

# HAMA'YAN

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## Abstracts

### **The Editor: ‘Great is Peace...’**

Rav Yoel Catane, editor of *HaMa'yan*, opens this issue with remarks connecting the Festival of Passover with peace, tranquility and friendship among the Jewish People, along with allusions to current events.

### **Avraham Fraenkel: Ashkenazic Tradition about R. Judah Halevi's Reaching Jerusalem**

Historical information about the last months of Rabbi Judah Halevi (d. 1141) is in short supply. Seventeenth-century tradition speaks of his reaching Jerusalem, whereupon he recited his poem 'צִיּוֹן הֲלֹא תִשְׁאַלֵנִי' [Zion, will you not enquire]. But this tradition was known already in Germany in the thirteenth century, and is recorded in writing in nine Hebrew manuscripts as a title of that poem. The article discusses the details of that title and their historical plausability.

### **Rav Shlomo Rosenfeld: Privatizing Israeli State Lands**

The State of Israel has recently decided, from an economic point of view, to privatize and sell land owned by the State and the Jewish National Fund. Rav Rosenfeld, Principal of the Yeshiva in the settlement of Shadmot Mehola in the Jordan Valley, discusses the prohibition '*lo techonem*' which prohibits selling land in Israel to non-Jews, and demonstrates that the status of Ishmaelites who are not idol-worshippers is no different in this matter from other non-Jews. Regarding land owned by the Jewish National Fund [KKL] the problem is much greater: essentially, such a sale requires changing the purpose of donations given explicitly for the purpose of redeeming land exclusively for Jewish settlement, and the question is whether this is possible. In his opinion, it is possible to derive from the Torah the halakhic principle that "the land shall not be sold for ever, for the land is Mine". Therefore, in his opinion, anyone who is guided by the Torah and *Mishpat Ivri* [the application of *halakha* to modern law] is prohibited from taking part in a process which will bring about bringing lands of the Jewish people into foreign hands. Only a decision of the entire public, with the assent of the 'sage of the city' of our day – the Chief Rabbis – could permit the finalized sale of government land and land of the Jewish National Fund.

### **Rav Dr. Israel Meir Levinger: Is a Featherless Chicken Kosher?**

New mutations have been found in chickens. Some of these are visible, and can be interesting for agricultural cultivation. One of these is a featherless chicken. Is a featherless chicken considered a kind of chicken, or does it need its own *Mesorah* [tradition]? Since this mutation can be found in latent form (recessive form) in a normal chicken, and since the featherless chicken behaves like all other chickens, and even exhibits signs of molting in the winter, we conclude that these chickens are usual chickens, like any other breed or species of chicken, and do not need a special *Mesorah*. From the viewpoint of *trefot* [halakhically mortal wounds], the question of missing feathers arises only if they are torn out, but if they are missing naturally – no reason for declaring them *trefa* can be found. The same conclusion can be drawn for chickens with other mutations such as those with black meat etc.

### **Moshe Ehrenwald: Halakhic Decisions in Matters of Recruitment and War**

Most Haredi [pietist] parties and organizations, which had not been members of the institutions of Jewish settlement due to their principled opposition to Zionism, began, in view of the establishment of the State, to gradually increase their participation in State institutions. In the end, only the members of Neturei Karta maintained their strong opposition to any participation in settlement institutions, even in the course of the War of Independence. As an example of such (non-)participation, Mr. Ehrenwald adduces historical examples of questions which became actual: he cites a halakhic decision of Rav Zelig Reuven Bengis, Rav of the Edah haChareidis [Pietist Community] of Jerusalem, who responds to a yeshiva student, father of a family in Jerusalem, that he is not required to present himself for Army service even if he goes to work several hours a day (in the end, that student was killed in the street by an Arab shell, may G-d avenge his blood), and to another enquirer he responds that in the first year of his marriage he is excused from military service despite the fact that we are speaking of an obligatory war [‘Milchemet Mitzva’]. In passing, the author of the article cites an open letter of Rav Yonah Merzbach ז”ל, among the leaders of Yeshivat Kol Torah in Jerusalem, who encourages members of the Haredi public not to desert Jerusalem even in difficult times of war and siege.

## **Rav Roi Sitton: More about the Matter of Absorption by Utensils in Our Day**

Rav Roi Sitton, *Ram* (teacher) at Yeshivat Torat haChaim in Yad Binyamin, discusses a question with extremely far-reaching implications: it is generally accepted in *hilkhot* (laws of) *kashrut* that a utensil ‘absorbs’ a portion of the forbidden or leavened substance which is cooked in it, and it expels that which it absorbed through further cooking and renders prohibited that which is cooked in it soon after, if the volume of the walls of the utensil is greater than one sixtieth of the food being cooked. The assumption is that the metal ‘absorbs’, and we are stringent that, as it were, the entire volume of the utensil wall is filled with the absorbed substance. However, in contemporary stainless steel and similar utensils the actual absorption as far as we can tell is of insignificant amounts. Are we indeed required to be stringent today, as is the accepted practice, according to the generalizations set down by our (talmudic) sages ז”ל based upon the categories of metals which existed in their times? In the wake of Rav Yaakov Ariel’s comments in the previous issue that in his opinion the rules of *kashrut* are not ‘realistic’ but ‘legalistic’, and hence the question is not relevant, Rav Sitton discusses the subject, and in his opinion these matters are not straightforward: they are controversial, and it is possible that there is room to revise the halakhic guidelines in this area. There can be no doubt that this article will arouse many repercussions.

## **Professor Nachum M. Bronznick: What Makes Certain Mitzvot as Weighty as All the Other Mitzvot?**

1. *Yeshivat Eretz Yisrael* [settling the land]: Because the performance of any mitzvah in Eretz Yisrael is of greater quality than its performance elsewhere. Also because only in Eretz Yisrael may coercion be used to enforce doing a mitzvah. 2. *Shabbat*: Similarly, any mitzvah done during Shabbat is of greater quality. Also, by observing Shabbat we acknowledge G-d as king, from which the obligation to keep all the mitzvot flows. 3. *Milah* [circumcision]: As the first mitzvah given, it is the foundation of all the mitzvot. As such, it is like the foundation of a building which is the equivalent of the entire structure. Also, because it participates in the performance of every mitzvah. 4. *Tzitzit* [ritual tassels serving as reminders of the *mitzvot*]: Because of its causative capacity in doing *mitzvot*, and because it serves as the ultimate reason for keeping them. 5. *Gemilut Chassadim* [performing benevolent acts]: It serves as a protective integument for the Torah, hence its equivalence, in accordance with the

halachic dictum: The protective element of a fruit is like the fruit itself (Berachot 36b).

### **Rav Yaakov Koppel Reinitz: The Term ‘*asiya*’ [doing something] in the Torah not in its simple Sense**

Rav Reinitz, an experienced educator and author of important books and articles, clarifies the various meanings of the term ‘*asiya*’ in the Bible, and extracts five meanings of this verb in addition to the simple meaning of the word. A number of occurrences of the biblical term ‘*asiya*’ are explained in different ways, at times even by the same commentator. Rav Reinitz compares the opinions of early and latter-day authorities in explaining this important and widespread expression.

### **Rav Eitam Henkin: Rav Hutner's Testimony Concerning Rav Avraham Yitzchak haCohen Kook and The Hebrew University**

Well-known testimony of Rav Yitzchak Hutner ז"ל deals with the circumstances of the participation of his former teacher, Rav Avraham Yitzchak haCohen Kook ז"ל, in the opening ceremony of The Hebrew University on Mount Scopus in Jerusalem (in the Spring of 1925), and his expression of regretting that participation which he voiced – as it were – seven years later (1932), when he was surprised to hear that elements of Biblical Criticism were being studied there. Rav Henkin analyzes the particulars of this testimony and compares them with other sources; his conclusion is that Rav Kook’s agreement to participate in the ceremony was predicated upon the explicit assurance which he received from its leaders that Biblical Criticism would not be taught at the university, and that the Rav looked after the fulfillment of this commitment throughout those years. Thus for example in 1927 he approached officials at the university and made them aware of breaches of the agreement. Henkin demonstrates that the assurance given to Rav Kook was not disingenuous, rather, following a protracted struggle within the university administration, the pro-Biblical Criticism faction gained the upper hand after some years, and in any event, this assurance considerably mitigated the problematic nature of Biblical Studies at the university for over twenty years. According to Rav Henkin, a leading Torani researcher, consideration of the complete historical picture of the life of Rav Kook and his work as Chief Rabbi of the Land of Israel illustrates that Rav Kook was not at all naïve: he was well aware of the spiritual and practical condition of the public in his time, and he worked assiduously – with

no negligible measure of success – to prevent problems and to repair breaches in matters connected to observance of Torah and Mitzvot in the public sphere in the Land of Israel.

### **Responses and Comments**

In the Rejoinders and Comments section, Rav Nebenzahl *Shlit" a*, Rav of the Old City of Jerusalem, responds to two specific points in Rav Dr. Walter's article in the previous issue in the matter of the accepted enumeration from the creation of the world and the Second Temple Era; Rav Shaul Bar-Ilan, Esq, finds an explicit source for his comments in the previous issue that it was none other than Rav Kook who was personally the initiator and first driving force in the exodus of the Jews from Jaffa and the establishment of the city of Tel-Aviv; Rahamim Sar-Shalom, experienced educator and known expert in matters of the Hebrew calendar, makes several observations regarding the relationship between the Hebrew calendar, the intercalation of months and the 'seasons' (*Tekufot*); Rav Yitzchak Yeshaya Weiss, rabbinical judge, author and communal Rav in Bnei Braq, returns once again to the issue of correction of the text of the *Haameq Davar* commentary of the *Natzi" v*, a matter already discussed in several issues of *haMa'yan*; he corroborates the remarks of Rav Glanzer of Antwerp that there indeed existed a note in the handwriting of the *Natzi" v* in which it was written that a segment of the *Haameq Davar* commentary should be erased, and the denial of this fact in the previous issue was incorrect.

### **About Books and Authors**

#### **Rav Dr. Itamar Warhaftig: *Ozar haGeonim heHadash [The New Treasure of the Geonim] on Tractate Bava Mezia***

The treasures of the Geonim continue to be uncovered over the past century, and this trend receives support with the publication of a new volume in the series *Ozar haGeonim*, on tractate Bava Mezia. In this volume, research into this era is enriched with new material, particularly with newly published *genizah* fragments which are even translated from Arabic into Hebrew, and those who study tractate Bava Mezia will discover new explanations and new textual variants of the Talmud from the Gaonic Era. The publishers of the new *Ozar haGaonim* – Prof. Robert Brody, Rav Dr. Carmiel Cohen, and Rav Dr. Yehuda Zvi Stampfer – have accomplished a task long awaited by the Torah world, work which came to

almost a complete halt with the passing of Rav Benjamin Menashe Lewin ז"ל about seventy years ago. Rav Dr. Warhaftig, a *talmid hakham* [rabbinic scholar] and specialist in *Mishpat Ivri* [the application of halakha to modern law] surveys the book and praises the work of the editors.

**Rav Yisroel Boruch Soloveitchik: On the New Edition of *Mishpetey shevuot [Laws of Oaths]***

Rav Soloveitchik, a Jerusalemite *lamdan* [scholar], surveys the new edition of the work *Laws of Oaths* by Rav Hai Gaon. He lauds the editors for the great efforts they have made, but criticizes them in that they did not methodically compare the original Arabic wording with the old Hebrew translation printed beside it, so that in effect – for one who has not mastered Arabic – the value of the prodigious investment in preparing the original Arabic according to the manuscripts has been vitiated. He also claims that the glosses of Prof. Abramson ז"ל were printed in this edition without sufficient editing. However, his essential criticism focuses on the fact that they did not involve in the editing *talmidei hakhamim* well-versed in the relevant topics, and he provides examples of faults arising from this fact.

**‘Connect Its Chapters One With Another’: On the Introduction of *The Guide of the Perplexed* and Its Conclusion / Rav Moshe Stern ז"ל**

Rav Stern, who passed away two years ago, was a multi-talented man of action, and at the same time a man of letters in the fullest sense of the word. He merited, in the course of his life, to edit and compose articles and books (among them a number of articles printed in *HaMa'yan*), and also left behind many writings. His son Rav Raphael Stern, an educator and communal Rav in Giv'at Shmuel, has edited one of these writings in which his father clarifies the remarks of Maimonides at the end of *The Guide of the Perplexed*, in which it is made clear that the conclusion completes the beginning of the work: the perfected man is one well-versed in Torah and wisdom, G-d fearing, who integrates his lofty spiritual level into an active life, like the three forefathers and Moses our teacher.

**Rabbi Pinchas ben Yair, Rabbi Shimon bar Yochai and *Mesillat Yeshtarim [The Path of the Upright]* / Dr. Yehuda Neeman**

Rabbi Moshe Chaim Luzzatto (known as Ramchal), who was born in 1707 in Padua (now part of Italy) and passed away around 1747 in the land of Israel,

wrote his work *Mesillat Yesharim* around the year 1740 during his tranquil stay in Amsterdam, after he left Italy where he was persecuted. The book, which deals with man and his obligation to serve G-d and with the way in which it is incumbent upon him to fulfill this obligation, bears witness to its author and his abilities in the area of Torah, ethics and psychology, and in the course of its analysis of the *braita* of Rabbi Pinchas ben Yair he demonstrates that his path is the path of G-d. Dr. Neeman, an experienced researcher and educator, demonstrates that the Tanna Rabbi Pinchas ben Yair, who, in this *braita*, specified the traits which raise a person from level to level, described therein his own life, where the unique bond which he had with his father-in-law and teacher Rabbi Shimon bar Yochai is evident, so that many of his statements as well are employed in *Mesillat Yesharim*.

The issue concludes, as usual, with an overview of Judaic materials reviewed by the editor.

*The Editorial Board of HAMA'YAN wishes its subscribers, readers and all Am Yisrael a פסח כשר ושמח!*