



A collection of Torah thoughts produced by Kollel Menachem

פרשת ויחי
טבת תשפ"ג
שנת הקהל



HAKHEL IN THE PARSHA

Before passing away, Yaakov calls his sons to him, so that he can share with them his final blessings.

Yaakov uses two terms that denote gathering; התקבצו and האספו, stressing the importance of their unity.

The 12 Tribes represent the collective of the Jewish people. Yaakov was the Nasi.

Gathering to hear Yaakov's final words, which also included words of rebuke, is similar to the gathering of Hakhel, where Bnei Yisroel would gather around the king - the Nasi in a state of unity, to hear the words that he would read from the Torah which inspire the fear of Heaven.

YARCHEI KALLAH UPDATE

The Yarchei Kallah program was a great success this year, with large crowds joining on each day of the program.

Rabbi Dinerman enthralled the crowd with his masterfully crafted Shiurim which wove together teachings of the sages and our Rebbeim, stories and anecdotes.

Kollel Rabbis Michael Stern, Menachem Sufrin and Yossi Gopin delivered fascinating, well-researched topical Halacha Shiurim.



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The blessing of appreciating our challenges

Before his father passes away, Yosef brings Efraim and Menashe, to receive his parting blessing. Yaakov places Menashe, the firstborn, facing Yaakov's right and Efraim on Yaakov's left.

Yaakov switches his hands, placing his right hand, the primary source of blessing, on the head of Efraim, even though he was the younger brother. The Torah describes this switching of hands as שיכיל, meaning that he acted wisely.

Much has been written about the great wisdom and deeper insight in Yaakov's actions. In his Sefer Kedushas Levi, Rabbi Levi Yitzchak of Berditchev offers a powerful lesson on proper perspective.

In Parshas Vayigash, the Torah explains why Yosef named his sons Menashe and Efraim respectively.

On naming Menashe, Yosef says כִּי־נִשְׁנִי אֱלֹקִים Hashem has caused me to forget all of my problems and all of my father's house.

In contrast, the name Efraim was given because Hashem has made me prosperous (lit. fertile) in the land of my affliction - כִּי־הִפְרַנְי אֱלֹהִים בְּאַרְצִי עֲגִנִי

Yosef suffered greatly for most of his life until this point. He lost his mother as a young boy, was despised by his brothers who betrayed him and sold him as a slave to a foreign land far away from his father's home. In Egypt he was thrown into prison on false charges before being freed and ultimately elevated.

The name Menashe focuses on the suffering that Yosef had experienced as his 'firstborn' in life. In the name Efraim, Yosef focuses not on his suffering and difficulties, but on the personal success and elevation that ultimately ensued and that he finally enjoyed.

Yaakov too suffered in his lifetime. In switching his hands, he was teaching Yosef a lesson in faith and how to view difficulties and challenges of life, when we have to go through them.

When Hashem causes us to experience suffering and challenge, the true intention is not for the challenge itself. The challenge is there to serve as an opportunity for growth; to bring out deeper qualities and strengths within ourselves and lead us to greater success and accomplishment.

Yaakov is telling Yosef that we have to always remember that even when facing the struggles of Menashe, the true and primary intention always was and always will be Efraim. Latent and hidden within the challenge itself is Hashem's deepest kindnesses. This knowledge strengthens us when we face the challenges of life.

With this, the Kedushas Levi explains a perplexing teaching in the Gemara. Rabb Elazar taught in the name of Rabbi Chanina that the ways of Hashem are not like the ways of man. The Middah of man is to first place the pot on the fire and then pour the water into it. Hashem however, first pours the water into the pot and then places it on the fire.

Water reflects the attribute of Chesed - kindness. Placing the pot on the fire represents the struggles and challenges that a person experiences in life. Fire reflects the attribute of Gevurah.

The difficulties are not random. When Hashem places the pot on the fire, He only does so because He has first placed the water in it. Hashem wants to bestow His kindness upon us. Sometimes, such kindness can only be achieved through difficulties, with the kindness being the growth and prosperity that comes as a result.

The blessing that Yaakov gives to Efraim and Menashe is that "by you Yisroel (the Jewish people) will bless (their children) saying: may G-d make you like Efraim and Menashe".

In our lives, the ability to place Efraim before Menashe, to always see the kindness and opportunity within our challenges and how they come from Hashem to help us grow, is the greatest blessing of all.

- 1. Y.D. 189:31 not remain below the leak (as long as there is 40 Seah present when immersion takes place). See Tzemach Tzedek Shu"t Y.D. 164.
- 2. YD 198:34
- 3. Shulchan Aruch ibid
- 4. YD 198:40
- 5. YD 198:27, 39
- 6. Siman 9
- 7. Divrei Malkiel, Shevet Halevi Y.D. 201:50
- 8. In truth, the Rosh (Mikvaos 5:5) is lenient even if 40 Seah would
- 10. Shoresch 156
- 11. Tzemach Tzedek Y.D. 164:4, Lechem Vesimla - Simla 86 and Chibur Letahara 2:41
- 12. Y.D. 201:50. The Rosh ibid. offers 2 interpretations of the Ra"sh.
- 13. Morechai and Rashba. See also Tzemach Tzedek Y.D. 186 and Gidulei Tahara. This is opposed to the opinion of Rav Shlomo Kluger (Kinas Sofrim 45) who
- 14. writes that the Ram"o would allow immersing below the leak. YD 201:120
- 15. 201:185
- 16. Meil Tzedaka 39, Mikvah Taharah 126, Mei Hashiloach, Nodah Biyehuda YD Tinyana 137, Divrei Chaim Mikvaos 34 and others.
- 17. Igros Moshe YD 1:113, Minchas Yitzchok 10:80
- 18. Shiurei Shevet Halevi p349

The weekly Halacha analysis

A Mikvah that is too full

Rabbi Yonason Johnson

In a previous edition we discussed the minimum height for the water in a Mikvah and the Halachic problems if the water-level is too low. The water must be at least a Zeres (half an Amah – approx. 24cm) above the navel of the one immersing.

However, it is also problematic if the water-level is too high. Unlike the concern of the water being too low, the concern of the water-level being too high is not brought explicitly in the Shulchan Aruch.

There are two concerns that apply when the water is too high.

Fear

The first concern is that in deep water a woman may be scared when immersing in deep water. This may lead to her rushing her immersion and not being careful with the correct position or being careful to ensure that she is completely submerged.

The Shulchan Aruch brings a number of Halachos that a woman may not immerse in a place or position that may cause fear. One ruling¹ is that a person immersing may not stand on a narrow object, whether it is Mekabel Tumah or not, because it can cause “Biasusa” – fear of falling.

Another ruling² is that a woman may not immerse in a place where she may be concerned that other people will see her. This fear may also lead to not immersing properly. In both of these cases, if she did immerse in the correct manner, Bedieved the immersion is valid³.

Technically these concerns will not apply if there is a woman observing the immersion as required by Halacha⁴, however there are other related concerns when a woman is afraid, which a Mikvah attendant would not necessarily be able to observe.

If someone is afraid, they may clench their fists or scrunch their eyes closed or purse their lips tightly. If done tightly, this creates a Chatzitza that prevents the water of the Mikvah reaching parts of the body and the immersion will be invalid⁵.

The Divrei Yechezkel of Shineva⁶ wrote that

because of the concern of fear, the water should not be up to the neck. Other Poskim⁷ do not give a specific measure, but merely write that the water level should not be too high.

Overflowing water

The second problem is where the water-level is so high that the water spills out of the Mikvah as a result of displacement when a person immerses. If water of the Mikvah is flowing, this presents a problem of Zechila which invalidates the Mikvah. For this reason, the walls of the Mikvah are built significantly higher than the water level, to prevent water leaving the Mikvah.

But where the water in the Mikvah was over-filled and is too high, even in such a Mikvah, the water can flow over the top or into the Hamshacha channel. There are a number of arguments about when the concern of Zochalin applies.

The Lenient Approach

The Mechaber⁸ rules that as long as there remains 40 Se’ah (the minimum measure of a Mikva) of rainwater below the crack from which the water is leaking, the Mikvah is kosher. If the crack is lower so that 40 Se’ah will not remain, the Mikvah is disqualified. This is the view of the Rosh according to the Tur⁹.

The application of this lenient approach is subject to dispute. When 40 Se’ah remains and the Mikvah is kosher, may one immerse even above the crack-level (i.e. the entire Mikvah is kosher) or does one need to lower themselves under the water to immerse below the crack-level where the water is not moving?

Mahari”k¹⁰ understands that even according to the Rosh, one may not immerse in the water which is above the crack. However, most authorities understand this opinion to permit immersing¹¹ in the entire Mikva.

The Stricter Approach

The Ram”o¹² rules like Rabbeinu Shimshon (the Ra”sh) that even if 40 Se’ah will remain below the crack after the water has leaked out, the Mikvah is nonetheless invalidated while the water is leaking. This is because all of the water is considered to be flowing. Based on this understanding, even if one is immersing below the

crack the immersion is invalid¹³.

According to the Mechaber, there would not necessarily be a problem of water leaving the Mikvah on the surface. However according to the Ram”o (especially the stricter understanding of the Ram”o), it would be problematic.

Water displacement

All of the above applies to water that flows out by itself because of a leak and the like. When it comes to water being pushed out as a result of immersing, there is a Machlokes whether this constitutes Zochalin.

The Shach¹⁴ writes that water that leaves the Mikvah as a result of immersing is not considered Zochalin and the immersion would be valid even according to the Ram”o’s opinion above. The Aruch Hashulchan¹⁵ rules like the Shach. According to this view, there would not be a concern of Zochalin where the water level is too-high.

However, most Poskim¹⁶ argue with the position of the Shach and consider this to be Zochalin as well. This is the accepted Halachic position and we are concerned for water flowing out as a result of immersion as well.

Because of this concern, the Poskim¹⁷ write that we should not build an overflow hole in the walls of the Mikvah (built to prevent overfilling the Mikvah and causing flooding), because the displacement may cause the water to flow into the overflow hole.

Practical suggestion

So whilst the water level cannot be too low, it should also not be too high. The problem is that immersers are different heights. Filling the water to a Zeres above the navel of a tall person, or even one of average height, may be up to or above the neck of a shorter person.

Therefore, a Hiddur in Mikvaos is to build a large bottom step so that a shorter person can immerse while standing on the bottom step of the Mikvah¹⁸.