

# HAMA'YAN

## Table of Contents

"Through Those Close to Me Shall I Be Hallowed" / Rav Yoel Catane . . . . .	3
Clarifications in the Rule of <i>Lo Tehonnem</i> / Rav Eitam Henkin <i>HY"D</i> . . . . .	5
The Meaning of Hanukkah Implicit in Maimonides / Rav Matania Ariel . . . . .	17
New Year of the Tree: The Insight of Rav David HaCohen (the Nazir) Explaining the Source of the Disagreement Between Beit Shammai and Beit Hillel / Rav Netanel Arye . . . . .	23
The Source of the Custom for the Congregation to Recite the Names of the Ten Sons of Haman Aloud / Rav Zvi Ron . . . . .	31
"Ye Shall See Them Again No More" / Rav Shemaria Gershuni . . . . .	36
Using Up of Substance in the <i>Melakhot</i> [Crafts] of Shabbat – the Approach of Rav Shlomo Zalman Auerbach <i>ZT"L</i> / Rav Uri Redman . . . . .	43
<i>Tekhelet</i> ['Blue'] and <i>Argaman</i> ['Purple'] for Temple Garments / Yaakov Aharonson . . . . .	53
Fulfilling the Obligation of Translation [ <i>Targum</i> ] through Commentaries on the Torah / Rav Amir Brown . . . . .	57
<b>Halakha and Realia</b>	
Israel's Natural Gas Plan, Preparation of Incense and Accessible Purification in the Temple / Yonathan Rabinovitch . . . . .	64
Kashrut Considerations of Synthetic Meat / Rav Dr. Peter Hanoch Kahn . . . . .	75
<b>Memorials</b>	
Hot Tears for My Close Friend Rav Eitam Henkin <i>HY"D</i> / Rav Yechiel Goldhaber . . . . .	87
Remarks on Parting from My <i>Chavruta</i> [study partner] Rav Eitam <i>HY"D</i> / Rav Shemaria Gershuni . . . . .	89
<b>Responses and Comments</b>	
Is the <i>heter mekhira</i> a forced leniency? / Rav Eliezer Melamed, Rav Boaz Hutterer, Rav Avi Kalman; more on Sabbatical in the Future / Yitzchak Breuer, Rav Yehoshua ben Meir; what is the referent of 'the jug of water spilled on the servant who comes to fill a cup for his master'? / Rav Prof. Shubert Spero, Eliezer Jesselson; on the opinion of Rav S.Z. Auerbach <i>ZT"L</i> in the matter of acceptance of Torah and <i>mitzvot</i> in conversion / Rav Avi Kalman, Rav Yoel Amital; regarding miracles for the wicked / Rav Jacob Koppel Schwartz, Michael Klein; regarding the 250 <sup>th</sup> anniversary of the passing of Rabbi Jonathan Eybeschütz <i>ZT"L</i> / Yitzchak Hildesheimer . . . . .	91
Editorial Review of Recent <i>Torani</i> Publications / Rav Yoel Catane . . . . .	110



Shlomo Aumann Institute, Yeshivat Sha'alvim

B"H, Vol. 216 • Tevet 5776 [56, 2]

## Abstracts

### **Rav Yoel Catane: “Through Those Close to Me Shall I Be Hallowed”**

The editor opens the Hanukkah 5776 issue remembering those recently martyred to sanctify Gd’s name, among them his friend Rav Eitam Henkin and his wife *HY”D*. In several words he explains the great loss to the world of Torah and research following the tragic death of Rav Eitam *z”l*, in addition to the grief and anguish of his family and friends.

### **Rav Eitam Henkin *HY”D*: Clarifications in the Rule of *Lo Tehonnem***

After Rav Eitam fell at the hands of murderers, his computer was found to be, as expected, replete with choice goods: dozens upon dozens of folders containing material he assembled on various topics and articles at various levels of completion. His dear parents have honored the editorial board of *HaMa’yan* with publishing an article which was almost completely edited, an article which constitutes the continuation of Rav Eitam’s incisive clarifications of the Sabbatical laws, a number of which appeared in *HaMa’yan*. One of the principle reasons owing to which many halakhic authorities – with Rav Avraham Yesha’ya Karelitz, author of the *Hazon Ish*, in the forefront – oppose the leniency by sale of the Land to ameliorate Sabbatical restrictions [*heter mekhira*] is the prohibition of *lo tehonnem* [Deut. 7:2], of selling land in Israel to a non-Jew, a prohibition which at first glance decidedly excludes the possibility of implementing the *heter mekhira*. Rav Eitam has examined in depth all facets of the *lo tehonnem* prohibition alongside the corresponding prohibition ‘they shall not dwell in thy land’ [Ex. 23:33]; he has shown that there is a contradiction between Maimonides’ remarks in the *Sefer Hamitzvot* [*Book of Commandments*] where he rules like the Jerusalem Talmud [*Yerushalmi*] and his remarks in the Code where he reverts to deciding like the Babylonian Talmud that it is prohibited to sell land in Israel to any non-Jew; he demonstrates that, in contrast to the conventional impression, the Netziv [Rav Naftali Zvi Yehuda Berlin] did not reject the possibility that the prohibition applies only to a non-Jew who worships idols as is the view of the glossators [*baalei hatosafot*] – indeed in extreme circumstances it is permissible to exercise leniency based on the glossators’ opinion and sell land over the Sabbatical to a non-Jew who is not an idol worshipper. On the other hand, Rav Eitam demonstrates that the leniency of selling a field to a non-Jew for a fixed period of time without violating *lo tehonnem* is broadly based, and underlies the current practice of selling to a non-Jew implemented by the Chief Rabbinate. This is a learned, incisive essay by an erudite, incisive rabbinic scholar [*talmid hakham*]. What a pity that the author is no longer among us! May his soul be bound in the bond of eternal life.

### **Rav Matania Ariel: The Meaning of Hanukkah Implicit in Maimonides**

Rav Matania Ariel is principal of the Derech Chaim high school yeshiva affiliated with Shaalvim. His article opens with eight questions about Hanukkah, among them:

explicating the name of the holiday, the time at which it was set, the rule to be joyous on it, and unusual wording in Maimonides' discussion of Hanukkah in his *Code*. Rav Ariel demonstrates that from Maimonides' remarks concerning the fasts related to the destruction of the Temple, it appears that even after the establishment of the Second Temple they continued to observe these communal fasts, and it was only the victory over the Hellenists which first created a situation in which the Jewish People had control of its land, a situation which may be defined as "peace", and thereafter they ceased fasting. In this way it is possible to understand the greatness of the miracle of Hanukkah – the return of the Divine Presence to Zion and the cessation of Gd's 'concealing His presence' [*hester panim*] for the first time since the destruction of the Temple! Through this observation, the questions posed at the beginning of the article are resolved.

**Rav Netanel Arye: New Year of the Tree: The Insight of Rav David HaCohen (the Nazir) Explaining the Source of the Disagreement Between Beit Shammai and Beit Hillel**

The schools of Shammai and Hillel disagreed as to whether the 'New Year' [halakhic agricultural season] of the Tree occurs at the beginning of the month of Shevat or in the middle. This disagreement might be characterized as nothing more than an empirical dispute stemming from the realia of nature. However, in the writings of Rav David HaCohen – haNazir [the Nazirite], one of the greatest students and confidants of Rabbi Avraham Yitzchak HaCohen Kook – we find an incisive, far deeper distinction between the two opinions which reveals the source of each. Rav Netanel Arye, *Ra"m* [teacher] at Yeshivat haGolan, shows us that what becomes clear after a careful study of the topic as discussed in the Jerusalem Talmud [*Yerushalmi*] and the early authorities [*Rishonim*], in light of the insight of the Nazir, is the encounter between two theological understandings, whose practical halakhic expression is merely the product of fundamental and significant differences in approach.

**Rav Zvi Ron: The Source of the Custom for the Congregation to Recite the Names of the Ten Sons of Haman Aloud**

In our day in many communities on Purim, the congregation recites the names of the ten sons of Haman aloud before the reader reads them from the Megilla. Although reciting other verses from the Megilla aloud is mentioned in the early halakhic literature, reciting the ten sons of Haman does not appear in these works. In fact, Rav Avraham Danzig in his *Chayei Adam* vigorously opposed this practice. Various reasons are given to justify and explain this custom, ranging from the halakhic to the practical. However, the actual historical reason lies in the fact that a variety of verses were always said aloud by the listeners in order to increase the festive nature of the Megilla reading, and reciting the ten sons of Haman reflects one of these diverse communal practices.

**Rav Shemaria Gershuni: “Ye Shall See Them Again No More”**

Rav Shemaria Gershuni, close friend of Rav Eitam Henkin *hy”d* and lecturer in Bible, deals in his article with the explanation of Moses’ assurance to the Jewish People at the ‘Red Sea’ [Ex. 14:13] that ‘they will not continue to see the Egyptians anymore forever’, in accordance with the explication of school of the Vilna Gaon [Rav Elijah ben Shlomo Zalman] and the Volozhin Yeshiva which centers on the term ‘anymore’ [‘*od*’] and its interpretation elsewhere in Scripture. In the background lies a narrative whose heroes are the Netziv [Rav Naftali Zvi Yehuda Berlin] of Volozhin, author of the commentary *Ha’ameq Davar* on the Pentateuch, and his nephew, brother-in-law and student Rav Baruch Epstein, author of the commentary *Torah Temimah* on the Pentateuch. Throughout the story we recognize the character of the Netziv as a *rosh yeshiva* [dean] who educates his students to be persons guided by Torah even when they are outside the yeshiva.

**Rav Uri Redman: Using Up of Substance in the *Melakhot* [Crafts] of Shabbat – the Approach of Rav Shlomo Zalman Auerbach ZT”L**

Rav Uri Redman, head of a *kollel* in Petah Tiqvah, demonstrates that in the opinion of Rav Auerbach *melakha* [creative activity] is prohibited on Shabbat only if the product of its performance is palpably and evidently the result of a prohibited *melakha*. Thus the act of separating is liable since upon completion there is a usable, separated substance, just as there is upon the completion of trapping or cooking. If the material upon which the action was performed is entirely dissipated and no longer exists at the end of the action, or is no longer recognizable – the action is not prohibited *Mideorayta* [Biblically] on Shabbat. This matter fits with Rav Shlomo Zalman’s approach of drawing abstract, uniform rules regarding *melakhot* of Shabbat. In this he disagrees with the approach of Rav Avraham Yesha’ya Karelitz, author of the *Hazon Ish*, and this influences halakhic decisions in many cases.

**Yaakov Aharonson: *Tekhelet* [‘Blue’] and *Argaman* [‘Purple’] for Temple Garments**

Teacher and educator Yaakov Aharonson of Bnei Brak writes about *tekhelet* ‘blue’ and *argaman* ‘purple’ which are discussed in the Tabernacle readings. The garments worn by the priests [*kohanim*] for service in the Temple include *tekhelet*, a dye whose color is a shade of cyan. In his ‘Laws of Temple Instruments and Servers’ Maimonides refrains from specifying this dye’s source. However, we assume that he relies on his statement in the ‘Laws of Fringes [*tzitzit*]’ that “the *tekhelet* mentioned in the Torah is extracted from the blood of a *hilazon* [an aquatic creature]”. The identification of the *tekhelet* to be used for the Temple garments with that used for *tzitzit* leads us to compare two of Rashi’s glosses on the Torah: Concerning the Temple garments he states that “*tekhelet* is blue”, while in the chapter on *tzitzit* he describes its appearance as “the sky towards evening”. Despite these stylistic differences, it appears that both sources refer to the blood of a *hilazon* whereas his latter statement explains how *tzitzit* is reminiscent of the nocturnal Exodus through

the dark color of its *tekhelet*. The availability of *tekhelet* in the wilderness devoid of water may be explained as deriving from the spoils of the Exodus. Incidentally, the method of extracting *argaman* [a shade of purple] is not described in the Talmud or Midrash, apparently because the Talmud was compiled after the destruction of the Temple, at which point it had no contemporary ritual utility. Said purple pigment continued to be used to dye ordinary cloth and was much cheaper than the *tekhelet* derived from a marine source.

**Rav Amir Brown: Fulfilling the Obligation of Translation [*Targum*] through Commentaries on the Torah**

For many generations the Jewish people have been meticulous about reading “*shenayim mikra ve’echad targum*” – reciting the text of the weekly reading twice and the translation once. Some use Onkelos for the translation, others choose Rashi, and still others read both. The question is whether the above options are the only options, or may one also discharge this obligation by reading other commentators as “*targum*”. The author begins by discussing the opinion of Rosh [Rabbi Asher Ben Yechiel], who is the first source to suggest employing Rashi’s commentary in place of Onkelos’ translation, and examines whether indeed the intention of Rosh was to use Rashi’s commentary specifically, or might other commentators also be acceptable. Finally he discusses whether it is halakhically possible to use other commentaries to fulfill this mitzvah.

**Yonathan Rabinovitch: Israel’s Natural Gas Plan, the Preparation of the Incense and Accessible Purification in the Temple**

The huge natural gas reservoirs discovered in Israel’s territorial waters in the Mediterranean Sea have been the subject of heated political debates about the rights and obligations of entrepreneurs and investors vs. the responsibility of the government to prevent monopolization of national resources. This article shows that our Sages [*Hazal*] dealt with similar dilemmas with regard to the day-to-day operation of the Temple. The Mishna in Yoma seems to harshly condemn some of the central functionaries in the Temple, including the Avtinas family, who were responsible for the preparation of the incense. An examination of Maimonides’ interpretation of the financial agreements reached with other Temple appointees sheds light on the reasons for the condemnation.

**Rav Dr. Peter Hanokh Kahn: *Kashrut* Considerations of Synthetic Meat**

The advancement of modern science has brought along with it numerous interesting and novel questions. Among the more exciting questions posed by modern science is whether synthetic meat which is created in laboratories using stem cells can be thought of as kosher, and if so, whether it can be consumed with milk. The author, a *ben torah* [Torah person] and physician, investigates this question through various halakhic paradigms, and ultimately concludes that such meat may indeed be

kosher if prepared properly, however numerous conditions must be met for the meat to be considered kosher.

## Memorials

Two friends of Rav Eitam Henkin *HY"D* – veteran researcher Rav Yechiel Goldhaber of Jerusalem, who, ever since he ‘discovered’ Rav Eitam in one of his articles in *HaMa'yan* as an expert in the history of the Jerusalem rabbinate, established a close connection with him, and the educator and *lamdan* [Torah scholar] Rav Shemaria Gershuni who was Rav Eitam's *chavruta* [study partner] and friend and research colleague and co-author for many years – recollect and mourn their friend *z"l*, each in his own manner and from his own point of view.

## Rejoinders and Comments

Rav Melamed and Rav Hutterer of the Har Bracha Yeshiva and Rav Avi Kalman of the Har haMor Yeshiva respond to the arguments of Rav Petrower in the previous issue, that the leniency by sale [of the Land to ameliorate Sabbatical restrictions – *heter mekhira*] is a forced leniency of which it is not possible to avail ourselves in our day, and Rav Yehoshua ben Meir and Yitzchak Breuer discuss again the way in which the Sabbatical will be implemented when it becomes Biblically mandated; Rav Professor Spero and Mr. Jesselson clarify various possibilities of understanding the parable of rainfall on the Festival of Tabernacles [*Sukkot*]; the above-mentioned Rav Avi Kalman and Rav Yoel Amital, *Ra"m* [teacher] in Yeshivat Shaalvim and researcher in the Shlomo Aumann Institute, elicit nuances in the opinion of Rav S.Z. Auerbach regarding the validity of the conversion of converts who are not observant. Rav Koppel Schwartz of New York and Michael Klein debate the explanation of the opinion of the Satmar Rebbe *zt"l* as to whether miracles are performed for the wicked, and Yitzchak Hildesheimer, veteran member of Kibbutz Shaalvim, corrects an important detail regarding the date of the passing of Rabbi Jonathan Eybeschütz.

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

"ולעמך ישראל עשית תשועה גדולה ופורקן כהיום הזה"  
בימים ההם ובזמן הזה.  
חנוכה שמח!