

## Partners in Literal and Figurative "Tahara"

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Firstly, I would like to say what an amazing achievement I feel the completion of the community Mikva is for the Greater Washington Jewish community. In general, I believe that you can tell a great deal about a religious community by looking at the state of the institutions that it builds, maintains and depends upon to serve its basic needs. How do shuls look? What are the physical qualities of Jewish schools? How are professional staffs treated? In what sort of condition are the community's Mikvaot? What sort of institutions serves the elderly, the infirm? Are social services taken care of in an efficient, effective and welcoming manner? I am not talking about elaborate structures that are testaments to affluence or ostentatiousness; rather whether there are well-maintained structures, effective policies and appropriate and efficient services that are basic, respectful, that add to the morale and self-image of a community, its worship, its sense of holiness. The new Mikva goes far to make a statement about the priorities of the Greater Washington community and the manner in which we feel that such a basic and crucial Commandment as Taharat HaMishpacha is to be fulfilled. So Yeyasher Kochachainu to us all—both those who have led the effort as well as all of those who have sacrificially contributed to it on all sorts of levels and made its realization possible. With respect to this project, we should feel proud to be part of this community.

This evening, during the course of my brief remarks, I would like to offer two rationales for the religious fundamental principle of Taharat HaMishpacha which so basically depends upon the availability of an appropriate Mikva.

The first insight derives from a careful reading of RaMBaM's summation of his presentation of the Mitzva of immersion in a Mikva in his profound Halachic compendium, Mishna Tora . At the conclusion of various sections of Mishna Tora, RaMBaM often engages in some philosophical and theological speculation and offers Ta'amei HaMitzvot (reasons for the Commandments) that he has just finished codifying. This is a bit surprising in light of the fact that whereas the entire third portion of Moreh Nevuchim (The Guide for the Perplexed), his great philosophical work, is devoted to trying to explain the rationale for many of the Mitzvot, Mishna Tora, is usually thought to be more of a book that focuses upon the logical organization of rather than explanations for the vast corpus of the Tora She' B'Al Peh, the Jewish Oral Tradition. RaMBaM's digressions into Ta'amei HaMitzvot in Mishna Tora are explained by Dr. Isadore Twersky, Z"l,<sup>1</sup> by drawing upon RaMBaM's introduction to the Mishna Tora, as follows:

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<sup>1</sup> Introduction to the Code of Maimonides, Yale U. Press, New Haven, 1980, p. 78

It is clear that Maimonides intended from the outset not only to compile “rules in respect of that which is forbidden and permitted, clean and unclean, (Tameh and Tahor)” but also to elucidate “Tora principles” and “theological fundamentals”, to set forth “true and exact opinion” and to indicate how each person can understand “the ultimate goal of the precepts according to his capacity. ”

One such “Tora principle” appears at the end of Hilchot Temura (4:13) in the Mishna Tora:

...ורוב דיני התורה אינן אלא עצות מרחוק מגדול העצה, לתקן הדעות וליישר כל המעשים,  
And the majority of the laws of the Tora are Counsels of old (Yeshayahu 25:1) emanating from Him Who is Great in Counsel (Yirmiyahu 32:19), to repair/improve human personality traits and to put on a straight path all of an individual’s actions.

וכן הוא אומר (משלי כב:כ) "הלא כתבתי לך שלישים במועצת ודעת:  
(כא) להודיעך קשט אמרי אמת להשיב אמרים אמת לשלחך."

Have not I Written unto thee excellent things of counsels and knowledge; That I might Make thee know the certainty of the words of truth, that thou mightest bring back words of truth to them that send thee?

While RaMBaM’s comment in Hilchot Temura applies to “Rov” (the majority of Mitzvot ), he adds a pointed and intriguing perspective with regard specifically to Tevila (immersion) in a Mikva, at the end of Hilchot Mikvaot (11:12), showing that he clearly includes Taharat HaMishpacha among those Mitzvot that he believes helps people to improve themselves. But before he gets to the overall spiritual lesson that one can learn from the laws of Mikva, he first asserts that in fact Tuma and Tahara (ritual impurity and purity), as well as the achievement of Tahara by means of immersion in a Kosher Mikva, are essentially Chukim,<sup>2</sup> laws whose rationale are difficult, if not impossible, to ascertain by ordinary human beings:

דבר ברור וגלוי, שהטומאות והטהרות גזירות הכתוב הן,

It is quite apparent that the laws of ritual purity and impurity are Tora decrees that need to be followed even if one has no understanding of what they may be designed to achieve or what they connote,

ואינן מדברים שדעתו של אדם מכרעתו, והרי הן מכלל החוקים,

They are not the sort of things that man’s logical faculties can precisely determine, for they are considered amongst the Mitzvot known as Chukim, statutes, Divine Decrees

וכן הטבילה מן הטומאות מכלל החוקים הוא, שאין הטומאה טיט או צואה שתעבור במים, אלא גזירת הכתוב היא,

Not only is the nature of ritual impurity a superrational idea, but the manner by which such impurity can be removed, via immersion in a Mikva is also to be considered one of the Chukim,

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<sup>2</sup> RaMBaM’s general approach to Chukim is summarized extensively by RaMBaM in his Tora commentary on Devarim 22:6.

ritual impurity being something qualitatively different from mud or repulsive material that will dissolve in water. Rather it is a decree of the text.

But at this point, RaMBaM notes a requirement for immersion based upon a passage in Mishna Chagiga that serves as the basis for the lesson that he ultimately draws from this ritual practice:

והדבר תלוי בכוונת הלב,

and its purifying effect depends upon the intention that the person immersing has in his or her heart,

ולפיכך אמרו חכמים טבל ולא הוחזק, כאילו לא טבל. (חגיגה יח: משנה)<sup>3</sup>

It is for this reason that the Mishna in Chagiga 2:6 (18b) states, "A person who immerses, but does not realize what s/he is doing, the immersion does not achieve ritual purity."

RaMBaM's insistence, that with respect to a person who was formally Tameh to be able to regain a state of Tahara to the point where s/he can eat Kodshim like Teruma or Sacrifices, it is necessary that Kavana, intention, accompany the act of immersion, exemplifies a dichotomy among different Mitzvot posited by R. Joseph B. Soloveichik, ZaTzaL. The Rav maintained, that at least in the cases of some Commandments, like prayer, repentance and mourning, there is a separate internal Kiyum (fulfillment of the Mitzva) that is distinct from its external Ma'aseh (act or performance). Consequently, one is lacking a Kiyum of prayer if there is no intention or understanding, even though the words are recited correctly; if all that one does is read the confessional and Klap Al Chet (beat one's heart with each statement of transgression), that does not constitute the Kiyum of Teshuva (repentance); and when one tears Kriya and avoids wearing leather shoes, the Kiyum of mourning may nevertheless be missing.<sup>4</sup> So too with regard to the removal of Tuma in order to regain Tahara, the Rav's distinction is yet again illustrated. Not only must there be immersion, but also the conscious intention to regain a state of Tahara if one's status is to change from Tameh to Tahor. This idea sets the stage for the logical and rational lesson for which RaMBaM wishes to use Tevilla in a Mikva as a paradigm:

ואעפ"כ, רמז יש בדבר: כשם שהמכוין לבו לטהר, כיון שטבל טהור, ואף על פי שלא נתחדש בגופו דבר,

<sup>3</sup> A summary of the relevant Halachot which demonstrates that the requirement for Kavana with respect to immersion has to do with Kodashim, rather than Chullin:

**חולין לא, א** - "נדה שנאנסה וטבלה: אמר רב יהודה אמר רב: טהורה לביתה ואסורה לאכול בתרומה. ר' יוחנן אמר אף לביתה אינה טהורה. א"ל רבא לרב נחמן: לרב דאמר טהורה לביתה וכו' עוון כרת הותרה איסור מיתה מבעיא!! א"ל: בעלה חולין הוא, וחולין לא בעו כוונה."

נחלקו הראשונים בפסק ההלכה:

**ר"ח, רמב"ם, סמ"ג** - הלכה כרב שחולין לא בעו כוונה.

**רשב"א, ר' ירוחם, הג"א, רוקח** - אשה צריכה כוונה בטבילה.

**השו"ע** (סימן קצח) פסק לקולא כרמב"ם והר"ח.

**והרמ"א** כתב להחמיר לכתחילה כרשב"א והג"א.

-- [www.tora.co.il/shiurim/isur/120.doc](http://www.tora.co.il/shiurim/isur/120.doc)

<sup>4</sup> See R. Menachem Genack's introduction to Dr. Joel Wolowelsky's The Mind of the Mourner, OU Press, NY, 2010, pp. xi-xii.

Nevertheless, despite the fact that Taharat HaMishpacha and Mikva are essentially beyond human understanding, there is a hint in the matter that can be understood: Namely, just as when an individual does have intention to become pure, once he properly immerses, he is then considered purified, even though there is no detectable physical change with regard to his body,

כך המכוין לבו לטהר נפשו מטומאות הנפשיות, שהן מחשבות האון ודעות<sup>5</sup> הרעות,

So too when an individual directs his or her heart to purify his or her soul from general spiritual impurities and shortcomings, namely thoughts of sin and evil character traits,

כיון שהסכים בלבו לפרוש מאותן העצות והביא נפשו במי הדעת, טהור,

When a person resolves in his/her heart to separate from such ideas, and s/he brings his/her soul to the waters not of the Mikva, but rather the waters of **knowledge**, מי הדעת, s/he becomes pure.

הרי הוא אומר (יחזקאל לו:כה) "וזרקתי עליכם מים טהורים, וטהרתם מכל טומאותיכם, ומכל גלוליכם אטהר אתכם,"

And I will sprinkle clean water upon you, and ye shall be clean; from all your uncleannesses, and from all your idols, will I cleanse you .

RaMBaM then concludes with a supplication:

השם, ברחמיו הרבים, מכל חטא עון ואשמה יטהרנו אמן.

HaShem, in His Great Mercy, He will Purify us from all sin, iniquity and transgression. Amen.

It is notable that even though the verse in Yechezkel suggests that the penitent is completely passive, while HaShem is the One Who purifies him or her, "אטהר אתכם", "וזרקתי עליכם", and even RaMBaM's word at the end of this Halacha, "יטהרנו"—He should Purify us—appears to support the supposition that it is HaShem Who Works to purify man, rather than man who must purify himself according to God's Guidelines, we know from experience that מי הדעת, the waters of knowledge, both theoretical and applied, do not penetrate our hearts and souls by osmosis, without our having to do any heavy lifting to allow them to do so. Entering the Yam Shel Talmud (the Sea of the Talmud), or the ocean of Halacha—מי הדעת—means literally rigorously studying Tora and then carrying out its teachings by practically applying them regularly, thoroughly and sacrificially to everyday life, and thereby changing himself for the better and for the sake of holiness. RaMBaM assures us that when there is the proper intention, anything and everything is possible with regard to our striving for Sheimut/wholeness.

So, Taharat HaMishpacha, according to RaMBaM, is one of those Mitzvot that might represent the partnership between ourselves and HaShem in all aspects of our lives in the interests of bettering ourselves and coming closer to emulating HaShem's Middot and His High Expectations for each of us.

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<sup>5</sup>The use of the term דעות calls to mind the passage in Hilchot Temura "לתקן הדעות".

But it is also significant that the idea that we are Shutafim (partners) with HaShem in the Creation not only of Ma'aseh Beraishit (the perfection of the Universe) as the Gemora in Shabbat 10a states, but also ourselves, i.e., the various means by which we can live in accordance with Tora and Mitzvot, is manifest in the very nature of the construct of Mikva itself, an insight into Hilchot Tarahat HaMishpacha that I originally heard in a Shiur given by a colleague, R. Chanan Balk of Cincinnati,<sup>6</sup> and which I would also like to share with you this evening.

In his book, The Mysterious Mikva,<sup>7</sup> R. Aryeh Kaplan wrote,

The Tora describes the world's most primitive state as water. In the opening verses of the Tora we find, (Genesis 1:2) "The earth was empty and desolate, with darkness on the face of the deep, and God's Spirit fluttering on the face of the water." On the second day of creation, the upper waters were divided from the lower waters. Finally on the third day, the waters were gathered into seas, so that dry land could appear. In a sense therefore water represents the womb of creation. When a person immerses in a Mikvah, he is placing himself in the state of the world yet unborn, subjecting himself totally to God's Creative Power.

In a similar vein, R. Norman Lamm, in A Hedge of Roses,<sup>8</sup> a classic work on Taharat HaMishpacha, wrote,

The Mikvah as a gathering of natural water, a well, a lake, rainwater... symbolizes that God alone is the Author of life, that man is not the absolute master of life and destiny, and this is why מים שאובים (drawn water by means of some receptacle) does not have the power to purify.

The problem of course is that if the spirit of the law of Mikva points towards using a truly natural gathering of water in order to achieve the spiritual symbolism that R.'s Kaplan and Lamm are proposing, translating such a scenario into the "real world" for people to readily and comfortably use could be daunting to the point where people will feel that it is not "worth it" to try to comply with the Mitzva. Will the natural "gathering of waters" be too difficult to get to, will its temperature discourage utilization, might it be dangerous due to currents and water life-forms, can requisite privacy be maintained, will the general weather conditions be extremely foreboding, etc. And even if an individual possessed the mental and physical fortitude to ignore all of these negative variables, what if one lives in a place that is arid and has virtually no rainfall and/or natural bodies of water available? The laws of how a Mikva can be constructed based upon the Tractate Mikvaot and subsequent discussion, codification, response literature and individual Halachic creative decision-making, in effect allowing for artificially creating a "natural", but nevertheless clearly man-made "gathering of waters", with its combination of rain water

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<sup>6</sup><http://www.yutorah.com/lectures/lecture.cfm/747044/Rabbi%20Moshe%20Taragin/Halachic%20and%20Philosophic%20Foundations%20in%20the%20Construction%20of%20a%20Mikvah:%20%20Two%20Models>

<sup>7</sup><http://www.heritage.org.il/innernet/archives/mikvah.htm>

<sup>8</sup> Feldheim, NY, 1966, pp. 87-9.

and tap water as well as other structures to deal with warming, filtration, comfort, convenience, etc., therefore becomes yet another example of how man and God strike a partnership whereby the holy is incorporated and even literally constructed into the temporal and mundane everyday world in which man resides.

Here is how R. Soloveitchik depicts the archetype that he calls “Halachic Man”: (pp. 19-20)

When Halachic man approaches reality, he comes with his Tora, given to him from Sinai, in hand. He orients himself to the world by means of fixed statutes and firm principles...

His approach begins with an ideal creation and concludes with a real one...

The essence of the Halacha which was received from God consists in creating an ideal world and cognizing the relationship between that ideal world and our concrete environment in all its visible manifestations and underlying structures.

For man to construct a Mikva, the very conception that a Kosher Mikva can be built by human beings in the first place, places this aspect of Taharat HaMishpacha in a category that resembles, but of course is not really identical for various technical reasons, other issues such as fabricating an Eiruv that allows for Shabbat observance to be more pleasurable particularly for families with young children; using the Heter Iska to ingeniously broaden the universe of borrowers of money from Jews to include other Jews and thereby made certain business deals and Jewish ownership of banks Halachically permissible; and Hillel HaZaken’s creation of the Pruzbul for meeting the challenges encountered particularly by the Jewish poor when their interests were ironically undermined by the Mitzva of Shmittat Kesafim. All of these strategies reflect the attempt on man’s part to see the real, practical world through Tora-colored glasses and constantly aspire to fulfill the Tora’s mandate of Kedoshim Tihyu, And you shall be holy, while participating as much as possible within human society’s realities.

In the immediate case before us, even when a person is extremely knowledgeable in Hilchot Mikvaot, in order to translate that knowledge into a reality and actually bring into existence, by means of drawing up the requisite blueprints, accomplishing the fundraising, marshaling the required significant time and effort needed to carry out the various tasks associated with the project, finding and supervising contractors and builders, getting all the clearances and licenses, etc., creating a bricks and mortar Mikva from scratch is not a simple matter. In effect, a partnership must be struck between HaKadosh Baruch Huh and ourselves, between the Law Giver and Conferer of various personal stati including the state of being Tahor, on the one hand, and those who will make the laws a reality and thereby empower the community and its leadership to live a Tora existence, on the other.

The actual waters of the Mikva, like the metaphoric waters of Tora, create the possibility for raising our levels of Tahara and Kedusha, and we must be very appreciative that a giant step forward has been taken in our community by the monumental achievement of completing a new communal Mikva. May we all continue to go from strength to strength in serving as active partners with HaShem to bring into reality the Tora’s ideal vision for our lives.