ISSUE

274



פרשת בהר אייר תשפ"ב

### SIYUM HARAMBAM

This past week we concluded the 41st cycle of learning the Mishneh Torah of the Rambam, studying 3 chapters a day.

The Rebbe requested that Siyumim be held in every city to celebrate the accomplishment of learning Kol Hatorah Kula - all of the Mitzvos of the Torah and their details, from the Rambam's magnum opus.

All men and women are invited to join the Melbourne Siyum and Seudas Mitzvah that will take place this Sunday night, 7:30pm in the Werdiger Hall.

Guest speaker Rabbi Nochum Schapiro with local community members and Rabbis making the Siyum and Hascholo and sharing their personal Rambam journey.

Bookings essential www.trybooking.com/BZPQG

### **SHABBOS SHIUR**

All men and women are invited to join the Shabbos afternoon Shiur.

Each week features a different speaker addressing different topics.

This week Rabbi Yonason Johnson will talk about

### The Status of Shemittah today

Between Mincha and Maariv each Shabbos afternoon in the Yeshivah Shule.

### **DOR LEDOR**

Dor Ledor learning is on this week.
7:15pm Motzai Shabbos in the ORZ

Mezzanine

A collection of Torah thoughts produced by Kollel Menachem





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## Join the ranks of the mighty ones

Parshas Behar begins with a detailed enumeration of the laws of Shemittah. The Posuk introducing this Mitzvah begins וידבר ה' אל משה בהר סיני לאמר, "and Hashem spoke to Moshe at Har Sinai saying..."

This is a change from the standard formula used to interduce the Mitzvos; "and Hashem spoke to Moshe saying". Mentioning Har Sinai in the verse, suggests that there is a unique connection of the Mitzvah of Shemittah to Har Sinai.

Rashi quotes the Midrash that questions why this is; מה ענין שמיטה אצל הר סיני. Why does the Torah single out the Mitzvah of Shemittah, relating it to Har Sinai, when all of the Mitzvos were given were Har Sinai?

The Midrash answers, that from the Mitvzah of Shemittah we learn that just as Shemittah was given at Har Sinai with its general principles and its specific details, so too all of the Mitzvos were given at Har Sinai with all of their general principles and their specific details.

However, the question still remains, why did Hashem choose the Mitzvah of Shemittah to teach this idea? The Torah could have conveyed the same idea through associating any of the other Mitzvos to Har Sinai. What is unique about Shemittah?

The Gemara teaches that when the Jewish people pledged their acceptance of the Torah with the words Naaseh Venishma, a Divine voice emanated and declared; Who revealed the secret of the ministering angels to my children?

"Doing" before "hearing" is the way that the angels serve Hashem. The Gemara evidences this from the verse ברכו ה' מלאכיו גברי כח עשי דברו לשמע בקול דברו "Bless Hashem, His angels, the mighty ones who do His word, to listen to the voice of His word".

The identity of the Giborei Koach, "the mighty ones" identified in the Posuk is discussed in the Midrash.

Rabbi Huna teaches that the Giborei Koach refers to the Jewish people, who accepted the Torah at Har Sinai with the words of Naaseh Venishma.

Even though the Gemara identifies the object of the verse as being the angels, the intent is the same. The Giborei Koach is connected to serving Hashem in a manner of Naaseh Venishma.

However, the Midrash presents a different opinion. Rabbi Yitzchok teaches that the Giborei Koach, the mighty ones, refers to those who observe the laws of Shemittah;

It is customary in the world that a person will fulfil a Mitzvah for a day, for a week, for a month. But for the rest of the days of the year? And this one (those who observe Shemittah) watches his field sit empty, watches his vineyard sit empty and he still pays taxes and is silent – is there one more powerful than this?

What is the great strength and power of Naaseh Venishma and why was this declaration the necessary prerequisite for Matan Torah to take place?

Logically, a person should first seek to understand something before committing to do it. This way they can appreciate what is being asked and can determine whether they are able to fulfil it.

With Naaseh Venishma, Bnei Yisroel devoted themselves to observe the Torah with an illogical pledge of acceptance - an expression of absolute Kabbolas Ol. Their observance of the Torah would not be based on their capacity to understand and whether logically it makes sense. They would observe the Mitzvos even if when they seem illogical or appear to cause a loss.

Perhaps, of all of the Mitzvos, Shemittah is the one that takes the greatest sacrifice and dedication and an absolute trust in Hashem.

Closing one's business for Shabbos is a once a week expectation. The farmers observing Shemittah closed shop for an entire year! They do not work on their fields and must make all of their produce Hefker for anyone to be able to take. To do this takes incredible strength and faith.

The Torah connects the Mitzvah of Shemittah to Har Sinai to teach us that every Mitzvah should be kept with the same illogical and suprarational dedication and faith that Shemittah requires.

To this day there are farmers who keep Shemittah without compromise. We are in awe of them and should support them in whichever way possible. They also teach us an incredible lesson. If those keeping Shemittah can sacrifice so much, certainly we can all make our own personal sacrifices for Mitzvos and in doing so, join the ranks of Hashem's mighty ones.

## The weekly Halacha analysis

# Choosing tiles for a Mikvah - Part 2

### Rabbi Yonason Johnson

I overheard you discussing what type of tiles would be Halachically preferable for use in retiling the Mikvah at Yeshivah. 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 therefor 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 Biyehuda<sup>1</sup> writes that Keilim which have a "Beis Kibbul that is made to be filled" are Mekabel Tumah Midrabanan<sup>2</sup>. This would apply even if the Beis Kibbul has been filled and even if it is filled permanently<sup>3</sup>.

### **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 decree<sup>4</sup>, 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.

Maharsham<sup>5</sup> 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 Meisharim<sup>6</sup> 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 verses 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.

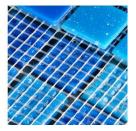
When filling a Mikvah with rainwater, the Mikvah must be completely dry, to ensure that no "drawn water" is present. When using large tiles, it is very difficult to dry the Mikvah properly as water will continue to seep from behind the tiles where it is trapped.

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 Poskim<sup>7</sup> 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 Mekabel<sup>8</sup>. 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 Tumah<sup>9</sup>.

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 Aruch<sup>10</sup>.

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