

HAMA'YAN

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Summaries of Articles

Prof. Yaakov Shmuel Shpiegel: A Responsum concerning Shemittah from manuscript, attributed to Rav Yosef Kurkus or the Radvaz

Professor Yaakov Shmuel Shpiegel of Bar Ilan University, the academic director of the renowned Responsa Project, publishes here a responsum manuscript regarding Shemittah. In his introduction he refers to the difficulties in identifying its author. He provides evidence, pro and con, for two of the most likely figures – Rav Yosef Kurkus and the Radvaz, leading sages in the beginning of the “Achronim” period, subsequent to the expulsion from Spain. The responsum deal with various issues that are relevant to Shemittah observance even today, and include several novel implications. For example, there is substantial support for the opinion of the Chazon Ish who opines that even sanctified fruits of the seventh year (Kedushat Shevi’it) may possibly require tithing. In addition, if a person bought fruits from a non-Jew without knowing for certain if the fruits are from the seventh year or from the sixth year – one may be lenient, as a number of contemporary Poskim maintain. The responsum was copied with great accuracy from a manuscript in the National Library in Jerusalem, and includes comments, footnotes and sources.

Dr. Sodi Naimer: Methods of conveying bad tidings according to the Torah

Dr. Sodi Naimer, “The Doctor of Gush Katif”, who presently resides (together with many fellow refugees from Gush Katif) in Yad Binyamin, writes an interesting article about ways to deliver bad tidings, according to the Torah. He relates how, as a young doctor, he informed a woman of her husband’s death in a traffic accident. Her difficult reaction caused him great reluctance to be involved in such occasions. However, his attitude changed drastically when he realized that the manner in which the message is conveyed can make all the difference between empathy and indifference and sometimes even hostility, between acceptance and confusion, between positive activity and helplessness. Dr. Naimer explains the approach of Dr. Elisabeth Kubler-Ross, who describes the various psychological stages that a person undergoes in dealing with devastating news: denial, anger, bargaining, depression and acceptance. These stages do not follow any specific order; their durations vary from person to person. It has been proven that proper support helps reaching the final phase – acceptance of the new reality. Thus, it is crucial that a person be prevented from becoming fixated on denial or anger. Dr.

Naimer analyzes 26 sources from the Torah (Written and Oral) about a person receiving harsh tidings, in order to provide guidelines in performing this difficult task. From these cases Dr. Naimer establishes 13 principles on the ways to convey tragic news. He concludes by analyzing the awesome story concerning the conduct of Bruriah when her two sons died on the same day, and how she relayed this to her husband, Rabi Meir. This is a profound, thought-provoking article, that will certainly generate many responses.

Rav Shmuel David: “Not everyone who so wishes may assume the name!” (Berakoth 16b)

The Chief Rabbi of Afula, Rav Shmuel David, discusses the topic of “appearing as haughty”, which is mentioned in several places in the Talmud. There are situations in which one must avoid appearing haughty, and times, on the other hand, when this is not required. An individual should not conduct himself in a way not socially acceptable nor in a manner inconsistent with his own spiritual level. There are, however, circumstances when a person is expected to act above and beyond the letter of the law. The Rav must decide, in each particular case, when it is proper to refrain from actions which make one appear haughty, and when one should act strictly according to the law.

Rav Dr. Yisrael Meir Levinger: Changing qualities of fish with Halachic ramifications

Rav Dr. Yisrael Meir Levinger, formerly rav in Basel, Switzerland, is one of the leading experts in matters of Kashruth. He deals with a topic that surfaces every few years: what are the exact criteria that determine the kashruth of a fish whose characteristics change? In the past Rav Levinger wrote in “HaMa’yan” concerning the “Barbut” fish, in which the Tosafists debated as to its halachic status. Afterwards, in “Seridim” (a periodical of European rabbis) he described the controversy that transpired in London concerning this fish, in which some of the fish have scales, while others have not. He proceeds to clarify the status of a fish that possesses scales, yet is bred from a type of fish that is kosher and from another that is not (the eggs are from a kosher fish, but fertilized by a non-kosher fish – or the opposite). Rav Levinger maintains that the appearance of the fish determines its Halachic status – if fins and scales are present the fish is kosher.

Reuven Campagnano: “A good thought (intention) the Holy One Blessed Be He links to a deed”

Reuven Campagnano from Jerusalem explores the original text of the expression “Hashem associates a good intention with a good deed” (Kidushin 40a). What is

the real meaning of “metzarfa”? He concludes that it means to remove impurities, to cleanse and to purify. Thus, the original text of this statement read “A good thought Hashem purifies, an evil thought Hashem does not purify”. Only at a later stage did Chazal add on the word “deed” – ma’aseh. Thus, the meaning of “metzarfa” changed to associate, to link. He concludes with a manuscript of an ancient piyut from the Sepharadic Rabi Yosef ben Avitur that contains the current text of this statement.

Rav BenZion ben Pazi: The practice of Rashi in the Blessings of the Torah

Rav BenZion ben Pazi, a Ram in the Yeshiva Lizeirim of Merkaz HaRav in Yerushalayim, analyzes the view of Rashi concerning the recitation of the Blessings of the Torah. The disciples of Rashi testified that he would recite the blessings prior to studying Torah (before prayer), and would recite them again in the synagogue. He compared this to the blessings recited during the public reading of the Torah. This comparison is difficult to comprehend – the mitzvah, not the location (synagogue), generates the blessing! Rav ben Pazi discusses various explanations of Rashi’s opinion and offers his own suggestion: Rashi maintains that the Blessing of the Torah is classified as praise (shevach), while the initial blessing (la’asok bedivrei Torah) is also a blessing recited prior to the performance of a mitzvah. Thus, this Bracha is recited prior to learning Torah (due to the mitzvah component) and in synagogue (as a blessing of praise).

Rav Mordechai Imanuel: The Chaver Reb Shmuel Ber ZL, the founder of Yeshivat Be’er Yaakov

Rav Mordechai Imanuel, in eulogizing Reb Shmuel Ber ZL, who passed away recently, provides historical testimony that Shmuel Ber was the founder of the famous Yeshivat Be’er Yaakov. He was the head of the Ezra youth movement prior to the founding of the State. The yeshiva was established and originally known as “Yeshivat Ezra Be’er Yaakov”, and was assisted by Poalei Agudat Yisrael. Ber was one of the major forces in establishing and maintaining the yeshiva. Ultimately, by mutual consent, the yeshiva and the founders decided to part ways. The yeshiva developed into one of the prominent yeshivot in Israel.

Zvi Kasspi: Rabanit Chana Kahane ZL

Zvi Kasspi, one of the directors of Yeshivat Sha’alvim, eulogizes Rabanit Chana Kahane ZL, the widow of the late leader of Poalei Agudat Yisrael and member of the editorial board of HaMa’yan, Rav Kalman Kahane ZTL. She passed away recently at an advanced age.

Rav Prof. Yehuda Leo Levi: More on the Introduction to the Secular Studies Responsa

Professor Yehuda Levi expands on his previous contribution to last issue of Hama'yan (pp 35-38), An Introduction to Rav Shimon Schwab's query to Talmudic Scholars regarding secular studies. He claims that Rav Hirsch saw in the Emancipation an opportunity to "return the crown of Torah to its original glory" and to fashion the world in accord with G-d's will. This, of course, required a Torah true educational approach which succeeded in rearing a generation of "Torah im Derech Eretz" observant academics. At the same time, many lay people in the religious communities proceeded to read secular literature and novels, attend theatre performances etc, although these were never countenanced by Rav Hirsch. Rav Schwab, though born in Frankfurt, studied in Eastern European Yeshivot and wrongly understood that these phenomena were to be part of Rav Hirsch's Torah im Derech Eretz philosophy.

Rav Tuvia Katzman; Rav David Yitzchaki: May one Refer Respectfully to those who alter the text of the Liturgy?

This article contains an interesting discussion regarding the way one should relate to some of the Maskilim scholars. Rav Catane refers to the grammarians, Zalman Hena and Yitzchak Satanov, with the normal titles of respect, in his article on the Blessing of the Trees (Hama'yan, Nissan 5767 [Vol. 47,3] p 64). Rav Tuvia Katzman of Jerusalem, a researcher in Yad Harav Herzog, takes Rav Catane to task on this point. In his opinion, these two individuals caused great harm to our Liturgy and, thus, created a rift between G-d and the People of Israel. He opines that the Blessing of the Trees is a perfect example of Hena's flawed approach: He "corrected" the text of this blessing without providing any reliable source from the Rishonim or from manuscripts. Satanov was one of Mendelsohn's worst Maskilim disciples in Berlin. He succeeded in introducing many changes to our Siddur.

Rav David Yitzchaki of Bnei Brak, one of today's experts on Hebrew grammar and the Messorah, agrees in principle with Rav Katzman, but adds that many of the rabbis of that generation referred to these two Maskilim with respect. He writes that it is difficult for us to judge the rabbis of that generation; at times they agreed to changes which, to us, are unacceptable. He cites the example of their lack of opposition to altering the Blessing from "Shelo Asani Goy" to "Shelo Asani Nochri," although they were well aware that the original rabbinic text read "Shelo Asani Goy". We do not understand how, on the one hand, the rabbis of that generation accepted Chazal's Liturgy texts and blessings, and on the other, did not look askance at the Maskilim's attempt to teach Chazal lessons in the grammatical rules of the Holy Tongue... Neither they nor their peers considered this heretical!

Dr. Meir Rapeld; Moshe David Chechick: More about the Riddle of Rabbi Leibe from Lublin and related issues

The educator and historian Dr. Meir Rapeld investigates the identity of “Rabbi Leibe from Lublin” who is mentioned in the responsa of the Bach. Moshe David Chechick had endeavored in the previous edition of HaMa’yan to prove that he is the Maharal of Prague. Dr. Rapeld cites episodes involving Rav Yoel Sirkis (the Bach), and Rabbi Leib Chanales, one of the other “candidates” of being Rabbi Leibe from Lublin. He stresses that entire chapters concerning the lives, families and works of several sages from Eastern Europe, are still shrouded in mystery. Moshe David Chechick responds and provides additional data concerning points that were previously raised. Dr. Rapeld accepts some of the positions advanced and disagrees with others. The extensive knowledge of these scholars in the classical sources and scientific research concerning the Polish sages and their works is remarkable.

Rav Aryeh Katz: A passage of the Tosafot HaRid on Masechet Kiddushin that was omitted

Rav Aryeh Katz, a kollel fellow in kollel ‘Eretz Chemda’ in Yerushalayim, deals with a passage from the Tosafot HaRid in Masechet Kiddushin that has disappeared from our texts. It appears that the commentaries to Masechet Kiddushin of the Sephardic Ritva and of the Italian Rid were printed together in 1553 in the margins of the pages of the Gemara. Even when they were published as separate volumes these two commentaries were printed together. This resulted in passages being transferred from one author to the other, leading some later authorities to believe that both texts stemmed from a single author! The publication of contemporary scientific editions of the Tosafot HaRid (Bnei Brak 1982) and of the Ritva (Mossad HaRav Kook, Jerusalem 1985) corrected many of these errors. However, a critical omission occurred. Previous editions of the Ritva erroneously contained a passage from the Tosafot HaRid; the contemporary edition correctly omitted it. Yet, the modern edition of the Tosafot HaRid did not reinstate this passage. This passage discusses marital status (yuchasin) and is of profound Halachic significance. Thus, the scientific scholarship of our generation requires extra caution, in order to avoid establishing a permanent error. This article avails the Torah student with the knowledge of this passage, with the hope that future editions of the Tosafot HaRid will correct this omission.

The Journal concludes with reviews written by Rav Yoel Catane, and a part by Rav Yoel Amital, of recent publications received by the editorial board of Hama’yan.