

HAMA'YAN

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Abstracts

Rav Yaakov Laufer: ‘Column Lying in the Open Air’

The *Mishnah* ‘Column Lying in the Open Air’ in Tractate *Ohalot* 12:7 is an opaque teaching, which sages of all generations have been hard-pressed to elucidate. In this article, we offer a surprising solution to the *Mishnah* on the lines of the ‘judges of Caesarea’, and we offer a new interpretation of the rule “a circle within a square – a quarter; a square within a circle – half” according to the understanding of *R’ Hanilai* in the topic in *Eruvin*. According to this understanding, the wording of the *Tanna* in Tractate *Ohalot* is shown to be precise, and what is more a new understanding becomes clear in a comment of Rabbenu Hananel on the topic of a round window in *Eruvin*.

Rabby Moshe Yehuda Rosenwasser: “To the Living God I Shall Sing”

Rabby Moshe Yehuda Rosenwasser of Jerusalem and Monsey, N.Y. earns his living in banking while concurrently engaging deeply in research into *ashkenaz piyutim* [ritual poetry]. Here he presents one of the poems on the early decrees associated with the Crusades, corrected in accordance with manuscripts, with a brief introduction, explanations and historical notes, which illuminate the concealed intent of the poet in many places. Further on in the English portion of this issue may be found Rav Rosenwasser’s comprehensive introduction to the poetic literature memorializing these decrees.

Rav Amichai Kinarti: ‘Neither Woe Nor Alas’

Rav Kinarti, Rav in the Yeshiva of Itamar in Samaria and researcher at the Shlomo Aumann Institute, is currently editing *Yosef Ometz*, the book on the customs of Frankfurt am Main written by Rav Joseph Yuspa Hahn Nördlingen over three hundred years ago. In the book is found a passage which describes the death without pain of martyrs in the many disturbances which engulfed the Jews of Germany. Rav Kinarti collected sources and descriptions of this singular phenomenon, and he presents them to the readers of *HaMa’yan*.

At the end of article is appended a distressing first-person account written by one of the great figures of *Hasidei Ashkenaz* [Judeo-German Pietists], Rabbi

Eliezer of Worms, author of the *Rokeah*, on the pogrom carried out in his home by two Crusaders.

Avi Lifshitz: ‘An Eye for an Eye - refers to compensation’: Concerning Laws Received Orally at Sinai – Between Maimonides and the Maharshah

Was the law that ‘eye for eye’ refers to monetary compensation received by the Sages of Israel orally, i.e. ‘*halakhah* [given orally] to Moses on Sinai,’ or was it innovated through the explication of verses in some other generation? In the literature of our Sages many derivations appear from which we adduce this law, but we do not find it defined as ‘*halakhah* to Moses on Sinai’; indeed, Maimonides writes that despite its derivation from Scripture, this law is also ‘*halakhah* to Moses on Sinai’. In other instances as well, Maimonides adds to the derivation of the Sages the tradition of ‘*halakhah* to Moses on Sinai’, as in the matter of establishing that the “fruit of goodly trees” is the citron, and as in the matter of the explication of “from the morrow of the Sabbath” as “from the morrow of the festival”. In this article, Dr. Avi Lifshitz of Alon Shvut recounts ways of discovering Maimonides’ sources that ‘*halakhah* to Moses on Sinai’ is spoken of, and not merely derivation from a verse; he also deals with important ramifications of this tradition according to Maimonides’ approach, that in his opinion special force is inherent in *halakhot* received ‘from oral tradition’; on the other hand, we present the objection of R’ Solomon Luria (the Maharshah) to this innovation of Maimonides in the matter of ‘eye for eye’, and here too we find a connection between the Maharshah’s overall approach to the relationship between laws received ‘orally [at Sinai]’ and laws developed in the course of the generations, as expressed in the introduction to his work *Yam shel Shlomo*.

Rav Ariel Bareli: Reliability and Tradition

Rav Ariel Bareli. *Ram* (teacher) in the Yeshiva of Sderot, and judge in a rabbinic court, son of the head of the *Kollel* in Psagot, the late Rav Mordechai Bareli *ZT”L* to whom the article is dedicated, describes the legitimacy and the limitations of a problematic phenomenon – internal censorship of Torah writings which are inappropriate for publication according to various opinions, and he adduces actual examples of censored items of this sort. On occasion it is necessary to prevent errors in *halakha* and in faith, and therefore intervention in a text is required, yet the impression remains that there was room to make do without a considerable portion of these interventions, whose damage was great in raising questions about the overall reliability of Jewish tradition.

Responses and Comments

Rav Michael Dushinsky (of Tel-Aviv / Prague) astounds us with a novel interpretation which actually dates from antiquity: The “*Slav*” in *parashat beha’alotcha* which God brought flying in from the sea, and was gathered by the People of Israel, was not quail as generally accepted – but actually a type of fish! He heard this interpretation from his uncle, Rabbi Yerachmiel Ya’akov Duschinsky ZT”L (1916-1986), presiding Rabbi of South Africa’s rabbinical court, who received his rabbinical ordination from Rav Akiva Sofer of the “*Yeshiva haRamah*” of Pressburg. This interpretation emanates from *Ma’or Ha’aphelah* (*Nur al Çalaam* [Enlightening the Darkness]), a Yemenite *Midrashic* work, written in 1329 by Nethanel ben Isaiah. Rav Dushinsky bolsters this interpretation with a number of weighty contentions, based on the Torah, the Talmud, linguistic and historical considerations, etc. He demonstrates that this interpretation solves many problems and we would be hard put to refute it. Rav Peretz of Mexico draws our attention to the troubling fact that in the time of Sabbetai Zvi, there were many important rabbis who supported him and followed in his wake, and with this he explains a number of details in Prof. Yaakov Shmuel Spiegel’s article in issue 200 of *HaMa’yan*. And the above-mentioned researcher Shmaria Gershuni responds to the article written by R’ Glanzer of Antwerp in the previous issue of *HaMa’yan* concerning the correction made in the new edition of the commentary *Haameq Davar* in accordance with a note in the handwriting of the *Natsi*”v. He describes the manner in which the various editions of *Haameq Davar* were prepared for publication, the mishaps which occurred, and explains why the printers erred when they corrected the wording upon the basis of the aforementioned note.

On Books and their Authors

Rav Eli Gurfinkel: The Works of the Maharal of Prague in a New Basic Edition

Recently a new edition of the works of the Maharal of Prague has been added to the Torah literature shelf – the Berkowitz Edition. Having studied the existing editions, the editors came to the conclusion that the old editions included mistakes in wording and other errors, whereas the newer editions include an apparatus of copious wide-ranging comments that are many times longer than the actual text and are appropriate only for serious students of the literature. They sought to fill the void with this edition which on the one hand would be precise and on the other hand usable for all in order to create a “basic” new edition. The author points out the many enhancements included in the new edition i.e. the

clear aesthetic print, additional source references, and the crowning achievement: a unified index of terms and sources, which has been assembled for the first time covering all the books of the Maharal included in this edition. The author also points out many bizarre decisions with regard to the print, and is troubled by the inclusion of a work that was initially claimed to have been written by the Maharal's son-in-law, but is today known to be a forgery. He praises the publishers' intention to correct the text but sees the decision to rely solely upon previous printings and to not insist on comparing the wording to the manuscripts available to us as a fundamental deficiency. Upon examination, it appears that at least some of the former printing errors remain in this edition and were not corrected as the editors promised.

Eliav Prins: *Be'er HaGolah* of the Maharal – How Should One Pronounce the Title of the Book?

There is an ongoing controversy regarding the correct pronunciation (and so the meaning) of the title of a famous book written by the Maharal of Prague; is it *Be'er HaGoleh*, *Be'er HaGulah*, or *Be'er HaGolah*? Rabbi Elyakim P. Shimshowitz suggests that the book should be entitled *Be'er HaGoleh*. However, both Rabbi Yehoshua Hartmann and Rabbi Dr. Shlomo Toledano in his book on this topic argue that the correct name is *Be'er HaGulah*. The present article describes several possibilities regarding the name of this book, concluding that the most commonly accepted title, *Be'er HaGolah*, is also the most accurate.

Dr. Abraham David: A Treasure Trove of the History of the Jews

Dr. Abraham David of the National Library in Jerusalem reviews the jubilee volume written in honor of the eminent historian Professor Simon Schwarzfuchs, whose investigations span the various fields connected to the history of the Jewry of France and the adjacent regions. On the occasion of his attaining eighty years of age, his colleagues and students authored articles on subjects with which he has dealt, and others, which were gathered into an important jubilee volume. The articles deal with the history of the Jews the world over, from Istanbul to Yemen, the connection of Ashkenaz to the Land of Israel and of course the history of French Jewry, matters involving the Tosafists, questions Napoleon asked the Rabbis, much more. The twenty-two articles in this jubilee collection constitute a treasure trove of information and scholarship on a variegated assortment of subjects which almost fully reflects the broad spectrum of research interests of the honoree.

Yitzhak Shizgal: Sefer ‘Pninei [Pearls of] Halakhah’ [on] Brachot: Torah of the Land of Israel

Yitzzy Shizgal discusses the method of *Psak* [deciding halakhah] used by Rabbi Eliezer Melamed in his works *Pninei Halacha – Brachot* and “*Harchavot* [elaborations] *LePninei Halacha Brachot*”, and characterizes them as representing ‘*Torat Eretz Yisrael*’. This, by showing that various elements which reflect ‘*Torat Eretz Yisrael*’, are dominant among Rabbi Melamed’s rulings. At the same time, the halakhic views expressed in these books have strong rabbinical underpinnings, as can be seen throughout the article. Examples of Rabbi Melamed’s teachings which fit both of the above criteria are: being careful not to delete special *brachot* and having the courage to decide, among others.

Rav David Deblytzki: About the New Edition of the Book ‘Shaarei Dura’

Rav David Dablytzki, Talmudic scholar and *Torani* researcher of Bnei Braq, who has edited a number of works of early Ashkenaz authorities, sharply critiques the new edition of *Shaarei Dura* (Rav Isaac Dueren, Germany, thirteenth century) recently published. He amply demonstrates that the editors did not stand by their word which spoke of a new edition – corrected in accordance with manuscripts – of this important work, one central to the laws in Yoreh Deah, while actually we find a new printing of the previous edition, with additional mistakes added.

Rabby Moshe Yehuda Rosenwasser: Pre-Crusade Piyutim: History or Hyperbole

In the English section may be found a comprehensive introduction to ‘Crusade *Piyutim*’ [ritual poems] penned by Rav Rosenwasser, a researcher of *piyut*, one of which appears with a commentary in the Hebrew section. Following the crusades, the rabbinic leadership in Germany and France sought to commemorate that national tragedy by establishing *piyutim* of doleful and despondent character to be recited during the period of the “three weeks” and of the *Sefira* [leading up to Pentecost]. In Germany, *Zulasos* [one of a set cycle, introduced at ‘*zulatekha*’] recited were incorporated, while in France, and later in Eastern Europe, it was an entire set of *Piyutim*. Though the custom is of fairly recent origin, many *piyutim* recited on these occasions were composed before the Crusades. Yet those *piyutim* too are replete with misfortune and tragedy. Are those references typological allusions to a generally miserable Jewish existence in the Diaspora, or are they subtle reminders of actual events expressed with sufficient generality so as to be meaningful for future generations?

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