



פרשת כי תשא
פרשת פרה
אדר תשפ"ג
שנת הקהל



HAKHEL & PARSHAS PARAH

Parshas Parah discusses the laws of impurity from contact with the dead and the purification through the ashes of the Parah Adumah.

The Rambam writes that someone who was impure was exempt from Hakhel, because they are unable to enter the Beis Hamikdash. The Minchas Chinuch suggests that there is a distinction depending on what level of Tumah a person has.

A person who has Tumah from becoming a Zav, Zavah, Niddah, Baal Keri or Metzorah, is forbidden to go anywhere on Har Habayis. They would not be able to participate in Hakhel.

The Talmud Bavli is of the view that Hakhel took place in the Ezras Nashim, not in the primary Azarah. This is the ruling of the Rambam.

Someone who had Tumas Meis, was not allowed in the Azarah, but was allowed on Har Habayis. Biblically, the area of the Ezras Nashim is like the rest of Har Habayis, meaning that someone with Tumas Meis would be permitted there.

Even though it is Rabbinically forbidden for someone with Tumas Meis to enter the Ezras Nashim, it could be that for the purpose of joining in the Biblical Mitzvah of Hakhel, the Rabbis did not enforce their decree.

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חידוש Chiddush



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The Opposite of Achashveirosh

A Parsha thought based on the writings of the Tiferes Shlomo of Radomsk

The concluding verse of the Megillah reads כי מדכי היהודי משנה למלך אחשוורוש וגדול ליהודים... דורש טוב לעמו, "for Mordechai the Yehudi was viceroy to Achashveirosh the king and was a great man among the Jews".

The word משנה can also mean different or opposite. Mordechai was the opposite of Achashveirosh.

From the very beginning of the Megillah, we see that king Achashveirosh sought only to publicise his own greatness. This was why he made his feast. He was only interested in his own benefit and aggrandisement, not in the needs of his people. We also see this at the end of the Megillah where Achashveirosh levied taxes on the people, to recoup the cost of his feast.

Mordechai was the opposite. He was דורש טוב לעמו seeking the good of his people. Tzaddikim, like Mordechai, live only to serve their generation and seek their benefit. The Megillah's description that Mordechai was גדול ליהודים, literally "a great man among the Jews", can also mean that Mordechai's greatness was only to be ליהודים, "for the Jews", to seek their goodness.

This is alluded to in the words of Dovid Hamelech in Tehillim חוקיך למדני ומטיב, "You are good and bestow goodness, teach me Your statutes." Hashem is the ultimate Good, who seeks to bestow goodness. This is the reason why, according to the Jewish mystics and philosophers, He created the world - to bestow goodness upon the creations.

Dovid was asking Hashem למדני, let me learn and become accustomed to emulating Your ways, so that as a leader, I too will seek only to do good and kindness for others.

This is also the inner meaning of the prayer from the Yomim Noraim יעלוזו וישמחו וישירים, "and then the Tzaddikim will see and be glad, the upright will rejoice." The Tzaddikim rejoice and are glad, when they see the upright - the Jewish people - are themselves in a state of joy.

This idea is also alluded to in the Musaf of Rosh Hashana לעולם לא יכשלו ולא יכלמו לנצח "for those who seek You will not stumble forever and... will not be shamed forever". The word לעולם can mean forever, but it also means the world. The prayer could be read as; those who seek and pray for the benefit of the world, they will not falter or and their merit will stand forever without weakening.

This theme is reflected in the opening of Parshas Ki Sisa as well. The Parsha opens with the words תשא את ראש בני ישראל לפקודיהם ונתנו... כופר נפשו לה. "when you will lift up the heads of (count) the Jewish people... they shall give an atonement for their soul to Hashem."

The heads of the Jewish people refer to the Tzaddikim, who are appointed as the leaders of Klal Yisroel. When the Tzaddikim are entrusted as leaders of the generation, they must נתנו "give themselves over" with self-sacrifice for the benefit of the generation and to be an atonement for the lacking or sin of the generation if necessary.

When the Parsha describes the making of the anointing oil, Moshe is told ואתה קח לך בשמים ראש, "take for yourself choice spices (Besamaim Rosh), pure myrrh (Mor Deror)". The sages relate that the words Mor Deror in Aramaic, מירא דכי, is an allusion to Mordechai.

Besamim can be read as Bashamayim, from Heaven and the word Rosh means a leader. The verse alludes to the fact that Mordechai was chosen from Heaven to be the Rosh and Manhig of Klal Yisroel. This was because he possessed the quality of selflessness and devotion to others.

Based on the Zohar, Chassidus describes how Mordechai was the Moshe Rabbeinu in his generation. He received his leadership quality from Moshe, the greatest-ever leader of our people. Tanna D'bei Eliyahu teaches that Moshe merited to become the leader because his entire life, he sought only the honour of the Jewish people and to bring peace between them and their father in Heaven.

Hamshacha Channels in the Mikvah - Part 1

Rabbi Yonason Johnson

The tilers renovating the Yeshiva Mikvah asked me about the concrete channel where the water comes in. They wanted to understand why they weren't able to tile it to match the rest of the Mikvah, which would compromise the overall aesthetic look.

All modern-day Mikvaos are built with two Boros (tanks). One Bor is filled with rainwater which remains intact. The immersion Bor is filled with tap water. This Bor is either refilled regularly with fresh water or the water is filtered¹.

In most Mikvaos, the water for these two Boros enter from two different sources. The rainwater to fill the rainwater Bor enters the Mikva from one point. The tap water and the return water from the filter enters the Mikva from a different point to the rainwater.

Before entering the Mikva, both the rain water and tap water flow through a *Hamshacha* channel, usually built in the form of a cement conduit.

To understand the function of the *Hamshacha* channels and why they are an important feature of the Mikva we need to cover some first principles;

There are a number of things which disqualify water from being Kosher for a Mikva. Depending on the disqualification, having the water pass through a *Hamshacha* can reinstate its kosher status and the Mikva will be valid. The three relevant disqualifications are;

Sheuvin; Once rain (or other natural) water has been drawn or passed through a receptacle (Keli), whether the Keli is *Mekabel Tumah* or not, the water is invalidated. If even 3 Log (approx. 1 litre) of drawn water falls into the Mikva before there is a full measure of 40 Seah of rainwater, the Mikva is invalidated.

Tefisas Yad Adam; The water coming into the Mikva cannot come via the "hand of man", even if no Keli is involved. Even if the water was splashed into the Mikva by a person's feet or hands, the Mikva is invalid.

Haviyaso Al Yedei Tahara; Water coming into the Mikva cannot flow over an object which is *Mekabel Tumah*, even if the object is not a receptacle.

The parameters of these issues and how having *Hamshacha* can render the water Kosher once again will be discussed in detail below.

Sheuvin – Draw water

The Shulchan Aruch² rules that 3 Log of drawn water only invalidates a Mikva if it falls into the Mikva directly from the Keli. If the drawn water flows along the floor from outside of the Mikva (i.e. *Hamshacha*), the water will not disqualify the Mikva. The logic is that by running over the ground, the water returns to its connection to the ground³.

The Rambam⁴ records the view of the *Chachmei Maarav* that a Mikva can be filled entirely with drawn water which comes into the Mikva via *Hamshacha*⁵ and no rain water is required. Rishonim⁶ understand this to be the view of the Rif.

The majority of Rishonim⁷ follow the view of Rabbi Eliezer ben Yaakov⁸ that *Hamshacha* will only work where there is a majority measure of rainwater i.e. 21 Seah. Filling the Mikva in this manner is referred to as *Reviah Vehamshacha*, "majority (rainwater) and *Hamshacha*".

The Shulchan Aruch⁹ rules like this latter opinion.

There are those who permit this method of *Reviah Vehamshacha* even where the drawn water coming via *Hamshacha* enters the Mikva before the 21 Seah of rainwater¹⁰. However the Rambam¹¹ implies that this method only works where the 21 Seah of rainwater was in the Mikva before the drawn water enters via *Hamshacha*. The Ram"o¹² adopts this stringent view.

According to the Shulchan Aruch, a Mikva may *Lechtachila* be filled in this method. None the less, some Acharonim¹³ write that because of the many details involved in making a kosher *Hamshacha* and questions such as whether cement is considered "able to absorb", a Mikva should not be made in this way. In places of limited rainfall, this can be considered as an option for filling the Mikva.

What is used for Hamshacha

The Mechaber¹⁴ rules that the *Hamshacha* can be affected by having the water run over the ground or over a pipe which is not made of something which would disqualify a Mikva (i.e. *Mekabel Tumah*). There are different opinions whether the pipe needs to be attached to the ground or not.

The Ram"o adopts a stricter approach that *Hamshacha* must be over ground which is able to absorb - גראוי לבלוע. Pipes or tiled or stone

floors would not suffice. Practically this is achieved by making a concrete with a ratio of 90% sand to 10% cement.

The Acharonim warn that care should be taken that the *Hamshacha* channel not be moulded as a Keli and then attached to the ground or Mikva structure. This would then render all of the water passing through it as Sheuvin and defeat the purpose entirely. The *Hamshacha* should be built directly onto the Mikva or ground or be fashioned so that it is not a Keli.

Length of Hamshacha

The Shulchan Aruch¹⁵ rules that the *Hamshacha* should be a minimum of 3 Tefachim (approx. 24cm). The Rivash¹⁶ explains that this is so that it is more than a shiur of Lavud¹⁷. Sefer Haminhagos is more stringent and requires that the *Hamshacha* be long enough that the force of the pouring of the drawn water into the *Hamshacha* is no longer acting on the water when it runs into the Mikva. Acharonim write that one should be stringent where possible¹⁸.

There is a Machlokes Acharonim whether the 3 Tefachim of the *Hamshacha* need to be in a straight line¹⁹ or whether they can curve or bend²⁰.

Care should be taken that the water does not come into the Mikva with pressure so that the water does not project outwards. This ensures that the water will be able to run on the surface of the *Hamshacha* for the required 3 Tefachim.

1. A discussion on the suitability of filtering a Mikva and guidelines on how it should be done will be addressed in a future edition.
2. Yoreh Deah 201:44
3. Rosh
4. Mikvaos 4:9
5. See Beis Yosef for a lengthy discussion
6. Ran, Rashba, Ramban. See however Beis Yosef who explains that the Rif is also of the view that *Hamshacha* only works where there is a majority of rainwater
7. See Beis Yosef YD 201 quoting Raavad, Rashba, Ramban, Rosh and Ramba"n
8. Temurah 12b
9. Yoreh Deah 201:44
10. Ra"sh
11. See Beis Yosef
12. Yoreh Deah 201:44. There are Acharonim who question the Ram"o's ruling. None the less they say that the Ram"o's ruling should still be followed.
13. Igros Moshe YD 3:63
14. 201:44 and 201:46
15. 201:45
16. Siman 83
17. Even though Lavud does not apply, Aruch Hashulchan explains that the Rivash means that the *Hamshacha* should be large enough to be recognised.
18. Lechem Vesimla 201:175 and Minchas Yitzchak 1:150. There is a minority view that the *Hamshacha* has no minimum shiur – Rashba.
19. Shevet Halevi 8:203
20. Chazon Ish YD 126:6