***Kedushat Aviv*:**

**Harav Aharon Lichtenstein *zt”l***

**on the Sanctity of Time and Place**

**Rav Elyakim Krumbein[[1]](#footnote-1)**

Harav Aharon Lichtenstein, [*Kedushat Aviv: Iyyunim BeKedushat HaZeman VehaMakom*](https://www.korenpub.com/maggid_en_usd/kdushat-aviv.html), edited and adapted by R. Shai Lichtenstein, asst. ed. R. Chaim Navon (Maggid and Yeshivat Har Etzion, 2017).

512 pp., with source and subject indexes.

*Kedushat Aviv: Iyyunim BeKedushat HaZeman VehaMakom* consists of previously unpublished writings and lectures of Rav Aharon Lichtenstein *zt”l*. Rav Aharon would periodically carve out time from his enormous duties as a teacher of Torah in order to cultivate this scholarly endeavor, the study of the concept of “sanctity.” He had hoped and planned that the work would develop into a book of three parts, discussing the sanctity of time, place, and personalities. Unfortunately, this dream was not fulfilled during his lifetime. Now, however, Rav Aharon’s son, R. Shai Lichtenstein, has edited and published the present volume, with the help of family members, disciples, and generous donors.[[2]](#footnote-2) The volume covers two topics – the sanctity of time and the sanctity of place.

### A Book of Thematic Studies

This volume belongs to the genre of thematic studies. It is not a collection of novellae on the Talmud or the Rambam or the like, but rather an examination of the various aspects of a particular topic. Such works take upon themselves a formidable task – collecting passages from all across the Talmud in which a particular issue is discussed by *Chazal*, arranging the principles arising from the sources, and clarifying the inner relationships between the various parts.

These works can be classified according to their various approaches. Some authors attempt to turn an obscure topic into a “*Shulchan Arukh*” (e.g., the *Minchat Kohen* on the laws of forbidden food mixtures). Others strive primarily to deal with the difficulties of the topic and to rule about matters that are subject to doubt (e.g. *Shev Shemateta*), and, in recent generations, the goal may be to define the concepts in depth (e.g. *Sha’arei Yosher*). Rav Aharon, as a prominent scholar of the Brisker approach, belongs to the latter group. The author immerses himself in the depths of Halakha and takes advantage of his mastery of the Talmudic passages, the *Rishonim*, and the *Acharonim* (attested to by indices at the end of the volume).

We were already able to benefit from the essays published in Rav Aharon’s previous book, [*Minchat Aviv*](https://www.korenpub.com/maggid_en_usd/minhat-aviv.html), some of which constitute comprehensive thematic studies in themselves (see, for example, his examination of the issue of “*lishmah*”). The current volume, however, is an entirely new development. The scope is astounding, and the imagination and ambition are inspiring. Leafing through the main headings, most of which are dealt with at length, reveals that the book covers the major issues relating to the sanctity of time and place. The first part deals with the sanctity of Shabbat and Yom Tov, Kiddush, the sanctity of Yom Kippur, the Sabbatical and Jubilee years, the sanctification of the months, and the intercalations of the calendar. The second part opens with the sanctity of *Eretz* *Yisrael*, and then moves on to the sanctity of walled cities, Jerusalem, the Temple Mount, and the Temple and its various parts.

In *Kedushat Aviv*, Rav Aharon applies the unique scholarly approach that characterizes all of his teachings in order to elucidate the topic of sanctity. We will note below several points relating to the author’s methodological approach.

### The Shades and Precision of Familiar Concepts

The grand plan of the work allowed Rav Aharon to give free rein to the fullness of his originality. This originality stems not necessarily from flashes of brilliance, but rather from the author’s fundamental and thorough examination of the material under study.

To illustrate this, let us examine one small element of a discussion concerning the sanctity of *Eretz* *Yisrael*, a classic subject in Talmudic scholarship. The chapter opens with a review of some of the well-known doctrines, as taught by the sages of Brisk – first and foremost the distinction between the “sanctity” of *Eretz Yisrael* and the “name” of *Eretz* *Yisrael*. This duality regarding the unique status of the land has a number of practical ramifications, which are quite familiar to anyone at home in the beit midrash. Thus, for example, the geographical scope of the “name” of *Eretz* *Yisrael* extends to the broad boundaries of the land conquered by those who came out of Egypt (as opposed to the narrower borders achieved by the returnees under Ezra). Also, it is never cancelled, even according to those who say that the initial sanctification of *Eretz* *Yisrael* did not hold for the future. Third, it obligates only some of the commandments connected to *Eretz* *Yisrael* (for example, *egla arufa*, but not *terumot* and *ma’asrot*). Rav Aharon considers these classical matters and declares that “Heaven has left me room to illuminate another facet of the issue.” From here he continues with novel clarifications and further developments that greatly broaden the halakhic concept of *Eretz* *Yisrael*, as the traditional dichotomy is restrictive and there is no reason to assume that it is necessarily true.

Rav Aharon argues that in addition to the sanctity of the land of *Eretz Yisrael* (which obligates the setting aside of *terumot* and *ma’asrot*), we can speak of three different concepts that underlie the “name” of *Eretz Yisrael*: 1) the chosen land in which the *Shekhina* rests; 2) the place where the sanctity of the Temple spreads out gradually (as explained in the first chapter of *Keilim*), this being reflected in the laws governing the removal of the ritually impure from the camp; and 3) the land where the people of Israel become a united community and in which they fulfill their public duties (e.g., *egla arufa*).

It is, of course, possible to attribute all of these things to the “name” of *Eretz* *Yisrael* and assume that they all apply within the borders of the land conquered by those who left Egypt. But Rav Aharon writes, in his characteristic language, that “one can distinguish between the different aspects.” It is possible, for example, that the indwelling of the *Shekhina* sanctifies the land independently of any connection to the Temple. It is also possible that neither of these is necessary for regarding the people of Israel as a community dwelling in their own land.

This approach allows for a certain flexibility when we attempt to define the geographical entity of *Eretz Yisrael*. It may be argued that the covenantal boundaries of Abraham are the determining factor regarding a particular matter, but regarding a different matter, it is the boundaries mentioned in *Parashat Masei* or the boundaries of the conquests of Yehoshua. This discussion is entirely independent of the idea of the “sanctity” of *Eretz Yisrael* regarding *terumot* and *ma’asrot*, which relates to the land settled by those who ascended from *Bavel*.

Thus, we are liberated from the fixed idea that anything unrelated to *terumot* and *ma’asrot* depends on the boundaries of the land conquered by those who left Egypt. The dichotomous approach is indeed convenient, and it may, in fact, be implicit in the words of the Rambam. However, dissociating from it is important, for example, when we discuss Transjordan. This area was certainly subject to the laws of *terumot* and *ma’asrot* during the First Temple period by Torah law, but it is referred to as an “impure land” in Scripture. From this the Radbaz learns that in Transjordan there is “sanctity of *mitzvot*,” but no “sanctity of the *Shekhina.*”We see, then, that the sanctity of the *Shekhina* is not found in all places conquered by those who left Egypt, despite their possessing the sanctity of the land with respect to *mitzvot*. According to the conventional terminology, this situation is difficult to explain, to say the least. In this context, Rav Aharon cites the *Sifre Zuta*: “Transjordan is not fit for the house of the *Shekhina*.”

Another example relates to the sanctification of the month. It is generally assumed that the sanctity of time depends on human action, as expressed in the blessing, “*Mekaddesh Yisrael veha-zemanim*”(He sanctifies Israel, who sanctify the appointed times). In Rav Aharon’s chapter on the topic, this statement is treated thoroughly, systematically and in detail.

First of all, we may ask: Who is “Israel” in this context? Does it refer to a court of three, the Great Sanhedrin, the leaders of the people (“Moshe and Aharon,” according to Scripture), the nation of Israel as a collective, or the people of Israel as individuals? The fact that there are so many possibilities necessitates precision in definition, and, as mentioned above, a readiness for liberation from convenient dichotomous thinking.

The added value in this discussion is significant. Some of the options mentioned appear in the existing literature, usually in a narrower and more localized version. For example, the controversy about whether the sanctification of the month requires a Sanhedrin is well-known and has been amply discussed. But here it plays a role not in a “closed” two-sided investigation, but in an open inquiry: Who is “Israel” with regard to the sanctification of the *mo’adim*? The horizons of consideration and understanding have thus been greatly broadened.

As for the fundamental question, a distinction must be made between the law in practice and the law in principle; it is possible that in practice the *mo’adim* are determined by a court, but as representatives of the people. It must also be kept in mind that the process of establishing the *mo’adim* is complex and has stages that can be distinguished from one another – the deliberations, the final decision, and the actual sanctification. We may propose, for example, that in principle the decision is in the hands of the community, but the court acts on their behalf; regarding the actual sanctification, however, the court acts independently. The practical ramification is that the decision itself must be made in *Eretz Yisrael* (the place of the people of Israel as a national entity), whereas the actual sanctification can take place anywhere. The identity of the body that performs the actual sanctification is also a central question when it comes to exceptional situations in which human involvement is in doubt – for example, when the month is not sanctified at its appointed time, but is rather “sanctified by Heaven.” Is there still a role for the court in such a case? Rav Aharon demonstrates that this issue is subject to a dispute.

The proceeding discussion turns to the manner in which the calendar is determined in our times, in the absence of a Sanhedrin and authorized judges. Does this prove that in the end the human factor is dispensable? Once again, the answer depends upon differing opinions – whether the calendar in our day is determined in practice by the inhabitants of *Eretz* *Yisrael* (Rambam), by an earlier decision made by R. Hillel II and his court (Ramban), or “in Heaven” (Ri Migash). The Ramban’s view is ostensibly the “conservative” one, as in his view, the mechanism for sanctifying the month remains in principle as it was throughout history, with one “slight” deviation – the matter was settled long in advance. Rav Aharon, however, with his penetrating observation, discerns a great difference between projective astronomical calculations and what took place during the time of the Temple. The latter was a direct sanctification of the current month in present time, whereas the court of Hillel established a calendar as a long-term directive, which dictates the *mo’adim* in advance based on how they fit the pre-determined framework. Thus, it turns out that, contrary to what we might have thought, the Ramban actually agrees with the Ri Migash, and not with the Rambam, that in our time the *mo’adim* become sanctified on their own, without any direct sanctification on the part of the court.

### The Role of the Written Law

The volume under discussion is unique in its creative use of biblical verses. The window to this methodology was opened wide by the founder of the Brisker approach of Talmud study, who relied heavily on the idea of “*gezeirat ha-katuv*,” “Scriptural decree,” beyond what is generally found in the literature of the *Acharonim*. (Compare, for example, the number of times that the term “*gezeirat ha-katuv*” appears in R. Chayim Ha-Levi’s novellae and how many times it appears in the *Ketzot Ha-Choshen*.) As a rule, this Brisker approach demonstrates sensitivity and precision with regard to the meaning arising both from the wording and from the context of the biblical text.

For example, we mentioned earlier that Rav Aharon distinguishes between two levels of human involvement in determining the calendar: establishing a system of dates, which can be done in advance, as opposed to immediate and direct sanctification. According to the Ramban, the calendar of R. Hillel II fulfills the first component, but it lacks the direct sanctification. R. Aharon identifies these two aspects in two different passages of the Torah. In *Parashat Emor*, we read: “These are the appointed seasons of the Lord… which you shall proclaim in their appointed season.” This describes a “proclamation” of a calendar as a framework, which can be done on a comprehensive scale and even long in advance. In contrast, in *Parashat Bo* we read: “This month shall be to you the beginning of months” – the source for the sanctification of each month in its time based on a sighting of the new moon. Thus it may be suggested that in our time, according to the Ramban (as well as the Ri Migash), we fulfill the command in *Emor*, but we are unable to carry out what is stated in *Bo.* From this it may be concluded that this element is not indispensable. On the other hand, according to the Rambam, who maintains that even in our time, the sanctification of the appointed times is executed in a direct manner, we fulfill both elements – the proclamation and the sanctification.

Rav Aharon uses the same method in his comprehensive discussion of the sanctity of Shabbat and Yom Tov, with which the book opens. Here the recourse to biblical texts is more extensive and is consistently present in the discussion. This is already apparent at the beginning of the essay, which is devoted to an examination of the Torah passages dealing with Shabbat, to the distinctions between them, and to their halakhic ramifications.

Rav Aharon’s main argument is that the verses in the passage of “*Ve-shamru Bnei Yisrael et ha-Shabbat*” in *Parashat Ki-Tisa* constitute a change with respect to the discussions of Shabbat in *Yitro* and in *Mishpatim*. *Parashat Ki-Tisa* introduces the concept of desecrating the Shabbat, as well as the death penalty for that offense. Prior to these verses, the foundation of Shabbat lay in its being a reminder of the act of Creation, and this foundation gave rise to the *melakhot* as prohibited actions. But in *Parashat Ki-Tisa*, the Torah presents Shabbat as a sign of the covenant and as a focus of the resting of the *Shekhina*, which is why these verses are found in the context of the commandment regarding the building of the Tabernacle. Only now does performing a forbidden action on Shabbat become its desecration – after it has been established that it has sanctity that is subject to desecration (just as the sanctity of the Temple is desecrated by the entry of something that is ritually impure). The liability for the death penalty is not for the performance of the prohibited labor in itself, but for its consequence – the desecration of the sanctity.

Thus, there are “two *dinim*” regarding the sanctity of Shabbat, and the attribution of various details of the laws of Shabbat to one or the other aspect of the sanctity of the day has halakhic ramifications.

Rav Aharon further explains why the prohibited labor of kindling is mentioned separately in *Parashat Vayakhel* (on the assumption that there is no halakhic difference between it and any other prohibited labor, on the Tannaitic view that its specification is a mere illustration of separate culpability for each transgression of Shabbat law). Kindling is fundamentally a labor connected to food preparation, and such a labor is prohibited only because of the “covenant” aspect of Shabbat. Therefore, it could not have been prohibited before *Parashat Ki-Tisa.* Hence the difference in the definition of the sanctity of the day between Shabbat and Yom Tov.

We have presented here only a few fundamental ideas on which the author proceeds to expand and build entire edifices.

### A Conceptual Space

Much of the richness of Rav Aharon’s writings derives from his commitment to the truth. By virtue of this commitment, he avoids adherence to conventional ideas and often raises doubts about commonly accepted matters, and thus he entertains many varied possibilities. Some readers will be frustrated by the fact that so much is left in question. In their view, Torah novellae are measured according to their success in clarifying and proving from the sources the opposing sides of the various investigations – “there is no greater joy than the clarification of doubt.” However, from Rav Aharon’s point of view, the ability to maintain a conceptual space in which different possibilities are open is a source of satisfaction. According to the atmosphere of the book, successfully removing a threat to one of the options, thus “proving” that everything is still possible, is a source of relief. This tendency is expressed in phrases such as “it may be argued” or “it may be suggested.” The fact that these possibilities are not directly supported by the views of any of the *Rishonim* is not a reason to ignore them.

For example, according to the well-known position of the Rambam, the opinion that maintains that a gentile’s purchase of land in *Eretz* *Yisrael* cancels the sanctity of the land for the purpose of *terumot* and *ma’asrot* further argues that the exemption continues even if the land is bought back by a Jew. This is because the Jew’s purchase falls into the category of “the conquest of an individual,” as opposed to a national acquisition. Rav Aharon explains at length why this is not necessarily so, despite the ruling of the Rambam. It is possible that even according to the view that the gentile’s ownership cancels the sanctity, that sanctity returns when Jewish ownership of the land is restored. First of all, the Rambam assumes that “the conquest of an individual” is a problem even in *Eretz Yisrael* itself, and not only in Syria, a matter that is subject to dispute. Second, it may be suggested that when all of *Eretz* *Yisrael* is in Jewish hands, the private purchase of a particular field joins the collective ownership and becomes part of the conquest of the community, despite the fact that the purchaser himself is interested only in his private ownership. It is further possible that even if the purchase is the conquest of an individual and it cannot sanctify the land directly, it is able to join the field to the part of *Eretz* *Yisrael* that is already holy, and thus is endowed with automatic sanctity. It is also possible that even if the gentile’s purchase of the land cancels its sanctity, it is not fully cancelled (as would be in a situation of destruction or of general foreign occupation), but is rather temporarily frozen, and it is therefore liable to reveal itself once again without another act of sanctification.

In a related matter, the author discusses the view of R. Chayim Brisker regarding the status of the laws relating to the sanctity of the land when the majority of the nation is not found in *Eretz Yisrael*. According to the Rambam, during the time of the Second Temple there was no obligation to set aside *terumot* and *ma’asrot*, since there was no return of all (or most) of the people of Israel in the days of Ezra, “*bi’at kulkhem*.” R. Chayim explains that this deficiency is not an independent condition for obligation, but rather a deficiency in the sanctity of the land. In accordance with this understanding, he assumes that the criterion of “*bi’at kulkhem*” refers to the moment of the sanctification of the land (the time of Ezra’s arrival). If it fails at that point, the situation is irrevocable despite subsequent immigration.

Rav Aharon raises doubts about this in light of the Rambam’s statement, “The Scriptural commandment to separate *teruma* applies only in *Eretz* *Yisrael* and only when the entire Jewish People is located there,” which does not mention this limitation. Even according to R. Chayim’s fundamental assumption, Rav Aharon asks, why not consider the later joining of most of Israel to be a continuation of the conquest, despite the fact that they did not arrive in the days of Ezra? Rav Aharon then proposes a different understanding that undermines the position of R. Chayim. It is possible that what was suggested above regarding gentile ownership is also true of gentile conquest. In other words, even at a time of destruction, the sanctity of the land is not totally cancelled, but only frozen. This is because the sanctity of the land stems from its designation as the inheritance of the people of Israel. When the people of Israel are not there, the sanctity exists in potential. The people of Israel’s realized possession of and control over the land actualizes this sanctity. It is therefore possible that what is referred to as an “act of sanctification” of *Eretz* *Yisrael* is in fact merely the fulfillment of a condition for revealing this sanctity in actuality.

Even if we do not accept this understanding concerning the sanctification of Ezra, it is possible to accept it with regard to the condition of “*bi’at kulkhem.*” And even if Ezra had to perform some formal act of sanctification, after him – and even in our time, when the second sanctification is still in force – we certainly do not need “*bi’at kulkhem*” as part of the act of sanctification, but, as stated, as a reality that actualizes the destiny of the land and reveals its full sanctity.

These musings and their like open many theoretical avenues regarding concepts of sanctification and the sanctity of *Eretz* *Yisrael*, as well as their application in practice.

### What is Sanctity?

Thus far we have noted some of the scholarly qualities of the book, but attention must also be paid to its contents. Given that the book encompasses so many facets of the laws of sanctity, does it also have something important to say about the nature of sanctity in the eyes of Halakha?

The editors of the book have done us a service by appending an essay that addresses this question, and we will make use of it here to deal with the issue, however briefly. The chapters of this volume reveal a conception of sanctity that is not only multi-faceted in itself, but is the object and background for human activity that reciprocally alters its nature. The Torah does not view sanctity as a guest from another world that lands in the human-natural world and transforms its order. On the contrary, it is integrated into the life of the individual, who responds to it with reciprocity and creativity. Sometimes a person will find himself reacting to the appearance of sanctity with a declaration and with recognition, this in order to receive and integrate it into his earthly life, but without creating a new dimension. On the other hand, a person often does add a new dimension to existing holiness, what Rav Aharon calls its human “stratum.” Another possibility is not to add a new dimension to sanctity, but to “deepen” the existing dimension. These two latter options are certainly distinct, and illustrate once again the author’s close attention to precise definition and classification. Finally, of course, there are cases in which man’s activity is the primary source of sanctity – whether deliberately initiated or spontaneously generated. At the same time, on the negative side, we must examine the situations in which a person can cancel holiness, or desecrate and impair it without abolishing it altogether, and when existing sanctity is completely indifferent to human actions. The editors illustrate these various avenues using detailed examples from the book.

The pages of *Kedushat Aviv* faithfully reflect the image of the author, who invested his heart and soul in this work. The volume exemplifies his love of Torah and his passion for truth, and provides an inspiring model of personal creativity. These are the foundations of Rav Aharon’s heritage, now bequeathed to his disciples.

1. Translated by David Strauss [↑](#footnote-ref-1)
2. The book’s introduction details which chapters were written by Rav Aharon himself and which are based on recordings and notes. [↑](#footnote-ref-2)