

HAMA'YAN

Table of Contents

Leaving the Narrow Straits / The Editor	2
Blessing of Greeting in Honor of the Arrival of Rav Rozing in the Holy Land / Rav Avraham Yitzchak haCohen Kook <i>z.t.l.</i>	3
"Expanses, Expanses, My Soul Desires" / Rav Yoseph Avivi	5
'What Shall We Eat the Seventh Year' When Shemittah Becomes a Biblical Obligation [מצוה מהתורה]? / Rav Yehoshua ben Meir	21
Gleanings from the <i>Shemittah</i> Debate / Rav Eitam Henkin	28
On a <i>Halakhic</i> Decision of <i>Ramhal</i> and on Teaching Kabbalah in Public – Newly Published Responsa from the Manuscript of <i>Mishpat Shalom</i> by Rav Yitzchak Pacifico / Prof. Yaakov S. Spiegel	40
<i>Dorshei Reshumot, Dorshei Hamurot</i> and <i>Dorshei Halaqot</i> / Arye Olman.	55
Halakha and Realia	
Objective Determination of the Time Stars Become Visible: Photometric Measurement & Human Observation / David Ben Yaakov, Rav Dr. Dror Fixler	62
Memorial	
Ziv, Hod veHadar – Eulogy for Rav Aharon Lichtenstein <i>z.t.l.</i> / Rav Meir Schlesinger	69
Responses and Comments	
Source for the Practice That the Person Who Recites the Seventh Portion Returns to Recite the Additional Portion Under Certain Circumstances / Rav Peretz Levine; In the Matter of Connecting or Separating Weekly Readings in Israel and Abroad / Prof. Moshe Tzipor; Further on Responsa via Text Messaging / Rav Mordechai Tzion; Why Silence the Sun in Gibeon? / Yosef Abramson; Further on the Approach of Rav Hirsch <i>z.t.l.</i> / Dov Shahor; Concerning Commentary on Liturgical Poetry for Special Sabbaths / Uri Kellerman; The Approach of Rav Dushinsky in the Matter of Desecrating a Sabbath to Save a Life / Rav Uriel Banner, Rav Dr. Rafael Benjamin Posen, Dr. Moshe Ehrenwald	72
On Books and their Authors	
A New Edition of the <i>Mahzor k'Minhag B'nei Roma</i> [Prayer Cycle of Those Who Follow the Custom of Rome] / Dr. Abraham David	84
Road Map for Resolving Uncertainties in Halakha: On the Work <i>Tal Haim</i> – <i>K'lalei Hora'a</i> / Rav Harel Dvir	89
Editorial Review of Recent <i>Torani</i> Publications / Rav Yoel Catane	97



Shlomo Aumann Institute, Yeshivat Sha'alvim

B"H, Tamuz 5775 • Vol. 55, 4 [214]

Abstracts

Rav Avraham Yitzchak haCohen Kook z.t.l.: Blessing of Greeting in Honor of the Arrival of Rav Rozing in the Holy Land.

Rav Yosef Avivi: “Expanses, Expanses, My Soul Desires”.

As we approach the Eightieth Year since Rav Kook’s passing, *HaMa’yan* publishes two unique ‘treats’: the first is an autograph manuscript in which Rav Kook blesses Rav Rozing of Lithuania on his *aliya* to the Holy Land, in the style and substance unique to Rav Kook. The second ‘treat’ is one chapter of a comprehensive study conducted by the Rav and researcher of kabbalah Rav Yosef Avivi *shlit”a*, on kabbalah in the writings of Rav Kook. This sample discusses Rav Kook’s statement “expanses, my soul desires”, that initially appears to be an eloquent expression of his yearning that his soul be able to express itself freely and openly. However, Rav Kook’s phrasing employs kabbalistic terminology: in kabbalistic terms ‘expanses’ is a locution for the *sephira* [emanation] of *bina* [understanding] which transcends the limits of consciousness and which is ‘unbounded heritage’, so that when Rav Kook pleads for “expanses” he references principally to ‘divine effluence’ [inspiration] drawn from the realm of *Azilot* [‘emanation’, nearness]. But the request for expanses is not just a personal one – Rav Kook adds to it a ‘national’ request, that the Orthodox, National and Liberal movements make peace among themselves and arise to the ‘broad *Azilot*’ which ‘transcends all bounds’. Rav Avivi methodically demonstrates, in compelling fashion, the kabbalistic intentions of Rav Kook in his ‘mystic’ language – and no doubt his research will echo widely.

Rav Yehoshua ben Meir: ‘What Shall We Eat the Seventh Year’ When *Shemittah* Becomes a Biblical Obligation?

The consensus of the majority of halakhic authorities is that *Shemittah*

in our time is only a rabbinic obligation, so that in cases of doubt or disagreement, one may be lenient. For the biblical directive to apply we require that: a. 'all who are obligated to settle the land be present' – the significance of 'all' is debated, but minimally it means the majority of each of the twelve tribes; b. everyone recognizes his tribe and his inherited portion of land; c. in the view of many authorities we must 'sanctify' [dedicate] the land anew, for which the Sanhedrin is necessary, and possibly a king and a prophet as well; d. in Maimonides' opinion, it may be necessary for the Sanhedrin to declare Jubilee Years. When these conditions exist and *Shemittah* is a biblical obligation, we cannot depend upon leniencies such as *heter mechira* [selling the land to a non-Jew] and *otzar beit din* [distributing produce through rabbinical court storehouses]. Rav Ben Meir explains that with Heaven's help we will not need these leniencies, for the Torah explicitly guarantees: "Then I will command my blessing upon you in the sixth year, and it shall bring forth fruit for three years". Not only will there be abundant produce, but *Shemittah* and Jubilee produce will have 'shelf life' of three years and there will be no shortages. Whether through technological advances or open miracle – so it will be, this is an explicit guarantee by G-d.

Rav Eitam Henkin: Gleanings from the *Shemittah* Debate

Rav Eitam Henkin returns to the history of the *heter mechira* and reveals some unknown facts about the *Shemittah* Controversy of 1889 and 1910. He demonstrates, among other things, that Rav Naftali Zvi Yehuda Berlin did not reject the option of selling the Land to non-Jews, and that the agreement of Rav Yitzchak Elchanan Spektor to the *heter mechira* was independent, and not necessarily predicated upon the opinion of the author of the *Shemen haMor*.

Prof. Yaakov S. Spiegel: On a *Halakhic* Decision of *Ramhal* and on Teaching Kabbalah in Public – Newly Published Responsa from the Manuscript of *Mishpat Shalom* by Rav Yitzchak Pacifico

Prof. Spiegel has found in the manuscript of Responsa *Mishpat Shalom* [Judgement of Peace] by Rav Yitzchak Pacifico, Head of the Rabbinical

Court of Venice, a letter of enquiry sent to him from Padua in 1733 regarding the ritual validity of a Torah scroll containing a certain error. The enquirer, who is not among the students of *Ramhal* [Rav Moshe Chaim Luzzatto], writes that *Ramhal* ruled it invalid. Two responsa deal with this question in the *Mishpat Shalom*, and it seems from them that there was a lively debate surrounding *Ramhal's* ruling in the matter. In close proximity to this discussion, the work contains part of an additional responsum discussing whether it is permissible for a bachelor to expound Kabbalistic matters in public, and it appears that this enquiry is also connected with *Ramhal*. Several years earlier, in 1730, *Ramhal* was obliged to take an oath that he would cease writing kabbalistic works, and only after five years passed did opposition to him arise anew and he was ostracized by the Venetian Rabbinate. It is generally accepted that *Ramhal* passed these five years (1730-1735) quietly: he studied with his students, and got married. Prof. Spiegel attempts to elicit from these responsa what the relationship was to *Ramhal* during these years, while in the process he publishes the responsa and the ruling of *Ramhal*, which appears to be his sole surviving halakhic ruling!

Arye Olman: *Dorshei Reshumot, Dorshei Hamurot and Dorshei Halaqot*

Many observations in Talmudic and Midrashic sources are ascribed to *Dorshei Reshumot* [Seekers of Signs] or *Dorshei Hamurot* [Interpreters of Difficulties]. The academic understanding of the items sought is: recondite matters, obscure and not self-understood. All these observations draw from Scripture legal and homiletic information which would not be obvious on a simple reading. A similar phrase, *Dorshei Halaqot* [lit. 'Seekers of Smooth Things'], is known to be one of the appellations of the *Perushim* [Pharisees] in the Dead Sea Scrolls. If we take into account one of the meanings of the term *halaq* in many Midrashic sources – 'unclear, indistinct' – we can posit that the *Dorshei Halaqot* are the selfsame *Dorshei Reshumot* and *Dorshei Hamurot*, and that it is not an epithet for the *Perushim* as we have come to accept heretofore, but rather a term for a cadre of sages who specialize in interpreting obscure verses.

Halakha and Realia

David Ben Yaakov & Rav Dr. Dror Fixler: Objective Determination of the Time Stars Become Visible: Photometric Measurement & Human Observation

This paper deals with measuring the time when the stars can be seen by the human eye. Rav Fixler and his student David Ben Yaakov have developed a formula which predicts when it will be possible to see any specific star depending on how bright the sky is and the observer's visibility conditions. This formula uses modern scientific tools (telescope, special camera and computerized data follow-up and processing) on the one hand, while on the other it preserves observation by the unaided eye in determining the star's appearance, in accordance with the requirements of Halakha. Their central finding is the moment when an observer is able to see a star depending upon the star's magnitude; the average level of the visible magnitude of stars for this purpose is 1.96.

Memorial

Rav Meir Schlesinger: *Ziv, Hod veHadar – Eulogy for Rav Aharon Lichtenstein *z.t.l.***

Rav Schlesinger, formerly *Rosh Yeshiva* of Shaalvim, who serves as President of the Shlomo Aumann Institute, eulogizes his friend, the eminent, righteous Rav Aharon Lichtenstein *z.t.l.*, who passed away some weeks ago. It was impossible to separate the noble character of the Rav *z.t.l.* from his vast, all-encompassing erudition, his unique perseverance in study, and the breadth of his horizons. And let 'the whole house of Israel bewail the burning which the LORD hath kindled'. [*qualities traditionally lent to a locale due to the presence of an exceptional role model, lit. 'Splendor, Glory and Grandeur'].

Responses and Comments

Again – diverse reactions to matters raised in previous issues of *HaMa'yan*: Rav Levine adduces a source for the practice that the person

honored with reciting the seventh portion of the weekly Torah reading returns to recite the additional portion under certain circumstances – this is in fact a supplement to an article which he published in *HaMa'yan* some twenty years ago; Prof. Tzipor suggests a solution to the lack of coordination between the weekly Torah reading in Israel and abroad over the course of many weeks of the year; Rav Tzion, Assistant to Rav Shlomo Aviner *shlit"á*, explains the approach of his teacher who advocates responding to enquiries via text messaging; Mr. Abramson of Beit El revisits the topic of the special quality of the miracle performed for Joshua, “Sun stand thou still upon Gibeon”; Mr. Dov Shahor of the settlement of Neria responds to the – in his opinion – one-sided presentation of the approach of Rav Hirsch *z.t.l.* in the previous *HaMa'yan*; Mr. Kellerman of Nof Ayalon wishes to give due credit to the scholar Seligman Baer, among the early interpreters of liturgical poetry; and Rabbis Banner, Posen and Ehrenwald once again discuss the halakhic-political approach of Rav Dushinsky, Head of the *Edah haHaredit* [Ultra-Orthodox (anti-Zionist) Jewish Community] in Jerusalem at the time of the creation of the State of Israel, and its ramifications.

On Books and their Authors

Dr. Abraham David: A New Edition of the *Mahzor k'Minhag B'nei Roma* [Prayer Cycle of Those Who Follow the Custom of Rome]

The *Mahzor k'Minhag B'nei Roma* circulated widely among Italian communities since the beginning of the Middle Ages. A great many manuscript copies have survived, as well as over two hundred printed editions, and it remains in print to this day. The first edition was printed in northern Italy in the municipalities of Soncino and Casalmaggiore during the years 1485-1486. In 2012, a facsimile of the first edition was published, accompanied by a volume of studies written by leading researchers in the field. Dr. David, librarian, researcher and historian, surveys this edition and the appended studies.

Rav Harel Dvir: Road Map for Resolving Uncertainties in Halakha: On the Work *Tal Haim – K'lalei Hora'a*

Rav Dvir, among the rabbis at Yeshivat Torat HaChaim (which was formerly located in the Gaza Strip and is now in Yad Binyamin), describes the latest work of the *Rosh Yeshiva* Rav Shmuel Tal *Tal Haim – K'lalei Hora'a* [Vivifying Dew – Principles of Instruction]. He reveals the 'backbone' of the work, and shows how, throughout, two approaches are presented in relation to the rules of resolving uncertainties: the approach of the Rashba [R. Shlomo ben Aderet] which grants authority and empowers the individual *poseq* as well as obligating his students to act in accordance with his opinion, and the approach of Maimonides which minimizes the power of the *poseq* and reserves authority for the consensus of 'all, or the majority, of the Sages of Israel', granting more significance to the generally accepted principles of resolving, and cautioning against the transgression of "Ye shall not cut yourselves" – 'you shall not form separate sects'.

The issue closes with a review of new Torani books by the editor.

קיץ טוב ומבורך!