

- would become defiled if there is a grave directly beneath his seat.
63. *Kanfei Yonah* concedes that *Hazon Ish*, *Yoreh De'ah* 211:8, maintains that the seat of a motor vehicle is designed for transportation from place to place rather than for repose and accordingly, unless it is portable, is not subject to defilement as a *medras*. Cf., *Teshuvot Erez Zevi*, no. 83, s.v. *ve-hakham ehad*, who notes two contradictory views with regard to this issue expressed by *Tosafot*, *Menahot* 44b, s.v. *sheidah*, in their discussion of the status of seats of a boat. See also *Petah ha-Ohel*, *klal* 5, no. 5; *Teshuvot Erez Zevi*, no. 83; *Birkhat Rezeb*, no. 12; and *Ziz Eli'ezer*, XII, no. 62, sec. 5. See also *supra*, note 30. Rabbis Halberstadt and Goldmintz, *Kanfei Yonah* and *Tehumin*, XXII, 508, note 11, nevertheless agree that crew members and those leisure travelers who travel for pleasure do use the seat for the purpose of rest. A similar point is made by *Hazon Ish*, *Yoreh De'ah* 211:8 and somewhat more tentatively by *Minhat Shlomoh*, I, no. 72, sec. 4, s.v. *gam*.
64. However, the presence of a piece of metal in the same tent as the corpse but not in contact with the body of the *kohen* is insufficient since, although some early authorities disagree, Rambam, *Hilkhot Tum'at Met* 5:13, rules that metal, although it became defiled in the tent of a corpse, does not itself defile persons or utensils other than by tactile contact. See *Teshuvot ha-Rashba*, I, no. 476.
65. Cf., *Teshuvot Ohel Mosheh*, II, no. 122, note 4, who in a similar manner asserts that the act of entry into the tent of a corpse is intrinsically forbidden and constitutes a transgression that is independent of any defilement entailed thereby.
66. See *Jewish Chronicle*, November 2, 2001, p.1. See also *ibid.*, November 9, p. 1 and November 16, 2001, p. 1.
67. As noted earlier, it is for that reason that most rabbinic decisors rule that plastic utensils purchased from a non-Jew do not require immersion.
68. As opposed to an ordinary sheet of plastic which, even if wrapped around an object or person and sealed, does not have the status of a *keli* and hence cannot serve as a *zamid patil*.
69. A similar issue arises with regard to the immersion of disposable cooking or eating utensils. For a review of halakhic literature addressing that question see this writer's *Contemporary Halakhic Problems*, II (New York, 1983), 43-45.
70. The basis for *Kanfei Yonah's* assertion, p. 28, note 154, that, unlike a plastic bag, a disposable plastic cup has the status of a *keli* because "it has the appearance of a *keli*" is unknown to this writer.

From the Pages of Tradition

THE WISDOM OF R. HAYYIM OF VOLOZHIN

In 1901, R. David Bunimovitch published a biography of a devoted disciple of R. Yisrael Salanter, R. Eliyahu Levinsohn (1820-1888)—affectionately known as R. Elinka Kretinger—who, as a banker and magnate, was a leading supporter of Torah in Czarist Russia.¹ In passing, Bunimovitch recorded an anecdote he had heard about R. Hayyim of Volozhin, which we present here in translation.² Only the cast of characters needs to be identified; the text speaks for itself.

R. Hayyim of Volozhin (1749-1821) was the leading disciple of the Gaon of Vilna. In 1803 he founded the Volozhin³ yeshiva, which became the prototype for the great Lithuanian yeshivot of the nineteenth and twentieth centuries and their successor yeshivot of the twenty-first century. His published writings include *Nefesh ha-Hayyim* on Jewish thought, *Ruah Hayyim* on *Avot*, and responsa.⁴

R. David of Novaredok (1769-1837), author of *Galya Massekhet*, one of the great classics of Lithuanian responsa and *hiddushei Torah*, served as Chief Rabbi of Novaredok⁵ from 1794 until his death.⁶

R. David of Mir (1767-1846), whose full name was R. Yosef David Eisenstadt, served some fifty years as Chief Rabbi of Mir.⁷ From 1835 until his death, he also served as head of the Mir yeshiva.⁸

Yosef Kabak was a wealthy businessman in Novaredok.⁹

* * * * *

In Novaredok, there resided the Gaon R. David, author of *Galya Massekhet*. In the town Mir, there resided the Gaon R. David. There was a lawsuit between members of the two Jewish communities that had to be settled, and the rabbis of Novaredok and Mir traveled to Volozhin in order to present the case before R. Hayyim for adjudication. The case was decided in favor of the rabbi of Mir. This,

despite the fact that the rabbi of Novaredok adduced strong proofs from the Talmud and the early decisors justifying his position.¹⁰ The Gaon R. Hayyim dismissed all his proofs and ruled in favor of the Gaon of Mir. From that time on, the rabbi of Novaredok bore a grudge in his heart against the Gaon R. Hayyim of Volozhin.

It was the practice in those days that all the Gaonim used to gather at the fairs held in Zelva.¹¹ Yosef Kabak of Novaredok regularly attended the fairs at Zelva. Several people asked him: "Why is it that your rabbi does not attend the fairs at Zelva?" Once, several days before the fair at Zelva, Yosef Kabak came to R. David of Novaredok and informed him: "People always ask me why you don't attend the Zelva fair. I'm planning to go to the fair, so why don't we travel there together?" The rabbi of Novaredok responded: "And how will I pay for room and board in Zelva?" Indeed, since the charge for renting a room was five Polish gold coins, he could not afford to pay for room and board. Yosef Kabak informed him: "I will cover the costs of room and board as well!" R. David of Novaredok agreed to travel together with Yosef Kabak, for he was a wealthy man and had a two-horse carriage ready for the trip to Zelva.

When they arrived at Zelva, R. David saw that all the rabbis were going to greet R. Hayyim of Volozhin. He thought to himself: "I too must go to greet him." Even though he still bore a grudge in his heart against the great Gaon R. Hayyim, he went nonetheless. The Gaon R. Hayyim greeted him with love and respect and asked him: "Would you like to adjudicate a case that I could send your way? The parties will pay ten rubles for your services." R. David replied: "I accept your offer with great joy." The very next day two Jews came to him and each presented his argument. The one claimed such and such was the case; and the other claimed such and such was the case. It was very difficult to get the two sides to agree on a compromise; nonetheless, after several days of argumentation the case was settled and R. David was paid the ten rubles. R. David's face glowed.

R. David returned to R. Hayyim of Volozhin, informed him that he had been paid the ten rubles, and thanked him. R. Hayyim of Volozhin asked him: "What were the specifics of the case, and in whose favor was it decided?" R. David explained to him that such and such did they argue, and such and such was the decision. The Gaon R. Hayyim responded: "You did well in your decision. You decided the law properly." A few moments later, the awesome Gaon R. Hayyim began to pace back and forth in the room. He turned to the rabbi of Novaredok and

said: "Tell me my dear friend R. David, was this case not precisely the same as the lawsuit that involved you and the rabbi of Mir? And you decided your case in Zelva exactly in the same manner that I had decided the earlier lawsuit!" R. David was stunned. After a prolonged silence, he regained his composure and admitted: "Indeed, it is precisely as you say!" The Gaon R. Hayyim continued: "Today you decided exactly as I did. But back then you opposed my decision. That was because then *you were an involved party*. It hardly accrued to your honor that I decided in favor of the rabbi of Mir. So you adamantly sought proofs against my position. But today, in the case that came before you, you decided exactly as I did." R. David admitted to him that, indeed, because he had been an involved party, he had adduced "proofs" in order to counter the decision of R. Hayyim. R. David parted from R. Hayyim of Volozhin, now at peace with him.

After the death of the righteous Gaon R. Hayyim of Volozhin, one of the two litigants—who had appeared in the case before R. David of Novaredok at Zelva—met up with R. David. R. David recognized him and asked him whether all the specifics of the decision were carried out by the litigants according to his instructions. The man began to laugh and then explained: "I have no idea who the other litigant was in the case we brought before you. The Gaon R. Hayyim of Volozhin selected the two of us for we both were graduates of the Volozhin yeshiva. He primed us, and provided us with the very words we presented in argument before you. He also provided us with the ten rubles with which to pay you for rendering the decision."

Once again the rabbi of Novaredok was stunned. He said: "Now I realize how great R. Hayyim was. There is no one alive like him." He then called for Yosef Kabak and told him the entire story. He added: "Is there to be found anyone like him, a man in whom the spirit of God rests, and who can do such great deeds?" He then cried profusely over the passing of such an awesome and holy Gaon.¹²

NOTES

1. D. Bunimovitch, *Mikhtav me-Eliyahu* (Vilna, 1901).
2. *Ibid.*, pp. 19-21. Bunimovitch indicates that he heard the anecdote from "the honorable teacher and rabbi, R. Nahum Eliyahu Kabak of Novaredok." Dov Eliach, *Avi ha-Yeshivot* (Jerusalem, 1991), vol. 2, p. 502, n. 28 identifies him as a son of Yosef Kabak, one of the involved parties. In a footnote appended to the account in Bunimovitch, M.M.Z.—(not identified, but according to Eliach, *loc. cit.*, the initials stand for: Menahem Mendel

- Zalmanowitz) the editor of the Bunimovitch manuscript—notes that he heard the same story from R. Hayyim Hillel Fried, a great-grandson of R. Hayyim of Volozhin.
3. Volozhin, a town in Belarus, is some 65 miles southeast of Vilna. For a history of the Jewish community of Volozhin, see E. Leoni, ed., *Volozhin* (Tel-Aviv, 1970).
 4. See the biographical account in Dov Eliach, *op. cit.*
 5. Novaredok is a Jewish pronunciation and spelling for Novogrudok (Polish: Nowogrodek), now in Belarus. One of the oldest Jewish communities in Lithuania, its rabbis included R. Isaac Elhanan Spektor (d. 1896) and R. Yehiel Mikhel ha-Levi Epstein (d. 1908). It was also a major center for the study of *Musar* under the leadership of R. Yosef Yozil Hurvitz (d. 1920). For a history of the Jewish community of Novaredok, see E. Yerushalmi, ed., *Pinkas Novaredok* (Tel-Aviv, 1963).
 6. See the biographical account in David Wolbrinski and Moshe Markowitz, *le-Korot Ir Novaredok ve-Rabbaneha* (Warsaw, 1913), pp. 10-11. Cf. R. Barukh ha-Levi Epstein, *Mekor Barukh* (Vilna, 1928), vol. 3, pp. 1184-1192. For some newly published sermons of R. David of Novaredok (in response to Czar Nicholas' conscription of Jews into the Cantonist battalions), see Y.M. Mendlowitz, " 'So Have I Decreed': Sermons Regarding the Cantonists" (in Hebrew), *Yeshurun* 12 (2003), pp. 695-726.
 7. Mir, a town in Grodno oblast, is today in Belarus. Its yeshiva, one of the greatest of the Lithuanian yeshivot, is still thriving in New York City and Jerusalem. For a history of the Jewish community of Mir, see N. Blumental, ed., *Sefer Mir* (Jerusalem, 1962).
 8. See the biographical account in *Rabbotenu she-ba-Gola* (Jerusalem, 1998), vol. 2, pp. 193-198.
 9. See E. Yerushalmi, *op. cit.*, p. 43.
 10. It is not without interest to note that twelve years after the death of R. Hayyim of Volozhin—in 1833—the two Rabbi Davids were involved in yet another dispute with each other. Again, R. David of Novaredok adamantly insisted that he was right and R. David of Mir was wrong. See *Galya Massekhet* (Vilna, 1844), vol. 1, *simanim* 1-4, pp. 1-8. Cf. A. Bergman, *Shimmusha shel Torah* (Benei Brak, 1995), pp. 42-43.
 11. Zelva, a town in Belarus, is some 55 miles southeast of Grodno, on the road to Slonim. Novaredok, Mir, and Volozhin are all within a 100-mile radius of Zelva. With the dissolution of the Council of the Four Lands in 1766, the Zelva fairs became the customary meeting place for the rabbis of Lithuania.
 12. Cf. R. David of Novaredok's moving eulogy over R. Hayyim of Volozhin, delivered during the week of *shiv'a* in 1821, and published in *Galya Massekhet*, vol. 2, pp. 65-66.

Communications

Tradition welcomes and encourages letters to the editor. Letters, which should be brief and to the point, should not ordinarily exceed 1000 words. They should be sent on disk, together with a double-spaced hard copy, to Rabbi Michael A. Shmidman, Editor, Congregation Keter Torah, 600 Roemer Avenue, Teaneck, NJ 07666. Letters may be edited.

STEM CELL RESEARCH

TO THE EDITOR:

As always, Rabbi Bleich's collection of sources in his article "Stem Cell Research" (*Tradition* 36:2, Summer, 2002) is thorough and his analysis well considered. I would, however, like to question two assertions that he makes.

In reviewing the discussion by Rabbi Shelomo Zalman Auerbach of the potential application of the principle that halakha disregards subvisual phenomena, commonly applied to justify our drinking water and breathing air that are full of microscopic organisms, he notes that R. Auerbach dismisses the applicability of this principle in the context of genetic engineering. He cites R. Auerbach as rejecting this application, because "since people engage themselves (*metaplim*) with these particles . . . this must be considered as visible to the eyes and not at all comparable to worms that are invisible." "Put somewhat differently," R. Bleich now writes in his own voice, "it may be argued that halakha disregards subclinical phenomena only when they are freestanding . . . [W]hen such subvisual phenomena serve as causal factors yielding readily perceived effects, cognizance must be taken of such phenomena, he [R. Auerbach] asserts, because they are . . . recognizable in their effects." These are in fact two arguments, and not one. In determining the relevance of the subvisual phenomenon, the first considers the intentions of the actors. The second looks to its future effects. While here they appear to be linked, since the attention paid to them is due to their effect, this need not be the case. We can imagine attention being paid for theorized reasons, for instance the belief that particular genetic signatures increase the wholesomeness of a product, without this being tied to any known effect. Philosophically, these are different assertions which require separate consideration, and, as such, they should not be conflated. In fact, R. Auerbach only makes the first argument. The latter is R. Bleich's