

The weekly Halacha analysis

Choosing tiles for a Mikvah - Part 2

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I overheard you discussing what type of tiles would be Halachically preferable for use in retiling the Mikvah at Yeshiva. What type of tiles would be problematic and why?

A Beis Kibbul that is made to be filled

In last week's edition we discussed the Halacha that one is not allowed to immerse while standing on something that is Mekabel Tumah. The question is whether the grooves on the back of the tile make it a Keili that is Mekabel Tumah and therefore problematic.

We also raised the dispute of the Rishonim on whether a "Beis Kibbul that is made to be filled" is able to receive Tumah or not.

We also brought the explanations of the Shevus Yaakov and Tiferes Yisroel that even according to the stricter opinion, a "Beis Kibbul that is made to be filled" will only be Mekabel Tumah before it has actually been filled or when filled temporarily. Accordingly the tiles would not present a problem.

However, the Noda Biyehuda¹ writes that Keilim which have a "Beis Kibbul that is made to be filled" are Mekabel Tumah Midrabanan². This would apply even if the Beis Kibbul has been filled and even if it is filled permanently³.

Factors for leniency

Even according to the Noda Biyehuda's understanding, the Poskim write that since there is a dispute on which opinion we rule like on the issue of a "Beis Kibbul that is made to be filled", this can be considered as a case of doubt. Since the law that one cannot immerse while standing on something that is Mekabel Tumah is itself only a Rabbinic decree⁴, we can be lenient.

Another factor for being lenient is that the tiles are permanently attached to the ground in a manner of building. Once they are attached to the ground, they are no longer Mekabel Tumah.

This is especially so in this case of tiles (as opposed to other Keilim that are attached to the ground) that are made specifically for the purpose of being affixed to the ground.

Maharsham⁵ writes a suggestion that the grooves on the back of the tiles are not considered Keilim at all, as they are made to help

the tile stick to the wall, rather than to "receive" the mortar.

Dovev Meisharim⁶ raises another basis for leniency. The Halacha is that if one excavates a receptacle in an earthenware material, it is only considered a Keili that will be Mekabel Tumah if it can hold a Reviis of liquid (approx. 86ml). Most of the grooves on tiles would not be capable of holding this volume. However, porcelain is treated like glass where even the smallest volume is sufficient to render them Keilim.

The above discussion about the leniency for a "Beis Kibbul that is made to be filled" would not apply to impressions and grooves that are on the front side of the tiles which are not filled in. The only basis for leniency is that they are affixed to the ground. One could also argue that the grooves are not made to be receptacles and are just made for decoration.

Large versus small tiles

Another concern raised by the Poskim when selecting tiles for a Mikvah, is the use of large tiles. With large tiles, it is possible that the mortar will not be applied across the entire surface of the back of the tile. As a result, when the tile is attached to the wall, the gaps in the mortar will create pockets where over time water can get trapped. This concern would apply to stone tiles as well.

When filling a Mikvah with rainwater, the Mikvah must be completely dry, to ensure that no "drawn water" is present. When using large tiles, it is very difficult to dry the Mikvah properly as water will continue to seep from behind the tiles where it is trapped.

If the water trapped behind the tiles was from drawn water (this is particularly applicable in Bor Al Gabei Bor where the top Mikvah is filled with tap water), the leaking water will be problematic when the Mikvah is to be refilled with rainwater.

One can see evidence from this in some Mikvaos that when the water level drops or the Mikvah is emptied, water can be observed seeping or trickling from behind the tiles. Additionally, this trickling may present a concern of Zechilah into the Mikvah

With small tiles, the mortar will be spread over the entire surface of the tile, ensuring that the risk of water being trapped is minimised.

Small pool tiles are usually held together with a plastic mesh. This mesh does not present any Halachic problem.



Conclusion

Many Poskim permit the use of tiles with grooves on the back based on the very strong arguments discussed above.

Nonetheless, the great Poskim⁷ write that Lechatchilah it is preferable to use tiles that are flat and smooth on both sides. It is also preferable to not use tiles that have engraved logos or words on the back, even though they are not made to be Mekabel⁸. The tiles should be completely flat on both sides.

This is especially important for the floor, because of the concern of standing on something that is Mekabel Tumah⁹.

Since the Mikvah is "Tasharasan Shel Yisroel" - the purity of the Jewish people - when building a Mikvah, we try to observe all Hiddurim and to satisfy as many opinions as possible.

Tiled border

An additional matter when tiling the Mikvah is that it is advisable to use a different colour tile to make a line at the height to which the water should be filled. This will enable the Mikvah attendant to easily identify the required height of the water as required by Shulchan Aruch¹⁰.

1. Mahadura Kama YD 96 considers this to be doubt
2. This is the opinion of the Ramban 5: 1:145
3. See Taharas Mayim for an explanation of why tiles would be different even according to this opinion 6. Siman 131
4. Minchas Yitzchok 3:90. See at length Taharas Mayim p189. See Gr"a Hilchos Sukkah OC 629:7 that the Shulchan Aruch 7. Chelkas Yaakov 3:56
8. Mikveh Mayim volume 3 p49
9. Chelkas Yaakov 3:56
10. Y.D. 198:36. See Chiddush issue 266 for an extensive discussion on this topic