



Volume 6. Issue 40

Invalidating another's Mei Chatat

With the beginning of the seventh *perek* we learn that interrupting with an unnecessary activity (*melacha*) between filling the water for *mei chatat* (*milui*) and sprinkling the ashes of the *para aduma* into the water (*kiddush*) would invalidate the water for *mei chatat*. One case discussed in the first *Mishnah*, for example, is that if one had five containers of water valid and ready for *mei chatat*¹ and then performed *kiddush* on each one, only the first would be valid as the first *kiddush* would constitute *melacha* with respect to those that follow it.

The *Mishnah* then continues by explaining that if one asked another to perform *kiddush* for him depending on how he asked, all five could be valid. If he said “perform *kiddush* for you” then it is no different to the owner performing the *kiddush* himself. The statement “for you” effectively makes it as if the other person filled the water himself (*Bartenura*). If however he said “perform *kiddush* for me” then all are valid. The *Bartenura* explains that the one that filled water did not perform *melacha* and the water did not belong to the one that performed *kiddush*. This ruling is based on the principle that one cannot make *assur* that which does not belong to him.²

Not doubting the above principle that one cannot make *assur* another person's *mei chatat*, this case appears to be different. In this case the owner of the water expressly asked the other person to perform *kiddush* – he is his *shaliach*. Applying the principle that a *shaliach* of a person takes his place, why does the second person not invalidate the remaining water after performing *kiddush* on the first container of water?

The *Tifferet Yisrael* poses this question and provides an answer that sheds light on the principle of a *shaliach* takes the place of the sender – *shlucho shel adam k'moto*. Firstly he explains that we apply this principle

when the sender himself must perform the task to which the *shaliach* is being sent to perform. This is not the case for *kiddush*. Even if it was performed without the knowledge of the owner it is valid. Furthermore, the *Tifferet Yisrael* explains that *shlucho shel adam k'moto* only applies to that specific activity. For anything else, it is not as if the sender is performing it. Consequently the principle that one cannot make *assur* that which does not belong to him come into play and all the water is valid.

Another difficulty raised is that in *Gemara Gittin* (53a) we learn that if someone performs *melacha* with another's *mei chatat* he is not liable in the earthly court, but is liable in the heavenly court. Consequently it appears that one can invalidate another's *mei chatat*. The *Tosfot* there answers that in that case, the owner was happy with the *melacha* that was performed. Based on this *Tosfot*, the *Mishnah Achrona* explains that perhaps the second case is valid since the owner stated perform *kiddush* “for me”, thereby defining the second person's actions as being dependant on the *da'at* of the owner who would not wish to invalidate the remaining water in the manner that it was performed.

The *Mishnah Achrona* however prefers a different explanation of our *Mishnah*. He explains that at the core in what invalidates the water in this *Mishnah* is *hesech ha'daat* – the diversion of attention – and not *melacha* per se. In the first case where he states “perform *kiddush* for you” there is complete *hesech ha'daat* on the part of the owner. He has handed the water over and the second person neglects *shemira* of the remaining water when perform *kiddush* on the first. If however the owner states “perform *kiddush* for me” the owner has not divested himself from guarding the water at any point and all water is consequently valid.

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¹ Such a case would arise if all the water was originally collected for one *kiddush* and then the person changed their mind wanting to use the water for five separate *kidushin*. Were this not the case, each subsequent filling of water would constitute a break for the preceding one, thereby leaving only the last one valid.

² The *Tifferet Yisrael* (*Yachin* 18) explains that this rule only applies when the *issur* is dependent on the will of the owner. If the result would be prohibited when the action occurred on its own, for example, if forbidden fats (*chelev*) fell into food, then it would become prohibited even if another person performed that action.

Revision Questions

פרה ז' א' - ה' ב'

- Can five people separately collect water for the purpose of one *kiddush mei chatat*? (ז' א')
- If those five people collected them for five *kidushin* can they be combined for one? (ז' א')
- Would the law be different in the previous case if they were all collected by one person? (ז' א')
- What is the law if one collected the water for one *kiddush* and then decided to use them water for five? In what case would the law change? (ז' א')
- Can one fill water for two *kidushin* at the same time? (ז' ב')
- Does the law change if the second is for someone else? (ז' ב')
- In what situation would one not invalidate the water if at the time of filling if he did another *melacha* with his other hand? (ז' ג')
- What is the law if one performs *kiddush* for himself and for someone else at the same time? (ז' ג')
- What is the law regarding a case where one says to another: (ז' ד')
 - “You perform *kiddush* on mine and I will perform *kiddush* on yours”?
 - “You perform *kiddush* on mine and I will collect water for yours”?
 - “I will collect water for yours and you perform *kiddush* on mine”?
- How should one collect water if they wish to collect water for *mei chatat* and for their own personal use? (ז' ה')
- Regarding the previous question, how should they then carry the water? (ז' ה')
- Can one return a rope he borrowed to fill water for *mei chatat* when returning from the task? (ז' ו')
- How should one wind the rope tied to the bucket when drawing the water for *mei chatat*? (ז' ז')
- In what case would hiding away the rope after filling not invalidate the water? (ז' ח')
- In what case would clearing potshard from the *shoket* prior to *kiddush* not invalidate the water? (ז' ח')
- What would the law be if one gave direction to another whilst caring the water for *mei chatat*? (ז' ט')
- Can one eat while carrying the water? (ז' ט')
- What is the general rule given by R' *Yehuda* regarding activities that invalidate water if performed whilst carrying it? (ז' ט')
- Explain the debate regarding who can be entrusted with guarding the water collected for *mei chatat*. (ז' י')
- Explain the debate about a case where one assisted another person when both people were filling water for *mei chatat*, regarding whether the water is invalid. What specific case is debated? (ז' י"א)
- What is the law regarding one that makes a breach in a fence on the way to filling the water for *mei chatat* and did so with the intention that he would rebuild it? (ז' י"ב)
- What are the two other cases brought similar to the one in the previous question? (ז' י"ב)
- What is the law regarding a case where two *shorim* are guarding the water and one does *melacha*? (ז' י"ג)
- Why should one perform *kiddush* barefooted? (ז' י"ד)
- What is the difference if the *mei chatat* falls on the person's skin or clothes? (ז' י"ד)

Local Shiurim

Sunday -Thursday

After maariv
Mizrachi Shul

Friday & Shabbat

10 minutes before mincha
Beit Ha'Roeh

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
22 nd November ה' כסלו	23 rd November ו' כסלו	24 th November ז' כסלו	25 th November ח' כסלו	26 th November ט' כסלו	27 th November י' כסלו	28 th November י"א כסלו
Parah 8:3-4	Parah 8:5-6	Parah 8:7-8	Parah 8:9-10	Parah 8:11-9:1	Parah 9:2-3	Parah 9:4-5

