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MiSheNichnas Adar Marbim BeSimchah: A Halachic Analysis by Rabbi Daniel Fridman

The rabbinic mandate, MiSheNichnas Adar Marbim BeSimchah, is, on the one hand, deeply familiar to all of us, and yet, at the same time, halachically speaking, puzzling. Indeed, when one examines the source of the dictum itself, a statement of Rav located towards the end of Masechet Ta'anit, "KeSheim SheMiSheNichnas Av Mema'atin BeSimchah, Kach MiSheNichnas Adar Marbin BeSimchah," "just as we become less happy when Av arrives, so too we become more happy when Adar arrives,"¹ the difficulty is compounded. After all, the former clause, that the arrival of Av occasions a deliberate and systematic reduction of joy, is readily understandable: the city walls of Yerushalayim had already been breached, and the destruction of the Beit HaMikdash was, at that point, a tragic inevitability.

Yet, the latter clause, mandating an increase in celebration with the arrival of Adar, *prima facie*, appears without the same kind of historical justification. On the contrary, the Jews of ancient Persia were in no position whatsoever to celebrate when the fateful month of Adar arrived. It was only their victory on the thirteenth of the month which enabled the celebration that would subsequently ensue. Surely, we would have imagined, the celebration ought to have been limited to the days of Purim themselves, with the first thirteen days of the month, if anything, defined as times of national distress and anxiety.

Second, even if we were to disregard the specific events of Purim itself, we do not, in the general sense, find any sort of parallel injunction concerning the rabbinic institution of Chanukah, in the spirit of, "when Kislev arrives, we begin to increase our joy," raising further questions concerning the source of this particular Halachah. Likewise, at the Torah level, we do not find any such concept regarding Shavu'ot.

Finally, in his brief comment on the Gemara, Rashi further complicates matters by surprisingly incorporating Pesach into the discussion: "Yemey Nisim Hayu LeYisrael: Purim U'Pesach," "Purim and Pesach were days of miracles for Yisrael."² It would seem, based on the simple reading of Rashi, that whichever expressions of joy that are triggered by the mandate of MiSheNichnas Adar Marbim BeSimchah ought to continue through the end of the month, and into Nissan as well.³ And yet, Rashi does not seem to address the fundamental question at stake, namely, the reason that these expressions of joy should commence with the arrival of Rosh Chodesh Adar.⁴

In light of these difficulties, it certainly bears mentioning that whilst Rambam codifies the first clause of Rav's statement, MiSheNichnas Av Mema'atin BeSimchah, he pointedly omits any mention of MiSheNichnas Adar Marbim BeSimchah. The same can be said for Tur and Shulchan Aruch as well.

It seems to me that some perspective on this question may be gained by examining the precise nature of Haman's lot. While, admittedly, the text is somewhat ambiguous, it seems likely that Haman cast his lot only with respect to the month in which he would seek the destruction of the Jewish people, not the day. The Pasuk states that Haman cast lots "MiYom LeYom UMeiChodesh LeChodesh Sheneim Asar, Hu Chodesh Adar," "[concerning] every day and month [until the lot fell on] the twelfth month, the month of Adar."⁵ Remarkably, the date of the intended destruction is not found in the text at all.⁶ The succeeding verses in the chapter reveal that Haman immediately approaches the king, the decree is issued, and the day merely happens to be the thirteenth of the month of Nissan.

As such, one can reasonably argue that Haman selected only the month of Adar without specifying the date. The precise date, namely the thirteenth, emerged idiosyncratically, purely as a result of the fact that it happened to be the thirteenth day of the month of Nissan when the lot was cast. This reading may be confirmed by a striking passage in the Gemara which relates that Haman was elated when the lot fell on the month in which Moshe died.⁷ While the Gemara goes on to wryly note that Haman was oblivious to the fact that Moshe was also born in that month, the entire premise of the Gemara is sensible only if we understand that Haman was singularly focused on the month of destruction, as opposed to the date. Had Haman been focused on the date as well, his reaction should not have been elation but frustration, as he had missed out on the date of Moshe's death, Adar 7th, by a mere six days, an experience akin to having four of five correct lottery numbers.

If it is indeed the case that Haman selected the month of Adar for the destruction of the Jewish people, while the date was merely a byproduct of the date upon which he happened to draw the lot, the expression towards the very end of the Megillah is far more understandable, "HaChodesh Asher Nehpach Lahem MiYagon LeSimcha UMeiEivel LeYom Tov," "the month that was transformed for [the Jews] from grief to happiness and from mourning to festivity,"⁸ with emphasis on the month of Adar, not the day. On the basis of this Pasuk, the Talmud Yerushalmi⁹ derives a shocking but profoundly illuminating Halachah: in theory, one may fulfill his obligation to read the Megillah at any point during the month of Adar. While the Talmud Bavli does not go quite as far as the Yerushalmi, the very institution of "Kefarim Makdimin LeYom HaKenisah,"¹⁰ permitting villagers to read the Megillah as early as the 11th or 12th of the month, equally points in the direction of a holiday localized less to two particular calendar dates than to an entire month: HaChodesh Asher Nehpach Lashem MiYagon LeSimcha.

The argument that the basis for Rav's extension of the Mishnaic statement, MiSheNichnas Av Mema'atin BeSimchah, to MiSheNichnas Adar Marbim BeSimchah is rooted in Haman's own lot may be strengthened by the following asymmetry between two cases. While there is a host of Halachic expressions of the reduction of joy commencing with Rosh Chodesh Av,¹¹ ranging from commercial

⁵ Esther 3:7

⁶ One might read the term MiYom LeYom as suggesting a lot cast for the date in addition to the month. However, one wonders, then, why the date is omitted from the end of the Pasuk, while the month is reported. Second, it is quite a coincidence that of thirty possible dates in the month of Adar, the lot happened to fall precisely on the thirteenth, the very day it happened to be in the month of Nissan when the lots were cast.

⁷ Talmud Bavli Megillah 13b

⁸ Esther 9:22

⁹ Talmud Yerushalmi Megillah Perek 1

¹⁰ Talmud Bavli Megillah 2a

¹¹ Shulchan Aruch Orach Chayim Hilchot Tish'ah BeAv UShe'ar Ta'anivot 551:1-2

¹ Talmud Bavli Ta'anit 29a

² Ibid.

³ Cf. Eliyah Rabbah Orach Chaim 685, who indeed argues that "Nisan is like Adar" in terms of it being a favorable time to pursue litigation against a Nochrin in court.

⁴ Note, for example the Sefat Emet (Ta'anit 29a), who rejects the link between Adar and Nissan, and interprets Rav's statement to be an reference to the Beit HaMikdash: just as the mourning of Av centers around the destruction of Mikdash, the happiness of Adar stems from the collection of Shekalim for the upkeep of the Mikdash.

activities, certain forms of planting and construction, and holding weddings, there is only one Halachic expression concerning increasing joy in the month of Adar: if a Jew has a legal dispute with a Nochri, he should feel most confident adjudicating the matter in Adar.¹² Even this particular expression of MiSheNichnas Adar Marbim BeSimchah seems patterned, albeit at far less of an existential plane, on the confrontation between Haman and the Jewish people.

And yet, even if the transformation of the month of Adar can be traced towards Haman's lot itself, one might still argue that Chazal needed a precedent for an entire month to be transformed beyond the immediate days of celebration themselves. It is in this connection that Rashi's aforementioned insertion of Pesach in his explanation of the concept of MiSheNichnas Adar Marbim BeSimchah might be particularly instructive. Indeed, if there is a model for an entire month that is transformed beyond the immediate days of celebration contained within it, Nissan is certainly the paradigm. The restrictions on eulogies and recitation of Tachanun during the entirety of the month of Nissan,¹³ not limited to the days of Pesach themselves,¹⁴ may be conceptualized as a halachic precedent for the transformation of an entire month, a precedent upon which Rav's mandate, MiSheNichnas Adar Marbim BeSimchah, may well rest.

Furthermore, Rabbi Shimon ben Gamli'el's insistence, contra Rabbi Eliezer beRabbi Yosi, upon reading the Megillah during a leap year in the Adar which immediately precedes Nissan¹⁵ certainly underscores the fundamental connection between these months. It is certainly reasonable to interpret Rabbi Shimon ben Gamli'el's stated reason, "Mesameich Ge'ulah LeGe'ulah Adif," "it is preferable to juxtapose the redemption [of Purim] to the redemption [of Pesach]," on a more superficial plane, that both of these months contain redemptive moments for the Jewish people. However, I prefer to interpret this Halachah as a reflection of a more profound bond between Adar and Nissan, namely that the two months that have been transformed above and beyond the specific days of celebration contained therein. In this sense, the very words employed by Rabbi Shimon ben Gamli'el, "Mesameich Ge'ulah LeGe'ulah," can be interpreted in a far more precise way, not merely as connoting a general proximity between Purim and Pesach, but, quite literally affixing one month of redemption directly to the other.

While the rabbinic nature of both of these institutions, the prohibition against eulogies throughout Nissan and the definition of the entire month of Adar as one of happiness, precludes a direct application of the concept of "Kol DeTikkun Rabanan KeEin DeOraita Tikkun," that Rabbinic laws are patterned after Torah laws, the conception that Adar, as a month of celebration, was patterned after Nissan is certainly an analogue of this principle. The fact that the critical events of the Megillah--the three-day fast, Esther's approach to Achashveirosh, and the exposure of Haman--occurred on the days of Pesach themselves renders this connection that much more compelling.

Whatever its origins, Rav's halakha of MiSheNichnas Adar Marbim BeSimchah lends itself to one final interpretation. As the celebrated passage in Masechet Shabbat details, during the generation of Achashveirosh, "Kiyemu Aleihem Mah SheKiblu Kevar," the Jewish people reaffirmed their commitment to the eternity of Torah.¹⁶ A nation on the verge of total assimilation, whom the Talmud pointedly notes were fully represented and engaged in the debased orgy of Achashveirosh,¹⁷ rediscovered its

spiritual footing. A people rightly accused of being "Mefuzzar UMeForad Bein HaAmmim," a fractious and discordant group,¹⁸ rediscovered its fundamental unity in three days of spiritual awakening, a unity which harkened back to the singularity of purpose originally manifested at Sinai, when they were described "Kelsh Echad BeLeiv Echad," "like one man with one heart."¹⁹ Inasmuch as the Jews of Shushan reconnected to the Torah, it may not be entirely out of place to suggest that the happiness of Adar relates to the ultimate source of joy, Torah, as is written in Tehilim, "Pikkudei Hashem Yesharim, Mesamchei Leiv," "the precepts of Hashem are just, rejoicing the heart."²⁰

RAIDERS OF THE LOST ARON

by Zachary Greenberg ('16)

In this week's Parashah, Parashat Terumah, Hashem instructs Bnei Yisrael to make one of the most, if not the most, famous object in Judaism, the Aron. The Aron was made out of acacia wood and was covered inside and out with gold, as Hashem told Moshe to tell Betzalel, the master craftsman: "VeTzipitah Oto Zahav Tahor MiBayit UMiChutz Tetzapenu," "You shall cover it with pure gold, from within and from without you shall cover it" (Shemot 25:11). Rashi (ibid. s.v. MiBayit UMiChutz) explains that Betzalel made three Aronot that comprised the actual Aron. He first made a golden box on the outside, then, inside that one, he made an acacia-wood box, and then he made an even smaller golden box inside the wooden box. The cover of the Aron had two Keruvim on it--two golden figures with children's faces and wings stretched upwards. The Gemara (Sukkah 5b) explains that the word Keruvim comes from "Ke," meaning "like," and "Keruv," which means "youth," and so the Keruvim had the likeness of children's faces. It was in between these Keruvim that Hashem spoke to Moshe, as the Torah states "VeDibarti Itecha MeiAl HaKaporet MiBein Sh'nei HaKeruvim," "And I shall speak with you from atop the cover from between the two Keruvim" (Shemot 25:22). Two striking questions arise from these descriptions. Firstly, why have a box inside another box inside another box? Why not just make the entire Aron out of gold? Secondly, why have Keruvim at all, and why do they have children's faces on them?

In answer to the first question, the Da'at Zekeinim explains that if the Aron was made of entirely gold, it would have been too heavy for the Jews to carry, and so it was made of wood to ease the burden. This shows that Hashem wants to make things easier for the Jewish people, even if, superficially, something might appear to be very difficult, much as the Aron appeared to be made out of solid gold. The Gemara (Yoma 72b) interprets that the reason for the intricate design was to symbolize an important lesson. The Aron was consistent inside and out; both the outer layer and the inner layer were covered with gold. A Jew also needs to be consistent. For example, one cannot only talk about the importance of being nice to others; one needs to actually follow through. He shouldn't only do Chessed when he knows he will receive praise or reward, but also when no one else but him knows about it. As such, a person should be "Tocho KeBaro"--the same inside and out.

In regard to the second question, the fact that the Keruvim have children's faces can also teach us a valuable lesson. Rav Shmuel Rozovsky (Chiddushei Rabi Shmuel) writes that one can have the best Rebbe in the world, but in order to learn Torah and do Mitzvot properly, one needs to be like a child. Every time one learns he needs to be as enthusiastic as a child and ask as many questions as possible. One should not just go through the motions of learning or doing a Mitzvah; he should enter with enthusiasm as if it is his first time he ever learned or performed a Mitzvah in his life! One should never be cynical and complain because not only does that ruin the whole experience for him, others around who see him being cynical also

¹² Talmud Bavli Ta'anit 29b, Magen Avraham Orach Chayim 686:5

¹³ Shulchan Aruch Orach Chayim 429

¹⁴ In fairness, the Chanukat HaMizbei'ach, covering the first twelve days of Nissan, is a factor in the transformation of the month of Nissan in its entirety--in combination with the days of Pesach, the majority of Nissan is festive, and one may employ the concept of Rubo KeKulo, following the majority, to transform the rest of Nissan. Yet, this makes the transformation of Adar, in which there are only two days of celebration, that much more remarkable.

¹⁵ Talmud Bavli Megillah 6b

¹⁶ Talmud Bavli Shabbat 88a

¹⁷ Talmud Bavli Megillah 12a

¹⁸ Esther 3:8

¹⁹ Rashi Shemot 19:2 s.v. VaYichan Sham Yisrael

²⁰ Tehilim 19:9

start complaining and the spark is gone. In everything in life, we are reminded by the Keruvim to always want to do everything and dream big, just like a child.

The Aron itself is further clouded in an air of mystique and miracles. For example, the Gemara (Megillah 10b) describes that the Aron took up no physical space. The Aron was 2.5 Amot long and was placed right in the middle of the Kodesh HaKedashim. The Kodesh HaKedashim was 10 Amot from one end of the Aron to the wall and 10 Amot from the other end of the Aron to the wall. That adds up to 22.5 Amot in length (2.5+10+10). However, the Mishkan was only 20 Amot long, and so it wasn't physically possible for there to have been room for the Aron. We therefore see that the Aron took up no space!

Another miracle associated with the Aron occurred during the battle of Yericho (Yehoshu'a 6:1-26). The Jews carried the Aron around the walls of Yericho once a day for seven days. On the last day, they circled the walls seven times, and Hashem made the walls crumble. The Aron's miraculous powers are further described in Sefer Shmuel (I 5:1-6:20). When the Aron was stolen by the Pelishtim, they transferred it to various cities, where the inhabitants were subsequently plagued with hemorrhoids. Finally, the Aron was returned to Am Yisrael. Once the Aron arrived in Eretz Yisrael, it was taken to Beit Shemesh, where the people foolishly peered inside the Aron, causing 50,000 men to be killed. Similarly, during the time of King David (Shmuel II 6:2-7) Uzzah was leading the Aron to Yerushalayim and he caught the Aron to steady it, as it appeared to be falling, and he died for touching it.

The location of the Aron today is unknown, but there are many theories as to where it is. One theory is that after the destruction of Bayit Rishon, the Babylonians took it, but the Aron is not included in the list of what the Babylonians took, so that theory cannot be substantiated. Some suggest that Yoshiyahu HaMelech hid it before the Babylonians invaded, and therefore its location is still unknown. The Gemara (Horayot 12a) says that Yoshiyahu dug a hole under Har HaBayit and placed it there, while the Rambam (Hilchot Beit HaBechirah 4:1) writes that Yoshiyahu hid it in a cave near the Dead Sea. Another theory is that Shishak, an Egyptian Pharaoh who invaded Judea during Bayit Rishon and took many treasures of the Jews (Melachim Alef 14:25-28), took the Aron (this is the story that is used in the movie *Indiana Jones and the Raiders of the Lost Ark*.) One last theory is that the Knights Templar recovered it during the Crusades and brought it to Western Europe, where it has been hidden ever since.

Although we do not know where it is, the Aron was and is a great symbol for the Jewish people. The Lubavitcher Rebbe explains that the Aron symbolizes each one of us. The Aron was kept in the most secluded and holy place, the Kodesh HaKedashim. Just as the Aron was removed from things less holy, so too we need to remove ourselves from unholy things. Although it was secluded, the Aron was still portable and had poles so that at any given moment it could be taken to a new place. A Jew needs to be ready to venture out and help another person in need at any given moment, even if it disrupts learning Torah. God willing, during the era of Bayit Shelishi, the location of the Aron will be discovered and the Aron will once again be in its home, the Kodesh HaKedashim.

CREATING A MIKVEH WITH SNOW, NATURAL AND ARTIFICIAL ICE

by Rabbi Chaim Jachter

The Challenge

Natural rain water, water that has never been in a receptacle (Mayim She'uvim) is the lifeblood of a Mikveh.²¹ Forty Se'ah (1000 liters/265 gallons) of natural rainwater serves as the base from which

²¹ Gray Matter Vol. 2 (now available online) presents a comprehensive introduction to the laws of creating a Mikveh.

the Mikveh branches out. Typically, the rainwater gathers in a collection pool and the Mikveh is ready to be placed into action. However, in many locales in the world, including Israel, rainwater is not readily available during much of the year. An inoperable Mikvah for months on end is an untenable situation for a Jewish community. Is there a viable Halachic alternative in such a situation? Detailed guidance from an expert in the Halachot of Mikveh-creation is an absolute necessity, but let us review the Halachic literature regarding creating a Mikveh from snow, natural ice and artificial ice.

Mishneh Mikva'ot 7:2

The Mishneh (Mikva'ot 7:2) seems to clearly support the creation of Mikva'ot using snow and ice. The Mishneh states at first that snow and ice can be used to create a Mikveh. Rabi Akiva proceeds to relate how Rabi Yishma'el argued before him that snow cannot be used as a Mikveh. Thereupon, Rabi Akiva reports, the people of Meideva testified in the very name of Rabi Yishma'el that Rabi Yishma'el had instructed them to create a Mikveh from snow!

The Rosh (Hilchot Mikva'ot no. 18) codifies the Mishnah and states that the Pesul (disqualification) of Mayim She'uvim does not apply to snow and ice, since only water is regarded as Mayim She'uvim. Moreover, the Rosh clarifies that it is acceptable to create an entire Mikveh from snow or ice.

Ra'avad and Ba'al HaMaor--the Status of Snow that Has not Melted

However, the issue is not so simple. First, the Ra'avad (Ba'alei HaNefesh pp. 92) raises a basic question regarding snow--may snow itself be used as is to create a Mikvah, or may it be used only after it melts and becomes water? The Ra'avad concludes that only when snow melts can it be used as a Mikveh. On the other hand, the Ba'al HaMaor (as appears in the Sela HaMachloket, printed in the Ba'alei HaNefesh pp. 161) argues that snow itself has the status of water regarding the rules of Hilchot Mikva'ot.

There are two huge Nafka Minot (ramifications) of the dispute between the Ra'avad and the Ba'al HaMaor. One is whether snow may be used for Tevilah (either of people or Keilim/utensils) before it melts. The Ba'al HaMaor rules that snow enjoys the status of water and may be used for Tevilah. The Ra'avad disagrees.

A second enormous Nafka Minah is whether snow that is placed in a utensil is rendered as Mayim She'uvim. The Ra'avad rules that the snow does not gain the status of Mayim She'uvim as a result. He reasons that "when the snow melts, it becomes a different entity." The Ba'al HaMaor strongly disagrees, arguing that snow has the status of water both in a lenient and stringent direction.

The Rulings of the Shulchan Aruch and its Major Commentaries

The Shulchan Aruch (Yoreh Dei'ah 201:30) rules leniently in both directions, permitting Tevilah in snow before it melts and ruling that the disqualification of She'uvim applies only to water. The Rama (ad. loc.) rules that it is best to avoid using snow itself for Tevilat Keilim. The Shach (ad. loc. number 71) strongly rejects using snow that has not melted as a Mikveh. The Aruch HaShulchan (ad. loc. number 147) strongly endorses the Shach's approach. He writes, "heaven forbid we be lenient about this matter."²² He notes that many Rishonim (including Rashi and Rambam) rule in this manner and that even Rav Yosef

²² The Pitchei Teshuvah (Y.D. 120:4) cites the Chochmat Adam (73:19) who permits Tevilat Keilim in snow in case of great need only in regards to glass utensils. He reasons that since the requirement to immerse glass is only rabbinic in nature, one may rely upon the lenient opinion in a case of great need. Rav Elazar Meyer Teitz, quoting his father, Rav Pinchas Teitz, permits following the approach of the Chochmat Adam. Rav Zvi Sobolofsky strongly opposes immersing even glass utensils in snow. Even he permits, though, using snow to purify one's hands after visiting a cemetery.

Karo in Orach Chaim (160:12) does not regard snow as acceptable for Netilat Yadayim. However, all of the commentators seem to endorse the Shulchan Aruch's ruling that snow cannot be rendered as She'uvim, even if placed in a utensil, before it melts.

Rabi Akiva Eiger (to Y.D. 201:30) notes that although the Shulchan Aruch and its commentaries permit creating a Mikveh entirely of snow, the Ra'avad in the Ba'alei HaNefesh permits using snow only if there is a majority of the required 40 Se'ah of rainwater already in the Mikveh. Only if there is already more than twenty Se'ah of rainwater in the Mikveh may snow be added to complete the Mikveh.

Creating a Mikveh from Snow - the Chatam Sofer

The Pitchei Teshuvah (ad. loc. no. 21) cites Teshuvot Chatam Sofer (no. 200) and Teshuvot Toledot Yitzchak (no. 24) who both permit creating a Mikveh entirely from snow in accordance with the ruling of the Shulchan Aruch. However, melting the snow in the Mikveh poses quite a challenge. Chatam Sofer and Toledot Yitzchak rule in accordance with the Shach that snow does not have the status of water in regards to Hilchot Mikva'ot. Thus, pouring boiling hot water from heated pots invalidates the snow. Such water is Mayim She'uvim. Adding three Logim (approximately a quart) of Mayim She'uvim before a Mikveh has accumulated 40 Se'ah of rainwater that has never been stored in a utensil disqualifies the Mikveh. Three Logim of water poured from boiling pots, accordingly, invalidate the Mikveh. Chatam Sofer and Toledot Yitzchak recommend heating metal rods that do not accept Tumah to melt the snow. The modern-day equivalent is to use a blowtorch.

Due to this concern, snow used to create a Mikveh is shoveled with perforated shovels (which do not constitute Keilim due to their imperfections) and is transported in perforated utensils so that the snow does not melt and accumulate three Logim of Mayim She'uvim. This also serves to satisfy the opinion of the Ba'al HaMaor. When creating a Mikveh, we are very stringent and seek to accommodate even those opinions of the Rishonim that are not cited in the Shulchan Aruch and its commentaries.

Another major problem with snow is that even when it melts it yields very little water. One can bring an entire truckload of snow and it will not melt into 40 Se'ah of water. Finally, a Mikveh made entirely of snow does not create a Kosher Mikveh according to Rabi Akiva Eiger's understanding of the Ra'avad. Although I have heard of communities whose Mikva'ot were created from snow, in a situation where a Mikveh is needed to be repaired expeditiously, using snow to create a Mikveh might not be a practical option.

Natural Ice and Artificial Ice

In order to overcome some of these obstacles, natural ice was often used to create a Mikveh. While in earlier times, huge blocks of ice were cut and readily available on the commercial market, in our times, huge blocks of ice are not readily available. One would be hard-pressed to find a professional who could provide a huge block of ice to create a Mikveh.

Therefore, the question has been raised as to whether artificial ice may be used to create a Mikveh in a case where creating a Mikveh with rainwater is not a viable option. This question has been hotly debated by the Poskim of the past century with no clear consensus emerging.

The case, as articulated by Rav Nissan Telushkin²³ (Taharat Mayim 54-56), for permitting a Mikveh created from artificial ice is very straightforward. The Beit Yosef (Y.D. 201) cites the Tosefta (Taharat 2:3; as explained by the Semag²⁴) which states that Mayim She'uvim that freeze lose their status as She'uvim and may be used for immersion after they melt. The Shulchan Aruch (Y.D. 201:31) codifies the Tosefta, the Shach (ad. loc. number 74) presents the Semag's explanation, and none of the major commentaries express any dissent. In fact, three major Lithuanian-trained Poskim support

Rav Telushkin's conclusion that a Mikvah may be created from artificial ice--Rav Chaim Ozer Grodzinsky (Teshuvot Achiezer 3:33), Rav Avraham Yitzchak HaKohein Kook (Teshuvot Da'at Kohein 101), and Rav Avraham Shapira (Teshuvot Devar Avraham 3:13). The great Sephardic authority Rav Yosef Chaim of Baghdad²⁵ permits this as well (Teshuvot Rav Pe'alim 2: Y.D. 24).

Many great Poskim, such as Rav Moshe Mordechai Epstein (Teshuvot Levush Mordechai no. 25), strongly disagree. Rav Epstein reasons that even though the water has frozen, the act of freezing does not remove the status of the water with regards to its being She'uvim in the case of artificial ice. He argues that if the water was drawn to be placed into a machine to be frozen, that water would be deemed unfit, and the problem cannot be corrected through the freezing and thawing process. Therefore, Rav Epstein ruled that one should use only naturally occurring ice to create a Mikveh.

The Poskim who forbid using artificial ice even in case of great need include the Chazon Ish (Y.D. 138), Rav Zvi Pesach Frank (Teshuvot Har Zvi Y.D. 179), Rav Moshe Feinstein (Teshuvot Igrot Moshe Y.D. 3:67), and Rav Yechiel Yaakov Weinberg (Teshuvot Seridei Eish 2:87). Clearly, no consensus has been reached regarding this issue.

Conclusion

Two contemporary authorities, Rav Yirmiyah Katz (Mikveh Mayim vol. 3, ch. 14) and Rav Shlomo Dichovsky (Techumin 16:116) record that the accepted practice is to create a Mikveh from snow²⁶ in a case where it is impossible to make one from water. However, Rav Y.C. Grunstein (formerly a Rav in Halifax, Nova Scotia) presents²⁷ the saga of how he created a Mikveh in Nova Scotia from ice with the endorsement of Rav Hershel Schachter citing Teshuvot Achiezer. Rav Grunstein describes the extraordinary efforts he made to insure the availability of a Mikveh in Nova Scotia. His efforts exemplify the tradition of the Jewish People throughout the millennia to make extraordinary efforts to observe the entire Torah, especially the rules regarding Mikveh.

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²³ Known as the "Ben Ish Chai".

²⁶ Rav Katz provides a detailed guide on how precisely to accomplish creating a Mikveh from snow in practice.

²⁷ www.mikvah.org/article/the_icy_mikvah

²³ A leading American mid-twentieth century authority in the area of Mikvaot.

²⁴ In one of two explanations he offers for this Tosefta