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HaRav Yosef Grossman zt"l



FISH OF SCALE: IS THE LIVYASAN KOSHER?

Adapted from the writings of Dayan Yitzhak Grossman

AP News reports:

Meat from fin whales caught for the first time in nearly 50 years off Japan's northern coast fetched up to more than \$1,300 per kilogram (2.2 lbs) at auction Thursday, as officials try to keep the struggling industry alive.

Japan's Fisheries Agency this year added fin whales to its list of three whale species that can be legally hunted as the country expands commercial whaling along its coast...On Thursday, some 1.4 tons of fresh meat from several fin whales caught off Japan's northern main island of Hokkaido was auctioned at the Sapporo fish market and the Kangei Maru's home port of Shimonoseki.

In Shimonoseki, where 250 kilograms (550 lbs) of fin whale meat was flown from Hokkaido for the event, the tail meat—a delicacy known as "onomi"—fetched the

day's highest price at 200,000 yen (\$1,312) per kilogram (2.2 lbs), according to the city's fishery promotion department... Nobuhiro Kishigami, a professor and expert on indigenous whaling at the National Museum of Ethnology in Osaka, said whale meat is eaten in some whaling towns but rarely in Tokyo or elsewhere in Japan. Whale meat is more expensive than beef or other meat.

"It is not a kind of food you have daily, but a delicacy...If it is not accessible and delicious, well, let's leave the taste aside, it won't sell if it is not cheap and good," he said. "This is supposed to be business, and without large government subsidies, I think it would be extremely difficult for it to be sustainable."

To the best of this author's knowledge, it
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1.Mari Yamaguchi. Fresh fin whale meat is auctioned for the first time in decades in Japan. AP News. <https://apnews.com/article/japan-whaling-meat-fin-8e454678bf9c34f8cd54ad60ebfcd66>.

The Bais Hava'ad
on the
Parsha
Bring the Parsha to Life!

PARSHAS VAYIGASH NAME CALLING

Excerpted and adapted from a *shiur*
by Dayan Ariel Ovadia

And it was, when we went up to your
servant my father...

Bereishis 44:24

Pirkei D'Rabbi Eliezer says that Yosef's life was shortened because he did not protest when Yehuda referred to Yaakov multiple times as Yosef's servant.

The Gemara (Kidushin 31b) and Shulchan Aruch (Y.D. 240) detail numerous aspects of the obligation of *mora* (awe) for parents. For example, one may not contradict his father or mother, or even say that the parent's opinion is correct (*machria*). According to the Shach, one may not even contradict his father in absentia. But the Taz says one may adduce proofs in support of a parent's opinion. He also says that in matters of Torah, it is permitted to disagree in a respectful manner. Thus the Tur often cites both his father, the Rosh, and others who disagree.

The obligation of *mora* also includes not calling parents by their first names, even after their deaths. Moreover, one may not
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Q&A from the
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Diverted Gelt

Q My grandparents gave me Chanukah gelt with instructions to buy a dining room set. May I use the money for something else instead?

A The Gemara (Bava Metzia 78b) cites a *machalokess* between Rabban Shimon ben Gamliel and R' Meir whether a poor person may use funds given to him for the Purim *seudah* to buy a shoe strap.

The Rama (O.C. 694:2), following the Rosh, rules leniently like Rabban Shimon ben
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is unanimously agreed that no whales are kosher. *Acharonim* imply that this is because aquatic creatures are only kosher if they have fins and scales.²

The *livyasan* (Leviathan) is a large and mighty sea creature that appears in several places in Tanach. The Gemara says, based on its description in *Iyov*,³ that it is a kosher fish:

It was taught in a *breisa*: R' Yosi ben Durmaskis says: *Livyasan* is a kosher fish, for it is stated about it: "Its pride is in the strength of its shields...under it are pointed shards." "The strength of its shields"—these are its scales; "under it are pointed shards"—these are the fins with which it swims. (Because it has fins and scales, it is a kosher fish.)⁴

Elsewhere, the Gemara says that the *livyasan* will be served to *tzadikim* in the future:

Rav Yehuda said in the name of Rav: Every creature that Hakadosh Baruch Hu created in His world, He created them both male and female. Also the *livyasan*, the straight snake; and the *livyasan*, the curved snake; He created them male and female. If they would mate (and bear offspring), they would destroy the entire world. What did Hakadosh Baruch Hu do? He gelded the male, and He killed the female and salted it for the righteous in the Future Era, as it says, "And He killed the serpent (*tanin*) that was in the sea."⁵

In light of this latter Gemara, the Maharsha (R' Shmuel Eidels) wonders why R' Yosi ben Durmaskis felt it necessary to establish the kashrus of the *livyasan* via inference from *psukim*, since it is surely inconceivable that Hashem will feed *tzadikim* something that isn't kosher. He suggests that R' Yosi ben Durmaskis was only inferring that *livyasan* is a fish rather than some other creature, like a waterfowl.⁶

But the Lev Aryeh (R' Aryeh Yehudah Leib of Podhaitz) and the Maharatz (R' Zvi Hirsch) Chayes reject the Maharsha's assumption that it is inconceivable that *tzadikim* will eat something that is currently not kosher. They cite Midrashim in support of the idea that the

current rules of kashrus will be abrogated in the future, including one having to do with the *livyasan* itself:

R' Yudan son of R' Shimon said: The behemoth and the *livyasan* are beasts of contest for the righteous in the Future Era; and whoever did not see such a contest of beasts of the nations of the world in this world will merit to see it in the World to Come.

How will they be slaughtered? The behemoth will thrust into the *livyasan* with its horns and tear it, and the *livyasan* will thrust into the behemoth with its fins and pierce it. But the Chachamim say: Is this a valid shechitah? Did we not learn in a Mishnah: "All may slaughter, and we may slaughter with anything, and we may always slaughter, except with a harvesting sickle, a saw, and teeth, because they tear (rather than cut)." R' Avin bar Kahana said: Hakadosh Baruch Hu said, "A new instruction will go forth from Me (Yeshayah 51:4)"—i.e., a novel, anomalous instruction will go forth from Me.^{7,8}

The Maharatz Chayes cites the explanation of the Maharash (R' Shmuel Yaffe Ashkenazi) on this Midrash that it refers to a merely temporary abrogation (*hora'as sha'ah*) of the laws of shechitah,⁹ and he argues that it is similarly possible for the *livyasan* to be a nonkosher fish that will be eaten by *tzadikim* in the future as a *hora'as sha'ah*.

Another putative assertion of Chazal that a current kashrus prohibition will be abrogated in the future is a statement widely cited in the name of a Midrash that the pig is called *chazir* because in the future Hashem will return it (*asid lehachziro*) to Klal Yisrael.¹⁰ While some have understood this statement literally, as an assertion that the consumption of pork will be permitted in the future—the Or Hachaim (R' Chaim ibn Atar) assumes this will be a consequence of the pig becoming a ruminant¹¹—others have interpreted it metaphorically, and some have noted that such a statement is not found in any known Midrash and reject it as inauthentic.¹²

²Shu"t Mekom Shmuel siman 74; Yad Efraim Y.D. 115:4. I am indebted to my *chavrusa* R' Yitzchak Mandel for bringing these sources to my attention.

³Iyov 40:25-41:26. The word *livyasan* also appears earlier in Iyov [38], but while some understand the term there to have its usual meaning of a large aquatic creature, others understand the term there differently; see R' Yosef Caro, Ibn Ezra, Rabeinu Tam, the Ramban, the Raibag, R' Moshe Kirchik, and the Ri Milham.

⁴Chulin 67b.
⁵Bava Basra 74b.
⁶Maharsha Chidushei Agados Chulin ibid. For various other answers to this question, see Chidushei Chasam Sofer ibid. sv. *Livyasan dog tahor hu*, and here (citing the Chazon Ish).

⁷Vayikra Rabbah 13:3.

⁸Lev Aryeh Chulin ibid.; Maharatz Chayes ibid.

⁹Yefei To'ar Vayikra parsha 13 siman 3.

¹⁰Citations of a version of this Midrash in the writings of the Rishonim include Chidushei HaRitva Kidushin 49b and Rosh Amanah perek 13.

¹¹Or Hachaim Vayikra 13:3.

¹²Yefei To'ar Vayikra parsha 13 siman 3. Cf. Sefer Hametzareif (Kunitz) cheilek 1 siman 74 (cited in Taharas Hamayim ma'areches hachess os 20 and Sdei Chemed Klalim Pe'as Hasadeh ma'areches hachess klal 8); Shu"t Ateress Paz cheilek 1 kerech 2 Y.D. siman 6; R' Eliyahu Bracha, Ha'im Hachazir Vityeh Mutar LeYisrael Ba'achilah Le'asid Lavo? Meishiv Bahalacha; Alim Litruifah gilyon 116; Bechoros 24a.

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Gamliel, while the Tur follows the strict view of R' Meir. The Mishnah Brurah (ibid. 7) rules like the Rama and doesn't mention the Tur here, though he does in Hilchos Shabbos (O.C. 242:4). He also cites there from the Sefer Chasidim that one should not eat food that was given to him for Shabbos use on a weekday. The Shulchan Aruch Harav (ibid. 8) says that this Sefer Chasidim is only a *midas chasidus* (pious practice), but the Chavos Ya'ir (232) understands it to be a halachic ruling. He maintains, however, that it applies only to gifts given for mitzvah uses, like Shabbos and Purim meals, where the giver would benefit from the mitzvah performed with his donation.

In summary, it is preferable to use the gift as intended, but if you have pressing needs, you may spend it on them instead. Still, consider the feelings of the benefactor, and make any change tactfully.

The ideas that "a new instruction will go forth" in the future (according to those who don't hold that this is a temporary dispensation) and that the consumption of pork will become permitted (according to those who don't hold that this is because the pig will become a ruminant) seem to violate the fundamental tenet of *Yahadus* that the Torah is eternal and will never undergo modification. A detailed discussion of this issue is beyond the scope of this article, but for references to some of the considerable literature on the topic, discussing the aforementioned sources along with various others that seem to indicate that the Torah will undergo changes in the future—such as the Gemara's assertion that "mitzvos will be nullified in the future"¹³—see the sources cited in the footnotes.¹⁴

¹³Nidah 61b.

¹⁴Sefer Ha'ikarim ma'amar 3 from perek 13; Rosh Amanah ibid.; Yefei To'ar ibid.; Sefer Hametzareif ibid.; Otzros Acharis Hayamim cheilek 1 perek 12; Mitzvos Betelios Le'asid Lavo.

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even call out to someone else with the same name as his parent. (According to the Rambam, this is permitted in the parent's absence if the

name is common.) The Sdei Chemed notes that this might pose a problem for Sphardim, who often name a son after his father, in which case his siblings couldn't call him by name in the father's presence. He concludes

that this is permitted because in such cases the father is *mocheil* (waives) his prerogative.

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