorna Rebbe, Harav Mordechai Hayim Rosenbaum (cited in *Kovetz Nezer haTorah*, issue 18, page 240) ruled likewise that since Rabbenu Avraham ben David ruled that one may immerse hands in the pool, the water does not become disqualified for *netillat yadayim* even if someone uses it. If the pool was filled by pouring the drawn water on the ground and allowing it to flow into the pool, he added, all *Poskim* agreed that the water remains fit for the mitzvah even after it is used since they all agreed that people may immerse their hands in this pool.

According to this, we must interpret the words of the *Shulhan Arukh*, stating that if drawn water that was poured into a pit in the ground is used it is disqualified, as applying only to a pit containing less than forty *se'a* of water. If it contains forty *se'a*, it assumes the status of a mikveh regarding *netillat yadayim* and the water would not become disqualified even if used. If this is so, then at least according to Rabbenu Avraham ben David, the water in a swimming pool remains fit for the mitzvah of *netillat yadayim* even after people swim in the pool.