The Use of Municipal City Water for a Mikveh and a Case Study of the Seattle Rabbinate in the 1950s

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The purpose of this essay is twofold. First, it will highlight an example of a lenient halakhic practice in America that had gained widespread acceptance among the Orthodox Jewish community throughout the first half of 20th century, and the subsequent opposition to this practice by leading Orthodox authorities in the 1950s who successfully challenged its legality, to the point where today it is generally considered beyond the bounds of accepted halakha. Second, it will focus on a critical juncture in American Orthodox Jewish history when a noticeable shift occurred in the paradigm of halakhic authority, from initially residing primarily within the domain of the community rabbi into the hands of the country's leading gedolei hador and rashei yeshiva. The effects of this shift have laid the groundwork for a current trend in America that increasingly favors the authority of gedolim and rashei yeshiva over the local Orthodox rabbi.

A backdrop to our analysis is an examination of the circumstances surrounding the controversy that erupted over the kashrut of the Seattle mikveh in the 1950s. This little known story, long ago forgotten by but a very few, represents a vivid moment in the history of the American Jewish experience when the forces of

these two aforementioned sources of authority collided with one another. The in-depth, technical halakhic questions involved in using municipal city water to fill a mikveh are beyond the scope of this essay.
The article will provide a historical overview, as well as a general summary of the relevant halakhic issues.

Historical Background

In the late 1800s and early 1900s, a massive wave of migration brought hundreds of thousands of European Jewish immigrants and refugees to American shores. These new arrivals quickly spread out to localities throughout the continent and established Jewish communities in American and Canadian cities that hitherto had no sizeable Jewish presence. In 1877, a survey published in the Jewish Encyclopedia identified 24 American cities with Jewish populations of 1,000 or more. By 1905, that number grew to 70. In 1918, the Bureau of Jewish Statistics and Research revealed that this number had skyrocketed to include 161 cities. With the creation of these new centers of Jewish life came the need to establish cultural and religious communal service institutions, among which included the building of mikva'ot, or ritual baths . The burden of navigating the complex halakhic factors that determined the validity of these newly built mikva'ot rested upon the pioneering rabbis of these communities.

Among the issues that were often debated was the question of whether or not a mikveh could be filled with water from a municipal water system. Using tap water, if deemed permissible, would be the easiest and most cost effective method to fill a mikveh. Chief among the concerns regarding the use of city water is the requirement that mikveh water cannot be she'uvin, or contained in a vessel, and that it's conveyance cannot be carried out via tefisat yad adam, or direct human involvement.

While the original source of a municipal water system, be it a river, natural spring or a reservoir, may not pose a problem in and of itself, it is the conveyance through the various receptacles contained in the system that creates the challenges for its use in filling a mikveh. Specifically, the various pipes, pumps, holding tanks, and meters of a water system all pose concerns that may potentially invalidate a mikveh. We should note that many of today's widely accepted mikva'ot do contain she'uvin water that is validated either through the method of hashakah (connection), where a rain water pool is connected through a hole in a wall with an adjacent she'uvin pool, or through a process called hamshacha (allowing the she'uvin water to flow along the ground). However, these two methods are only effective provided that she'uvin water did not

comprise the majority of the total water in a mikveh at the time the mikveh is initially filled. But the question addressed in these early years was whether or not municipal city water was considered she'uvin to begin with, such that the aforementioned hashaka/ hamshacha methods were rendered unnecessary.

In the late 19th century, Rabbi Yehiel Michel Epstein (1829-1908), author of Arukh Hashulhan, declared unequivocally that water supplied from a system of pipes that channel water from a river to houses throughout a city can be used for a mikveh, provided that either the tube that feeds into the mikveh is affixed to the ground, or that the final three handbredths of that tube where it pours into the cistern is made out of a material that is not succeptible to tumah, such as wood. In 1912, the first comprehensive treatment of the subject as it applied to a 20th century municipal water system was written by Rabbi Israel Hayim Daiches, of Leeds, UK. His book Mikveh Yisrael - An Halachic Discourse regarding the Fitness for Use of Ritual Baths Supplied by Modern Water-Works , contains a 31 page analysis explaining why a mikveh can be filled exclusively with water from the tap.

In America, the practice of using municipal city water to fill a mikveh evidently became very pervasive. Thus, for example, in 1957, Rabbi Isaac Esrig (Etrog) wrote that the majority of mikva'ot in the US were filled in this manner, where the rabbis who supervised the construction of such mikva'ot relied on legitimate opinions that allowed it. Indeed, early American halakhists had written about the prevalence and permissibility of this practice. Among these included some leading American rabbis of the early 20th Century: Rabbi Zvi Hirsch Grodzinski of Omaha, NE, Rabbi David Miller of Oakland, CA, and Rabbi Yehuda Yudel Rosenberg, of Montreal .

Early Seattle Mikveh

Soon after his appointment in 1905 as rabbi of Congregation Bikur Cholim, Seattle's first orthodox synagogue, Rabbi Gedalyah Halpern oversaw the construction of the community's mikveh and permitted the use of municipal city water to fill its cistern. In 1909, a prominent rabbi from St. Louis, R' Zecharia Yosef Rosenfeld, took issue with the permissibility of using city water for a mikveh and sent a letter to R' Halpern stating that, in his opinion, it was disqualified. Instead, he suggested that R' Halpern utilize a method proposed by Rabbi David Friedman of Karlin (1828-1917) of transporting snow into the cistern and allowing it to melt into water . R' Halpern sent back a rebuttal to R' Rosenfeld defending his ruling and stating that, in any case, the relative lack of snow in Seattle precluded his ability to use Rabbi Friedman's method even if he had wished to do

so. Thereupon R’ Halpern asked Rabbi Hayim Jacob Widrewitz of New York for his opinion. Rabbi Widrewitz had served as rabbi in Moscow before immigrating to America in 1892, where he was unofficially deemed “Chief Rabbi of America”, and was considered among the more prominent halakhic authorities in America at that time. His expertise in the laws of mikva’ot was evident in that he oversaw the reconstruction of the mikveh in the Russian village of Lubavitch in 1883-1884. He wrote back a letter supporting R’ Halpern’s opinion, as did another eminent posek from New York, Rabbi Aaron Gordon. The entire exchange of letters was reprinted later in R’ Halpern’s Sefer Mei Gava.

Rabbi Nissan Telushkin and Sefer Taharat Hamayim

Of all available sources that discuss the matter, perhaps no other authority before or since more thoroughly analyzed the issue of utilizing city water for a mikveh, both from a halakhic and a technical perspective, than Rabbi Nissan Telushkin of East New York (1881-1970). His book on the laws of mikva’ot, Sefer Taharat Hamayim, demonstrated his proficiency of these laws, and it seems that the great Torah giants of his generation, including Rabbi Moshe Feinstein, consulted him when the kashrut of mikva’ot were called into question. His writeup on the subject first appeared as an article in the January 1937 issue of the Torah journal Hamsiloh (Hamesilah), of which he was the editor. Using the New York City water system as a basis for his analysis, he consulted with hydraulic engineers from the NYC Dept. of Water Supply to gain a good understanding of the mechanics involved in the transportation of water through the system and the potential halakhic problems they might pose in the construction of a mikveh.

In his treatment, Rabbi Telushkin first described in detail the workings of the NYC water supply system. He then identified four potential areas of concern with the use of city water:

1) The pipes: The concerns with the pipes are broken down into four subdivisions: a) the water might be conveyed through material that is succeptable to tum’ah, b) the pipes might be curved in certain locations, rendering them into a bet kibbul (receptacle), c) the valves affixed to the pipes might render the pipes into a keli (vessel) and thus succeptible to tum’ah, d) since the valves are made to be opened and closed, there might be a problem of tefisat yad adam, namely that the conveyance of the water is carried out through human intervention.

2) The pumps: Two different types of pumps exist in the NYC water system: a) centrifugal, b) suction lift. The concern with both is the human intervention involved.

3) Underground pressurized holding tanks: Rabbi Telushkin identified three such tanks in the NYC water system, that served the neighborhoods of Forest Hills, Riverdale and the Highland Park section of East New York. He conceded that mikva'ot should not be filled with water fed from such tanks and even listed the streets that marked the borders between where city water was fed from these tanks and those from water from upstate reservoirs.

4) Water meters used to measure water flow and the potential that they may be considered kelim (vessels) that are succeptable to tu'mah.

Using a vast array of halakhic sources, Rabbi Telushkin systematically explained why none of these potential concerns, with the exception of the underground tanks, pose a problem when filling a mikveh. He concluded that, in practice, a mikveh can be constructed in such a manner; but he included some caveats and recommendations for those who wished to do so.

We thus far have pointed to the writings and approbations (see accompanying endnotes to the above sources) of at least a dozen of the most highly regarded halakhic authorities in America prior to WWII, who all signed on to the permissibility of using tap water for a mikveh. In addition, we have seen evidence that indeed most mikva'ot in America were originally constructed in this manner. But all that was about to change with the arrival of a new wave of Torah scholars to America, after World War II. Among these latter immigrants, no person was more responsible for abolishing the utilization of city water to fill a mikveh than Rabbi Chanania Yomtov Lipa Deutsch.

The Helmetzer Rebbe

Rabbi C.Y.L. Deutsch, commonly known as the Helmetzer Rebbe, was affiliated with the Satmar Hassidic sect and had been serving as rabbi of Helmetz, Hungary in the years following WWII. An erudite scholar, he had a particular expertise in the laws of mikva'ot. Upon arriving in the US in 1949, he established a congregation and bet midrash in Cleveland, OH and shortly thereafter went on a veritable campaign by touring Jewish communities around the country and identifying community mikva'ot that he deemed were not in accordance with halakha.

He sought to convince those communities to make improvements that would bring their mikva'ot in line with higher standards of kashrut. By 1954, he had repaired or helped build more than 40 mikva'ot. By 1956 it was reported that he had helped repair or construct 59 mikva'ot. By the end of his life in 1990, that

number grew to nearly 200 mikva’ot throughout Europe, North and South America, Australia, and South Africa.

One of the issues he railed against was the practice of using municipal city water to fill mikva’ot. Eventually he went on to write his 20 volume magnum opus called Taharat Yom Tov. In volumes 6 and 7 of this work, which he published in 1954 and 1955, respectively, he devoted many pages to argue for the disqualification of city water mikva’ot and compiled a robust list of letters from leading Torah sages who agreed with him. This list included letters from the Satmar Rebbe - R’ Yoel Teitlebaum, Rabbi Eliezer Silver, president of the Agudat Harabonim, Rabbi Eliyahu Meir Bloch, rosh yeshiva of Telshe Yeshiva in Cleveland, as well as a half dozen others.

Any mikveh that was deemed to require reconstruction, and in many cases outright replacement, undoubtedly created financial burdens on the Jewish community in which the mikveh was located, where its members would then have to find a way to raise money for these improvements. Nevertheless, in most instances, the rabbinate of the cities in which R’ Deutsch identified mikva’ot that he considered problematic embraced this challenge and were willing to make the necessary repairs to deem them worthy of his approval. The reasoning for this attitude, in my opinion, was twofold. Either the rabbinate of a particular community lacked the knowledge, wherewithal or will to openly oppose an expert in the laws of mikva’ot such as R’ Deutsch, or they sincerely believed that in any area of kashrut affecting the entire community, one must strive for the strictest position. Since these community services are designed to cater to members that include an array of levels of observance, one must strive to accommodate even the most stringent opinions. With the exception of the handful of cities with large Jewish populations, the community mikveh was the only one available (often for hundreds of miles around), and thus represented the sole option for the residents of a given town. Over the span of his career, R’ Deutsch travelled to hundreds of Jewish communities to inspect and recommend upgrades to their mikva’ot.

Rabbi Baruch Shapiro and the Seattle Mikveh

As previously mentioned, Seattle had been one of those cities where the rabbinate, headed by Rabbi Baruch Shapiro , permitted city water for their mikveh. The community mikveh at the time was located in a private house on East 18th Avenue between Alder and Spruce Streets. In early 1957, R’ Deutsch was invited by individuals in the Seattle community to inspect their mikveh. When R’ Deutsch discovered that it was filled with tap water, he promptly appealed to R’ Shapiro to fix the mikveh. However, in spite of this, R’ Shapiro refused to

accede to any changes to the mikveh. For his part, R’ Deutsch produced a collection of approbations from leading halakhic authorities of the time who stated their objections to city water mikva’ot including those of the Satmar Rebbe, and Rabbi Eliezer Silver. But Rabbi Shapiro still refused.

At this point, Rabbi Deutsch turned to his colleague and friend, Rabbi Meir Amsel of Brooklyn, editor and publisher of the widely read monthly Torah journal Hama’or. Early on, Rabbi Amsel was an ardent supporter of the Helmetzer Rebbe and he frequently included some details of the Helmezer’s travels and efforts in fixing mikva’ot in the pages of his journal. Perhaps a threat to publicize the matter might persuade Rabbi Shapiro to give in. Rabbi Amsel enthusiastically obliged and placed the issue as the lead item in the June 1957 edition of Hama’or. Without revealing any names or localities, Rabbi Amsel penned an article entitled, “Regarding the Disqualification of Mikva’ot Constructed with Water Pipes (Wasserleitung)”. The article begins:

In recent times, Orthodox Jews here began to devote themselves to building ritual baths throughout the United States, and here and there they settled and established mikva’ot that were majestic and beautiful. One cannot deny that there were times when circumstances required that they could not build mikva’ot based upon accepted halakha and traditions. And so they built what they could, in many instances, according to novel leniencies of rabbis who were not experts in these matters. In particular, a great misfortune has occurred in that many congregations were lenient in building their mikva’ot using municipal water pipes…

Let us pay tribute to Rabbi Chanania Yomtov Lipa Deutsch, the Helmetzer Rebbe of Cleveland, who has devoted his time and his life to this important cause, with the support of the great Torah sages here. He is one of a kind throughout the US, and he has no peer in his holy work of fixing and building mikva’ot throughout America and Canada, even in the very remote [communities]. He has already compiled a list of almost sixty mikva’ot that were built or fixed as a result of his efforts. In particular, the aforementioned rabbi concentrated his efforts on fixing mikva’ot from water pipes, a fundamental disqualification. He has already collected responsa from our greatest sages who have unanimously offered the opinion that these types of mikva’ot are disqualified and that it is forbidden to immerse in them…

Then, in a veiled reference to Rabbi Shapiro, he writes:

To our great chagrin there still exist some rabbis who are stubborn, whose nature prevents them from admitting the clear truth of the matter. They care not about peace and truth – to fix their flawed mikva'ot, despite the fact that the great Rabbi Aaron Kotler has already proved in his letter that we published in Hama'or that the prohibition of slander does not apply in these types of efforts to rectify. And all those who quickly do so have removed from themselves the great liability of causing the public to sin…

Rabbi Amsel proceeded to republish the letters of contemporary Torah sages that originally appeared in R' Deutsch's Taharat Yom Tov, who all ruled against the use of municipal water for a mikveh. At the end of the article he writes:

We are confident that those who read these fiery words… of our contemporary sages, will be moved to abandon their stubbornness and work immediately toward fixing their mikva'ot according to the law…

But far from capitulating, Rabbi Shapiro remained adamant. On August 8, 1957, he sent a letter to Rabbi Amsel explaining why he was well within halakha to maintain his mikveh as-is without any modifications.

In the October 1957 edition of Hama'or, Rabbi Amsel ran an angry article under the heading, "An Open Letter Initially Intended to be Confidential – Regarding the Disqualified Mikveh in Seattle", which was filled with heated words and sarcastic insults toward his opponent. In submitting his letter to Hama'or, Rabbi Shapiro had hoped that he would have been given the fair opportunity to have his message published in full. Instead, Rabbi Amsel published only a small excerpt, and attached a long tirade offering his own version of facts. Rabbi Amsel writes:

In recent years, many God-fearing yeshiva students have joined the community in Seattle and are sickened on account of their disqualified mikveh. So they arranged to bring out Rabbi C.Y.T.L. Deutsch, the Helmetzer Rebbe of Cleveland, about whom all the great rabbis and hassidic leaders agree is currently the foremost expert in building mikva'ot and in family purity laws. In particular, Rabbi G[ersion] Appel expressed his desire to fix the mikveh, since it is located in his synagogue, and he wished to see the mikveh brought in line with all the halakhic improvements and stringencies. However, the grand rabbi there, who is the elder sage of his group, made up his mind to not allow any improvements to the mikveh, since in his mind there is no one more scholarly and God-fearing than he, and what was done has been done, and no one has the right to question his character and decisions. Based on what we have been told, Rabbi Appel turned to the president of the Agudath Harabbanim, the famed Rabbi Eliezer Silver, and

asked him whether the mikveh should be fixed. Rabbi Silver adamantly and emphatically ordered that the mikveh be fixed immediately. However, out fear of Rabbi Shapiro, nothing has been done till now.

Rabbi Amsel then published in full his reply to Rabbi Shapiro's letter, from which we get a glimpse of the outline of the arguments Rabbi Shapiro set forth as follows:

1) There are many great authorities who allow a mikveh to be built in such a fashion, and as such the leniency has solid grounding in halakha.
2) There are other stringencies held by authorities to which few if any mikva'ot currently conform. If we were to account for all these stringencies, then one would be forced to disqualify most mikva'ot.
3) Over the years, there have been hundreds of thousands of God-fearing Jews who have used these types of mikva'ot, so to claim that they are disqualified constitutes slander against these people.
4) Likewise, many rabbis approved of these mikva'ot, and so to claim that they are disqualified constitutes slander against them.
5) Using the more lenient standards for building a mikveh will lead to a greater level of observance of family purity laws.

Rabbi Amsel's letter, dated August 19, 1957, included a point-by-point rebuttal to Rabbi Shapiro's letter, and the article ended by reiterating that the matter would never have entered the public arena were it not for the fact that Rabbi Shapiro had forced his hand, and that he still expressed hope that Rabbi Shapiro would change his mind.

In the following issue of Hama'or , an irate Rabbi Gersion Appel, rabbi of Bikur Cholim, the congregation under whose auspices the care and upkeep of the mikveh fell, submitted a letter, dated Dec. 3, 1957 to clear up some misinformation presented in the previous issue. First, he wanted to make clear that he was not the one who invited the Helmetzer Rebbe to inspect the Seattle mikveh. Also, the mikveh was not located in R. Appel's synagogue, as misstated by R' Amsel. Though he did agree that making improvements to the mikveh might be a good thing, the Seattle rabbinate had a competent leader in Rabbi Shapiro who gave his stamp of approval upon the mikveh for more than 30 years, and there was no justification to saying that it is disqualified. Moreover, many of Europe's great rashei yeshiva passed through Seattle by way of the Far East during and after WWII, often staying over for weeks at a time, and none of them said anything against the mikveh. Rabbi Appel bemoaned the fact that R' Amsel had decided to go public with the matter, and that any such improvements to the

mikveh that are warranted should have been handled outside of the public arena. He ended by pointing out the damage that R' Amsel had caused to the overall reputation of the Seattle Jewish community, and hoped that R' Amsel might clarify the matter for his readership.

In response, Rabbi Amsel claimed that it was not he but Rabbi Shapiro who had first attempted to go public with the issue by forwarding his letter to other Jewish publications (all of which refused to print his letter). Furthermore, he never intended to sully the reputation of an entire community, but was rather motivated by a sincere attempt to correct what in his mind was halakhically wrong. He did not understand why Rabbi Shapiro, though well intentioned, remained so stubborn and defiant, in light of all the great authorities who came out against him and he closed by expressing hope that R' Shapiro might yet change his mind.

The February 1958 edition of Hama'or included a letter from Rabbi Shapiro, which this time Rabbi Amsel decided to publish in full. Rabbi Shapiro reiterated some of the arguments he presented in his first letter, and provided a brief history of the mikveh situation in Seattle. He had arrived in the city after Rabbi Halpern had already built the community mikveh using city water with the blessings of Rabbis Widrewitz and Gordon. Years later, when the mikveh was in need of repair, he spent much time delving into the laws of mikva'ot together with the members of his chevre shas study group, and they all concluded unanimously that, given the specific situation in Seattle, it was permitted to use tap water. They had in fact considered building a rain water mikveh, but discovered that the rain water in Seattle when collected emitted a foul odor, and it would be objectionable to the women to immerse themselves in such water.

Rabbi Shapiro then made a point that, in my opinion, defined the basis of his general outlook toward deciding halakha, and was the central doctrine that set him apart from his opponents:

I have delved into the depths - the depths of halakha. I have weighed it with scales , and I have agreed with the words of those who permit it. Indeed, those who forbid it are shield-bearers (i.e. great debaters) and certainly God-fearing. However those who permit it are ones about whom it is said, "Great is one who benefits from his toil" (Berakhot 8a) - this is one who toils and dwells in the depths of halakha, and emerges that the thing is permitted, and partakes of it. He is "greater than one who fears Heaven" - this is one who is afraid that perhaps there is a possibility that it is prohibited, and refrains from partaking of it. "Who is a wise scholar? He who sees something that is seemingly not kosher, something that others would deem as not kosher. But because of his deep analysis, he

concludes that it is kosher. This is a wise scholar.” Come and see how great is “ko’ah de’hetera” (the power of leniency). The Maharsha (Rabbi Samuel Eidels, 1555-1631) on Hulin 44b interprets the following pasuk in this manner: “Fortunate are those who fear God” - this applies to one who is presented with something of questionable kosher status, and is stringent. However, “For you shall eat the toil of your hands” - this applies (only) to one who exerts himself and emerges with the conclusion that it is permitted. This is a person who merits two worlds.

Then, after having taken offense by what he perceived to be Rabbi Amsel’s lack of respect for him and a complete unawareness of who he was, Rabbi Shapiro sheepishly provided excerpts of congratulatory letters from leading rabbis around the country who had heaped praise upon him, after he had been appointed rabbi of the Herzl Congregation in 1923. These included letters from Rabbi Elchanan Zvi Guterman, Chief Rabbi of Scranton, PA , Rabbi Yehuda Leib Levin of Detroit, MI , Rabbi Dr. Bernard Revel, and Rabbi Eliezer Silver, president of the Agudat Harabonim .

Rabbi Amsel responded by stating that he held nothing but high regard for Rabbi Shapiro, which made it all the more troubling why he remained obstinate. The bottom line was that the overwhelming weight of opinions on the matter disqualified city water for mikva’ot. He then offered a point by point refutation of the arguments presented by Rabbi Shapiro.

After the exchange, Rabbi Shapiro, exasperated and bitter over the negative publicity directed against him, finally acceded to renovating the mikveh. In a letter to the Helmetzer Rebbe signed by “The Avrechim (yeshiva students) of Seattle and environs”, dated March 18, it was announced that the Seattle rabbinate agreed to upgrade the mikveh according to the specifications laid out by him. A wealthy patron of the community had stepped up and offered to cover the requisite expense and two recent yeshiva graduates who were in the construction business accepted the task of making the necessary renovations. Then in 1963, a new rain water mikveh was built next to the Bikur Cholim synagogue and the Helmetzer made a follow-up trip to Seattle to inspect and give his stamp of approval for it. However, the community’s use of this new mikveh was short lived, since by 1970, Bikur Cholim was the last remaining Orthodox synagogue to migrate away from the Seattle’s Central District to the Seward Park neighborhood, where the current mikveh continues to serve the needs of its community.

Discussion

The Seattle mikveh controversy was a symptom of the changing times of the American rabbinate in the mid-20th century. It was around this time that dozens of Jewish communities abandoned their use of city water for their mikva'ot. However, it was in Seattle where two forces, the waning authority of the local rabbi and the emerging authority of the nation's gedolim, came to a head.

From the inception of an organized Orthodox union in the US, it was generally accepted that the autonomous authority of the congregational rabbi would be respected. When the convention of the very first Union of Orthodox Jewish Congregations in the US was held on June 8, 1898, with Rev. Dr. H. Pereira Mendes—spiritual leader of the Spanish and Porguese Synagogue of New York City-- as president, among the principles adopted by its members was "to strengthen congregational life, but not to interfere in congregational autonomy" (emphasis added).

In the beginning of the 20th century, the model for most of the rabbis that served these early American Orthodox communities was that of a learned man in all areas of halakha, a jack of all trades who set kashrut standards, wrote gittin, was the town mohel, built mikva'ot, etc. He was more than likely European-born and European-trained. Moreover, the hierarchical structure for halakhic authority in the US was very loose or non-existent in those early years. Universally or even widely recognized final arbiters in halakha (leaders of the stature of a Rabbi Moshe Feinstein, for example) were not found on the American Orthodox scene. The rashei yeshiva and mentors of these early rabbis often resided thousands of miles away in Europe and were thus not always easily accessible to field questions of their former students. In times when they were able to do so, they were not always tuned in to the specific circumstances of the case at hand, nor of the state of affairs of the community in question, factors that might possibly affect the outcome of a decision. As a result, the final halakhic authority, whether by right or by default, rested upon the local rabbi.

Over the years, as more and more home-grown American students assumed positions in the rabbinate, these rabbis tended to compartmentalize their talents. Rabbis who were equipped to evaluate all areas of halakha became less and less common. For the more complicated halakhic matters that were beyond the scope of their expertise, they deferred their halakhic decisions to their rashei yeshivot and highly acclaimed gedolei Yisrael, who resided outside of their community. Modes of communication were improved and the length of time in which rabbinic authorities could consult with one another was vastly shortened. Thus, this new group of Torah leaders slowly began to supplant the local rabbi as the final

authority in halakha. This more centralized model of authority provided an advantage as well as a disadvantage in evaluating questions posed in local communities. On the one hand the gadol might bring to the fore a higher level of erudition and analysis to the specific matter at hand. But on the other hand, only the local rabbi was privy to all the minutiae and subtle particulars of the case and was personally acquainted with the parties affected by the outcome of the decision. Therefore no one was more uniquely suited than he to decide the matter, from his vantage point.

In my opinion, this last point is one that should have played a major role in determining the validity of the Seattle mikveh. The outcome of the issue was very dependent on a detailed understanding of the specific water system in question. Were there any pumps or holding tanks that might pose a problem? Did the conveyance of water in the system involve direct human intervention? It is clear from the available literature that those authorities who came out against the Seattle mikveh (and all other such mikva'ot) in the 1950s did so, not because they paid close attention to the specifics of its municipal water system, but because they wished to unilaterally do away with the practice for all communities in all situations. Though it is now very difficult to turn back the clock and analyze the specific features of the Seattle water system as it existed in the 1950s, we do know that it was a) a gravity based system that b) was fed, at least from the watershed to the reservoirs, by a series of woodstave pipes, both factors that would mitigate some of the concerns raised about a city water system.

Furthermore, Rabbi Shapiro was a leader who by no means favored a liberal attitude toward observance of Jewish law. To the contrary, he belonged to the traditional camp of Orthodox Jewry and was a champion of strict adherence to halakha. In 1929, when his synagogue voted to remove its mechitza, he promptly resigned and formed a new congregation that was called "Machzikay Hadath" (Upholders of the Faith) with the members who remained loyal to him. Nevertheless, his guiding principle in rendering halakhic decisions was "ko'ah de'hetera" – a penchant toward leniency that was grounded upon a solid footing in traditional halakhic sources.

In the end, the opponents of city water mikva'ot have succeeded in completely doing away with a practice that, was once ubiquitous upon the American landscape.