

Understanding Mikvah

An overview of Mikvah construction

Copyright © 2001 by Rabbi S. Z. Lesches

permission & comments:
(514) 737-6076
4661 Van Horne, Suite 12
Montreal P.Q. H3W 1H8
Canada

National Library of Canada Cataloguing in Publication Data

Lesches, Schneur Zalman
Understanding mikvah : an overview of mikvah construction

ISBN 0-9689146-0-8

1. Mikveh--Design and construction. 2. Mikveh--History.
3. Purity, Ritual--Judaism. 4. Jewish law. I. Title.

BM703.L37 2001

296.7'5

C2001-901500-3

CONTENTS*

FOREWORD	xi
Excerpts from the Rebbe's Letters Regarding Mikvah	13
Preface	20
The History of Mikvaos	25
A New Design	27
Importance of a Mikvah	30
Building and Planning	33
Maximizing Comfort	34
Eliminating Worry	35
Kosher Waters	37
Immersing in a Spring	37
Oceans	38
Rivers and Lakes	38
Swimming Pools	39
Snow and Ice	40
Dimensions	43
The Definition of a <i>Mikvah</i>	43
Water Height	43
Measurements.....	44
The Techniques	47
<i>Hashboko</i>	47

* All italicized terms in the text are defined in the glossary.

<i>Zriah</i>	50
Preferences	52
<i>Noson Se'ab v'Notal Se'ab</i>	53
<i>Bor Al Gabai Bor</i>	54
<i>Otzar</i>	58
<i>Hamsbocho</i>	59
The Engineering	61
Invalid Receptacles	61
Water Pipes	62
Drains	63
Tiles.....	64
The Roof.....	64
<i>Mikvah</i> Filtration Systems	65
Heating	66
Construction	67
Humidity	69
Maintenance.....	69
Sophisticated Mikvaos	70
Appendices	71
Appendix I: Understanding <i>Bor Al Gabai Bor</i>	73
Appendix II: More About the <i>Bor Zriah</i>	78
Glossary	80
References	87

Dear Rabbi Lesches,

I received your manuscript 'understanding Mikvah'.

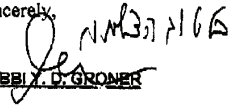
Due to my very busy schedule, I was unable to study it thoroughly but that which i read i found to be satisfactory.

I commend you for your efforts in strengthening טהרת המשפחה, which is one of the important tenet of our Torah.

May you go from strength to strength in your good work and I am confident that this research will be accepted favourably and will assist people in the building of a Kosher Mikvah.

In merit of this good work may you and all כלל ישראל will be זוכה to the coming of Moshiach.

Sincerely,


RABBI D. GRONER

בית דין צדק דק"ק מעלבארן והמדינה

נס"ד

Melbourne Beth Din

JEWISH ECCLESIASTICAL COURT

Av Beth Din

Rabbi S. Gutnick B.A.הרב שלום דובער הכהן גוטניק
אב"ד דק"ק מעלבארן והמדינה

תשס"א Nissan

Rabbi S Z Lesches
4937 Plamondon Avenue
Montreal Quebec
CANADA H3W 1E9

Dear Rabbi Lesches שליט"א.

I welcome the opportunity that offers itself to warmly commend you for the masterly work you have so expertly wrought and I hasten to add my approbation and blessings on your outstanding achievement.

Even a casual perusal of the contents of your book provides more than ample evidence of the deep thought, meticulous care and thoroughgoing research that has been invested in this project. That the Mikvah institution is of paramount importance and a fundamental feature of Torah life and practice is axiomatic. A profound yet lucid treatise such as yours that provides a fuller understanding of the distinctive nature of the Mikvah as well as of the rules and regulations governing its structure and use cannot but foster a wider and more discerning appreciation of this pivotal Mitzvah and its observance.

I offer up a prayerful supplication to Hashem that he bestow upon your good self and upon the Rabbonim and patrons and indeed upon all who were instrumental in bringing this most worthwhile and admirable project to fruition, His choicest blessings for a task well done.



Rabbi Sholem DovBer Hacoheh Gutnick
Av Beth Din
Melbourne Beth Din

572 INKERMAN ROAD, CAULFIELD, 3161. VICTORIA, AUSTRALIA.

Tel: (613) 9527-8337 ~ Fax: (613) 9527-8072

Levi Bistrizky
Chief Rabbi of Safad and Upper Galilee
 Israel

לוי ביסטריצקי
 הרב הראשי לעיריית צפת חי
 והגליל העליון

בס"ד, כ"ח אייר תשס"א

הסכמה

הוגשה לפני טיוטת הספר *Understanding Mikvah* לעיוני.

עברתי על כל הספר והספרו בהחלט נותן הסבר רחב ונפלא לכל מי שרוצה לדעת את החלכות הקשורות לבניית מקוה בכלל וכן לבניית מקוה חב"ד.

אין ספק שהמחבר הרב שניאור זלמן לשם שיח' עשה עבודה מקיפה ויפה.

הנני מברך בזה את המחבר שיזכה להוסיף עם ספרו טהרה וקדושה בעמנו.

בברכה

 הרב לוי ביסטריצקי
 הרב הראשי לעיריית צפת תובב"א
 והגליל העליון

יצחק הכהן הענדל
 רב דביהמ"ד חסידי ליובאוויטש
 ראב"ד בית דין דמאנטריאל

בע"ה

הנה בא לפני הרב התמים האברך היקר הרב החסיד שניאור זלמן שי' לשם מהאברכים המציונים דכולל חב"ד דעירנו ובידו עלים בספרו החשוב על הלכות ועניני מקוואות שחבר בשפת המדינה.

והנה כבד הדבר לפני לעיין בפרטי עניני הספר לפי שאין אני בקי כל כך בשפת המדינה אך נכון הדבר מאוד שאסף וחבר יחד כל עניני ופרטי הלכות מקוואות בלשון קצר וצח למען ירוץ הקורא בו ואפילו אלו שקשה להם לעיין וללמוד במקור הדברים במשניות וברמב"ם לפי שקשה עליהם הבנת הדברים יוכלו עתה לעמוד על עקרי הלכות ופרטיהם מתוך הספר הזה (ובפרט – לפי הוראת כ"ק רבינו – לעשות ולתקן את המקוואות כפי המצאת כ"ק הרשב"ב נ"ע בענין מקוה ע"ג מקוה ומכאן ימצאו אנ"ש והתמימים הוראה ברורה בכל זה בשפה המדוברת).

ואמינא לפעלא טבא ויישר חילא ויחזקהו ה' להוסיף להרבצת התורה והמצוות והפצת המעיינות חוצה ויזכה להוציא לאור עוד חבורים בשאר מקצועות התורה ושבקרוב ממש נזכה לקיום היעוד ד"כי מלאה הארץ דעה את ה' כמים לים מכסים" וכחותם לשון הרמב"ם הלכות מקוואות שנטבול "במי דעת טוהר" בביאת משיח צדקנו במהרה יגלה,

ועל זה באתי על התחום בז' אייר תשס"א במאנטריאל.

יצחק הכהן הענדל

בס"ד

Rabbi David R. Banon

דוד רפאל באנון
רומ"ץ שק"ק ספרדי בלאואל
וחבד"ץ דמונטריאל יע"א

יום ג' לסדר "אך מעין ובור מקוה מים יהיה טהור...". תשס"א

מתוך רב עונג ראיתי את הספר " UNDERSTANDING MIKVAH " פרי תנובתו של מעשה ידי אומן, צנצנת המן, נטע נאמן האברך החשוב הרה"ח שניאור זלמן לשס שליט"א, ובו סידר בשפה ברורה את עניני בניית המקוה לפי פסקי רבותינו נשיאנו הק' ואנא ידענא כמה טרחות טרח המו"ל וכמה כוחות השקיע כדי להוציא מתחת ידו דבר מתוקן. ואני הק' תפלה לדוד שכן יזכה לראות את בניו וזרעו אחריו עולים במעלות התורה והמצוות, וכן יזכה לאורך ימים טובים ונעימים, על התורה ועל העבודה, ובא לציון גואל בב"א,

החותם לכי התורה הצב"י דוד רפאל באנון
 חבד"ץ דמונטריאל יע"א

Rabbi Gershon Grossbaum
1816 Rome Avenue
St Paul, MN 55116

שלום גרשון גראסבוים
ס פאול • מיניסאטא

11 Tammuz 5761
On the eve of the birthday
and days of redemption
of one who was *moser nefesh*
for mikvaot

To Rabbi Zalman Lesches שי,

Yaasher Koach for a job well done. Assembling a compilation of the laws pertaining to Mikvah is a daunting task. It is a challenging subject matter with complicated details. Yet, your *sefer*, "Understanding Mikvah", so eloquently gives the English language student, young and old, a detailed and thorough review of the concepts of Mikvah and its *halachot*, its construction and operating details. Lucid and well organized, the *sefer* succeeds in making this area of *halacha* accessible and relevant.

May Hashem grant that you go מחיל אל חיל and author books of Torah learning to the benefit of *Klal Yisroel* leading to the time of "they shall all know Me," taught by the Teacher of all Teachers, with the imminent coming of Moshiach.

B'brocho for much success,

Rabbi Gershon Grossbaum

Foreword

Kollel Menachem of Montreal presents “Understanding Mikvah: An Overview of Mikvah Construction,” an original treatise that will enable the general public to learn about the basic structure of the *mikvah*.

It must be emphasized that this book cannot in any way replace the study of *mikvah* laws and their underlying rationale in the original sources — the *Shulchan Aruch* and commentaries. The purpose of this book is to offer basic knowledge about this important topic to those who, for whatever reason, find it difficult to learn these laws in the original text. Furthermore, this book presents only the basic laws of *mikvah*, and does not discuss questions and problems that may arise in various circumstances.

It is our hope that this treatise helps to strengthen the scrupulous observance of the *mikvah* laws — an integral part of the Family Purity Laws that form the foundation of our people. This, in turn, will certainly hasten the fulfillment of G-d’s promise, “I will sprinkle purifying waters upon you, and you shall be pure” (*Yechezkel* 36:25) — with the coming of our righteous redeemer, speedily in our days.

Schneur Zalman Lesches
20 Menachem Av, 5761

Acknowledgments:

The following people were invaluable in bringing this project to fruition:

Rabbi Berel Bell for jump-starting this project, Rabbi Elchonon Lesches for editing the manuscript and seeing it through its many stages, Yaakov and Pam Russ for contributing to the success of this manuscript, Mrs. Mindy Feller of Minnesota for extensive editing and proofreading of the manuscript, Rabbi Shimon Chyrek for his masterful *mikvah* sketches, Yossi Berrebi for creating the cover design, Hal

Goldblatt of Las Vegas for providing the *mikvah* photograph on the cover design, and Yitzchok Turner for the layout and typography.

Our team of expert Rabbonim: Rabbi Dovid Banon for advice, Rabbi Yosef Feigelstock of Argentina for writing the section on Sophisticated *Mikvaos*, Rabbi Gershon Grossbaum of Minnesota for his active interest and constructive scholarly emendations, and Rabbi Yitzchok Hendel for providing personal notes full of profound insights regarding the *mikvah* from celebrated *Rabbonim* of the previous generation.

Rabbi Boruch Heidingsfeld and Rabbi Yisroel Karpilovsky, who assisted in many parts of this project, making it enjoyable to discover the world of *mikvaos*.

My father-in-law, Rabbi Dovid Cohen, Ezras Achim and Kupas Rabbeinu organizations for making Kollel Menachem of Montreal become a reality.

The patrons — with special mention to Yossi Lesches, Pesach Nussbaum and Shmarye Richler — for their interest and support that have assisted me throughout this project.

My parents Rabbi and Mrs. Boruch Dov Lesches: this project attests to the vibrant education that they have given me in faraway Sydney, Australia.

My wife Shoshana: her encouragement, patience and support are the success of this project.

In conclusion, I tender my humble thanks to the Almighty for having given me the strength to carry this exacting and strenuous task. And on behalf of all those who have been closely connected with this publication, I offer the following prayer, “May it be the Almighty’s will that just as You have helped us complete a *sefer* compiling the laws of *mikvah*, so too, help us begin other *sefarim* and complete them.”

Excerpts from the Rebbe's Letters Regarding Mikvah

Free Translation

... It gave me pleasure to hear from you about your endeavors to support the building of the *Mikvah* in Kfar Chabad, so that it may be completely finished and decorated expeditiously. All those to whom *Torah* and *Mitzvos* are dear certainly do not need any explanation as to the great importance of *Mikvah*. What greater proof do we need than the well-known *Torah* law that a community is required to sell a *Sefer Torah* (the sacred *Torah*-scroll), if necessary, to provide a *Mikvah*.

What remains to be stressed is the need for a great alertness and alacrity in providing the above aid, especially in light of the *Chassidic* teachings which stress the great quality of alertness in all the *Mitzvos* and particularly in the *Mitzvah* of procreation to which *Mikvah* is a preamble. Our Sages went to great lengths to emphasize the crucial nature of *Mikvah*-immersion and the subsequent resumption of marital relations; facilitating its observance by even one day is of enormous importance. (Joshua remained childless as punishment for hindering the marital life of Israel for just one night) . . .



Atlantic County Mikvah Society
506 Pacific Avenue
Sholom u'Brocho:

I was pleased and happy to be informed by your esteemed and energetic President, Mr. I. B. Summers, and your dynamic Secretary, Rabbi Moshe Shuvalsky, about the forthcoming Groundbreaking Ceremony which is to take place on the first day of next week, *Rosh Chodesh* Elul.

It is gratifying indeed that the efforts of your society, under Rabbinic leadership headed by the *Moro D'asro* Rabbi Moshe Shapiro, has reached this milestone. With all of you I hope and pray that the construction of the *Mikvah* will proceed with all speed so that it will soon be possible to joyously celebrate the completion of the *Mikvah* with blessing and gratitude to the Almighty.

We all know well the importance of *Zerizus* in the fulfillment of all *Mitzvos* as has been especially emphasized by the *Alter Rebbe*, the *Baal HaTanya* and *Shulchan Aruch*, in his *Iggeres HaKodesh*, ch. 21. From which it is obvious how very important it is to follow through with the utmost *Zerizus* such a great and comprehensive *Mitzvah* as a *Mikvah*, which is one of the foundations of the House of Israel and one of the main pillars of every Jewish community.

... I send my congratulations and prayerful wishes to all the Rabbinic leaders, to the Committee and members of the Mikvah Society, and to each and every one who has contributed and will contribute towards the speedy realization of this most worthy accomplishment. May the *Zebus* of this great *Mitzvah* stand everyone in good stead to be blessed with *Hatzlocho* in this and in all their good works.

With the blessing of *Kesivah vechasima tova*,

(signature)



Chaplain —
Elmendorf Air Force Base
Alaska.

Greeting and Blessing:

Due to a very crowded schedule, this is my first opportunity of congratulating you on your extraordinary *Zebus* of initiating the project of the first *Mikveh* in Anchorage for the Alaskan Jewish community, which you accomplished, with G-d's help,

as I am informed by our mutual friends, the *Rabbonim* who flew in to participate in this great event.

As for the importance of this matter, I need hardly emphasize it to you, since your own initiative is best proof of being fully aware of it.

However, on the basis of the dictum of our Sages, "Encourage the energetic," I wish to express my confident hope that you are doing all you can to make the *Mikveh* a busy place, frequented regularly not only by the women who directly benefit from your good influence but also by their friends and acquaintances who will be induced by them to follow their example. And while this kind of religious inspiration is a "must" wherever Jews live, it is even more so in the City and State where the *Mikveh* has just been established for the first time. It is well to bear in mind that a "Jewish heart is always awake" and responsive to *Torah* and *Mitzvos*.

It is significant in this case that the one who merited the great *Zechus* of establishing the *Mikveh* is a person in military service. For, military service, by definition and practice, very aptly illustrates the basic principle of commitment to *Torah* and *Mitzvos*, namely, *na'aseh* ("we will do," and then) *v'nishma* ("we will understand") . . .



Mrs. —

Albany, N.Y.

Blessing and Greeting:

I am in receipt of your letter of May 21st, in which you write about your background and some highlights of your life.

In reply, I will address myself at once to the essential point in your letter, namely your attitude towards religious observance, as you describe in your letter, and especially to the particular *Mitzvah* which is most essential for a happy married life, namely *Tabaras Hamishpocho*. You write that you do not

understand the importance of this *Mitzvah*, etc. This is not surprising, as is clear from the analogy of a small child being unable to understand a professor who is advanced in knowledge. Bear in mind that the condition between the small child and the advanced professor is only a difference in degree and not in kind, inasmuch as the child may, in due course, not only attain the same level of the professor, but even surpass him.

It is quite otherwise in the difference between a created being, be he the wisest person on earth, and the Creator Himself. How can we, humans, expect to understand the infinite wisdom of the Creator? It is only because of G-d's great kindness that He has revealed certain reasons with regard to certain *Mitzvot*, that we can get some sort of a glimpse or insight into them. It is quite clear that G-d has given us the various commandments for our own sake and not in order to benefit Him. It is therefore clear what the sensible attitude towards the *Mitzvot* should be. If this is so with regard to any *Mitzvah*, how much more so with regard to the said *Mitzvah* of *Tabaras Hamishpocho*, which has a direct bearing not only on the mutual happiness of the husband and wife, but also on the well-being and happiness of their offspring, their children and children's children.

It is equally clear that parents are always anxious to do everything possible for their children, even if there is only a very small chance that their efforts would materialize, and even if these efforts entail considerable difficulties. How much more so in this case where the benefit to be derived is very great and lasting, while the sacrifice is negligible by comparison. Even where the difficulties are not entirely imaginary, it is certain that they become less and less with actual observance of the *Mitzvah*, so that they eventually disappear altogether.

Needless to say I am aware of the "argument" that there are many non-observant married couples, yet seemingly happy, etc. The answer is simple. First of all, it is well known that G-d is

very merciful and patient, and waits for the erring sinner to return to Him in sincere repentance. Secondly, appearances are deceptive, and one can never know what the true facts are about somebody else's life, especially as certain things relating to children and other personal matters are, for obvious reasons, kept in strict confidence.

As a matter of fact, in regard to the observance of *Tabaras Hamishpocho*, even the plain statistics of reports and tables by specialists, doctors and sociologists etc., who cannot be considered partial towards the religious Jew, clearly show the benefits which accrued to those Jewish circles which observed *Tabaras Hamishpocho*. These statistics have also been published in various publications, but it is not my intention to dwell on this at length in this letter.

My intention in writing all the above is, of course, not to admonish or preach, but in the hope that upon receipt of my letter you will consider the matter more deeply, and will at once begin to observe the *Mitzvah* of *Tabaras Hamishpocho*, within the framework of the general Jewish way of life which our Creator has clearly given to us in His *Torah*, which is called *Toras Chaim*, the Law of Life. Even if it seems to you that you have some difficulties to overcome, you may be certain that you will overcome them and that the difficulties are only in the initial stages.

I understand that in your community there are young couples who are observant and you could discuss this matter with them, and find out all the laws and regulations of *Tabaras Hamishpocho*. If, however, you find it inconvenient to seek the knowledge from friends, there are booklets which have been published, which contain the desired information, also a list of places where a *Mikvah* is available...



To All Participants In the Multiple Inauguration

Under auspices of Beit Chabad

Rua Chabad 60, S. P. Brazil

Greeting and Blessing:

I was pleased to be informed about the forthcoming Multiple Inauguration of the Synagogue, *Mikve*, Library and Rua Chabad in your community.

Each of these constructive achievements would have warranted celebration, particularly in the present unsettled times; how much more so all together.

The function of the synagogue is to serve as a two-way link between created beings and the Creator, whereby man rises upward to G-dliness through worship and prayer, and brings down G-d's blessings materially and spiritually.

The *Mikve* is the foundation of Jewish family life, ensuring purity and sanctity of the family structure and the continuity of future generations.

The Library, with its books of sacred literature and the wisdom of our Sages, is an inexhaustible source of wisdom and virtue to illuminate man's path in life. Indeed, to make such books freely available to readers has been described by our Sages as "an act of everlasting benevolence."

And Rua Chabad, symbolic of the "Chabad Way," is to develop the intellectual potential of the soul into a harmonious synthesis with the emotions of the heart in the service of G-d and fellow-man, with true love, joy and inspiration, always mindful of the guiding principle that "the essential thing is the deed..."



I was pleased to receive your letter dated *Tevet* 6th, informing me of the completion of the *boros* for the Kashrut of the *mikvah* — including that it was done with external beauty. It is well known that our *Rebbeim* emphasized even the external

beauty, for this makes it easier for *Bnos Yisroel* and through them, the purity of the Jewish People, that purity etc. brings *Eliyahu* the Prophet. This communal merit is thanks to all those who helped in this project that is the foundation of our people.

(*Igros Kodesh* vol. 10 p. 227)



...Our *Rabbeim* were greatly involved with *mikvaos*. It is wondrous that even those *Rabbeim* who for whatever reason did not want to rule any *Halachic* law — to the extent that when an urgent question arose, they presented the issue to a *Rov* who would clarify the law — yet, when it came to *mikvah*, they placed a special emphasis on the matter, sent responsa, gave specific directives . . .

(*Igros Kodesh* vol. 19 p. 42)



...In answer to your request for a blessing — your blessing is already written in Scripture, “He will do the will of those who fear Him,” without limiting His will, since you are involved with bringing Jews to fear G-d through the *mitzvah* of *mikvah*. As is explained in *Rambam*, at the completion of the laws of *mikvah*, even though immersion is a Heavenly commandment, nonetheless there is also a hint . . . those whose intention is to purify their hearts . . . and brings his soul into pure intentions. . . Just as immersion includes the head and entire body, and even that which is secondary to his body must be immersed, the same is true in the spiritual sense. One who wants to purify himself of the sin of the tree of knowledge, must begin with self-nullification, from the intellect (the head of the body) until the heel, immersing all in “water,” i.e., humility (*Taanis* 7a). This purifies his intellect and ideas and brings him to fear G-d (end of *Sotah*). Therefore our Sages have said that the Hebrew word

for “immersion” (*toivul*) uses the same letters as “self-nullification” (*bittul*) . . .

(*Igros Kodesh* vol. 8 p. 55)



. . .The *Rambam*, at the end of the laws concerning the *mikvah*, writes that immersion alludes to the spiritual “immersion” needed to correct concepts and beliefs. Thus, the immersion must include that water covers even one’s head, i.e., one’s concepts and beliefs, and purifies them. Meaning, that one must nullify his wisdom and intellect, channeling them into correct concepts and beliefs . . .

(*Igros Kodesh* vol. 5 p. 90)



Preface

There are many occasions and instances that necessitate immersion in a *mikvah*. *Torah* law requires a *niddah* to immerse in a *mikvah*. A convert must immerse in a *mikvah* as part of the conversion process. Additionally, pots and utensils acquired from a gentile must also be immersed in a *mikvah* before their first use. In the times of the Temple an impure person had to immerse prior to his entry into the Temple, and prior to eating parts of a sacrifice.

There are also customs to immerse in a *mikvah* as an act of self-renewal, as a symbol of rebirth and/or as an act of repentance. Many have the custom of immersing before *Yom Kippur*,¹ others also immerse before *Rosh Hashanah*;² yet others immerse on the eve of *Shalosh Regalim*.³ Many Jews — particularly *chassidim* — have the practice to immerse every Friday before the advent of *Shabbos* and on *Shabbos* morning. Still others have the custom of immersing every day before the morning prayers.⁴

When a *mikvah* is built according to the most meticulous details of the law, it provides an enhanced level of purity to its users. Yet, though this principle applies for all the above-mentioned immersions,⁵ special importance is placed on the immersion of a *niddah*. The primary reason for this emphasis is that willful cohabitation with a *niddah* is punishable by *korais*.

In addition, meticulous observance of the Laws of Family Purity — including the crucial procedure of immersing in a “valid” *mikvah* — affects the physical, spiritual and emotional health of both the mother and the child to be born.

¹ *Rosh* 8:24, *Mechaber (and Taz) Orach Chayim* 606:4 (5).

² *Ramo Orach Chayim* 581:4; *Kol Bo* 64 p. 27a.

³ See *Encyclopedia Talmudis* vol. 19 p. 30.

⁴ *Zohar* 2:204a, *Shnei Luchos Habris* 1:167a, *Igros Kodesh* 11:400-1, 13:328-9, 18:153, 20:93, 22:353.

⁵ *Chelkas Yaakov* vol. 3:60.

It is written: “*Al korchoch atab nolad*”⁶ — against your will you were born. One interpretation is that the soul does not want to descend into a physical body and live in this material world. The soul uses every excuse to avoid being born, particularly on the pretext that the mother attends a *mikvah* that lacks *biddurim* — the more careful, enhanced interpretations of the law. If a *mikvah* does indeed have all *biddurim*, the soul is left without recourse to avoiding its descent. This further underscores the importance of building a *mikvah* with all possible *biddurim*.

Building a *mikvah* is very unique. Although there are many different opinions regarding the various details of the laws of *mikvah* — and *Halacha* establishes the final ruling according to specific authorities — one ought to still meet the requirements of the other authorities.⁷ This is a unique *biddur* not found in other areas of Jewish law.

For example: When a *Bais Din* affirms that a certain product is kosher, they are not obligated to follow opinions and *biddurim* that are not accepted as the final *Halacha*. One who wants to be scrupulously pious would not buy the product in question. However, regarding *mikvah*, the *Bais Din* strives to establish a *mikvah* that also fulfills the requirements of *Halachic* codifiers whose opinions are **not** accepted as the final *Halacha* — even if it is an individual who insists on these *biddurim*.⁸

A kosher *mikvah* that lacks *biddurim* should be properly reconstructed as quickly as possible. In a situation where this does not occur, one should use a better *mikvah*. This does not

⁶ *Avos* Chapter 4, *mishna* 22.

⁷ *Tashbatz* vol. 1 *siman* 17; *Rashbo* brought down in *Divrei Chayim Yoreh Deah*, vol. 2 *siman* 99, *Aimek Shaloh Yoreh Deah siman* 54, *Chelkas Yaakov* vol. 3 *siman* 53, 57, *Igros Kodesh* 3:204, 10:175, 14:140, 17:95, *Minchas Yitzchok* vol. 9 *siman* 94.

⁸ *Chelkas Yaakov* vol. 3:57.

conflict with the prohibition against *lebotzy laz al risbonim*, “bring out evil talk upon the earlier (immersions)”.⁹

One additional point: Our Rabbis took every precaution to design a “fool-proof” *mikvah*, i.e., one whose waters enter in a kosher manner only, making it virtually impossible for water to enter in any invalid fashion. Thank G-d, modern technology has enabled us to build our *mikvaos* with almost all the *biddurim*.



The objective of this book is to be of assistance or serve as a guide to those learning about the *mikvah* and its *biddurim*. Readers may include:

- laymen
- contractors
- architects
- students
- congregants wishing to build a *mikvah*
- Rabbis and *mikvah* experts (footnotes include most recent responsa)

Where there is a choice of *mikvaos* to use, this treatise will help to discern the pros and cons of each *mikvah*, which may then be discussed with a competent Rabbi.

Important Note: This work provides only a general overview and cannot replace the study of these laws in their original source — the *Shulchan Aruch* and commentaries. If one constructs a *mikvah* with the instruction and guidance of this

⁹ At times, our Rabbis will overlook an act that is not carried out precisely according to *Halacha*, in order to prevent “a damaging name” to others. This principle, however, does not apply to the *mikvah*. Hence, necessary repairs should be carried out and we are not to be concerned that the public may react by saying, “the original *mikvah* was invalid.” See *Igros Kodesh* 18:202, *Minchas Elozor* 4:7.

booklet, the *mikvah* must not be used until validated by a Rabbinical expert in this field.

The construction and maintenance of a *mikvah* must remain under constant supervision of a Rabbi competent in these laws.

Similarly, just as a competent Rabbi is the sole authority regarding the construction of a *mikvah*, so too is a *mikvah* invalidated only upon the word of a competent Rabbi. Needless to say, these instructions in no way impinge on the validity of a *mikvah* that may have been constructed differently.



Before presenting the specific laws of *mikvah*, a basic outline will be helpful:

Our Sages calculated the minimum amount of water needed for total immersion. This amount, forty *se'ab*, must gather naturally and not be drawn through taps, pipes, vessels, etc.¹⁰

If three *luggin*¹¹ of *shev'im* — drawn water — precede the full forty *se'ab* of rainwater (even if the forty *se'ab* lacks only a minute amount), the *mikvah* becomes invalid. The entire *mikvah* water (including the rainwater) must be emptied and only then can the *mikvah* be refilled.¹²

Conversely, drawn water **may** be added to the *mikvah* once it contains forty *se'ab* of rainwater, and the added waters then become kosher.¹³

Rainwater collected in a vessel loses its status and is considered *shev'im* — drawn water. A “vessel,” in this case, is defined as follows:

- a receptacle
- capable of holding water

¹⁰ *Yorah Deah* 201:3, 15, 40.

¹¹ see Chapter entitled “Measurements.”

¹² *Yorah Deah* 201:21.

¹³ *Yorah Deah* 201:15.

- made for containment¹⁴
- able to stand upright on its own with its opening upwards [and not spill]
- detached from the ground
- “*nismalay loda’as*,” filled intentionally¹⁵

Whenever the term “rainwater” is mentioned in this book it refers to water that has **not** become *shevvim* — drawn waters. “Tap water” refers to all forms of drawn water.

¹⁴ *Yorab Deab* 201:34, 36. This excludes a pipe with a bulge.

¹⁵ *Yorab Deab* 201:34, 41.

The History of Mikvaos

Mikvaos changed very little from the time of *Mattan Torah* until the time of Rabbi Schneur Zalman of Liadi, the “*Alter Rebbe*” (or “*Baal HaTanya*”). One used either a spring or rainwater collected in a pit. The former choice was often more practical, particularly in countries like *Eretz Yisrael*, where little rain falls. Using a pit in such places often meant stagnant water, uncomfortable for immersion.

In fact, the Talmud¹⁶ relates that people often took showers after immersing and, after some time, mistakenly assumed that the shower caused purification, not the *mikvah*! When the Sages realized that people were becoming lax about their immersion in the actual *bor*, they forbade showers after the *mikvah*. If one did shower, he became impure. Under these circumstances, people preferred to immerse in springs or rivers,¹⁷ where the waters were always fresh and clean.

During the winter it was not possible to heat the water. When major Jewish communities resided in places like Mesopotamia, Africa, France and neighboring environs, immersion — though uncomfortable — was still feasible, due to the milder winters in those regions. However, when Jews began moving to Russia and Poland, it became impossible to immerse during the winter. Even if one would pour buckets of boiling water into the spring, the rushing water dropped back to freezing temperatures within minutes.

A New Design

The *Alter Rebbe*¹⁸ designed a *mikvah* where the waters would remain warm. Only a general overview of his design is presented here, for its details are beyond the scope of this treatise.

¹⁶ *Shabbos*, 14a.

¹⁷ Many conditions apply to immersing in a river. See Section “Rivers and Lakes.”

¹⁸ *Shulchan Aruch Horav* vol. 5-6, pp. 1647-8.

The first step is to dig in the area of a spring the upper three or four feet. A large wooden box open at the top and with a large hole (four inches in diameter) in the bottom should be prepared. (A closed box, a *keli*, cannot be used, because collected rainwater becomes *shev'im*). Though a box is normally considered a *keli*, the hole nullifies this status, validating it for *mikvah* use.

At the bottom of the excavation, at the location that will correspond to the hole, a few wooden boards should be nailed together. The box is then put into place above the boards, and the hole, pressed against the boards, is covered with tar to ensure that the waters enter slowly.

After a few minutes, forty *se'ab* of spring water will enter the bottom hole and fill a portion of the box. Hot water may then be added, bringing the water to a comfortable temperature. Because the hole on the bottom is sealed in a valid way, the warm waters will remain in the box for a few hours, enabling immersion. After some time there will have been an exchange of waters and they will have turned cold again. Since new water constantly seeps in, this *mikvah* always has clean water.

When the *Tz'emach Tzedek* came to Lubavitch, he instructed that a *mikvah* be built according to the design of the *Alter Rebbe*. They dug quite deeply until they reached water. Once the box was fitted into place and water filled the box, they realized that the *mikvah* would be too deep in the ground for safe entry. The idea then arose to make the box hang from its side, clinging to the walls.

Essential to the reasoning of the *Alter Rebbe* was the fact that the hole in the box negates its status as a *keli*. Furthermore, the fact that it would be **attached** to the **ground** also nullified its capacity to be *mekabel tumah*. By hanging the box onto the walls this latter criterion would be absent, as the box would not be attached to the **ground**.

The *Tz'emach Tzedek* therefore suggests in his *Halachic responsum*¹⁹ to take a pipe, insert one end into the soil at the

¹⁹ *Yorah Deah* 102.

bottom of the excavation, and fill it completely with pebbles and sand. The box is then placed on top of the totally filled pipe. The box is now considered attached to the ground, as the pipe is still considered “ground.”

Thus, as in the *mikvah* of the *Alter Rebbe*, first the waters would flow into the box through cracks in the box, and then hot water could be added. Additionally, the pipe enabled them to raise the *mikvah* to a height that was more comfortable to use. This *mikvah* was used in the times of the *Tzemach Tzedek* and his successor Rabbi Shmuel, the *Rebbe Maharash*.

Rabbi Sholom DovBer, the *Rebbe Rashab*, later wrote that although hot water was often added to the *mikvah*, there was no need to clean the water. The waters replaced themselves, attributable to the nature of the spring. Thus, they cleaned it perhaps once a year.

After the passing of the *Rebbe Maharash*, the *mikvah* had to be rebuilt. This chore proved to be exceedingly difficult. Normally, a *mikvah* is drained, repaired and refilled. When emptied, it must be totally dry because three *luggin* of invalid waters [remain invalid and] render all immersion null and void. Because this particular *mikvah* was built into the ground, it was virtually impossible to empty the water. Fresh underground spring water flowed in constantly, refilling it as quickly as the water was removed.

To resolve this, a wagonload of sand was brought and dumped all at once into the *mikvah*, displacing the water and drying it completely. After half an hour, new spring water seeped up through the new sand. The *mikvah* was now valid for immersing. Since a lot of sand was thrown in, the box was able to be placed two feet higher now and a pipe was no longer needed.

Unfortunately, this ingenious alternative had its drawbacks. The water in the box remained very shallow. Although it had the required forty *se'ah*, it was still too shallow for immersing unless more water was added. This, however, does not abide by those opinions who hold that the forty *se'ah* **themselves** must

be high enough for proper immersion.²⁰

Additionally, the fresh spring water did not enter the box with sufficient pressure. Since the box was higher now, when the water became dirty the new water did not rise high enough to clean the water.

So it stayed for twenty-five years, until 5667 (1907). The *Rebbe Rashab* then decided to rebuild the *mikvah* similar in design to that of the *Alter Rebbe*. This new *mikvah* was used for another eight years. As the rumblings of war approached, the *Rebbe Rashab* fled to Rostov, where it was impossible to build a *mikvah* in a spring.

Interestingly, twenty years prior to the Rebbe's arrival, local residents began building *mikvaos* dependent on rainwater collection. The Jewish population had shifted to larger cities where there was no river or spring available for *mikvah* use. However, the new *mikvaos* raised many *Halachic* questions and the *Rebbe* advised his *chassidim* not to live in cities with "new style" *mikvaos* (which were *Halachically* problematic).

Now, however, when the Rebbe moved to Rostov, he had no choice but to build such a *mikvah* — dependent on rainwater. The Rebbe studied and planned for many months to ensure his *mikvah* would fulfill all *hiddurim* and *Halachic* opinions. Two years later he built his famous *mikvah* of *bor al gabai bor*.

It is noteworthy that throughout history, Jewish people have gone to great lengths of self-sacrifice to fulfill the *mitzvah* of *mikvah* with all its precise applications. The story is told of Menachem Schreiber, the Minister of Health in Bialystock, 1934, who was ordered by the judge of the city to shut down the *mikvah* for reasons of hygiene. He proceeded to dispel their objections by drinking a full glass of *mikvah* water in court without any suggestion of discomfort.

²⁰ See *Tabaas Mayim* pp. 22-3.

Importance of a Mikvah

A *niddah* does not complete her purification process even after bathing in all the waters of the world. She is forbidden to have relations with her husband — even after many years — until she immerses **properly** (her entire body at once) in the proper place (a *mikvah* or spring that contains forty *se'ab*) after the days of her counting.²¹ It is particularly important for her to immerse in a kosher *mikvah* that is under the direct supervision of a Rabbi competent in the complex laws and details of the *mikvah*.

²¹ *Rambam Issurai Bi'ah* 11:16, *Tur Yoreh Deah* beginning of *siman* 197, *Yoreh Deah* beginning of *siman* 201.

Building and Planning

A *mikvah* should be constructed quickly and not delayed for even a single day!²²

Some authorities rule that building a *mikvah* takes precedence over building a synagogue²³ or buying a *Torah* scroll.²⁴ It is forbidden to build a *mikvah* above a synagogue or *Bais Hamedrash*.²⁵

Those who have a private *mikvah* in their homes are still obligated to assist in building a community *mikvah*. Elderly people whose wives no longer use the *mikvah* are not exempt from participating in the construction of a community *mikvah*.²⁶

Special emphasis should be placed on constructing the *mikvah* building in a manner that avoids uneasiness, lest — G-d forbid — women not use the *mikvah* in the proper time. The following suggestions may minimize general discomfort:

The *mikvah* should be built in an unobtrusive²⁷ location — a place that prevents anyone from observing who is attending the *mikvah*. Moreover, the neighborhood should be safe; otherwise women will be afraid to walk home from the *mikvah* after nightfall.²⁸

The windows and entrance of a *mikvah* should be inconspicuous; no one should be able to observe who is entering the *mikvah*. Thus, the entrance should not be in a public place where other Jewish people are found in the evening and at night.²⁹ Nor should the entrance be totally deserted, or else women will be afraid.

²² *Eiruv* 63b, *Igros Kodesh* 10:356, 13:141, 243, 14:197, 16:192, 207, *Igros Rayatz* 10:242.

²³ *Igros Moshe Choshen Mishpat* 1:40, *Minchas Yitzchak* 5:83.

²⁴ *Ein Yitzchak Orach Chayim siman* 3, *Igros Kodesh* 10:316, *Taaras Mayim* p. 323.

²⁵ *Minchas Yitzchok* 4:43.

²⁶ *Ibid.* 3:88.

²⁷ *Ibid.* 2:102.

²⁸ *Ibid.* 3:88.

²⁹ *Tosfos Niddah* 66b, *Minchas Yitzchok* 4:43, *Yorah Deah* 198:34.

The doors of the preparation rooms in the *mikvah* should not face one another or the waiting room. Rather, they should be placed alternately, so that one who stands at the door will not be able to see into the other room.

Maximizing Comfort

General appearance plays an important role. It is very important that a *mikvah* is built in a manner that is attractive.³⁰ If one builds a beautiful edifice, many more people will be attracted to use the *mikvah*. Its waters should also be exceptionally clean and crystal clear.³¹

Stairs — whether in the *mikvah* or entering the building — should be minimized, as they may cause discomfort.³² Similarly, stairs or tiles in the *mikvah* should not be slippery.

Proper air circulation should be maintained, especially during the summer. Adequate lighting is also important. Handrails in the preparation rooms and installed on the staircase leading into the *bor hatvilab*³³ can be of great help for those using the *mikvah*. The bathtubs should also not be too narrow.

The room where one immerses should be close to the preparation room. The fact that one needs to walk some distance — i.e., through a corridor — back to the preparation room may prompt a woman who forgot a certain detail to dismiss the forgotten preparation and, possibly, invalidate her immersion.³⁴

³⁰ *Igros Kodesh* 10:227, 12:455, 13:243, 18:517, 21:337.

³¹ Otherwise, the dirt may be considered a *chatzitzta* and invalidate the immersion.

³² *Igros Kodesh* 22:67.

³³ However, in the *bor hatvilab* it is better not to have handrails, for one may forget and immerse while holding tightly onto the handrail — causing a *chatzitzta* — and invalidating the immersion.

³⁴ *Chelkas Yaakov* 2:53.

It is advisable for a *mikvah* to have a logbook recording all the maintenance, i.e., cleaned, refilled or repaired. This is especially needed when a *mikvah* is supervised by more than one Rabbi: One Rabbi might rely on the other while the latter is actually relying on the first, perhaps allowing the *mikvah* to be refilled without proper supervision. The logbook should also record whenever a repairman comes to fix anything in the *mikvah* — anything from a shower to a roof drain. Knowing the details of these repairs may be important to future *Halachic* questions.

Eliminating Worry

It is of paramount importance that the *mikvah* experience be a pleasurable one and that nothing disturb or bother the woman using the *mikvah*, lest it interfere with her ability to concentrate on the precautions needed during immersion.

The steps entering the *mikvah* should be flat, not slanted.³⁵ The section where one immerses should be wide — at least two feet — so that she can immerse without worrying³⁶ about touching the sides.

Planning two levels in a *mikvah* facilitates proper immersion for people of all heights. This way, taller people can immerse in the “deep end,” while shorter people can immerse on their level without worrying about the water being too high.³⁷ Both these levels should be totally flat.³⁸

The water temperature should be lukewarm³⁹ (35 — 36 ° C / 95 — 97 ° F).

³⁵ *Chelkas Yaakov* 2:73.

³⁶ *Minchas Yitzchok* 2:23.

³⁷ *Shiurai Shevet Halevy* p. 349. There is an opinion that requires forty *se'ab* on **each** level.

³⁸ *Divrei Chayim* — see *Chelkas Yaakov* vol. 3:58.

³⁹ *Tzemaich Tzedek Yoreh Deah* end of *siman* 172, writes in the name of his grandfather, the *Alter Rebbe*, who was very particular about this detail. Cold water makes hair stick together and causes a *chatzitzta*.

Women immersing in a *mikvah* should never stand on an unsteady surface, such as a flimsy box or piece of wood.⁴⁰ Similarly, one should not stand on something that is a *keli* or an item that is *mekabel tumah*, for this invalidates the immersion.⁴¹ One should therefore not stand on plastic, because some opinions rule that plastic is *mekabel tumah*.⁴²

⁴⁰ *Yorab Deab* 198:31.

⁴¹ *Yorab Deab* 198:31.

⁴² See Section “Invalid Receptacles.”

Kosher Waters

Immersing in a Spring

The word *mikvah* is translated as a “gathering of water.” This refers to naturally fallen rainwater that has gathered in one place and is not *zoychalin*, not flowing.⁴³

The highest level of purity is achieved by immersing in spring water.⁴⁴ It is permissible to immerse even if the spring is flowing.⁴⁵ Furthermore, in the event that a leak is found, all previous and future immersions remain kosher.

A *mikvah* with spring water has the distinct advantage of always having fresh, clean water.

Spring waters that are no longer connected to the spring and now fill a *mikvah* must follow all the criteria of a *mikvah* — i.e., the water must be stationary, not flowing.⁴⁶ Similarly, before filling the *mikvah* from the spring, the *mikvah* must be completely dry or, at the very least, contain **less** than three *luggin*⁴⁷ of ordinary water.

Digging for a spring is fraught with complications. When one drills for a well, powerful streams of water are used in the drilling process to cool the drill head and eject dirt from around the hole. The possibility exists that there are fissures (or that the pressure of the drill created and widened a fissure) in the bedrock. There may be trapped inside a fissure three *luggin* of ordinary water (from the drilling process) that preceded the spring waters. An alternative method is to use compressed air to eject the drillings.

Additionally, if one digs for a well it is possible that the instruments used in this process render the spring water that is collected as *shevvim*. Thus, when the spring is found, there is a real possibility that three *luggin* of waters will become *shevvim*,

⁴³ *Yorab Deab* 201:5.

⁴⁴ *Mikvaos* Chapter 1 *mishnah* 8.

⁴⁵ *Yorab Deab* 201:2.

⁴⁶ *Yorab Deab* 201:10.

⁴⁷ See Section “Measurements.”

water collected with human intervention.⁴⁸ Because of the likelihood that three *luggin* of ordinary water preceded the spring waters, one must pump out all the water from the spring and then add sand to any remaining spring water to nullify its *shevvim* status.⁴⁹

Oceans

Oceans, *Halachically*, are springs and therefore kosher for immersion even when their waters are flowing.⁵⁰ In a place where there is a kosher *mikvah*, one should not immerse at sea, because immersing at sea entails many stipulations. These include:

1) Another woman must supervise the immersion to ensure that the entire body and hair are immersed. It is difficult to do this supervision properly at the sea.

2) Immersion should be done slowly in order to fulfill all the laws properly. At a beach, however, one is naturally afraid of spectators or big waves, causing the woman to immerse hurriedly, without the proper concentration.

In an emergency situation where there is no *mikvah* and one must immerse in the sea, one should consult a Rabbi competent specifically in these laws.⁵¹

Rivers and Lakes

Rivers can be more problematic than oceans: A river is created from either rain or spring water. If the river source is only rainwater — i.e., the river dries up during a drought —

⁴⁸ Though the *Mechaber* (201:11) does validate such water if it contacts the spring, the *Ramo* (201:40), however, is more stringent. See *Pischei Teshuva* 201:28.

⁴⁹ *Beis Yosef* 106b — 107a.

⁵⁰ *Yorah Deah* 201:5. Sand on the ocean floor does not constitute a *chatzitzta*, because the waters preceded the sand.

⁵¹ See *Tabaras Mayim* p. 14, 15.

then such a river is invalid for immersion.⁵² For, as explained earlier, only **gathered** rainwater is kosher, but not a constantly flowing river.

Rivers that flow even during a drought are obviously created by a spring. Though one is allowed to immerse in such a river — even if it is flowing — the following problem arises:

In the rainy season, rain (or melted snow) widens the river considerably, sometimes adding more water than the original river water. There is a controversy among *Halachic* codifiers whether one may immerse in such a river. In the Talmud, *Rav* forbids immersion under such conditions, since there is disproportionately more rainwater. *Shmuel*, however, permits immersion in such a river, because every drop of rainwater causes two additional drops to rise from the actual spring.⁵³ The *Ramo* rules that one may use this river if there is no alternative.⁵⁴

A Rabbi, competent specifically in these laws, must authorize immersions under such conditions.

If one partitions the river and creates a stationary body of water, all agree it is kosher for immersion. This applies **only** where no other *mikvah* is available. Otherwise, the two earlier problems mentioned in regard to immersing in the sea, apply also to a river.

The laws of immersing in a river apply to lakes as well.

Swimming Pools

Women do **not** fulfill their *mikvah* obligation by immersing in a swimming pool.⁵⁵

⁵² *Ramo Yorah Deah* 201:2.

⁵³ *Bechoros* 55b.

⁵⁴ *Ramo Yorah Deah* 201:2.

⁵⁵ *Igros Moshe Yoreh Deah* 1:110, *Tabaras Mayim* 232. Such water involves many complicated stipulations: The water may have flowed through instruments that are *mekabel tumah*, the swimming pool or filter may have the status of a *keli*, etc.

Likewise, men, when fulfilling a *Halachic* obligation to immerse in a *mikvah* (e.g., as part of the conversion process), may not immerse in a swimming pool.

However men who have the custom to use the *mikvah* at other times are allowed to use drawn water, and may use swimming pools.⁵⁶ However, the pool water must be still, — the filter system should not function during the immersion. Even so, it is preferable to use a kosher *mikvah*.⁵⁷

Snow and Ice

Snow and ice are kosher for the forty *se'ab*⁵⁸ that constitute a *mikvah*. The ice should be cut out of a river or lake. However, it is better to apply the following precautions:

a) The ice (or snow) should neither be put into boxes or containers, nor gathered by instruments such as shovels that would render rainwater to become *shevvim*, “gathered.” To collect the ice one must use a container that cannot hold any water (even in a corner), such as a plastic milk crate that has no crevices.

b) The truck carrying the ice (or snow) should be lined with cardboard, thus ensuring that the ice (or snow) not contact any metal.

c) A truck (carrying the ice or snow) going downhill would create a water containment area for the melted water to collect. One should therefore drill small holes in all the corners of the floor of the truck.

d) It is preferable to place the ice (or snow) in the *otzar*⁵⁹ and have the melted waters run through a *hamsbocho*⁶⁰ process before entering the *mikvah*. In the absence of an *otzar*, one can build a platform (taking care that there be no area however

⁵⁶ *Ba'er Moshe* 5:21.

⁵⁷ See *Chelkas Yaakov* 3:60.

⁵⁸ *Yorab Deah* 201:30.

⁵⁹ See Section “*Otzar*”.

⁶⁰ See Section “*Hamsbocho*”.

small for the waters to accumulate) and allow the melted water to drip onto the beginning of the *hamsbocho* area. If this is not possible, then it is preferable for a non-Jew to fill the *boros* with the ice (or snow).

e) Only as a last resort⁶¹ may one use manufactured ice.⁶² If at a later date it becomes feasible to obtain natural rainwater, the water from the manufactured ice must then be replaced.

One may not add hot tap water to accelerate the melting of the ice (or snow).⁶³

⁶¹ *Ba'er Moshe* 6:146-56, *Igros Kodesh* 7:202, *Igros Moshe Yorab Deah* 3:67.

⁶² *Igros Kodesh* 21:166, *Tabaras Mayim* p. 242.

⁶³ *Pischai Teshuva Yorab Deah* 201:21.

Dimensions

The Definition of a *Mikvah*

As explained earlier, a *mikvah* denotes a place where water naturally gathers and does not flow away. The following circumstances indicate “flowing” water, and immersion is not permissible during this time: noticeable leakage⁶⁴ (i.e., a crack in the wall or floor), water being drained, pumped, etc.

Our Sages calculated the minimum amount of water needed for total immersion. This amount, forty *se'ab*, must gather naturally and not be drawn⁶⁵ through taps, pipes, vessels, etc.

If three *luggin* of drawn water precede the forty *se'ab* of rainwater, the *mikvah* is invalid. Hence, if the wall surface is damp, we assume that there are three *luggin* of drawn water. Therefore, the walls and floor must be **completely** dry before rainwater enters the *mikvah*. A *Torah*-observant Jew must supervise that the walls and floor of the *boros* are absolutely dry. Placing a heater in the empty *boros* facilitates drying.

Once the *mikvah* has forty *se'ab* of rainwater, one is permitted to add more water (even drawn water) and the added waters become kosher.⁶⁶

Water Height

The height of the water during immersion should be 120-125 cm. (47 — 49 inches) above floor level.⁶⁷ This ensures that,

⁶⁴ *Yorab Deab* 201:50, 51.

⁶⁵ *Ramo Yorab Deab* 201:3, 40.

⁶⁶ *Ramo Yorab Deab* 201:15.

⁶⁷ *Yorab Deab* Chapter 198:36 stipulates that the water should be above the navel by a “*zeres*.” *Be'ar Hagolah* explains this to mean half an *amoh*.

There are varying opinions as to the length of a *tefach* — one *amoh* is six *tefachim*. Some say there are 8 centimeters to a *tefach*. According to this calculation, a *zeres* — three *tefachim* — will equal 24 centimeters.

According to the *Alter Rebbe* (*Yagdil Torah* NY no. 60, pp. 263-4) a *tefach* is 8.833 centimeters, which, multiplied by three, equals 26.5 centimeters. The common measure of a *tefach* used for *mikvaos* today equals ten centimeters.

during immersion, there is no need to crouch over more than necessary causing the skin to fold and preventing water from reaching inside skin creases.⁶⁸

Conversely, if the *mikvah* waters are too deep, the person immersing may be frightened⁶⁹ and not have the presence of mind to fulfill all the steps needed for immersion.⁷⁰

There should be a mark indicating the height of forty *se'ab*, and one indicating the correct height for immersing. Thus, the attendant will know precisely how much water is needed to fill the *mikvah*.

Measurements

A *tefach* is ten centimeters; hence a *tefach al tefach* is ten centimeters by ten centimeters square.⁷¹

*Shfoferes hanod*⁷² is a hole large enough for two average fingers to fit into and rotate.⁷³

Three *luggin* is 1.008 liters.

There are many opinions as to the forty *se'ab* equivalent — from 331.776⁷⁴ to 750 liters.

Thus, a *zeres* equals thirty centimeters. Other opinions figure a *zeres* to be 2.5 *tefachim*.

⁶⁸ *Shalos Utshuvos Rashbo siman* 819, *Shulchan Aruch Horav* vol. 5-6, p. 1647. See also *Igros Moshe Yorah Deah* 1:106.

⁶⁹ *Yorah Deah* 198:31.

⁷⁰ *Divrei Machbial* 2:58, *Shiurai Shevet Halevy* p. 349. Nonetheless, more water is better than too little water.

⁷¹ See footnote 67.

⁷² Literally “the opening hole of a leather bottle.” See *Yorah Deah* 201:52. This equals a quarter of a *tefach*. Various ways to measure a *tefach* appear in footnote 67. It is a *biddur* to increase in the measurement of *shfoferes hanod* — see *Minchas Yitzchok* 5:23.

⁷³ *Sefer Beruray Midos* brings the *Sheurei Tz'ion*, who writes that the hole of *shfoferes hanod* should be wider so the waters can forcefully eject from the *bor z'riah* into the *bor hatvilah* and concludes that it is 48mm.

⁷⁴ *Shiurei Torah* p. 259. This measurement is the minimum amount and it is a *biddur* to add onto the minimum amount, as we find with the measurement

Wherever the *Halacha* stipulates “forty *se’ab*,” it is customary to use up to twice that amount, equaling eighty *se’ab*.⁷⁵

Most of the *mikvaos*, calculate forty *se’ab* to be 726 or 750 liters, thus eighty *se’ab* is 1452 or 1500 liters.

of an *esrog* (*Bava Kama* 9b), measurement of *netilas yodayim* (*Shabbos* 62b), and kindling *chanukah* candles (*Shabbos* 21b).

⁷⁵ *Tabaras Mayim* p. 272 in the name of the *Tzalach* and others. See also *Igros Kodesh* 7:344: “I had great satisfaction to hear that your *mikvah* holds approximately nine hundred liters of rainwater.”

The Techniques

It is both impractical and unhygienic to build a *mikvah* with a solitary *bor* of kosher rainwater. One would have to wait until it rained forty *se'ab* in order to refill the *mikvah* to change the waters. This is especially difficult in places where there is no rain in the winter.

The most practical solution is to build a *mikvah* with two (or more) *boros*. One *bor* becomes the *bor hatvilah*, while the other contains natural rainwater. This technique enables us to clean the *mikvah* water without having to wait for rainfall.

There are three ways to build the *bor* that holds the natural rainwater: *Hashoko*, *Zriah* and *Bor al gabai bor*.

Hashoko

Hashoko means to “kiss,” i.e., contact and touch. Two *boros* are built side-by-side. One is filled with rainwater valid for immersion. The other is filled with tap water initially not valid for immersion. Only when the ordinary water comes in contact with the rainwater does it become valid.⁷⁶ The *bor* filled with ordinary water is thereby rendered kosher for ritual immersion.

Thus:

- a) If there is a hole between the *boros* and the waters contact each other, or
- b) the waters meet at the top, over the rim of the *boros*,
— then both *boros* are kosher.⁷⁷

The hole (**Figure 1:A**) **must** be higher than the forty *se'ab* of rainwater in the *bor hashoko*.⁷⁸ In the *bor hatvilah*, it must be **below** the water level (**Figure 1:B**). As the water level must be approximately 120 — 125 cm. (47 — 49 inches) above the ground, the hole must be lower than 120 cm.

⁷⁶ *Igros Moshe Yorah Deab* 2:89.

⁷⁷ *Yorah Deab* 201:52, 53. The amount of water should equal *shfofères hanod*.

⁷⁸ *Igros Kodesh* 3:204.

The hole where the waters meet must be as wide as a *shfoferes hanod* — two average fingers that fit inside and turn easily.

How can one determine whether a *mikvah* uses the *hashboko* method? If upon investigation it is found that no city water (**Figure 1:D**) flows into the rainwater *bor* (**Figure 1:C**), — it is identified as a *bor hashboko*.

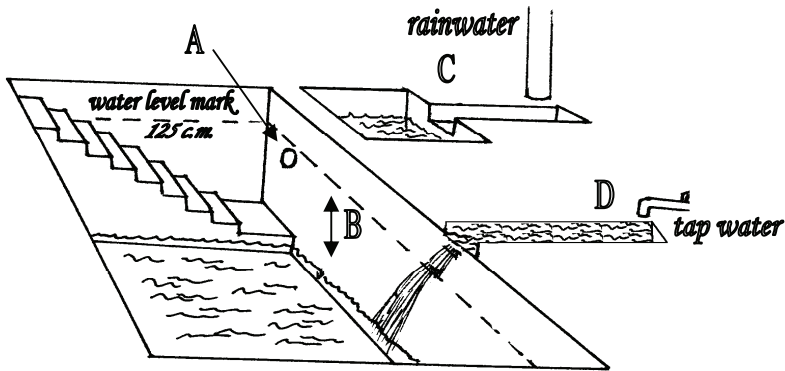


Figure 1

When changing the water, one empties the *bor hatvilah*, and the *bor hashboko* remains full of valid waters. Then, the *bor hatvilah* is filled with fresh water, and when the waters meet at the hole connecting the *bors*, the added tap waters attain the qualification of the *bor hashboko*.

Sometimes a stopper is inserted into the hole before emptying the *mikvah*, so that as much original rainwater as possible is retained. However, this stringency can later cause complications. If one forgets to unplug the stopper **after** refilling the *bor hatvilah*, then any immersions in this *mikvah* are invalid, because the ordinary water never touched the rainwater and therefore did not achieve its validity. Hence, some opinions prefer not to use a stopper at all, even though this means losing some of the original rainwater.

There are varying opinions among *Halachic* authorities as to whether the hole must stay open once *hashboko* has been made. Some are of the opinion that the hole should be closed for, during immersion, some water is pushed through the contact hole back into the *bor hashboko* and becomes *zoychalin*, flowing (even from one *bor* to another), thus rendering the *mikvah* unfit.

The *Chabad* custom⁷⁹ follows the ruling of *Rabbeinu Yeruchim*,⁸⁰ that the hole must be open at the time of immersion for the water to retain the qualification of the rainwater *bor*. However, during immersion, even a small hole suffices (*kol shehu*). *Shtofers hanod* is only needed for the initial contact.

If a stopper is used, one must be careful not to use materials that can be *mekabel tumah*. A new wooden stopper is the best choice. It is preferable not to use a rubber or plastic stopper. A metal stopper should definitely **not** be used.⁸¹

The following are some disadvantages of the *hashboko* method:

This technique is not foolproof. It is possible that whoever fills the *bor hatvilab* will not use enough water to reach the hole connecting the two *boros*.

Additionally, in a place where a stopper is used before emptying the *bor hatvilab*, the attendant can forget to remove the stopper after refilling the *mikvah*.

In either instance, since the ordinary tap water in the *bor hatvilab* did **not** contact the validating *hashboko* waters, the waters in the *bor hatvilab* remain **invalid** for immersing. This causes serious *Halachic* problems when people have immersed in such a *mikvah*. A competent Rabbi should immediately be contacted.

Another disadvantage is that the water in the *bor hashboko* often sits undisturbed for long periods of time and become stagnant. The structure of the *bor zriah* solves these problems.

⁷⁹ *Igros Kodesh* 3:204, 6:24, 7:24.

⁸⁰ *Shach Yorah Deab* 201:112.

⁸¹ *Igros Kodesh* 11:177, 22:257.

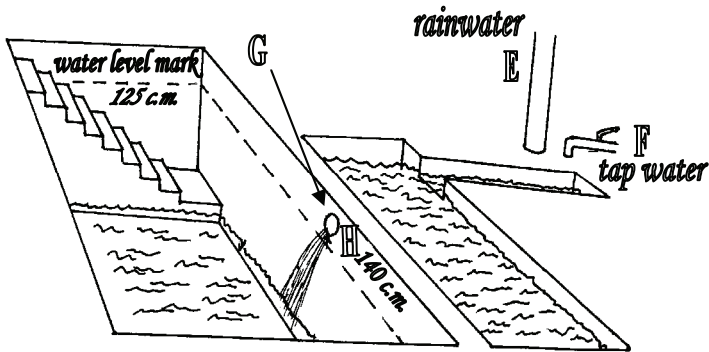
Zriah

Figure 2

The translation of *zriah* is “sowed,” like grain “sown” into the ground.

Forty *se'ab* of rainwater (Figure 2:E) is gathered in a *bor*, to which tap water is added (Figure 2:F). The tap water intermingles with the rainwater as one body of water, and attains the qualification of the original rainwater. The water then overflows through an outlet (hole) into the *mikvah*, stopping at the necessary level.

Hence, the tap waters are “sown,” making them valid for immersion — equal to the rainwater.⁸²

The advantage of the *zriah* method is that the ordinary tap water becomes kosher **immediately** as it enters the *bor* and makes contact with the rainwater.⁸³ Unlike the *hashboko* method, the *zriah* technique does not have to wait for a minimum level and for the waters to meet in order to be considered a united body of water, nor is there a stopper. Once the *bor zriah* is filled

⁸² *Igros Moshe Yorah Deah* 2:89.

⁸³ The Chassam Sofer writes of a *mikvah* maintenance attendant who, in order to diminish heating expenses, refilled the *bor batvilah* with insufficient water. The tap water never reached the hole to the *bor hashboko*, the waters did not unite, and the *mikvah* was invalid.

Therefore, the Chassam Sofer introduced the *bor zriah*, to validate the waters as soon as they enter — *Chassam Sofer siman* 203, 214, *Tabaras Mayim* p. 172.

with rainwater the *mikvah* is valid and almost foolproof. The Rabbi supervising the *mikvah* has no reason to worry whether the *mikvah* waters are connected to the *bor* or if the attendant remembered to remove the stopper.

Another advantage: The water in the *bor zriah* changes often and remains fresh.⁸⁴

A typical *mikvah* using the *zriah* method has two adjoining *boros* with a hole (**Figure 2:G**) connecting them at the top. The hole must be higher than the forty *se'ab* of rainwater in the *bor zriah*. In the *bor batvilah*, it has to be **higher**⁸⁵ (**Figure 2:H**) than the water level (approx. 140 cm. (56 inches) from the floor). The waters do not mingle during immersion.

Thus:

1. Begin by filling the *bor zriah* with a minimum of forty *se'ab* of rainwater.

2. Add tap water **into the rainwater bor**, preferably in a way that the waters enter at a level lower than the connecting hole (the *hamsbocho* process is nonetheless above water level).⁸⁶

3. When the water level is high enough, the water will pour through the hole into the *bor batvilah*.

4. The waters in the *bor batvilah* are valid when the *bor* contains at least forty *se'ab* and the water level is high enough for immersing.

How can one determine whether a *mikvah* uses the *zriah* method? If upon investigation it is found that the city water (**Figure 2:F**) flows into the rainwater *bor* (**Figure 2:E**) and **then** into the *bor batvilah* — it is identified as a *bor zriah*.

Though more reliable than the *basboke* method, the *bor zriah* is still prone to problems. It is common practice to drain the *mikvah* by using an electric pump that does **not** completely drain all the water. Occasionally, when the pump is turned off, some water may return into the *mikvah* from the pump, *sheuvin*.

⁸⁴ *Tabaras Mayim* p. 241.

⁸⁵ *Tabaras Mayim* p. 262.

⁸⁶ *Tabaras Mayim* p. 262, in the name of the *Chazon Ish*.

Additionally, the *mikvah* maintenance attendant may sometimes choose to remove the remaining traces of water with a sponge or bucket. Water from the sponge or mop will drip back into the *mikvah*, *shevim*, as a matter of course.

Then also, the *mikvah* may be washed with water from a bucket (*shevim*) and some water may be left in the *mikvah*.

In these cases, the remaining water is considered *shevim* — invalidating the *mikvah*! Even after the *mikvah* has been filled with qualified kosher waters from the *bor zriah*, the three initial *luggin* of remaining water — whether from the pump, mop or pail — preceded the “valid” water and invalidates the *mikvah*.⁸⁷

Preferences

For a *Chabad chassid* a *mikvah* that is *bor al gabai bor*⁸⁸ is the optimum choice. Where this is not available, it is preferable to use a *mikvah* with both⁸⁹ the *hashoko* and *zriah boros* (Figure 3). This addresses and diminishes the disadvantages of a single method, whether *zriah* or *hashoko*.

There still remains a disadvantage common to both the *hashoko* and *zriah* methods — a complication called “*noson se’ah v’notal se’ah*.”

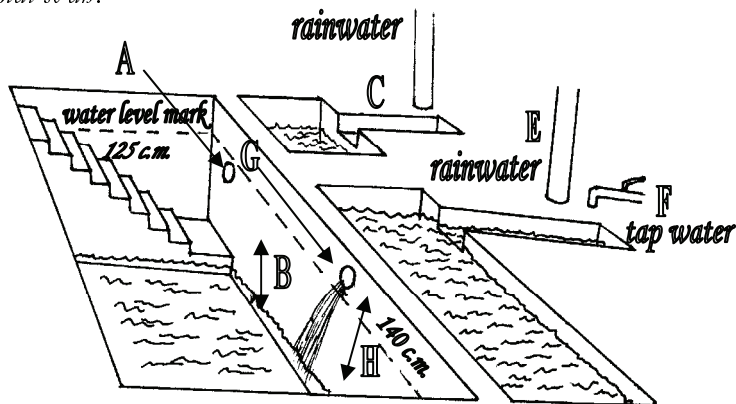


Figure 3

⁸⁷ *Chelkas Yaakov* vol. 3:54.

⁸⁸ See Chapter *Bor al Gabai Bor*.

⁸⁹ *Igros Kodesh* 10:175, 20:280, 22:230, 257, *Igros Moshe Yorah Deah* 1:111, 2:94.

Noson Se'ah v'Notal Se'ah

Noson se'ah v'notal se'ah literally means “adding a *se'ah* [of water] and taking a *se'ah* [of water].”

As explained, a kosher *mikvah* needs a minimum of forty *se'ah* rainwater. The rainwater must come first. The *mikvah* does not become qualified if other waters entered before the rainwater. Only **after** a *mikvah* is valid by having a minimum of forty *se'ah*, may one add “all the waters that exist,” even ordinary tap water, and the *mikvah* remains kosher.

If one adds a *se'ah* of tap water to the forty *se'ah* of rainwater there will be a total of forty-one *se'ah*. If one then takes out a *se'ah* of water (the water leaving the *mikvah* is part-rainwater and part-ordinary water), there will be a total of forty *se'ah* remaining. However, the forty *se'ah* is not pure rainwater; it is mixed with a little tap water. The *mikvah* remains kosher, despite the missing rainwater.

If one continues in this manner — adding a *se'ah* and taking a *se'ah* — the *mikvah* remains kosher only if there remains more than half of the original rainwater (twenty [one] *se'ah*). If one continues taking and replacing water and there is now less than twenty *se'ah* of original rainwater, this becomes a matter of extensive discussion in *Halacha*. While the final resolution renders this *mikvah* kosher, nevertheless, it is a *hiddur* to build a *mikvah* that avoids this problem.⁹⁰

⁹⁰ The *Chassam Sofer* and the *Raavad* discuss the principal positions. The *Igros Kodesh* of the *Rebbe RaShab* 2:591 describes the responsa of Reb Chayim Soloveitchik and the *Chofetz Chayim* regarding this issue of *noson se'ah v'notal se'ah*. Reb Chaim quotes the *Shulchan Aruch* (that, according to *halacha*, one may use a *mikvah* which is *noson se'ah v'notal se'ah*), while the *Chofetz Chayim* preferred forwarding this question to other Rabbis. We see, however, that they did not **directly** approve this *mikvah*. See also *Igros Kodesh* 7:97.

Bor Al Gabai Bor

As explained in previous sections, a *mikvah* usually contains two *boros* — one filled with rainwater, the other with tap water. Generally, there are two ways the *boros* can be constructed:

1) Two *boros* are constructed side by side with a common wall. On the common wall a hole is placed higher than the height of forty *se'ah*. One *bor* is filled with forty *se'ah* of rainwater. The other *bor* is filled with tap water until the waters make contact and intermingle with each other, rendering the water in the *bor hatvilah* kosher for immersing.

According to *Halacha* this *mikvah* is certainly kosher, yet the *Raavad* raises the following problem:

With the *hashboko* method, when one immerses in the *bor hatvilah* it is only natural that some water in the *bor hatvilah* will push into the rainwater *bor*, because water seeks its own level. After one immerses and leaves the *mikvah*, rainwater leaves the *bor hashboko* and levels with the *bor hatvilah*.

As this scenario is constantly repeated it is possible that, after many immersions, most of the **original rainwater** will leave the *bor hashboko* and enter the *bor hatvilah*.⁹¹ Later, when the *bor hatvilah* is emptied for cleaning, all of the **original rainwater** resting in the *bor hatvilah* will be pumped out. After a few cleanings it is possible that little of the **original rainwater** remains in the *bor hashboko*.

The same is true, by definition, regarding the *zriah* method: ordinary water enters the *bor zriah* and it constantly pushes out some of the original rainwater into the *bor hatvilah*.

According to the *Raavad*, once this happens the *mikvah* is rendered not kosher.

2) To resolve this problem,⁹² Rabbi Sholom DovBer of Lubavitch, the *Rebbe RaShab*, taught that a *mikvah* be built *bor al*

⁹¹ *TaHaras Mayim* p. 269.

⁹² *Igros Kodesh* 22:67.

gabai bor, literally “one *bor* on top of another *bor*.” This *mikvah* is constructed in the following manner:

a) A single deep *bor* is built during construction.

b) A divider (Figure 4:A) of cement is built, forming an upper *bor* and a lower *bor*. The walls below the divider can project into the *bor* to support the divider, or a keyway can be formed in the wall and the divider cast into it. The divider serves as a floor for the upper *bor* and a ceiling for the lower *bor*.

c) The upper *bor* becomes the *bor hatvilah*. Steps are built for the user to descend and immerse.

d) The lower *bor* (Figure 4:B) contains [two times] forty *se'ah*.

e) An opening is left in the divider large enough for a person⁹³ to pass through (Figure 4:C); then it is closed with a cover panel. There are two holes⁹⁴ (Figure 4:D), each measuring a square *tefach*.⁹⁵

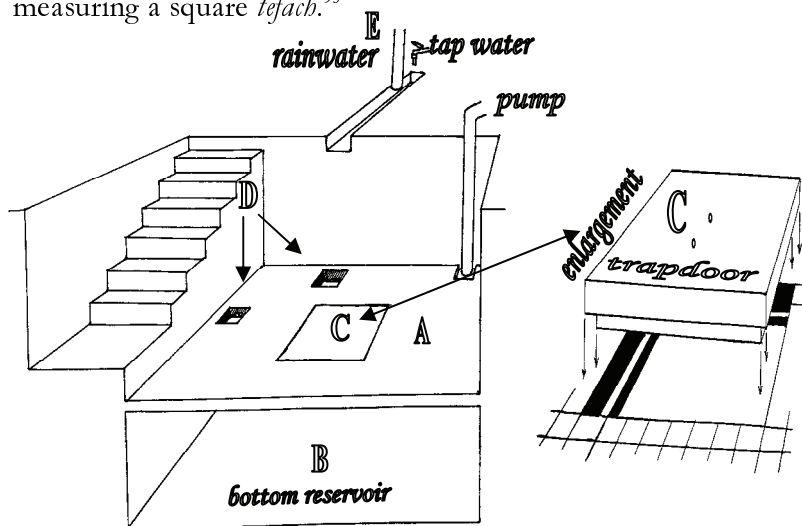


Figure 4

⁹³ Before refilling the *mikvah*, a person must enter the bottom reservoir to be sure that the surface is completely dry. The opening cover has two small holes. When one wants to remove the cover he will need these holes for a grip.

⁹⁴ *Igros Kodesh* 11:396. There is an opinion that requires one hole in the divider and the other hole in the cover panel.

⁹⁵ See footnote 67.

The holes unite both bodies of water; tap water in the upper *bor* unites with the lower rainwater, giving the ordinary water the needed validation for immersion.

Why two holes? Some suggest that there be a second hole in case one of them becomes blocked. This can occur when the person immersing places a foot on the hole, preventing the waters from remaining united.⁹⁶ Building a second hole guarantees **constant** contact between the *boros*. The holes are therefore built apart from each other, to ensure that the feet of the person immersing cannot block both holes simultaneously.

There are no holes or drains in the lower *bor* where the rainwater is deposited.

Using this technique resolves the problems of *noson se'ab v'notal se'ab*. There is no significant flow of rainwater, as the rainwater *bor* is **under** the immersing area, and it will not drain by action in the (upper) *bor hatvilab*. Immersing in the upper *bor* — even repeated immersion — has very little impact on the lower *bor*. In fact, if the upper *bor* water is warmer, then there is no impact at all. Forty *se'ab* of rainwater **always** remains in the bottom *bor*.

How can one determine whether a *mikvah* uses the *bor al gabai bor* method? If upon investigation it is found that there are two holes (**Figure 4:D**) in the floor of the *mikvah*, leading to the bottom *bor*, it is identified as having been built *bor al gabai bor*.

This *mikvah* is constructed preferably with the tap water flowing directly above one of the holes. When filling the *mikvah*, rainwater pours into the lower *bor* until it is full. Ordinary water is then added through the *bamshocho* method into the upper *bor hatvilab* directly above either hole, as in the *zriah* method.

⁹⁶ *Igros Kodesh* 11:396.

The procedure is different if the tap water does not flow directly over the holes. First, fill the lower *bor* with rainwater until it overflows and covers the floor of the upper *bor*. Then, add ordinary water into the upper *bor*. Since the rainwater preceded the tap water, this is also a form of *zriah*. Now the *mikvah* is valid and ready to be used. When the waters of the upper *bor* become dirty one need only pump out the upper *bor* and refill it.

The advantages of this unique method are clear:

Unlike the side *bor hashboko* technique, there is no need to wait for the waters in both *boros* to come into contact with each other nor is there any need for a stopper. Once the lower *bor* is filled with rainwater the *mikvah* will be valid and foolproof. The Rabbi supervising the *mikvah* is secure in the knowledge that the *mikvah* is valid, without worrying whether the waters met at the hole or whether the attendant may have forgotten to remove the stopper.

Similar to the *zriah* method, where tap water flows directly into the rainwater and is considered “sowed into the ground,” this is also considered *zriah* in its best possible form!⁹⁷

One additional, but very significant advantage is the fact that the upper section is a continuation of the rainwater *bor*. The square *tefach* hole(s) dismiss, *Halachically*, the presence of the divider. Therefore, when one is immersing in such a *mikvah*, they are in actuality, immersing in the rainwater *bor* itself.

Therefore, if one has a *mikvah* constructed with the method of *bor al gabai bor*, there is no need for additional side *hashboko* or *zriah boros*.⁹⁸

(There are some that associate the *bor al gabai bor* with an issue discussed by the *Divrei Chayim*. For a review of this topic see Appendix I.)

⁹⁷ *Igros Kodesh* 3:394, 17:312.

⁹⁸ *Igros Kodesh* 3:394, 17:312.

Otzar

“*Otzar*” literally means “a storage [of rainwater].” *Mikvaos* in heavy use often have an *otzar*. Due to concerns of *nosan se’ab v’notal se’ab*, the *otzar* facilitates changing the water and quickly bringing the *mikvah* back into service. After being emptied, cleaned and dried of any dampness, the *boros* are now ready for a fresh supply of rainwater. All one has to do is open the *otzar* and a new supply of kosher rainwater fills the *boros*.

There are several important *Halachic* details relevant to unplugging the stopper of the *otzar*. “Human being” is in the *Halachic* category of being *mekabel tumah*, thus unable to directly assist the flow of the rainwater.⁹⁹ Therefore, when opening the *otzar*, one should gently move around the stopper until it is loosened.¹⁰⁰ The pressure of the water (in the *otzar*) forces the stopper to unplug itself, allowing the rainwater to flow into the *boros*.

During rainfall, rain runs down a roof drain into the *otzar*. A hole at the bottom of the *otzar* lets the water run into the *boros* when needed. This hole is stopped up with a piece of wood or a similar substance that is not *mekabel tumah*. Additionally, an opening near the top of the *otzar* ensures proper drainage in case of overflow.

Some facilities are constructed with a small retaining wall inside the *otzar*. When the *otzar* rainwater empties into the *boros*, rainwater is trapped behind this wall. The trapped rainwater contains forty *se’ab*. Hence, after the *otzar* is filled the very first time with rainwater, it can never become invalid. Even if tap water is accidentally poured onto the roof and into the *otzar*, the ordinary water is preceded by forty *se’ab* of rain already in the *otzar*.

⁹⁹ *Yorab Deab* 201:48.

¹⁰⁰ This is extremely difficult when the stopper is tightly fitted or when the stopper is fitted in the inside of the *otzar*.

A *mikvah* without an *otzar* should be cleaned during the rainy season. Even so, it usually takes several rainy days for enough water to refill the *boros*. If it is known on which consecutive days people will not frequent the *mikvah*, the maintenance attendant will plan on cleaning the *mikvah* during those days.

Hamshocho

Hamshocho is derived from the term “*nimsbach al gabai karka*,” — (water) **flowing** across some earth.

According to *Halacha*,¹⁰¹ if a *mikvah* has the majority of forty *se'ab* rainwater, one may add drawn water into the *mikvah* to complete forty *se'ab*, on condition that these waters run through a *hamshocho* process.¹⁰²

In practice, all water flowing into any *bor* — whether tap water or water from the roof, whether into the *bashoko*, *zriah*, *bor al gabai bor* or immersion *boros* — should preferably run across an area of earth or cement and then into the *boros*. The cement or earth used for *hamshocho* should be absorbent.¹⁰³ Thus, we use soft cement. Half an inch overlay of soft cement is typically used. Obviously, waterproof cement should **not** be used. The *hamshocho* area should measure three *tefachim* long and one *tefach* wide.¹⁰⁴

The *hamshocho* process, explains the *Mordechai*,¹⁰⁵ *Halachically* nullifies the water to the ground (i.e. it loses its significance and distinct identity), and renders it valid — like spring water.

The words of the *Mordechai* indicate two points:

1) The absorbent cement should be laid on the floor (thus be an extension of the ground), not on a box or vessel.¹⁰⁶

¹⁰¹ *Yorab Deab* 201:44.

¹⁰² In present-day times, however, all *mikvaos* use solely rainwater to fill the *boros*.

¹⁰³ *Ramo Yorab Deab* 201:46.

¹⁰⁴ See footnote 67.

¹⁰⁵ *Shavuos* Chapter 2 end of *siman* 745.

Otherwise, the water is not nullified to the earth but, rather, to the box or vessel, and such waters cannot be considered as spring water.

One may not partially fill a tap or a pipe section with soft cement for the *hamsbocho* process. Doing so invalidates the *mikvah*, for the tap is considered a “vessel.”

2) *Hamsbocho* must allow the water to flow naturally into the *bor*. Directing the water through soft cement while it is being pumped up interferes with the natural tendency of water to flow across or down and invalidates the process.¹⁰⁷

Academically, some are of the opinion that one may even take *shevvim*, waters that have been in receptacles, and allow them to flow through a *hamsbocho* process, and then immerse in these waters. This opinion is **not** accepted as *Halacha*.¹⁰⁸ Nonetheless, in the event that kosher rainwater touched a receptacle capable of being *mekabel tumah* (e.g., a metal pipe), we rely on this opinion and qualify the rainwater by running it through a *hamsbocho* process.¹⁰⁹

¹⁰⁶ *Yorah Deah* 201:46.

¹⁰⁷ *Tabaras Mayim* p. 107.

¹⁰⁸ *Rambam Hilchos Mikva'os* 4:9.

¹⁰⁹ According to *Halacha*, rainwaters that come in contact with items that may be *mekabel tumah*, e.g., a metal pipe (unless fastened to onto the structure of the building), retain their qualification of rainwater if there is “*hefsek avir*,” lit. “a gap/space of air” between the pipe and the *mikvah*. A *hamsbocho* is necessary only if one adds drawn waters into a *mikvah* that has the majority of its forty *se'ab* rainwater. A *hamsbocho* (that qualifies drawn waters) is also equivalent to a “*hefsek avir*,” qualifying rainwater that comes in contact with metal. Thus, in modern times, where the *hamsbocho* process is built in before any waters enter the *boros*, it qualifies the rainwater that has come in contact with metal.

The Engineering Invalid Receptacles

Any object capable of being *mekabel tumah* may not be used in a *mikvah* (including a spring),¹¹⁰ if it contains or restrains the water.

A *keli* (vessel or receptacle that can hold anything, including liquid) is *mekabel tumah*.

An item that normally is *mekabel tumah* that has been built into a structure is considered an extension of the ground and loses its status of being *mekabel tumah* — rendering it fit for *mikvah* use.¹¹¹

This is so only if it became a *keli*, a vessel, with its being built into the ground. If, however, it was a *keli* **before** its attachment to the ground, it retains the status of being *mekabel tumah* and invalidates the *mikvah*.¹¹²

Making a hole in this object and destroying its containment potential cancels its capacity to be *mekabel tumah* and makes it fit for use. However, the object in question must be manufactured specifically for *mikvah* use.¹¹³

What happens if water **does** contact objects that are *mekabel tumah*? In such cases, the water must run through a *hamsbocho* process before entering the *mikvah*. Therefore, when rainwater flows from the roof into metal or plastic pipes (which are not attached to the structure), the water needs *hamsbocho* before entering the *mikvah*.¹¹⁴ In a *mikvah* where a stopper is used — whether to plug the drain or for the *hashoko* or *otzar boros* — this stopper cannot be made of metal¹¹⁵ or any other material that

¹¹⁰ *Yorab Deab* 201:8.

¹¹¹ *Yorab Deab* 201:48.

¹¹² One cannot manufacture a *mikvah* and sell it, even if one would build it later into the ground, for it is a *keli* — *Ba'er Moshe* 6:157-8, *Igros Moshe Yorab Deab* 1:108.

¹¹³ *Dogul Marvovo Yorab Deab* 201:48, *Igros Moshe Yorab Deab* vol. 1:115, 2:89.

¹¹⁴ See footnote 109.

¹¹⁵ *Munchas Yitzchok* 2:105, 4:38.

can be *mekabel tumah*. A new wooden stopper should be used instead. It is preferable not to use a rubber or plastic stopper.¹¹⁶

Cloth measuring more than six cm. square is *mekabel tumah*. As such, a cloth this size or larger may not be wrapped around the stopper.

Water Pipes

Mikvah pipes and gutters used for transporting the rainwater must be attached to the structure and cannot have grooves or other crannies where water can collect. At the pipe connections special care should be taken to ensure that there are no grooves or threads.

Pipes should therefore be attached in a manner that precludes the possibility of water gathering in one place, however minimal.

It is a *biddur* not to use pipes that curve (**Figure 5:D**) at any angle (a “knee/elbow” look). This is the case even though the pipe is presently mounted in a manner in which there is no place for the water to gather.¹¹⁷ This does not apply if the elbow is created “*in situ*,” constructed in place.

It is best for water to flow from a thinner pipe into a wider pipe (**Figure 5:A**). In the reverse scenario (**Figure 5:B**), water can gather in the area where the thicker pipe meets its thinner partner.

The method described above can only be used if the *mikvah* is directly under the water drain on the roof. If, however, the roof drain is not directly above the *mikvah*, and other pipes have to be connected to direct the water flow into the *mikvah*, a

¹¹⁶ *Igros Kodesh* 7:124, 10:235, 11:177, 14:532, 22:257. Although many opinions differ as to whether these are *mekabel tumah* (see *Chelkas Yaakov* 3:55, *Igros Moshe Yorab Deab* 1:115), nevertheless, for a *mikvah* one should be as scrupulous as possible — *Tabaro Khabalcho* p. 84, footnote 33.

When upgrading to a *Halachically* preferable stopper, the *mikvah* waters should also be changed.

¹¹⁷ *Igros Kodesh* 3:204.

single long pipe should be used instead. Cut a hole a few inches away from the end of a pipe to fit the roof drain and, at a few inches from the other end, cut a hole fitting the pipe entering the *mikvah*. Place this pipe on a slant, so that water from the roof falls inside and slides down the pipe directly into the *hamsbocho*, without a place to stop (Figure 5:C).

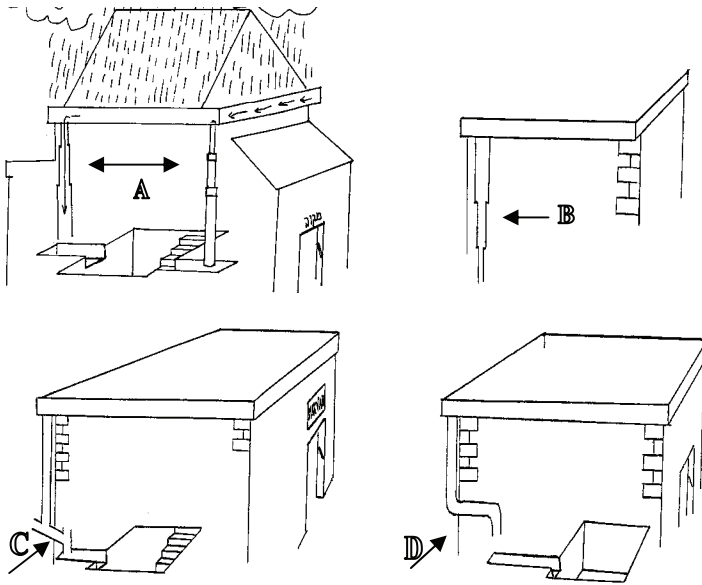


Figure 5

Drains

It is permissible to have a drain in the *mikvah*. If the drain is made of a substance that is *mekabel tumah*, it should be installed in such a manner that it should be able to stop the water flow only after its installation into the structure.¹¹⁸ Care must be taken to fill the drain with substances that are not *mekabel tumah*. Hence, metal, rubber or plastic should **not** be used.

¹¹⁸ *Igros Moshe Yorah Deah* 1:115, 2:94.

When blocking the drain with a wooden stopper, etc., the stopper must fit precisely, without the slightest space for water to leak into the drain. Leaking water constitutes *zoychalin*, “flowing,” and renders immersions in the *mikvah* invalid.

In recent times the common practice has been to empty a *mikvah* with an electric pump,¹¹⁹ pumping the water **up** and then out into the drain. In this manner the waters are not contained in the *mikvah* by materials that have the capacity to be *mekabel tumah*.

Alternatively, some *mikvaos* use a siphon¹²⁰ to drain the water. A siphon pump may be used on *Shabbos* to siphon some water if the water level is too high.

Tiles

There are *biddurim* in reference to tiles used in a *mikvah*. Tiles used for the *mikvah* should meet special requirements.

No inscriptions or designs should be found on the back of the tile, certainly not in a style that could be a *bais kibbul*, containment. Furthermore, it is a *biddur* to use smooth-backed tiles, in order to avoid all questions.¹²¹

The Roof

The roof is an important factor when building a *mikvah*, for rainwater falls on the roof and then proceeds through the gutters and the pipes and into the *mikvah*. Standard designs used by builders for gutters and leaders are commonly designed in a way that could be deemed a *keili*, vessel, or at best a bent pipe as mentioned above. These may be *mekabel tumah* and render the rainwater invalid for the *mikvah*.

Hence, the roof gutter system for the *mikvah* should be fashioned from pieces of metal (e.g., copper), which individually cannot hold any liquid. None of these pieces is considered a *keili*,

¹¹⁹ See *Chelkas Yaakov* 3:54, *Igros Moshe Yorah Deab* 1:11, *Igros Kodesh* 20:280, 22:146, *Minchas Yitzchok* 4:37.

¹²⁰ *Igros Kodesh* 11:177.

¹²¹ *Chelkas Yaakov* 3:56-7, *Igros Kodesh* 6:319, *Minchas Yitzchok* 2:23, 3:90-1.

because it cannot contain anything. Then, only after the pieces are attached to the structure, does the builder connect the pieces. As explained earlier, this becomes an extension of the structure and preempts the pipes being *mekabel tumah*.

Although roof tiles normally have grooves, they are not considered as a *keili*.¹²² It is preferable to avoid using wooden shingles.

Exhaust fans, air-conditioning equipment, etc., are not permitted on the roof. These objects retain water, *shevvim*, that later flows onto the roof. Similarly, metal “necks” for the exhaust fan and the like are to be avoided. Stack vents for the sewer system must be straight, with no curves to retain water.

In circumstances where equipment must be placed on the roof, the roof should be divided into two sections with a divider between them, ensuring that water from the equipment (fallen rainwater or condensate) will not mingle with the rainwater used for the *mikvah* (**Figure 6:A**). Alternatively, one can fill the water-retaining areas of the equipment with cement.



Figure 6

***Mikvah* Filtration Systems**

It may sound surprising to learn that a working filter system could cause complications. Indeed, a filter that runs while people immerse in the *mikvah* invalidates all their immersions.

In places where the absence of a filter may deter women from using the *mikvah*, a filter should most definitely be installed. However, one should inform those supervising and

¹²² *Yorab Deab* 201:37.

using the *mikvah* that the filter **must** be turned off¹²³ during immersion (i.e., an indicator red light should flash when the filter system is on; a green light when the circulation is off; switching on ceiling lights should lock out filter).

What are the problems created by a filter?

As explained earlier, anything that is *mekabel tumah* or considered a *keli* invalidates water that flows through it. This is typically the case with filters, and therefore water leaving the filter needs to be revalidated (through *bashoko* and/or *zriah*¹²⁴ methods, as well as *hamsbocho*) before re-entering the *mikvah*.

A filter located outside of the *mikvah* water should be situated higher than the water level. A filter installed below water level can create a siphon effect and, when closing the filter, the faucet or valve in the filter system holding the water, if it is of a substance that is *mekabel tumah*, may invalidate the *mikvah*. Modern technology has, indeed, created a filter that has no materials that are a *keli* or *mekabel tumah*, and remains submerged in water.

Heating

There are a number of methods available for heating the *mikvah* waters. It is permissible to pour hot water through a *hamsbocho* process to heat the water. In one design the *bor batvilah* will have two siphons (or pump outlets). The higher siphon is used to drain a large proportion of water leaving forty *se'ah* of valid waters remaining in the *bor batvilah*. Subsequently, one will refill the *mikvah* with hot water until the water level. The lower siphon is used only to empty all the water in the *bor*.

Alternatively, a heating system can be installed. Assuming that the *mikvah* water is treated with chlorine or ozone, one could

¹²³ *Igros Kodesh* 3:204.

¹²⁴ Some say that it is preferable for the waters to re-enter into the *bor zriah*, for as soon as it enters it is revalidated. Certainly the same applies to the *bor al gabai bor*, for the holes in the divider negate *Halachically* the division and the waters [at the termination of the filter] are revalidated (as explained earlier that the *bor al gabai bor* is the best form of *zriah*).

affix a heat exchanger in the water. The heat exchanger behaves like a radiator and is controlled by an aquastat. The heat exchanger should be extended to near the floor. If not, the water near the floor will remain cold. Inasmuch as the heat exchanger could be scalding, it is advisable to place a shield in front of it.

One should ensure that the heat exchanger is not near any of the *hashoko* holes. If it is in close proximity to a *hashoko* hole, the possibility exists that it draws by “venturi” some of the original rainwater that is stored in the neighboring *bor* and could lead to *noson se’ah venotal se’ah*.

Where a filter system is installed, the water heats up outside the *mikvah* during circulation. An electric or gas spa heater heats the *mikvah*. An inline heat exchanger, tube-in-shell or plate exchanger is often the best choice where hot water or steam is available.

Construction

A *mikvah* may be built with concrete¹²⁵ or bricks.

Unfortified concrete does not last very long. Rebars (acronym for reinforcement bars) are normally inserted into the concrete to limit cracking. Some *Halachic* opinions consider these rebars invalid, positing that they are *mekabel tumah*. It has been found, though, that a *mikvah* built without rebars will deteriorate rapidly and spring leaks. Today all opinions concur that rebars may be used.¹²⁶

The rebars should be placed far enough into the concrete so that the concrete would retain the water if the rebars were “removed.” The same principle applies to a *mikvah* with pipes

¹²⁵ In the past, people preferred avoiding cement, mistakenly thinking that it was a *keli* (for it is possible to raise the whole *mikvah* without breaking it). However, the common practice nowadays is to use cement.

¹²⁶ *Chelkas Yaakov* 2:73, *Igros Moshe Yorah Deah* 1:118. See *Minchas Yitzchok* 2:22, 4:41. It is also permissible to install metal heaters into the walls in the same manner. This is beneficial in extremely frigid areas, where, without the heater, the waters in the side *boros* would freeze during the winter and break the *mikvah* — *Minchas Yitzchok* 3:81.

in the walls: Enough cement should be applied in front of the pipe so that, were the pipe removed, the concrete would still contain the water.

It should be noted that if the pipe penetrates to the interior of the *mikvah*, as a pipe that is used to empty the *mikvah* or for filter circulation, then this pipe must extend vertically until it reaches significantly higher than the water level before exiting the concrete. If the pipe is opened from one side into the *mikvah* and continues horizontally through the cement wall (as commonly done in swimming pools), an expert Rabbi should be consulted as to the validity of this *mikvah*.

When building a *mikvah*, concrete is placed between wooden forms. The heavy weight of the concrete creates an immense pressure. To ensure that the forms stand straight and do not bend before the concrete sets, a practical solution would be to place metal ties every forty-five cm. (18 inches). These ties reach from the outer supporter to the inner supporter, and lock from both sides with a clip. Remove the ties either before the cement hardens, or by drilling it out and refilling the hole with more cement. One could use snap ties or cones that snap off with a small amount of the tie from within the cement. One should then make the hole a little bigger and fill it in with hydraulic cement.

It is preferable, though, not to use form ties at all. Instead, one should use whalers, spreaders and kickers to restrain the pressure of the concrete until it sets.

The thickness of the concrete for the *mikvah* walls is usually 30 cm. (12 inches) — enough to hold the water and, hopefully, not leak. When the concrete is poured, it should be agitated by using a pencil vibrator to help remove all the air pockets in the concrete (honeycomb).

The *mikvah* and the *bor(ot)* should be poured monolithically, thereby avoiding the need to use (rubber) water-stops, which would pose serious *Halachic* problems.

Waterproofing the *mikvah* and the *bor(ot)* should be done after the first pour (after the forms are removed). There are

generally two types of waterproofing. One is absorbed by the concrete (densifies), whereby the concrete itself becomes waterproofed. The other is a coating on the concrete that provides the waterproofing. Coatings that have elasticity are preferable. *Halachically*, any paintable waterproofing is permissible. Attention should be given to the suitability of the waterproofing for adhesion of the tiles.

In all cases, carefully follow the manufacturer's instructions for installation.

It must be noted that heavily concentrated focus is placed on the construction and waterproofing of a *mikvah*. This is because a *mikvah* with a leak (however small) jeopardizes the validity of the *mikvah*, and often disqualifies it totally.

Humidity

The *mikvah* and preparation rooms are often damp due to humidity generated by the hot showers and *mikvah*.

Therefore a *mikvah* should have a good exhaust system. Tiles or cedar wood are best for these humid rooms. Plants that thrive in humid conditions can be used throughout the facility as part of the decor.

Plastic hangers should be used with a drop ceiling, as metal hangers have a tendency to rust. A good exhaust system minimizes humidity-related difficulties.

Maintenance

Halacha does not stipulate when¹²⁷ or how to inspect a *mikvah* for leaks. Usually, there is a water level mark in a *mikvah*, enabling the attendant to judge how much water is needed to fill the *mikvah*. If, after a twenty-four hour period, the water

¹²⁷ When a Rabbi competent in the laws of *mikvah* validates a *mikvah*, one is not obliged to check for any leaks. Many *mikvaos*, however, are checked once a year. Some test the *mikvah* on *Tisha Be'Av* (when the *mikvah* is not in use), while others wait until the month of *Elul* (the month of the year to increase in piety).

level is below that mark (allowing for what can be attributed to immersions and evaporation), a Rabbi should be consulted. If it is found leaking, it is considered *zoychalin*.

The following precautions should be taken when checking for a leak:

- a) no one should immerse in the *mikvah* during the inspection,
- b) ensure that no water is being added inadvertently to the *mikvah* (e.g., a shower runoff), and
- c) the water should not be hot (hot water evaporates more).

These steps will help to ensure an accurate reading and verify whether, indeed, there is water loss.

Finding and repairing a leak can be quite problematic. Sometimes a leak can be found in a tile and in the cement wall behind it. Other times water can leak through the grout and travel behind the tiles, finding a crack in the concrete elsewhere. Pool experts — when suspecting a leak — add a few drops of food coloring into the water near the suspected area. If there is a leak, the food coloring will form a thin string of color directly leading to the leak!

Each leak must be treated according to its particular circumstance. Sometimes one will be able to paint the leakage area with waterproof paint that has elastic membranes. At other times one may use foam chemicals injected into the crack.

Sophisticated Mikvaos

The wonders of modern technology have opened new and innovative ideas in creating *mikvaos*. A *mikvah* in Buenos Aires works without a filter or pump to drain the water! Furthermore, the actual *mikvah* — not only the *otzar* — is filled with rainwater. Chemicals (Baquacil¹²⁸) control the pH balance and cause dirt particles to sink. A pump that works as a vacuum cleaner removes the dirt, with very little water being lost. Due to evaporation and little water loss, 200 liters of water is added to the *mikvah* only once in a fortnight. Another chemical keeps the *otzar* water clean.

Another *mikvah* was built in Buenos Aires with waters ejected from a well. A pipe leads from the *bor* into the spring. Inside this pipe lies another pipe filled with air pressure. When the compressor is connected, the spring water rises and fills the *mikvah*! Obviously, when this *mikvah* is cleaned and emptied it must go through a thorough drying process to ensure that three *luggin* will not precede the new water and invalidate the *mikvah*. As such, this *mikvah* can only be refilled under constant Rabbinical supervision.

Another interesting *mikvah* in Argentina purifies rainwater without a filter! The rainwater passes through multiple *boros* that remove the filth. In the first *bor*, the rainwater enters one side and can only exit through an opening some 25 centimeters (10 inches) higher than the entering hole. The water sits for a few days until the dirt settles. Thus, when it leaves the *bor*, heavy dirt particles will have sunk and remain trapped behind.

The rainwater then pours into a second *bor* and flows through large stones where lighter dirt particles get trapped. The process is repeated through other *boros* where the stones are even smaller — trapping behind even smaller particles — until all the dirt is removed and the water is crystal clear. It then goes into the actual *mikvah boros*.

¹²⁸ Chemicals with the same cleansing properties include Baquastop, Baquaflock, etc.

Appendices

Appendix I: Understanding *Bor Al Gabai Bor*

There are those who associated the *bor al gabai bor* to an issue of *kotafrus* discussed by the *Divrei Chayim*. To clarify this misconception, we will learn: a) what is *kotafrus*, b) the responsum of the *Divrei Chayim*, c) how the *Divrei Chayim* was extended to include the *bor al gabai bor*; d) re-examining the *Divrei Chayim*, e) support for the *bor al gabai bor* from as early as *Nach* and the *Mishnah!*

a) *Kotafrus* is translated as “flowing.”¹²⁹ The *Mechaber*¹³⁰ describes the following scenario: Of three *mikvaos*, one is at the top of a mountain and one is at the bottom; each of those is filled with only twenty *se’ab* of rainwater (half the required amount) and therefore both are invalid. The third *mikvah*, a valid *mikvah*, is situated between the two invalid *mikvaos*. Even if a stream of rainwater flows down the mountainside, connecting the higher and lower invalid *mikvaos* to the valid one, they still remain invalid. The flowing water is *Halachically* regarded as non-existent because the slope causes the water to leave the area, as opposed to its being a continuous dependable connection (by the same water).¹³¹

b) The *Divrei Chayim*¹³² discusses a situation where a *mikvah* was built in a two-story house. A *bor* was situated on the bottom floor and filled with forty *se’ab* of rainwater. The *bor batvilah* was situated on the upper floor. Ordinary tap water is poured into the top, with a pipe connecting both *boros*. The *Divrei Chayim* rules that one may not immerse on the top floor, for the water in the pipe is *kotafrus*, invalid to unite the two bodies of water.

¹²⁹ *Pirush Hamishnayos LeHarambam, Tabaos* end of Chapter 8.

¹³⁰ *Yorah Daeb* 201:60; see also *Rashi, Gittin* 16a.

¹³¹ This is similar to springs that dry up occasionally (even once in seven years) that are rendered, *Halachically*, to be non-existent.

¹³² *Yorah Daeb* 2:88.

Why should it be *kotafrus*, inasmuch as the water in the pipe is motionless — not flowing as in the mountain stream scenario? The *Aimek Shalob*¹³³ explains that according to the *Divrei Chayim*, theoretically, water *could* flow via a hole in the pipe. Although no hole *currently* exists, we consider as though there is a hole and, therefore, this becomes an invalid method to validate the upper tap waters. The *Nefesh Chayo*¹³⁴ and many other leading scholars disagree with this ruling.

To summarize: The dilemma here concerns the status of the connecting pipe. Do we consider that the pipe has a leak — albeit theoretically — and the upper waters are considered to have flowed away, invalidating the *mikvah*? Conversely, do we emphasize the fact that there is no leak and the waters are united?

c) Those who extended the *Divrei Chayim* — namely a *mikvah* of two *boros* connected by a pipe — claimed that it applied as well to the construction of the *bor al gabai bor*. Although the two *boros* in the *bor al gabai bor* design are separated by merely 15 cm. (6 inches) and not by a pipe, they claim, “Who can differentiate and set a limit of how many inches long the pipe has to be in order to be invalid according to the *Divrei Chayim*? The *Divrei Chayim* himself never specified how long the pipe has to be to be invalid. From this we can infer that any length — even an inch — invalidates the *mikvah*.”

Thus, they consider the hole in the divider of *bor al gabai bor* equivalent to the pipe mentioned in the responsum of the *Divrei Chayim*.¹³⁵

d) In fact, however, there is a great difference between *bor al gabai bor* (essentially one *bor*) and the *Divrei Chayim* (two *boros* connected by a pipe).

¹³³ *Aimek Shalob siman* 57.

¹³⁴ See *Mikvah Mayim* p. 71.

¹³⁵ *Mikvah Mayim* p. 72.

The *mikvah* discussed by the *Divrei Chayim* was on two separate floors. Obviously, the *mikvah* on the bottom floor was sealed, or else water in the upper level would not be contained.

The pipe connecting the upper and lower *boros* is not part of the *boros* structure. Thus, if there were to be a hole in the pipe connecting them, surely the waters would spill elsewhere — not into the lower sealed *bor*.

In this case the waters that are now in the pipe would fall away and the same waters would not remain with *hasboko* — similar to the case where the rainwater flows downward on a hill. Therefore the *Divrei Chayim* rules it to be viewed as if it were non-existent, and thus the upper *bor* is invalid.

Bor al gabai bor is entirely different! The structure begins with a single large *bor*, after which a divider is built separating the *bor* into two levels. If one were to remove the divider, the “pipe” structure would only become bigger, uniting the waters even more than before — unlike the case of the *Divrei Chayim* where the removal of the pipe separates the water in the two *boros*.

Hence, there is an obvious distinction between two *boros* with a connecting pipe and *bor al gabai bor* with merely a hole in the divider.¹³⁶

Moreover, the son-in-law of the *Divrei Chayim* mentions and validates the *bor al gabai bor* in the city of Cherkass in his responsum.¹³⁷ Were such a *mikvah* invalid according to the *Divrei Chayim*, his son-in-law would have specified so (especially since they corresponded extensively in *Halachic* matters)! Clearly he felt that *bor al gabai bor* is a valid method of uniting the *boros*, and does not compromise the responsum of his father-in-law.

Furthermore, the *Divrei Chayim* himself writes that the *mikvah* he invalidated is so only without *hamsbocho*. If, however, the *hamsbocho* process were to be used he would not invalidate such a *mikvah* (even on two floors with a pipe connecting them)!

¹³⁶ *Igros Moshe Yorah Deah* 3:65-6. See *Kisvai Reb Aizik* vol. 1 p. 212, *Kovetz Reb Zalman Shimon (Dvorkin)* p. 44.

¹³⁷ *Aimek Shaloh* siman 57.

As such, the *bor al gabai bor mikvaos* built today — which certainly do use a *hamsbocho* before water enters the *mikvah* — are, beyond any doubt, in accordance with the ruling of the *Divrei Chayim*.

e) Sources that support the design of *bor al gabai bor*:

1) The *Rash* on the *Mishnah*¹³⁸ specifically mentions a situation of two *mikvaos*, one above the other, each having only twenty *se'ab*. After an additional three *luggin* of ordinary water are poured into the top *mikvah*, the waters naturally move downward, connecting the waters from both *mikvaos*.

How can this *mikvah* be kosher being on two different levels? *Rabbi Meir* does not recognize *kotafirus* as an invalid method, deeming these *mikvaos* kosher. Alternatively, even according to *Rabbi Yehudah* (who invalidates *kotafirus*),¹³⁹ if the upper is not too high, the waters in both *boros* become valid when they meet and stand still. We clearly see how the *Rash* distinguishes between two *mikvaos* being close versus far apart. The *Me'iri* explains likewise.

Hence, this *Mishnah* serves as clear proof to the validity of a vertical *hashoko* as in *bor al gabai bor*.

2) In the times of the Temple in Jerusalem, King Solomon built a *mikvah* near the Temple for *Kohanim* to immerse in before their service. He built vessels above a spring and made holes in the vessels the size of pomegranates.

The Jerusalem Talmud asks, “How can the *Kohanim* immerse in a vessel which is usually invalid because it is *mekabel tumah*?” The Talmud continues and explains that the large pomegranate-

¹³⁸ *Mikvaos* Chapter 3:1.

¹³⁹ In this case cited by the *Rash*. *Chagiga* 19a-b.

sized holes negated their capacity to hold water. Thus, they were not considered “vessels” and cannot be *mekabel tumah*.¹⁴⁰

The *Tzemach Tzedek*,¹⁴¹ the *Gra*,¹⁴² *Metzudas David*,¹⁴³ *Radak*,¹⁴⁴ and other commentaries clearly write that the above-mentioned holes were placed at the very bottom of the vessels (not on the sides) — as in the *bor al gabai bor*.

This certainly supports the validity of — *hashoko* from below to the waters above — *bor al gabai bor*.

3) It is taught in *Shulchan Aruch*¹⁴⁵ that it is permissible to place an impure vessel in another vessel and immerse them together in a *mikvah*. If the outer vessel is pure, then its opening hole must be at least the size of *shfoferes hanod*. However, if the outer vessel is also impure, then a smaller hole (even less than *shfoferes hanod*) is sufficient. The outer vessel must be immersed upright or on its side — not face down.¹⁴⁶ The inner vessel must lie loosely and lightly in the outer vessel — not tightly fitted.¹⁴⁷

The commentaries pose the following question: How does immersion suffice for the inner vessel if the water that surrounds it — i.e., the water in the outer vessel — is “drawn waters?”

The answer presented is that at the time of immersion, the drawn waters in the outer vessel become attached and united

¹⁴⁰ *Tosfos Pesachim* 109:b. Many *Rishonim* (*Raavad*, *Ramban*, *Rashbo*, *Ritva*, *Rosh*, *Rabainu David*, *Semag*, *Me'iri*, *Aguda* and more) agree with *Tosfos*. See *Kisvei Reb Aizik* p. 217-225.

¹⁴¹ *Yorab Deab siman* 176.

¹⁴² *Yorab Deab* 201:7.

¹⁴³ *Melachim* 1, 7:23.

¹⁴⁴ *Divrei Hayomim* 2, 4:6.

¹⁴⁵ *Yorab Deab* 201:9.

¹⁴⁶ If the outer vessel is facing down, *Halachically* it is not rendered as a good immersion because air is trapped at the top of the vessel keeping the water out.

¹⁴⁷ *Yorab Deab* 202:6, and *Ramo*.

with the *mikvah* waters. As such, they themselves become valid for immersing.¹⁴⁸

Hence it is clear that water in a *keli* (vessel) whose opening is upward is valid immersion water by virtue of its connection with the valid *mikvah* water above the opening (*eiruv mikvaos*). This once again underscores the validity of a vertical *hashboko*.

Appendix II: More About the *Bor Zriah*

We have already explained how the *bor zriah* works.

It is important to note that according to some opinions it is not enough for the added tap water to flow through the *bor zriah*. It is necessary for the added water to actually intermingle and mix with the forty *se'ab* of rainwater.

To accomplish this, a pipe is placed with one end facing the area where water flows into the *bor zriah*. The other end of the pipe faces the floor of the *bor zriah*. In this way the waters enter and flow to the bottom of the *bor zriah*, mix well with the rainwater, then overflow into the *bor batvilah*.

According to most opinions, when water overflows from one *bor* into the next it does not constitute *zoychalin*. However, other opinions argue and rule that it is *zoychalin*, flowing.¹⁴⁹ How, then, can the added tap waters intermingle and become one body with the natural rainwater? How then can it attain the status of kosher waters, when the natural rainwater **itself** is *zoychalin*, flowing and invalid for immersion?¹⁵⁰

¹⁴⁸ *Tosfos Makos* 4:a, *Ritva* *ibid.*, *Ritva Boba Basra* 65, *Ramban* *ibid.*, *Bais Yosef*, *Shaalos Utsbuvas HoRashba*, *Semag*, *Mordechai* in the name of *Maharam* of *Rotenberg*, *Issur Vebeter Shaar* 58:95, *Rash* (according to *Bais Yosef* and *Shach* 201:28), *Tosfos Rid* in *Chagiga* [Though *Tosfos Rid* elsewhere attempts to learn differently, he concludes in learning the above *Halacha* in concurrence with all the other *Rishonim*].

¹⁴⁹ See *Encyclopedia Talmudis* vol. 12 p. 24, *Chelkas Yaakov* 3:53, 54, 58, *Minchas Yitzchok* 2:23:11. Rabbi Yitzchok Hendel.

¹⁵⁰ The *bor zriah* is based on the *Chassam Sofer* (*Yorah Deah* 203, 212) who gives the following instructions: Build two adjoining *boros* next to each other with a hole to let water flow from one *bor* into the other. Both *boros* should

Some *Halachic* authorities address this problem by building the *bor zriah* large enough to contain eighty *se'ab*. The *bor* is then divided with a horizontal partition (that has a *hashoko* hole (**Figure 7:A**)) into two spaces — each forty *se'ab*.

All the waters enter — after *hamsbocho* — from the **bottom** (**Figure 7:B**) of the upper *bor zriah*, **above** the divider. The procedure is as follows:

- a) the lower *bor zriah* is filled with forty *se'ab* of rainwater, until the divider,
- b) tap water enters the upper *bor zriah*,
- c) the added water becomes kosher through *zriah* by being united with the body of water in the bottom *bor*. This happens before the waters reach the hole, while they are contained in the *bor zriah*, and not flowing, and

have steps (for immersion). One *bor* should be filled with valid rainwater; after it contains forty *se'ab*, add tap water until it overflows into the neighboring *bor*. Both *boros* are now valid for immersing.

When cleaning water in the first *bor*, empty the water and then add water into the second *bor* — which already contains forty *se'ab* of valid water — until it overflows through the hole and fills the first *bor*.

When cleaning water in the second *bor*, empty it and, when ready, pour water into the first *bor* — which already contains forty *se'ab* of valid water — and the water will overflow into the second *bor*.

This way one can change the water whenever necessary and never have to wait for rainfall. (This *mikvah* **does** have the disadvantage of *noson se'ab venotal se'ab*, for the original forty *se'ab* is drained and virtually none of it remains).

The *Tzeilimer Rov*, Rabbi Levi Yitzchok Greenwald, asserts in a letter written to Rabbi Yitzchok Hendel that it is impossible to believe the *Chassam Sofer* built such a *mikvah*. As mentioned above, some opinions hold that *zriah* means that water is added into forty *se'ab* of rainwater while it is still and **not** flowing!

He therefore concludes that the *Chassam Sofer* used a stopper, which plugged the hole during the actual refilling and ensured that the added water did **not** overflow into the neighboring *bor*. Tap water was then added into the forty *se'ab* of rainwater in the first *bor* until there was more than forty *se'ab* **above** the hole. Then the hole was unplugged and kosher water entered the second *bor*. He concludes that although this is not alluded to in the *Chassam Sofer's* *reponsa*, this must have been his intention.

d) the water in the upper *bor* is more than forty *se'ah*. When more waters come into the bottom of the upper *bor zriah*, **they push out** this top water that has already become valid, into the *bor batvilah*.¹⁵¹

To summarize, there are three ways that the *bor zriah* may be built:

- 1) The added water flows through without intermingling.
- 2) The added water mixes and intermingles.
- 3) Forty *se'ah* of tap water is added to the *bor zriah* before it overflows into the neighboring *boros*.

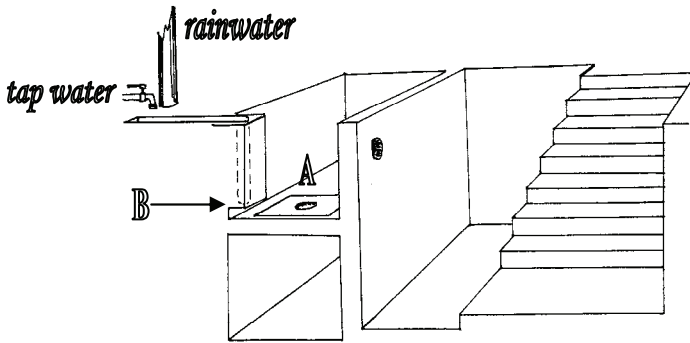


Figure 7

¹⁵¹ The Lubavitcher Rebbe to Rabbi Hendel during a private audience; *Minchas Yitzchok* 2:23 (10).

Glossary

Alter Rebbe — founder of the *Chabad chassidic* movement, Rabbi Schneur Zalman of Liadi, *Elul* 18, 5505 — *Tevet* 24, 5573 (1745 — 1812)

Baal HaTanya — Author of the *Tanya*, basic exposition of *Chabad chassidus* (also referred to as the *Alter Rebbe*)

Bais Din — court, Rabbinical court

bais hamedrash — a (*Torah*) study hall

bais kibbul — a containment area

Bnos Yisroel — Daughters of Israel (Jewish women)

bor (*boros-plural*) — specially constructed reservoir of rainwater (*mikvah*). Popularly used to refer to *bor al gabai bor*, *bor hashoko*, *bor batvilah* or *bor zriah*

bor al gabai bor — one (*mikvah*) pool, reservoir, above the other. Special design of constructing a *mikvah* encouraged by the *Rebbe Rashab*

bor hashoko — (*mikvah*) pool, reservoir of rainwater that qualifies invalid waters by contact. See Section “*Hashoko*”

bor batvilah — the **immersing** (*mikvah*) pool, reservoir. Usually its waters are qualified by contact with rainwater from a neighboring *bor*

bor zriah — (*mikvah*) pool, reservoir of rainwater that qualifies invalid waters by entering directly into the *bor*. See Section “*Zriah*” and Appendix II

Chabad — acronym formed by the initial letters of the Hebrew words *chochmah*, *binah* and *daas*; also symbolizes a branch of the *chassidic* movement that is rooted in an intellectual approach to the service of (and the study about) the Almighty

chanukah — eight day festival celebrating the recapture and rededication of the second Temple

chassid (*chassidim*-plural) — refers to one who lives according to the teachings of a *chassidic* master

chatzitzta — intervening substance between the body and *mikvah* waters, which invalidates the immersion

eiruv mikvaos — a legal device which merges several separate *boros* into a single joint *bor* (qualified *mikvah* waters)

Eliyahu — Elijah

Elul — sixth month of the Hebrew calendar

Eretz Yisroel — land of Israel

Esrog — citron, one of the Four Species used in performing a *mitzvah* on the festival of *Sukkos*

Halacha (*halachos*-plural) — a *Torah* law

halachic — relating to *Torah* law

hamsbocho — a procedure where waters run across an area of soft ground or cement

hashboko — lit., “kiss,” invalid waters that unite by contact with valid waters, thus becoming valid. See Section “*Hashboko*”

hatzlocho — success

haviyosoi al yedai dovor hamekabel tumah — a situation in which a *mikvah* is dependent on a *keli* for its presence and is thereby invalid

biddur (*biddurim*-plural) — enhancement or meticulous observance of a *mitzvah* beyond the basic requirements

Iggeres HaKodesh — the fourth section of the *Tanya*, basic exposition of *Chabad chassidus*

keli (*kelim*-plural) — a vessel or utensil, whether it is able to contain water or not; see “*haviyosoi al yedai dovor hamekabel tumah*”

kesiva vechasima tova — “May you be inscribed and sealed for a good new year” — traditional blessing before the Jewish New Year

Kohen (*Kohanim*-plural) — descendant of the priestly family of Aaron

kol shebu — minute measurement of any size

korais — excision. Divinely imposed premature death decreed by the *Torah* for severe sins such as desecrating or eating on *Yom Kippur*

kotafrus — lit., “flowing,” flowing waters that connect pools of water together. See Appendix I

luggin — a liquid measure used in the times of the *Mishnah* discussed in the Section “Measurements”

mattan Torah — the giving of the *Torah*

mekabel tumah — lit., “accepts ritual impurity.” Only specific materials and certain types of vessels are *mekabel tumah*, i.e., eligible to contract a state of ritual impurity

Menachem Av — fifth month of the Hebrew calendar

mikvah (*mikvaos*-plural) — a body of water used for ritual purification

Mishnah — paragraph of teachings compiled by Rabbi Yehudah Hanassi from sages of the Mishnaic period

mitzvah (*mitzvos*-plural) — one of G-d’s 613 commandments, any religious obligation or meritorious act

moro d’asro — Rabbi who is the *Halachic* authority of the city

Nach — acronym for *Neviim*, Prophets, and *Kesuvim*, Holy writings

netilas yodayim — ritual washing of hands

niddah — woman who has become *tomai* through seeing blood that originated in her uterus. A *niddah*’s purifying process concludes with immersion in a kosher *mikvah*

nismalay loda’as — lit., filled intentionally, apparent to the naked eye that it is being filled

Nissan — first month of the Hebrew calendar

noson se'ab venotal se'ab — lit., “adding a *se'ab* and removing a *se'ab*,”
a condition where the water in a *mikvah* no longer contains a
majority of forty *se'ab* rainwater

otzar — a storage of rainwater. See Section “*Otzar*”

Rabbonim — plural of *Rov* (Rabbi)

Rambam — Maimonides; acronym for Rabbi Moshe ben Maimon,
an early codifier of *Halacha*, 1135 — 1204

Rebbe Maharash — Rabbi Shmuel, the fourth Rebbe of *Chabad, Iyar*
2, 5594 — *Tishrei* 13, 5643 (1834 — 1882)

Rebbe Rashab — Rabbi Sholom Dovber, the fifth Rebbe of *Chabad,*
Cheshvan 20, 5621 — *Nissan* 2, 5680 (1860 — 1920). He
encouraged the building of a *mikvah* of *bor al gabai bor*

Rebbe — a righteous person who serves as a spiritual guide to a
following of *chassidim*

Rebbeim — the seven generations of Lubavitcher Rebbes

Rosh Chodesh — lit., “head of the month,” one or two semi-festive
days at the beginning of each Hebrew month

Rosh Hashana — the Jewish New Year festival

Rov — expert Rabbi

se'ab — a volume of measure used in the times of the *Mishnah*.
Discussed in the Section “Measurements”

sefer (*sefarim*-plural) — book of Holy writings

Shabbos — Sabbath, Saturday

Shalosh Regalim — Pilgrim Festivals of *Pesach, Shavuos* and *Sukkos*

shevrim — lit., “drawn waters,” waters that are invalid for a *mikvah*
via containment in a vessel

shfoferes banod — a *Mishnaic* term that equals a quarter of a *tefach*.
This measure is necessary when uniting an invalid body of
water to a valid one (vis. *hasboko*)

- Sholom u'Brocho* — Greeting and Blessing
- Shulchan Aruch* — Code of Jewish Law
- siman* — Chapter, commonly referred so in *Halachic* works
- Sotah* — a tractate of the Talmud
- Taanis* — a tractate of the Talmud
- Taharas Hamishpocho* — Family Purity
- Tefach* (*tefachim*-plural) — handbreadth; a measure of length equal to the width of four thumbs. See Section “Measurements”
- Tevet* — tenth month of the Hebrew calendar
- Tisha Be'Av* — ninth day of the fifth month of the Hebrew calendar, commemorating the destruction of the Temples
- Torah* — the Five Books of Moses
- tomai* — form of *tumah* (see below)
- tumah* — legally defined state of ritual impurity inherent in certain conditions of people or objects. Immersing in a kosher *mikvah* purifies people or utensils that are *tomai*
- Tzemach Tzedek* — Rabbi Menachem Mendel, the third Rebbe of *Chabad*, *Elul* 29, 5549 — *Nissan* 13, 5626 (1789 —1866)
- Yechezkel* — Ezekiel
- Yom Kippur* — Day of Atonement
- zechus* — merit
- zerizus* — alacrity
- zoychalin* — flowing waters; only a spring is kosher to use for ritual immersion even when its waters are flowing
- zriah* — lit., “sown,” process by which invalid waters enter directly into valid *mikvah* waters and become qualified. See Section “*Zriah*” and Appendix II

References

Sources for material contained in this book include: Nach, Mishnah, Gemara, Rishonim, Tur, Rambam, Bais Yosef, Shulchan Aruch, Shulchan Aruch HaRav, and their respective commentaries.

In addition, a wealth of information was drawn from the Responsa of renowned *Halachic* codifiers and includes rulings set forth by contemporary *Halachic* authorities. The following is a partial list of the *Halachic* works used in this book:

Aimek HaShaloh / Ba'er Moshe / Chassam Sofer / Chelkas Yaakov / Divrei Chayim / Dogul Marvovo / Encyclopedia Talmudis / Igros Kodesh / Igros Kodesh — Rashab / Igros Kodesh —Rayatz / Igros Moshe / Kisvei Reb Aizik / Kovetz Reb Zalman Shimon / Kuntros: —Mikvah Al Gabai Mikvah / —Yagdil Torah N.Y. / Mikvah Mayim / Minchas Elozor / Minchas Yitzchok / Mishnah Halochos / Taharo Kahalocho / Taharas Mayim / Tzemach Tzedek / Sefer Beruray Midos / Shiurei Torah / Shiurei Tzion / Shiurai Shevet Halevy

In the Memory of
Zev ben Pesach a"h
passed away 4 Menachem Av
5747
by
Pesach and Shari Nussbaum
& Family

Dedicated by
Shmuel and Chani Gniwisch
& Family



In honor of the Bar Mitzvah of
Nachum Solomon Hascalovici
27 Tammuz 5761

Dedicated by
his Parents
Meir and Aly Hascalovici
& Family



Dedicated by
Berel and Breindy Gansbourg
& Family

Dedicated by

Shmarya and Chaya Sara Richler

In honour of

David and Goldie Richler
Rabbi Reuven Rapoport
Ruchama Miriam Braverman

and in memory of

Shmarya and Esther Richler
Rabbi Mordechai Zelig and Aidel Minka Hirsch
Hatomim Avraham Yitzchok and Hinda Rapoport
Chaim Eliezer Braverman
Chava Gitel Rapoport

Dedicated by
Steven Steinwald



Dedicated by
Paul & Eva Nadler
in memory of
Ben & Rose Nadler
Mirko Kohn



Dedicated by:
Yaakov & Freida Abramezyk
Jerrold & Bella Aspler
Raphael & Chana Bigio
Nissim & Mimi Bouzaglo
Abraham & Pnina Brodt
Michael & Barbara Chernack
Saul & Estelle Deitcher
David & Suzie Finkelstein
Danny & Sonia Fonfeder
William & Klara Frankel
George & Sylvia Frankel
Pinchos & Chanie Freund
Hershly & Raizy Friedman
Joseph & Judy Friedman
Samuel & Brenda Gewurz
Yitzchok & Julie Gniwisch
Calmen & Gita Goldberg
Edward & Trudy Goldberg
David & Perel Grunberger
Yidel & Shoshana Grunberger

Mark & Elayne Gruszczynski
Meir & Helen Hakak
Robert & Esther Hochstadter
Meir & Elizabeth Israel
Efram & Reesa Kandelshein
Carl & Betty Iaxer
David & Judy Levine
Moshe & Judy Levine
Aaron & Susan Lieberman
Bennett & Suzan Little
Zeudek Mandelcorn
Ydel & Solange Sarah Miller
Chaim M. & Fayge Minkowitz
Danny & Celia Natanblut
Sender & Iola Ortner
Yitzhak & Judy Perlstein
Sidney & Hetti Pfeiffer
Moishe & Rebecca Reiss
David & Judy Rothschild
Moshe & Vera Salzberg
Yitzchok & Faigie Silber
Iazar & Jewel Sarna
Moshe & Miriam Stern
Moshe & Sharman Stern
Norman & Johanne Sternthal
Fred & Joanie Tansky
Avrohom & Sarah Teitlebaum
Jacob & Gloria Tink
Chaim & Bassie Treitel
Morty & Aviva Yalovsky
Mayer & Teivia Zaklos
Mechel & Rose Zimlichman

Dedicated by
Yossi & Chani
& Meir
Lesches