



Volume 6. Issue 51

Maayan and Mikveh

This week we learnt about the definitions of a *maayan*, *mikveh* and all things in between. The *mikveh* is a collection of still, non-drawn water that is forty *seah* in volume. The *maayan* (spring) differs in that it there is no minimum measure (*kol shehu*) and it can also purify while its water flows (*zochalin*). One body of water whose classification is in between the *maayan* and *mikveh* is a *maayan* whose own volume of water has been outweighed by drawn water (or rain water). The *Mishnah* teaches that it is similar to a *mikveh* in that it can only be a source of purification if the water is collected, yet is nonetheless similar to a *maayan* in that there is no minimum volume requirement.

The *Ran* (*Nedarim* 40b) asks that *Mishnah* appears to contradict itself. How can one body of water be considered both like a *mikveh* and like a *maayan*? If it can purify with any volume it should also be able to while flowing? The *Ran* therefore explains that the *Mishnah* must be referring to two different cases; one where it is similar to a *mikveh* and the other where it is similar to a *maayan*.

The *Ran* explains that if the *maayan* was not flowing before the drawn water was introduced then the mixture is classified in all senses as a *mikveh* – it requires forty *seah* and can only purify when the water is collected and still. If however the *maayan* was initially flowing, then despite the fact that its volume is later outweighed by drawn water, its status as a *maayan* is unchanged.

The *Rambam* (*Mikvaot* 9:6) however does not explain that our *Mishnah* is referring to two different cases. Accordingly, what is the basis for the distinctions? *R' Chayim* (*Al Ha'Rambam*) initially suggest that indeed the law of *kol shehu* and *zochalin* can be split. The *Mishnah* later (5:6) teaches that a wave that detaches from the oceans and lands on someone can cause them to become *tahor* provided that water contains a volume of forty *seah*. We find that once the water becomes detached from the ocean it requires a *shiur*. Nonetheless it appears that it can purify even though it is flowing. Therefore in that single case we find that two laws can be independent of one another (even though the result in this case turns out to be the reverse of our own).

Based on the above case, *R' Chaim* explains that we find that when the water is attached to the *maayan* there is no requirement on the volume. It must however be attached. Consequently, in our case the water, despite containing a majority of drawn water, that water is attached to the *maayan* and therefore a *kol shehu* is enough. The law that *maayan* water can purify while flowing however is not dependant on whether the water is still attached. Rather it is dependant on whether the water is defined as *maayan* water. In our case since the drawn water outweighs the *maayan* water, it is treated as a *mikveh* in that it only purifies when still.

R' Chaim however rejects this distinction. The reason is that the *Rambam* (*Mikvaot* 9:18) explicitly states that one cannot immerse an item in a wave while it is in the air, even if it contains a volume of forty *seah*, is because “one cannot immerse in *zochalin*, and therefore even more so in the air.” After some deliberation *R' Chaim* concludes that there is no clear proof that one can differentiate between the laws as described above.

Instead *R' Chaim* offers a different explanation by reassessing the requirement of forty *seah* in a *mikveh*. Initially one might have assumed that the water of a *mikveh* and *maayan* are different. For *mikveh* water to be “potent” enough a volume of forty *seah* is required. *R' Chaim* explains that this is not the case. There is nothing wrong with the *mikveh* water per se; instead there is a technical requirement of a particular volume. A *maayan* however does not have that requirement. Consequently, since *maayan* water of a minimal volume is able to complete its own volume, so too in our case the water of a *maayan* can complete the required 40 *seah* volume. Accordingly in our case, the mixture is not defined as a *mikveh* and *maayan*. The *mikveh* water (defined so since the drawn water is attached to the *maayan*) is in the majority and the mixture is therefore defined as a *mikveh* and can only purify when still. So why can it purify with a minimal volume? Simply because the water of the *maayan* with which it is mixed, can complete the volume requirement.

Yisrael Yitzchak Bankier

Revision Questions

מקומות א' ה' – ב' י'

- When does *tameh mei gevaim* become *tahor*? (א' ה')
- What two things listed in the *Mishnah* can *mei gevaim* be used for? (א' ה')
- What is the body of water that is the next level above *mei gevaim* and how does it differ from *mei gevaim*? (א' ה')
- For what two things listed in the *Mishnah* can that water be used? (א' ה')
- What is the technical definition of a *mikveh* and what is it used for? (א' ה')
- What is the body of water that is the next level above a *mikveh* and in what ways is it similar to a *mikveh* and in what ways is it similar to a *ma'ayan*? (א' ה')
- What is *mayim mukin*? (ח' א')
- For what is a *maya'an* then only option? (ח' א')
- What is the law regarding one who is unsure whether they immersed in a *mikveh*? (א' ב')
- What other two cases of doubt share the same rules as the previous question? (א' ב')
- What is the law regarding a *mikveh* that was used for immersing *tameh* items and was later measured and found to contain water less than the required *shiur*? (ב' ג')
- Which forms of *tumah* are the subject of debate regarding the previous question? (ב' ג')
- What is the doubtful case involving drawn water that the *Chachamim* deemed as being *tahor*? (ג' א')
- What is the debate regarding when, and the debate regarding the measure, of drawn water that invalidates a *mikveh*? (ב' ד')
- Explain the debate regarding a *mikveh* that filled naturally in an area that contained three small pockets (*log*) of drawn water. (ב' ה')
- In what case could one that scrapes mud to the side of the *mikveh* invalidate it? (ב' ה')
- Explain the debate regarding how one could use the rain water that collecting in jugs on one's roof for a *mikveh*. (א' ו')
- What other case is debated in a similar manner to the previous question? (ב' ח')
- Which further case is listed in the *Mishnah* that appears to be similar to the previous ones but does not list two opinions? (ב' ט')
- Explain the debate regarding a *mikveh* (40 *seah*) that is a mixture of mud and water. (ב' י')
- In which case do they both agree? (ב' י')
- In which case do they argue? (Include all opinions.) (ב' י')

Local Shiurim

Sunday -Thursday

15 minutes before *mincha*
Mizrachi Shul

Friday & Shabbat

10 minutes before *mincha*
Beit Ha'Roeh

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
7 th February ט"ז שבט	8 th February י"ז שבט	9 th February י"ח שבט	10 th February י"ט שבט	11 th February כ' שבט	12 th February כ"א שבט	13 th February כ"ב שבט
Mikvaot 3:1-2	Mikvaot 3:3-4	Mikvaot 4:1-2	Mikvaot 4:3-4	Mikvaot 4:5-5:1	Mikvaot 5:2-3	Mikvaot 5:4-5

