



פרשת בשלח
שבט תשפ"א

MONDAY NIGHT CHASSIDUS

Resuming this week! Join Rabbi Johnson on Monday nights for a taste of the Chassidishe Parsha: Torah Ohr on Sefer Shemos

Mondays 8:30-9:30pm

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RESUMING SHIURIM

With the commencement of term 1, a number of shiurim and learning programs will be resuming;

Retirees morning Kollel

Sunday morning Shaalos Uteshuvos shiur with Rabbi Johnson

Sunday evening Tanya shiur with Rabbi Gordon

Halacha shiurim with Rabbi Stern

Weekly Dor Ledor learning program for boys.

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Testing our dedication to Torah

This past Tuesday, many Jews around the world observed a popular Segulah for wealth. This Segulah is attributed to the Tzaddik Reb Menachem Mendel of Rimanov;

“On Tuesday of Parshas Beshalach one recites the Parsha of the Man, reading each verse twice in the Hebrew and once in the Aramaic Targum Onkelus”.

Many have the practise of following the Shulchan Aruch’s suggestion to read this passage each day. This is in order to strengthen our Bitachon, our trust in Hashem, particularly in the area of Parnasa.

In Parshas HaMan the Torah tells us “The nation will go out each day to gather their daily portion, in order to test them whether they go in way of My Torah (Torasi) or not.”

What is this test to see whether they go in the ways of Torah or not? and how does the Man do this?

Rashi explains that the Torah is simply referring to the laws of the Man; not to leave any over until morning or go out on Shabbos to try to collect it.

Whilst Torasi could mean My laws and therefore could be referring to the laws of the Man, the Targum translates it as Oraisi - a reference to the entire Torah.

What connection does the Man have to the Torah and how is the observance of Torah being tested?

At the end of the Parsha, Moshe is commanded to take a flask of the Man. It would be kept in the Kodosh Hakodoshim as a safeguard for all generations.

Rashi tells us that many generations later, the Novi Yirimyahu used this flask. When rebuking the Jewish people for their laxity in the study of Torah, the people defended themselves, saying that they had been too busy trying to earn their livelihood.

Yirmiyahu showed them the flask, emphasising that our Parnasa comes from Hashem and that He has many agents through which to provide Parnasa. Parnasa should not be used as an excuse for not learning Torah.

The struggles for Parnasa present a major and often valid obstacle to dedicating our time to study Torah.

The pauper who must labour all day long to feed his family has the challenge of never knowing where

tomorrow’s meal will come from. “I truly want to learn more but I am so busy taking care of my most basic needs, just to make ends meet. How can I make time for learning?”

The wealthy businessman, with his many businesses, investments and estates to manage has the opposite argument. “I would really love to learn more, but I am too busy managing my business ventures, how can I make time for learning?”.

Technically we all have the obligation to toil in Torah day and night. However, our need to procure a Parnasa carries Halachic weight and is seen as justifiable grounds for sufficing with learning less.

But how can we tell if the time we need to spend at work is a genuine limitation or merely an excuse? Is it true that we cannot find the time? Or is it a convenient excuse to miss the shiur? The Man was the litmus test.

While living off the Man, both of the impediments of Parnasa did not exist. The Man fell daily, so that no one needed to worry, like the pauper, about their next day’s meal.

Likewise, no one could amass any more; only an Omer a day. Anything left over would melt. So no one could claim to be too busy with their business dealings and investments.

This is the meaning of the test “Whether they will go in the ways of My Torah or not”. Would Bnei Yisroel dedicate their time to Torah study when they were free from the yoke of Parnasa?

In today’s world, we have to work hard to make a living. Making time for a regular learning seder during the week is a real challenge.

The test of our dedication is how we devote our time to Torah study when the limitations of Parnasa are removed. How do we spend our public or end-of-year holidays when the office is closed? What do we do on those long Shabbos afternoons?

The Midrash tells us that the 3rd time the Man will be brought out is by Eliyahu Hanovi in the times of Moshiach. Then we will be truly be free from the worries of Parnasa and the sole occupation of the entire world will be to know Hashem through the study of Torah.

The weekly Halacha analysis

A leak in the Mikva

Rabbi Yonason Johnson

אך מעין ובור מקוה מים יהיה טהור we learn¹ that purification may be done in either a Maayan or a Mikva. A Maayan is a natural spring. A Mikva is a gathering of rainwater which has been collected into a pool.

Both a Mikva and Maayan are kosher for immersion, but from the word אך, our sages learn that there is a distinction between them;

A Maayan can purify even while the water is flowing. But in a Mikva, the water must be still (באשבורן)². If the water is flowing, the Mikva and any immersions in it are Biblically invalid. The issue of a flowing Mikva is referred to in halocha as זוחלין (flowing).

Even when built in a halachically sound manner, it is not uncommon for a Mikva to develop a leak. Concrete deteriorating over time, tree roots and cracking due to movement can all cause leaks. Often the only evidence of a leak will be a drop in water level.

For this reason, a Mikva should be regularly checked to ensure that there are no leaks. This is done by leaving the Mikva unused for some time, marking the water level and watching to see if the water level drops and by how much.

What is the status of the Mikva if a leak develops that would qualify as zochalin?

The halocha is subject to a dispute and will depend on where the leak is³.

The Lenient Approach

The Shulchan Aruch⁴ rules that as long as there remains 40 Se'ah (the minimum measure of a Mikva) of rainwater below the point of the crack from which the water is leaking, the Mikva remains kosher. If the crack is lower so that 40 Se'ah will not remain, the Mikva is disqualified. This is the view of the Rosh according to the Tur⁵.

The application of this lenient approach is subject to dispute. When 40 Se'ah remains and the Mikva is kosher, may one immerse even above the crack-level (i.e. the entire Mikva 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"K⁶ 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 immersing⁷ in the entire Mikva.

The Stricter Approach

The Ram"o⁸ 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 Mikva is nonetheless invalidated while the water is leaking. This is because all of the water is considered to be flowing⁹.

What size leak qualifies as Zochalin?

Not every leak will render the Mikva posul. The Shulchan Aruch¹⁰ rules like the Rashb"o¹¹ that only a זחילה הניכרת - a discernible flow, will invalidate the Mikva.

But what size flow is defined as discernible?

The Shulchan Aruch writes that if a Mikva has a hole and the water drips slowly or is absorbed in the ground slowly, the Mikva is kosher.

A minority opinion rules that as long as one cannot see the movement on the surface of the water, any leak is considered non-discernible. The rate or volume of leakage would not be an issue. Accordingly most cracks in a Mikva would not be problematic.

However many poskim rule that the only measure is the level of leakage and overall drop in the Mikva level. The fact that it cannot be seen on the water's surface is irrelevant¹².

Unlike the Shulchan Aruch, the Vilna Gaon¹³ invalidates even an undiscernible zechilah.

Even a Mikva where the zechila is minimal should be repaired. The nature is that over time the cracks will widen and eventually create a certain situation of זחילה הניכרת.

Seepage

If there is no hole or crack and the water is merely being absorbed into the walls of the Mikva, there is an argument whether this too is considered as זחילה.

This situation was commonplace when Mikvaos were excavations in the ground or stone and before concrete water-proofing ability improved. Accepted halocha is to treat this too as זחילה if it is discernible¹⁴.

Repairing the leak

A leak may not be repaired with something which is Mekabel Tumah¹⁵ (can contract ritual impurity). This follows the opinion of the Ra"sh¹⁶. The Rebbe Rashab¹⁷ is stringent with a rubber stopper. Poskim¹⁸ are likewise concerned for plastic stoppers.

The tiles should be removed. If the location of the crack or hole is identifiable, it should be filled with concrete. Epoxy liquid injections into the concrete may also be used.

In addition, and also where the source of the leak cannot be identified, the walls can (should) be coated with ponding sealer - an epoxy based powder which is mixed with water and painted onto the concrete. When it dries the sealer creates a water-proof barrier. There is no concern of being Mekabel Tumah as this is not a Keili and it is also used Derech Binyan.

The Mikva should be tested to see that it holds water, before the tiles are replaced.

Evaporation

Evaporation does not constitute זחילה. But how much droppage can be attributed to evaporation before suspecting a genuine זחילה?

The Darkei Teshuva¹⁹ writes that when a Mikva drops "2-3 fingers" within 24 hours and no crack can be found, we can attribute the drop to evaporation from the heat of the Mikva or bathhouse. Some poskim allow only a lesser drop in water for evaporation.

1. Toras Kohanim Shemini. See Mesechta Mikvaos Chapter 1.
2. The word Mikva itself means a collection of water as we find on the 3rd day of Creation, יקוו, יקוו. If the water's are not stagnant, it can no longer be defined as a Mikva.
3. The opinions of the Rosh and Ra"sh discussed below are based on their interpretations of the Mishna Mikvaos 5:5 ונוטפין שעשאן זוחלין.
4. YD 201:50
5. In truth, the Rosh (Mikvaos 5:5) is lenient even if 40 seah would not remain below the leak (as long as there is 40 Seah present when immersion takes place). According to the Rosh, the psul of zochalin is only when all of the water is moving like a river flows. See Tzemach Tzedek Shu"t Y.D. 164. See Gr"o 201:90 and Tzemach Tzedek ibid. who explain why the Tur deviates.
6. Shoresh 156
7. Tzemach Tzedek Y.D. 164:4, Lechem Vesimla - Simla 86 and Chibur Letahara 2:41
8. Y.D. 201:50. The Rosh ibid. offers 2 interpretations of the Ra"sh. The Ram"o follows the first interpretation that as a result of the leak, all of the Mikva water is considered to be moving, even the water from below to leak-point.
9. 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 writes that the Ram"o would allow immersing below the leak.
10. 201:51
11. Shaar Hamayim
12. See Shu"t Arugas Habosem siman 211, Gidulei Tahara 8, Imrei Yosher 2:146 and Divrei Chaim Y.D. 2:99. A hole which is large enough to allow water in (koneis mashke) is sufficient.
13. Y.D. 201:96
14. See Chibur Letahara 2:40, Shu"t Chasam Sofer Y.D. 211 in contrast to Gidulei Tahara who is lenient.
15. Shulchan Aruch
16. Mikvaos 5:5
17. see also Maharsham 1:2
18. See Igros Moshe Y.D. 1:109 and Minchas Yitzchok 4:36
19. 201:286