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INTERNET PARSHA SHEET ON TOLDOS - 5763

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From: RABBI YISSOCHER FRAND [ryfrand@torah.org]
Subject: Rabbi Frand on Parshas Toldos

Don't Read Too Much Into A Red Complexion

Eisav came in from the field, tired, and said to Yaakov in a very brusque manner, "Pour into me now some of that very red stuff... therefore he was called Edom [the red one]" [Bereshis 25:30].

I saw an observation from Rav Shaul Katzenellenbogen, of blessed memory. If Eisav was really going to be called 'the red one', that name should have really been established years earlier. Even at birth we are told that "the first one came out, reddish (admoni)" [25:25]. This would have been a more significant occasion on which to call him 'Red'. The fact that at age 15 he asked his brother for red soup would seem to be an almost trivial reason to give him such a name -- yet the Torah specifically links the name to the latter incident. Why?

Rav Katzenellenbogen suggested the following answer. Obviously, the terminology 'the red one' is a pejorative. It is not a flattering title. When Eisav was born with a red complexion, no one wanted to jump to conclusions about his nature based on his skin color. No one wanted to suggest that he might have a proclivity to shed blood or to be a 'wild' person. It is inappropriate to assign such labels to a person at birth. Why should he be stamped as "the bloody one," just because of his red complexion? Who knows what might become of him?

It is indeed ironic that the Tanach teaches about another person in Jewish history who had a reddish complexion. The pasuk says "and he was ruddy (admoni), with fair eyes and a pleasing appearance" [Samuel I 16:12] regarding Dovid, the future King of Israel. In fact, the Medrash tells us that Shmuel, upon initially seeing Dovid, was put off by his complexion and feared that he would turn out to be a violent person like Eisav.

The Medrash says that G-d reassured Shmuel by saying that although Dovid -- like Eisav -- had a proclivity to kill, unlike Eisav, he would only kill with the authorization of the Sanhedrin. Eisav killed on a whim. Dovid only killed when he was supposed to kill - to save lives. He had that inborn ability to kill, but he channeled it into the most noble of functions.

When Eisav was first born, he was not given the pejorative label 'the red one', because we never know what a person will do with his affinities. Fifteen years later, he came in from the field tired and hungry. Our Sages teach that he had committed five cardinal sins on that day. When under such circumstances Eisav said, "give me the 'red'", it became apparent that he deserved the name 'Edom'. He clearly had not channeled his proclivities properly. It was then appropriate to call him 'the red one'.

The Vilna Gaon cites a Talmudic passage on the famous pasuk "Educate each child according to his ability..." [Mishlei 22:6]: "He who is born under the influence of Mars (the red planet) will be a shedder of blood. Rav Ashi observed: "Either a surgeon, a thief, a shochet [one who slaughters animals], or a mohel [one who circumcises]" [Shabbas 156a]. It all depends what one does with his natural inclination. A person is born with traits and abilities. But a person can take even the most ignoble of traits -- spilling blood -- and turn it into the most noble of professions. That was the difference between the 'admoni'

[reddishness] of Dovid and the 'admoni' of Eisav. Here were two people with the same types of inclinations. One became a Dovid HaMelech and the other became the wicked Eisav. Only now at age 15 could people really see what the kid had become, and they could truly attach the label "Edom" [the red one].

Yitzchak Got 'Nachas' Even From The Rebels and Traitors

The Medrash makes a play on words using the verse "And he smelled the aroma of his clothing (begadav) and he blessed him" [Bereshis 27:27]. The Medrash substitutes the word 'Bogdav' [his traitors] for the word 'begadav' [his clothing]. At some level, Yitzchak not only had pleasure from the aroma of the clothes of Yaakov, but he even had pleasure from the knowledge of the character of the traitors who would descend from him.

The Medrash cites the story of Yosef Meshisa. The Romans who were destroying the Beis HaMikdash feared to enter the Holy Temple themselves and preferred to have a Jew be the first one to enter and defile it. To entice the Jews to cooperate, they offered that whoever would go in and defile the Temple could keep one item of his choosing for himself. Yosef Meshisa volunteered and removed the golden Menorah as his reward.

The Romans told him that this item was too luxurious for a simple person such as himself to keep. They told him to go back in and make a second more appropriate selection. At that point, Yosef Meshisa was taken aback. "Look how far I have fallen as a Jew! I need the Romans to remind me that it is inappropriate for me to take the Menorah for myself?" He subsequently refused to go in again. "It is bad enough that I angered my G-d going in once. I will not go in a second time." The Romans tortured him to death, but he refused to go back in. This is the meaning of the Medrash. Yitzchak even had pleasure (nachas) from the rebels of the Jewish people -- who ultimately came around to Teshuva, return to G-d. The Yosef Meshisas of the world, who at one point in their lives had no shame and did everything against their G-d, but eventually turned their lives around and returned to G-d, brought much satisfaction to Yitzchak.

I once heard a beautiful insight relating to the words of this pasuk.

There is a significant connection between the word 'beged' [clothing] and the word 'boged' [rebel or traitor]. Beged is an external article of clothing. A 'begged' can be removed from a person and it is no longer part of him. On occasion, some of our brethren may display wickedness that make them appear traitorous to the cause of their people. However, this wickedness is only an 'external' wickedness. It is like a 'beged' [clothing]. It is possible to remove that wickedness, because it is not really a part of them. It is just external trappings. Whenever I repeat the Medrash of Yosef Meshisa, I am reminded of a story that Rabbi Berel Wein relates. Rabbi Wein met a fellow from Southern California who became a Baal Teshuva [one who returned to the practice of Judaism]. Rabbi Wein asked him, how he became a Baal Teshuva. He responded, "I became religious because of a Mexican-American police officer."

What was the story? He was driving to an appointment on a Sunday evening in late September and there was a tremendous traffic jam. He could not figure out why there was a traffic jam on a Sunday evening in late September. Traffic stopped and he impatiently honked on his horn. He noticed that there was a policeman who stopped traffic for pedestrians to cross the street.

After the policeman crossed the pedestrians he approached the car of this person and lectured to him. "Can't you have a little patience? Don't you see I am letting people cross the road?"

The driver asked, "What is going on today? Why is there a traffic jam on Sunday evening?"

The policemen told him "These are Jews and it's Yom Kippur tonight. They are all going into their synagogue, so I'm stopping the traffic to help them across."

The driver was taken aback. "A non-Jewish police officer needs to remind me that it is Yom Kippur tonight? If I have sunk so low, it is about time that I started learning about my heritage."

This is the story of Yosef Meshisa. When the Romans need to say "Hey buddy, do not remove the Menorah -- it is not proper to do so",

that can shock a person into recognizing how low he has sunk. It can cause a person to recognize that it is time to do Teshuva. The person can then return -- as easily as he can take off his outer garments (begadav).

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http://www.torahweb.org/torah/2002/parsha/ryud_toldos.html
RABBI BENJAMIN YUDIN

Abuse it – Lose it

The Torah testifies in Parshas Toldos (26:5) that Avraham kept the Torah before it was given. "Because Avraham obeyed My voice, and observed My safeguards, My commandments, My decrees, and My torahs". Rava teaches (Talmud Yoma 28b) that the above verse even includes eruv tavshilin (the procedure enabling one to cook on a festival (yom-tov) that falls on a Friday, to prepare food needed for Shabbos). How then could Avraham purchase Meoras Hamachpeila for only "four hundred silver shekels in negotiable currency", and how could Yaakov purchase the b'chora for bread and lentil stew, when both patriarchs knew the true value of their respective purchases? Why were these transactions not in violation of the Torah law (Vayikra 25:14) "Al tonu" ("do not aggrieve one another")?

The late Rav Eliyahu Michkovsky zt"l of Kfar Chasidim answers with the following insightful story. There once was a Jewish man in need of financial assistance to marry off a daughter. When he asked his rebbe for a blessing, the rebbe advised him that he should avail himself of the first business opportunity that presents itself, for in that deal Hashem's blessing would be found. On the way home, at an inn, a group of businessmen were meeting. When they noticed him, one of them, wishing to have a good time, offered him the opportunity to purchase his share of olam habah for a ruble. The Jew in need immediately recalled his rebbe's advice and accepted the deal. They drew up a contract, it was signed, and the ruble changed hands. When the seller came home and told his wife of the proceedings, she immediately berated him and insisted he re-negotiate with the purchaser, as she would not stay married to a man who had no "olam habah". When he found the purchaser, the latter refused to reverse the sale. The seller had no recourse but to appeal to the buyer's rebbe that he instruct his disciple to reverse the sale, as the seller's marriage depended upon it. The rebbe of the buyer ruled that by the letter of the law his disciple was justified in maintaining the status quo; however, for the right price, perhaps the buyer could be persuaded to change his mind. The rebbe informed the seller that the purchaser needed to marry of his child, and if the seller would assist in financing the marriage, the purchaser would re-negotiate. Indeed that is what happened. Upon leaving the rebbe, the seller asked, "Yesterday the buyer paid me a ruble for the merchandise. Is it fair that I have to now pay several thousand fold?!" The rebbe responded that the cost of the merchandise was determined by its worth. Yesterday, the seller scorned the worth of olam-haba and thus its worth was but a ruble; currently, his assessment and appreciation of olam-haba was much greater and the price reflected this.

The Torah teaches (Toldos 25:34) that Eisav spurned the bechora (birth right), thus the bread and stew were appropriate payment. Similarly, the Zohar in Parshas Chayei Sarah teaches that Efron looked into the cave of machpeila and only saw darkness; when Avraham looked in he saw light. Efron thus received a very fair price for

his darkness, while Avraham was purchasing the entrance to Gan-Eden.

If one has respect for a concept, then it will abide with him and enhance him. However, if he is disrespectful of it, it abandons him. Eisav showed disdain for the b'chora and thus it was taken from him. Yaakov, who showed great respect for the b'chora, became its natural possessor.

We find this concept in the Talmud (Berachos 62b), where we are taught that Dovid showed disrespect for clothing (by cutting the corner off Shaul's garment (Shmuel I, 24:5). When Dovid was old although he was covered with garments, they could not warm him.

We celebrate in this month of Kislev the yom-tov of Chanukah. The Bach in his commentary on Shulchan Aruch (Ohr Hachaim 670) asserts that at the time of the second Beis Hamikdosh the Jews "nisrahlu ba'avodah", were lax in their Temple service (they neither appreciated it nor honored it properly). For this reason they almost lost it, and were forced to fight for it. Once they showed that they were moser nefesh (willing to give their lives) for the Beis Hamikdosh, demonstrating their appreciation thereof, they were worthy of repossessing the Temple.

[Similarly, the Medrash Rabbah (Braishis, Chapter 63) based on the verse "Yaakov said, swear to me as this day" (25:33) teaches that Yaakov sacrificed on behalf of the b'chora.]

Shabbos is a gift from Hashem to Bnai Yisroel. In accordance with our appreciation, reverence of, and mesiras nefesh for the Shabbos, will be our portion and experience of it. Thus, especially this time of the year, with Friday being a short day, one should avoid traveling on Friday afternoon, lest it lead to an unexpected violation of Shabbos. The care to refrain from discussing and reading business and other secular matters on Shabbos demonstrates our proper assessment of Shabbos, and thus enables one to experience its sanctity.

Finally, in the realm of relationships between spouses, parents, and children, one has to be careful not to emulate Eisav's trait of scorning. One honors a relationship not only by devoting time to it, but also through prioritization. To work hard at earning a living for ones' children at the expense of meaningful and qualitative time such as joint acts of chessed and family Torah study, is a form of scorning these most potentially precious relationships.

In one verse the Torah communicates it all – "Vayivez esav es habechora." Eisav spurned the b'chora therefore Hashem took it from him; Yaakov valued the b'chora and honored it, and therefore Hashem sees to it that the b'chora is still honoring Yaakov.

http://www.torahweb.org/torah/2001/parsha/rsch_toldos.html

[TorahWeb from last year]

RABBI HERSCHEL SCHACHTER

The Chazir is Not Kosher

The Torah tells us that a kosher animal is one which has split hooves and chews its cud; pigs have split hooves, but because they do not chew their cud, are not kosher. The Rabbis of the Medrash tell a parable of a pig stretching out a leap in order to display its split hooves, and attempt to fool everyone into believing that it is kosher.

Esav, Yaakov's twin, claimed to follow the same tradition as Yaakov. When Yaakov left to Padan Aram to marry a girl from the family, Esav followed suit and also married a girl "from the family," but did not divorce his non-Jewish wives. This act of marrying a "girl from the family" was solely in order appear as though he was following in the footsteps of Jewish tradition.

The so called "Judeo-Christian" tradition is merely a facade. Despite the fact that the two brothers were twins, and had a lot in common biologically, they had very little in common in terms of lifestyle. There is an often-quoted medrash which states, "Why is the pig called a 'chazir'? Because some day in the future G-d will give it back ('lehaichziro') to the Jewish people." The Rishonim ask how this can be. The Rambam postulates, as one of the thirteen principles of our faith, that the laws of the Torah will never change. Can it be that some day it will be permissible for us to eat Pork?

Some of the Rishonim explained that "the return of the pig does not refer to eating pork, but rather to the restoration of the Jewish government in place of the Christian one." The "pig" is the faker who makes believe that he is kosher by showing his split hooves, just as Christians claim that theirs is a twin-religion with ours, and just as Esav was a twin brother of Yaakov.

The prophet Malachi points out in the haftorah that the fact that they were twins has nothing other than biological significance: "I love Yaakov, while I have rejected Esav, and I disdain him." Throughout the generations the Jewish people have adopted a dual position vis-a-vis the Christians and mankind. Namely, the position of Avraham Avinu (in the beginning of Chayei Sara): we exist as both strangers and citizens with respect to the rest of mankind. Regarding fighting crime, terror, disease, poverty, improving the economy, and delving into the science of nature, we are equal partners, and all work together. But, with respect to the purpose of our lives, and lifestyle - the Jewish people feel "as strangers", and share nothing in common with anyone else. We are "the nation that lives alone" (parshas Balak), and will always remain so. The Jews live alone, die alone, and are buried alone. When Ruth converted and joined the Jewish people, she said to her mother-in-law Naomi, "Where you go I will go; where you stay, I will stay; the way you will die, I will die; and there too will I be buried."

After living for many years in peace and harmony in Eretz Canaan, after the passing of Sara, Avraham Avinu insists on buying her a separate burial plot. The Jew lives differently, dies differently, and is even buried differently to emphasize this point. We share biological similarities with others, and work together with others on many different projects for the purpose of improving man's position here; but we do not share their weltanschauung. "Asher bochar banu mikol haamim."

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The Red Stuff

"Pour into me some of that red, red stuff..." (25:30)

Neoteny is the retention of immature characteristics into adulthood. It happens in the animal world. If your dog grew up, it would start to act like a wolf and devour your neighbor's kids. This would not make your neighbor very happy and puppy sales would plummet. So we arrest a dog's development so that it remains ever juvenile.

The same is true of TV sitcoms. The silly plots and sillier characters in which heartbreaks are resolved within minutes (usually just before the commercials) only make sense if they are seen as pubescent children trapped in adult bodies. So much of social and political life only makes sense if one sees in it the influence of neoteny.

The spiritual Masters tell us that the world we live in now is the world of Esav. It is a superficial world where appearance is all. Yaakov, the Jewish People, stands opposed to everything that is superficial. Our job is to teach the world there is reality beyond what you can see with your eyes. There is a G-d and He is One.

Esav and Yaakov (the Jewish People) share a symbiotic adversarial relationship. They are like two ends of a see-saw in a children's playground. When one is up, the other must be down. It can never be that both are up or down at the same time. We learn this from the verse in this week's Torah portion: "Two nations are in your womb; two regimes... the might shall pass from one regime to the other, and the elder shall serve the younger."

Esav's superficiality is revealed when he bursts in on Yaakov who is cooking lentils for the funeral meal of his grandfather Avraham and demands "Pour into me some of that red, red stuff!" Why does Esav repeat the fact that the lentil stew is red? Because Esav is overly interested in the surface, in what things look like.

A small boy once came to visit Rav Shach, zatzal (the great leader of our generation who left us for the world of Truth almost exactly a year ago). The great sage proceeded to pull out two lollipops. "Which one would you like?" asked Rav Shach, "The red one or the green one?" Rav Shach's personal secretary turned to him and said "The Rosh Yeshiva will teach him to be Esav!" Rav Shach replied "He's a young boy; he should be interested in the way things look from the outside. Esav's problem was that he never grew up. He acted like a yingel even when he was supposed to be an adult."

Esav was the prototypical neotenist.

Sources: Talmud (Avoda Zara 11b), Rabbi C. Z. Senter

Written and compiled by Rabbi Yaakov Asher Sinclair

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HACHAZARA AND HATMANA

BY RABBI HOWARD JACHTER

Introduction This week, we shall conclude our five part series on the Halachot concerning Bishul with a discussion of the topics of Hachazara and Hatmana.

Hachazara refers to returning food to the fire and Hatmana refers to insulating food for Shabbat to keep it warm. There are numerous disputes regarding these actions. Some of these are ancient controversies and some are relatively new. These Halachic disputes account for the variety of practices in the observant community regarding heating food on Shabbat.

The Prohibition of Hachazara Last week we discussed at some length the parameters of the rule of Ein Bishul Achar Bishul (one cannot cook something that has already been cooked). Nevertheless, the rabbis forbade returning food to the fire even if the food was totally cooked and the Ein Bishul Achar Bishul rule was in effect. Thus, one cannot take fully cooked chicken from the refrigerator and place it directly on a lit stove on Shabbat afternoon. Although one who does so does not violate any prohibition on a biblical level, he nevertheless violates the rabbinical prohibition of Hachazara.

There are two basic approaches among the Rishonim for why Chazal created the Hachazara prohibition. Rashi (Shabbat 36b s.v. Lo Machzirim) explains that Hachazara is prohibited because it "appears as if it is cooking" (Meichzi K'Mevashel). Rabbeinu Tam (Sefer Hayashar 235) adds that Chazal were concerned that one may come to stir the coals. Any manner of reheating food on Shabbat must properly address these two concerns in order to be permissible. We must emphasize that one may only contemplate reheating food on Shabbat if the food is entirely cooked and the Ein Bishul Achar Bishul rule is applicable.

Permitted Ways To Heat Food on Shabbat - The Blech The Mishna that appears on Shabbat 36b teaches that one of the requirements to permit reheating food on Shabbat is that the fuel source of the stove is either removed or covered with ashes (Garuf Oh Katum). This alleviates the concern that one may come to stir the coals. Rashi (ibid., s.v. Oh Ad) explains that placing ashes on the coals cools down the coals. The Ran (15b in the pages of the Rif, s.v. Oh Ad) explains that by removing the coals or covering them with ashes one demonstrates that he has resolved not to stir the coals. (For an analysis of Rashi and the Ran, see Teshuvot Igrot Moshe Orach Chaim 1:93.)

The Mishna Berura (253:81) cites the Magen Avraham, who rules that placing a Blech over the fire is the equivalent of placing ashes on the coals. The Blech both cools the fire by diffusing the heat and serves as a concrete expression that one has resolved not to stir the coals. The Chazon Ish (Orach Chaim 37:11) appears to be the lone authority to question this. He argues that the Blech merely covers the stove and serves no Halachic purpose. The Chazon Ish's opinion on this matter

has not been accepted in practice, except in certain circles in Bnei Brak.

There is some question, though, about the structure of the Blech for modern gas ovens. Rav Moshe Feinstein (Teshuvot Igrot Moshe O.C. 1:93) writes that covering the fire suffices, even if the knobs are not covered. Simply covering the fire is sufficient to demonstrate that one will not adjust the flame. He writes, however, that it is preferable to cover the knobs as well because this further serves to eliminate concern that one will come to adjust the flame. Rav Moshe firmly asserts, though, that it is insufficient to cover only the knobs.

On the other hand, Rav Aharon Kotler (cited by Rav Shimon Eider, Halachos of Shabbos p. 338 note 800) adopts the opposite approach. Rav Kotler believes that while it is preferable to cover the fire as well as the knobs, it is vital to cover the knobs. Rav Kotler rules that in case of difficulty, covering only the knobs suffices. Rav Yosef Blau informed this author that Rav Yosef Dov Soloveitchik adopts the same approach as Rav Aharon Kotler.

A major ramification of this dispute is if covering the knobs of a crockpot suffices to permit Shehiya and Hachazara. Rav Mordechai Willig has told this author that he believes that covering the knobs of the crockpot is insufficient.

Additional Requirements to Permit Hachazara The Shulchan Aruch (O.C.253:2) rules in accordance with the opinions recorded by the Gemara (Shabbat 38) that there are two other requirements to permit Hachazara in addition to the presence of a Blech. These requirements are that the pot remains in one's hand and that one intends to return the food to the fire when he removes the food from the fire. Rav Moshe Feinstein (Teshuvot Igrot Moshe O.C. 4:74:Bishul:33) clarifies that based on the Rambam (Hilchot Shabbat 3:10) one is not required to keep the pot from touching the ground in order to permit Hachazara. Rather, it suffices to keep one's hand on the pot, even if the pot touches the ground.

The Magen Avraham (253:36) believes that there is another requirement necessary to permit Hachazara. He requires that the food not cool down completely, even if the food is fully cooked and solid and there is no concern for violating a biblically prohibited act of Bishul. The Vilna Gaon (Biur Hagra O.C. 253:5 s.v. U'bilvad, as explained by Biur Halacha s.v. U'bilvad) disagrees. He believes that Hachazara is permitted for a completely cooked solid food that remains in one's hand if he intended to return it to the fire, even if it is completely cooled down. The Mishna Berura (253:68) and Rav Moshe Feinstein (Teshuvot Igrot Moshe 4:74:Bishul:31) rule in accordance with this view of the Magen Avraham. Rav Yosef Adler reports that Rav Yosef Dov Soloveitchik rules in accordance with the Vilna Gaon. Indeed, the Magen Avraham appears difficult, as he does not marshal any textual support from the Gemara or Rishonim to support his contention.

Permitted Means to Reheat Food - The Controversial Ran The Rama (O.C. 253:2) cites a great leniency from the Ran (Shabbat 17b in the pages of the Rif, s.v. U'mihu). The Ran derives from the Jerusalem Talmud that the requirements that the pot must remain in one's hand and that one must intend to return the food to the fire apply only when the food was removed from the fire before Shabbat. However, if the food was on the Blech at the beginning of Shabbat, one may return it to the fire later on Shabbat even if the food did not remain in his hand and he did not intend to return the food to the fire. The Ramban (Shabbat 38b, s.v. Machzirin) also adopts this lenient approach. However, the Rambam, Rif, and Rosh do not record this leniency.

The Rama (ibid.) records that common practice is to rely on the lenient approach articulated by the Ran. However, the Rama recommends that one should be strict and not rely on this lenient ruling. This is primarily because most Rishonim do not subscribe to this leniency. Similarly, the Aruch Hashulchan (253:19) notes that the common practice is to rely on the Ran, but he recommends following the strict approach because most Rishonim reject the Ran. Rav Yosef Adler quotes Rav Yosef Dov Soloveitchik who rules that one may rely on the lenient approach of the Ran. Rav Moshe Feinstein (Teshuvot Igrot Moshe O.C. 1:94) does not permit relying on the Ran.

According to Rav Soloveitchik, one may remove fully cooked solid food from the refrigerator and place it on the Blech if the food was on the

Blech at the beginning of Shabbat. This is because the Rav rules in accordance with the lenient rulings of the Ran and the Vilna Gaon (who rejects the aforementioned stringency of the Magen Avraham).

The Kedeira Al Gabei Kedeira Approach The Shulchan Aruch (O.C. 253:5) rules that one may place fully cooked solid food on top of a pot filled with food cooking on the fire "because this is not the way of cooking." This permitted method of Hachazara is referred to as Kedeira Al Gabei Kedeira. Since people do not cook food this way, this obviates any concern for Hachazara. It does not appear like cooking, and the fact that one is reheating the food in this unusual way demonstrates that he is not interested in stirring the coals (or adjusting the flame). The "Kedeira Blech" that has been introduced in the past few years seeks to present a convenient way to practice the Kedeira Al Gabei Kedeira method. It is a rectangular metal box with a flat surface. One places water in it before Shabbat so that it is considered a pot that contains cooking food. Placing food on its flat surface is a much easier way to warm fully cooked solid food than putting the food on top of a cooking pot. One should consult with his Rav if he believes this is a viable Halachic option.

Contemporary authorities debate whether a non-adjustable hot tray or warming table constitutes a permissible method for reheating food on Shabbat. Those who adopt the lenient approach argue that since people do not cook on a hot tray or warming table it is a permissible method to reheat food, similar to the Kedeira Al Gabei Kedeira method. Rav Moshe Feinstein (Teshuvot Igrot Moshe O.C. 4:74:Bishul:35) and Rav Mordechai Willig (Bait Yitzchak 20:72) rule leniently, and the Shemirat Shabbat Kehilchata (1:25) rules strictly.

Hatmana and Crock-pots We will conclude our discussion of the topic of Bishul with a brief look at the rabbinical prohibition of Hatmana. Chazal forbade us from enveloping a pot of food on Shabbat because it may lead to stirring coals. In addition, Chazal forbade us from enveloping a pot of food even on Erev Shabbat if the material used to envelop the pot warms the food. See Shulchan Aruch Orach Chaim 257 for a full discussion of these laws.

Until 1995, many people used a two-piece crock-pot to cook Chulent for Shabbat. In 1995, some changed their practice when Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 2:34:5) ruled that using a two-piece crock-pot violates the rabbinical prohibition of Hatmana. Since the outer pot contains the electric coils that heat the inner pot, Rav Shlomo Zalman asserts that one is Matmin (enveloping) the inner pot with the outer pot, which warms the food in the inner pot. This ruling resonated in many circles, as reportedly this was the last ruling issued by Rav Shlomo Zalman before his passing. There is even some folklore associated with this ruling: the crock-pots of many leading rabbis suddenly became inoperable on the Shabbat after Rav Shlomo Zalman issued this ruling.

Nevertheless, some people still use a two-piece crock-pot to prepare Chulent for Shabbat. Their Halachic basis is that the outer pot does not completely envelop the inner pot, as the former does not cover the latter on its top. The Rama (O.C. 253:1) rules that one violates Hatmana only when the material completely envelops the pot, including its top. The cover of the pot is not considered to be "enveloping" the pot since its function is simply to cover the pot and not especially to add warmth to the food. Rav Moshe Feinstein (Teshuvot Igrot Moshe O.C. 1:95) presents a similar line of reasoning in his ruling that storing hot liquids in a thermos does not constitute Hatmana.

Conclusion We have reviewed many areas of controversy in this series and especially in this last essay. One should consult with his Rav to develop a protocol on how to manage the many issues that we have raised in this series.

RABBI MENACHEM LEIBTAG

From: tsc@bezeqint.net To: par-reg@mail.tanach.org; par-lite@mail.tanach.org
Subject: [Par-reg]Parshat TOLDOT - shiur

Dedicated in memory of Chana Friedman A"H on her 7th yearzeit by her brother and sister-in-law Allen and Rachel Friedman and sister and brother-in-law Sharon and Michael Goldberg.

[<http://mail.tanach.org/breishit/toldot.txt>]

THE TANACH STUDY CENTER [<http://www.tanach.org>] In Memory of Rabbi Abraham Leibtag Shiurim in Chumash & Navi by Menachem Leibtag These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape #349 Must Mincha Have a "Chazoras Hashatz"?

PARSHAT TOLDOT - 'the chosen son'

Are Yitzchak are Rivka playing 'favorites'? Indeed, a cursory reading of Parshat Toldot certainly leaves that impression.

Furthermore, why does Yitzchak choose to bless only one of his children? Would it have been so terrible had he planned to bless both Esav and Yaakov? In the following shiur, we search for the deeper meaning of these events by considering the distinction between what we will refer to as 'bechira' and 'beracha'.

INTRODUCTION In our series thus far on Sefer Breishit, the process of 'bechira' - G-d's designation of Avraham and his offspring to become His special nation - has emerged as the primary theme. G-d promised Avraham numerous times that his offspring ('zera') would become a great nation in a special land ('aretz'). Even though each promise added a unique dimension to Avraham's destiny, they all feature one form of the key phrase: "le-ZAR'ACHA natati et ha-ARETZ ha-zot... - to your OFFSPRING, I have given this LAND." [See 12:7, 13:15, 15:18, 17:8]

Although these divine blessings suggest that this nation is to emerge from all of Avraham's offspring, G-d informed Avraham that specifically Yitzchak, Sarah's only son, has been chosen to fulfill this destiny: "For it is [only] through Yitzchak that there shall be called for you ZARA [your offspring]." (21:12)

G-d Himself later confirms this blessing to Yitzchak, when He forbids him to leave the land during a famine: "Reside in this land and I will bless you... for I will assign all this LAND to YOU and to YOUR OFFSPRING." (26:2-5)

What will happen when Yitzchak has children? Will only ONE of his children be chosen, as was the case with Avraham, or will ALL his offspring be chosen? Considering that the reason for G-d's 'bechira' (selection) of Avraham was for his offspring to become a NATION (see 12:1-2), obviously this 'filtering' process of choosing only ONE son over the others could not continue forever. Should only one 'favorite son' be chosen in each generation, a nation could obviously never develop. Sooner or later, this 'filtering process' must end, and an entire family must be chosen. Thanks to our 20/20 hindsight, we know that this process ends after THREE generations (Avraham, Yitzchak, and Yaakov). However, the Avot themselves may have been unaware of when this 'bechira' process was to end. Let's consider this possibility in regard to Yitzchak.

ALL IN THE FAMILY A priori, Yitzchak has no reason to assume that only ONE son would be chosen and the other rejected. Unlike Yitzchak and Yishmael, who had DIFFERENT mothers, both Yaakov and Esav are born from the same mother. What more, they are twins! Therefore, it is only logical for Yitzchak to assume that BOTH Yaakov and Esav will join the 'chosen family'. Furthermore, even if there is some divine reason to choose only one son, it should be GOD's choice and NOT Yitzchak's! After all, G-d alone had been involved in this BECHIRA process heretofore. He had chosen Avraham and He alone had chosen Yitzchak over Yishmael. Without a specific divine command, why would Yitzchak even consider making such a bold decision?

Thus, Yitzchak most likely believed that both Yaakov and Esav were included within the divine promise to Avraham's progeny. So why does Yitzchak intend to bless only ONE of them?

'BRACHA' OR 'BECHIRA'? To answer this question, we must differentiate between TWO basic types of blessings found in Sefer Breishit. For the sake of convenience, we will refer to one as BECHIRA and the other as BRACHA. Let's explain:

BECHIRA* We use the term BECHIRA (selection) to describe G-d's blessing of 'ZERA va-ARETZ' to the Avot, the privilege of fathering G-

d's special nation. BECHIRA implies that only one son is chosen while the others are rejected. As we explained, this process began with G-d's designation of Avraham Avinu and continued with His choice of Yitzchak over Yishmael. It is not clear, however, when this bechira process will end.

'BRACHA' We will use the name BRACHA to describe a father's blessing for the personal destiny (e.g. prosperity, power) of his sons. Noach, for example, bestows a BRACHA on each of his three sons (9:24-27). He does not choose one son over the others to become a special nation. Rather, he blesses (or curses) each son based on his individual potential. The classic example of BRACHA (as opposed to BECHIRA) is Yaakov Avinu's blessings to his twelve sons prior to his death, in Parshat Vayechi (see 49:1-28). Clearly, Yaakov does not choose one or several of his children to become G-d's special nation. Rather, he bestows a blessing of personal destiny upon each son, according to his understanding of each son's individual character and potential (see 49:28). Thus, according to these definitions - BRACHA is bestowed by a father, while BECHIRA is established by G-d.

YITZCHAK'S BRACHA TO ESAV With this distinction in mind, we return to our opening question regarding the kind of blessing that Yitzchak intends to bestow upon Esav. Is it a blessing of BRACHA or BECHIRA? Considering that Yitzchak has no apparent reason to choose only one son, we should expect that his intended blessing to Esav was one of BRACHA (and not BECHIRA).

To determine if this assumption is indeed correct, we need only examine the actual blessing - intended for Esav but deceptively seized by Yaakov: "May G-d give you of the dew of heaven and the FAT of the land, and an abundance of GRAIN and WINE. Other nations shall SERVE you and bow down to you; be MASTER over your brother, and let your mother's sons bow down to you ..." (27:28-29)

Note how this blessing focuses on prosperity and leadership, and hence would fall under our category of BRACHA. It cannot be BECHIRA, as it does NOT contain the phrase of 'ZERA va-ARETZ'. In fact, this blessing strongly resembles the blessings of prosperity and leadership which Yaakov himself later bestows upon Yehuda (see 49:8) and Yosef (see 49:25-26).

But if indeed if this is a blessing of BRACHA, why does Yitzchak (intend to) bestow this blessing only on Esav? Why can't both sons be blessed?

THE RIGHT MAN FOR THE JOB As explained above, Yitzchak likely expects that both his children will be chosen. Realizing that the nation eventually evolving from his two sons will require leadership, Yitzchak (prior to his death) decides at this time to appoint ONE of his sons as the national LEADER. Which son should he choose? Esav - the "ish sadeh" [a man of the world (see 25:27)] - is clearly the more suitable candidate for this job. [A "macher" is necessary for a country to function properly. Also, realistically speaking, Yaakov & Esav are over sixty years old, and while Esav is married with children, has a job, and can take care of himself and others, Yaakov is still single and 'living at home'. It is readily understandable, then, why Yitzchak chooses Esav to become the family provider and leader.]

We can even presume that Yitzchak has a blessing in store for Yaakov as well - most probably one that involves spiritual leadership. Yaakov - the "ish tam yoshev ohalim," a man of the book (see 25:27) - can provide the family with spiritual guidance. [This 'theoretical blessing' to Yaakov resembles the ultimate responsibility of shevet Levi (see Devarim 33:10).] However, without FIRST establishing a nation (through Esav), there would be no one around for Yaakov to guide. [The fact that Yitzchak had called upon Esav, his eldest, to receive his blessing FIRST, does not rule out the possibility that he may have intended to bless Yaakov afterward. Note that in Parshat Vayechi, Yaakov FIRST blesses Yosef before proceeding to bless all twelve children.]

So what went wrong? Why does Rivka intervene? Why must Yaakov 'steal' Esav's BRACHA? Or, to put it more bluntly, is Rivka simply standing up for her 'favorite son' or did she perceive the situation differently? To answer this question, we must return to the beginning of the Parsha.

RIVKA KNOWS BEST Apparently, Rivka knows something that Yitzchak doesn't. Recall that Rivka suffered from an unusually difficult pregnancy and seeks G-d for an explanation (see 25:22). Note how G-d's answer to HER (and not to Yitzchak!) already alludes to the fact that the BECHIRA process has not yet ended: "And G-d answered HER saying: There are TWO NATIONS in your womb, and TWO SEPARATE PEOPLES shall issue from your body. One people shall be mightier than the other, and the older shall serve the YOUNGER." (25:23)

Rivka here learns that her twins are destined to become TWO NATIONS, and as such, only ONE - the younger one (see 25:23, "ve-rav ya'avod tza'ir") - can be chosen. Thus, Rivka knows that YAAKOV is destined to receive the BECHIRA, and not Esav. Yitzchak, however, is unaware of this prophecy. [Note 25:23: "va-yomer Hashem LAH" - to HER, and not to him!]

It is unclear why Rivka never informs Yitzchak of this prophecy. She may assume that Yitzchak also knows, and only later realizes that he doesn't (see Ramban 27:4). Alternatively, she may have thought that G-d specifically wants ONLY HER to know, and NOT Yitzchak. Whatever the reason may be, each parent has a different perception of their children's destiny as they grow up. Yitzchak ASSUMES that both Yaakov and Esav are chosen, while Rivka KNOWS that it will only be Yaakov.

RIVKA'S DILEMMA After overhearing Yitzchak's intention to bless Esav (27:5), Rivka now faces a serious dilemma: * Does Yitzchak plan to bless Esav with the BECHIRA (or that G-d grant him the BECHIRA)? If so, she must act quickly, as the future of "Am Yisrael" rests on her shoulders. * Does Yitzchak think that BOTH children are chosen? Is he giving a BRACHA of leadership to Esav? The result of this blessing could be disastrous! * Can Rivka just tell Yitzchak that he is making a mistake? Is it too late? Will he listen? Would he be willing now, after so many years, to change his perception? Rivka has limited time to act, yet feels responsible to the prophecy she had received and hence obligated to rectify the situation. In her eyes, this may have been the very reason why G-d had originally granted her this information. Unfortunately, however, Rivka must resort to trickery to ensure that Yaakov receives the blessing. Now that we have explained Rivka's course of action, we must explain Yitzchak's.

YITZCHAK'S BLESSINGS After Yitzchak grants Yaakov (whom he thought was Esav) a BRACHA of prosperity and leadership, the real Esav arrives and begs his father for another blessing (see 27:34,36). Yitzchak's initial response is that the special blessing intended for Esav (prosperity and power) had already been given to Yaakov (27:35,37). Hence, Esav cannot receive any other BRACHA, since the BRACHA of spirituality, originally intended for Yaakov, is unsuitable for Esav. However, after Esav pleads with him, Yitzchak grants Esav a different BRACHA of prosperity. In fact, in light of our explanation, this second blessing is quite understandable. Let's explain why.

Review this blessing of: "tal ha-shamayim u-shmanei ha- aretz" (27:38-39), noting how it also speaks of prosperity in a manner very similar to the first blessing. This makes sense, because 'prosperity' can be shared by both brothers. However, the second half of the original blessing - that of political leadership ("hevei gvir le-achicha - see 27:29) - can only be given to one son. Yitzchak therefore blesses Esav that - should Yaakov's leadership falter - he shall take his place (see 27:40). At this point of the story, it appears that Yitzchak still understands that both sons will be chosen. When does he find out the 'truth' that the 'bechira' process is not over yet?

CLEARING THE AIR Even though the Torah never reveals the details, it would be safe to assume that Rivka must have finally explained her actions to Yitzchak after the incident of the 'brachot'. Upon hearing the details of G-d's earlier prophecy to Rivka, Yitzchak finally realizes that only ONE son, Yaakov, is to be chosen. To his dismay, he must now accept the fact that the BECHIRA process must continue into yet another generation. This explains the final blessing that Yitzchak grants Yaakov, before he embarks on his journey to Padan Aram (in search of a wife). Review this blessing, noting how it obviously relates directly to the blessing of BECHIRA: "May G-d grant the BLESSING OF AVRAHAM [i.e. BECHIRA] to you and your

OFFSPRING, that you may inherit the LAND which Elokim has given to Avraham..." (28:4).

Note once again the key phrase - "zera va-aretz" - of the BECHIRA blessing! In contrast to the BRACHA of prosperity and power discussed earlier, this blessing involves the familiar concept of G-d's special NATION inheriting a special LAND. Clearly, Yitzchak now understands that the 'bechira' process is not over yet.

Note as well that Yitzchak does not actually grant this blessing to Yaakov, rather he blesses him that G-d should grant him the 'bechira' - "ve-Kel Sha-kai yevarech otcha..." (28:4). As we explained earlier in our shiur, the 'bechira' process is G-d's decision. Yitzchak is now 'rooting' for Yaakov that he receive the BECHIRA, but that decision must ultimately be confirmed by G-d - and that's exactly what takes place a few psukim later, at the beginning of Parshat Vayetze! MA'ASEH AVOT, SIMAN LA-BANIM Despite our 'technical' explanation for Yitzchak and Rivka's behavior in this Parsha, a more fundamental question remains: Why must the BECHIRA process be so complex? In other words, why is it that at the very inception of our national history, trickery must be employed for us to arrive to our divine destiny?

Although this is a very difficult question to answer, one could suggest that this entire episode may carry an important message concerning how the spiritual goals of our nation relate to the necessities of entering the physical world and prosperity and political leadership.

Indeed, to become a nation, there are times when the 'aggressive' qualities of an Esav type individual are needed. However, there is a popular notion that these physical responsibilities should be delegated to the 'ish sadeh', the son who is expert in the physical realm, but ONLY in that realm [the 'chiloni' son]. Similarly, the spiritual realm should be delegated to the Yaakov type individual, the delicate 'ish tam' who knows only how to study in the tents of Torah [the 'dati' son]. Yitzchak's original intention to bless Esav may reflect this notion. Esav will be the provider, 'serve in the army', and enter the political realm; while Yaakov will dedicate his life immersed in the tents of Torah. Separating these responsibilities between two sons may reflect the notion that spirituality cannot be found in the physical world of establishing a nation. To negate this notion, despite its simplicity and logic, it is presented as Yitzchak's original plan. However, the other option (possibly Rivka's original plan), that Yaakov - the 'ish tam' - alone can manage both realms remains equally unacceptable. At the time of these 'brachot', Yaakov himself is not yet ready to take on the responsibilities of the 'ish sadeh', but sooner or later it will become incumbent upon him to do so. To establish G-d's special nation, there are times when it is necessary for the 'ish tam' to take on the responsibilities of the 'ish sadeh'. To solve this 'dialectic', it was necessary for Yaakov to first don the 'hands of Esav', to act like Esav, but not become Esav. It remains significant that the primal character of Am Yisrael is that of Yaakov, the 'ish tam'. [Later in his own life (upon his return to Eretz Yisrael), Yaakov must finally confront the 'angel of Esav', this time without trickery, to prove that he is indeed worthy of that leadership task.] Even though many situations in our history will arise when we must don the 'hands of Esav' - i.e. when we must act as an 'ish sadeh' - our dominant trait must always remain that of an 'ish tam'. For when G-d provides Am Yisrael with prosperity and political leadership, it is towards the purpose that they serve mankind with personal example and spiritual guidance. Throughout our history, even though we must periodically 'don the hands of Esav', our voice must always remain 'the voice of Yaakov' [see 27:22]! shabbat shalom menachem

FOR FURTHER IYUN

A. Ramban (see 27:4) disagrees with the entire approach presented in the above shiur. From the very beginning, he understands that Yitzchak's intention is to bless Esav with the BECHIRA. 1. How does Ramban understand why Rivka doesn't tell Yitzchak about her nevu'a? How, if at all, does this affect his understanding of the entire parsha? 2. With which basic assumption of the above shiur does Ramban disagree? 3. Does Ramban (see 27:28) find any hint to "zera va-aretz" in Yitzchak's first bracha to Yaakov/Esav? 4. How does Rashi

understand this sugya? 5. Try to relate this issue to the klal of MA'ASEH AVOT, SIMAN LA-BANIM. [ly"H, this will be the topic of a future shiur.] 6. See also Radak on 27:4, noting how he explains that Yitzchak knew all along that Yaakov would receive the 'bechira'. Nonetheless, he still wanted to grant Esav a 'bracha'.

B. Towards the beginning of the Parsha, Esav sells his birthright to Yaakov and makes a striking statement: "Hinei anochi holeich lamut, ve-lama zeh li bchora?" Esav seems very practical. He sees no reason to have the 'bchora', as he lives only for the present with no dreams or goals for the future.

1. Relate this to the above shiur and the reason why Esav is rejected.
2. Could it be that this attitude, a lack of appreciation of his destiny and purpose, leads to his ultimate rejection?

3. Can this explain why Yaakov is interested in buying the birthright?
4. Does Yitzchak know about this incident? If so (or even if not), how may this affect the blessing that he later intended to give his children?

C. The blessing of BECHIRA to Yaakov in 28:3-5 contains several key phrases found in earlier blessings to Avraham Avinu. Try to find these parallels. 1. Are most of them from the parsha Brit Mila? (see Breishit 17:1-10). If so, can you explain why? [What additional message did Avraham receive after Brit Mila?] 2. When did Hashem actually confirm this blessing? (See 35:9-13!)

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From: RABBI SHLOMO RISKIN Rabbi Riskin's Shabbat Shalom List [parsha@ohrtorahstone.org.il]To:

Shabbat_Shalom@ohrtorahstone.org.il

Subject: Shabbat Shalom: Parshat Toldot by Rabbi Shlomo Riskin (Genesis 25:19-28:9)

Efrat, Israel - The tragedy which haunts Jacob until the end of his life, the transgression which reforms the rest of the Book of Genesis - indeed, all of subsequent Jewish history until this very day - is Jacob's deception of his father in order to wrest the blessings meant for Esau. In "measure for measure" fashion, Laban gives Jacob the unloved daughter under the marriage canopy because "it is not done in our place to give the younger before the elder" - setting the stage for the bitter rivalry of the wives which led to Reuben's heinous crime against his father - and Father Jacob is deceived by his sons regarding the disappearance of his beloved Joseph with the false explanation, "he has been torn apart by a wild beast" - setting the stage for the sale of Joseph into Egypt and the subsequent deception of Joseph's brothers by the Grand Vizier of Pharaoh. Moreover, the enmity between Jacob's children and Esau's children (Israel vs. Rome) as well as the internal strife and sibling hatred among the children of Israel themselves reverberates throughout Jewish history and plagues us even now. What would impel the "wholehearted" Jacob, the studious dweller of tents, to fall prey to an act of deception and pose as his brother in disguise for the sake of the blessings - even if it was his mother who made the suggestion! And what makes the verse even stranger to comprehend is the fact that it was bound to be uncovered. After all, Esau would appear sooner or later with the venison in hand, and the wrath of father Isaac was certain to fall upon the head of imposter Jacob. So why does he do it?

I believe a fascinating answer may be found within the complexity of the parent-child, father-son relationship, which is so profoundly depicted between the lives and imbedded within the parchment folds of the amazing book of Genesis. The stage is set for the sibling rivalry between the twin brothers Jacob and Esau with the words, "And Isaac loved Esau because the hunt (or entrapment) was in his mouth, and Rebecca loved Jacob" (Genesis 25:28). Every child yearns for - and deserves - unconditional love from his/her parents; after all, the child did not ask to be born into the world, and the most potent armor he/she can receive as protection against the irrational forces expelled by both environment and society is the protective love - no matter what - of concerned, committed parents; to paraphrase Robert Frost, a home is the place where, when everyone else closes the door on you, they will always welcome you in with a warm embrace. And within the

patriarchal society which was Jacob's world, Jacob especially needed the unconditional love of his father.

Tragically, he didn't receive it. Rebecca loved Jacob, period; apparently this meant unconditionally. But that was not enough. Jacob felt unloved, rejected, by his father - who did love his brother Esau. Jacob desperately yearned for this love - and there was even a way for him to acquire it. After all, Isaac did not love Esau unconditionally; he loved him because - because the hunt (entrapment) was in his mouth, because Esau fed his father the venison meat he so dearly loved. ("Esau's venison meat was in Isaac's mouth"), because the mellifluous speech of the lawyer-politician-trickster was Esau's gift -of-gab ("Esau's entrapment via words was the gift of speech in Esau's mouth") If only.....

Permit me a story to help elucidate the unfulfilled need which caused an emptiness in Jacob's heart, the aching angst with which only the child who feels himself unloved and rejected by the favored parent can ever identify.

My wife and I have a respected and beloved friend, a survivor of the holocaust, a beautiful and intelligent woman blessed with a strong sterling character, a stunningly frank but generous disposition, and a rare ability to express herself in prose and poetry. During one of our many conversations which she would reminisce about her childhood, she revealed that one of the happiest recollections of her life was the day in which she was forcibly removed from her family and taken by the Nazis to an extermination camp. She replied to our shocked expressions by describing a family situation in which her older sister was the favored, "frum" (religious) daughter and she was the rejected, rebellious one. If there was one part of butter and one part of the margarine, her sister would get the butter and she would get the margarine; "after all," her mother would explain, "Miriam is exhausted from davening with such concentration; you skipped a few corners with the prayer-book in your hand, so you can do with less."

What was even more difficult for her to bear was her mother's complaint whenever she was angered by her younger daughter's conduct, "You probably aren't my own biological daughter! Your sister was born at home, whereas you were born in a 'clinic' the doctors probably exchanged my real daughter with you..." Obviously, this was not a usual refrain spoken by the mother, but was only engendered by our friends occasional rebellion. But as Yiddish proverb goes "A slap depart , a 'word' still smart" (A patsch derght, A vort bashteht).

In 1942 the Nazis came to her hometown of Bendine, and rounded up the children. Only she and her parents were at home. Her father tried to steady his trembling hands by writing a "kvittel" (petition) to the Gerrer Rebbe; her mother threw herself at the feet of the Nazi beasts, begging them to take her and spare the life of her precious child. Our friend said she felt absolutely no fear, even when they loaded her onto the cattle s car; she could feel only joy, joy in the knowledge that her mother truly loved her after all, joy in the confirmation that she was indeed her parent s own and beloved daughter, joy in the discovery that she was at last accepted and not rejected.

I would argue that Jacob desperately wanted to feel his fathers' love, even if but for a brief period. If he supplied the venison meat, if he truly expressed the words "I am Esau your first born," then perhaps Isaac would love him just as he loved Esau of the venison. Just as he loved Esau of the mellifluous verbal entrapment. Indeed, Jacob yearns to be Esau - because then he could hope to gain paternal acceptance and affection. And so begins Jacob's odyssey, first searching for an Esau identity in Laban's house and business for 22 years and then finally succeeding in exorcizing Esau at the River Yabbok in order to become reconciled with his own true self. But Jacob's journey will only be completed, and the Lord will only become his G-d, when he eventually returns in peace to - and is at peace with - his father's house. (Genesis 28:21; 35:27).

Shabbat Shalom.

You can find Rabbi Riskin's parshiot on the web at:

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Hallel, Musaf, Ashrei and U'va l'tziyon, they are still permitted to daven those tefillos.

From: Jeffrey Gross [jgross@torah.org] To: weekly-halacha@torah.org
Subject: Weekly Halacha - Parshas Toldos
WEEKLY-HALACHA FOR 5763

By RABBI DONIEL NEUSTADT Rav of Young Israel in Cleveland Heights

A discussion of Halachic topics. For final rulings, consult your Rav
WOMEN AND PRAYER: OBLIGATIONS AND EXEMPTIONS

The Halachah obligates men to daven three times every single day - Shacharis, Minchah and Ma'ariv. The degree to which women are obligated to daven, however, is a subject debated by the early poskim. There are halachic authorities who exempt women from formal davening altogether as long as they recite a simple supplication in the morning¹. Other poskim maintain that women are rabbinically obligated to daven twice a day - Shacharis and Minchah⁽²⁾ - just like men⁽³⁾. Although most poskim agree with the second view that women are obligated to daven⁽⁴⁾, it was a rare woman who davened in the olden days. Running a household was an all-consuming task⁽⁵⁾, and many women were illiterate to boot⁽⁶⁾. Nowadays, we are witnessing a remarkable turnaround in regard to women and tefillah. Many women, especially single girls and older women, have assumed the obligation of davening regularly, as the halachah dictates. Even busy mothers attempt to daven as often as they possibly can. Nevertheless, women are still not as free to daven as men and the demands on their time may legitimately conflict with the halachic times for davening. We will therefore list, in order of importance, the parts of davening which take priority for a woman whose time is limited⁽⁷⁾. Depending on how much time she has she should recite as many as she can, and recite them in the order in which they appear in the siddur:

1. Reciting a simple supplication is the very least a woman must do according to all the poskim. Any supplication that opens with praise of G-d (shevach) and ends with thanksgiving for His benevolence (hoda'ah), such as Birkas ha-Torah⁽⁸⁾ is sufficient⁽⁹⁾.
2. Shemoneh Esrei of Shacharis and Minchah. This is the minimum requirement according to most poskim⁽¹⁰⁾.
3. The first verse of Shema⁽¹¹⁾ and Baruch Shem⁽¹²⁾. Although women are technically exempt from Shema since it is a time-based mitzvah, the poskim recommend that at the very least they recite the first verse, which is the declaration of accepting Hashem's sovereignty upon oneself⁽¹³⁾.
4. Birchos ha-Shachar⁽¹⁴⁾, including Birchos ha-Torah⁽¹⁵⁾. [If a woman has already davened Shemoneh Esrei, she should not say the blessing of Al netilas yadayim, since that blessing can be said only before davening⁽¹⁶⁾.]
5. The blessing of Emes v'yatziv until Ga'al Yisrael⁽¹⁷⁾, followed immediately, without any break, by Shemoneh Esrei, so that they fulfill the mitzvah of semichas geulah l'tefillah - the halachic requirement that no break take place between Shemoneh Esrei and the blessing that precedes it.
6. Pesukei d'Zimrah⁽¹⁸⁾.
7. The entire Shema⁽¹⁹⁾ prefaced by Kel melech ne'eman⁽²⁰⁾.
8. The blessings of Yotzer Ohr and Ahavah rabbah⁽²¹⁾. As mentioned earlier, a woman who has the time to do so, should daven all of the parts of the davening that we have listed, in the right order and at the right time.

Some additional notes:

1. Birchos Kerias Shema and Shemoneh Esrei should be recited l'chatchilah before the fourth hour of the day has elapsed. If a woman is unable to daven before then, she may recite Shemoneh Esrei until midday (chatzos)⁽²²⁾, but she should not recite Birchos Kerias Shema⁽²³⁾.
2. Since it is prohibited to eat before davening Shacharis⁽²⁴⁾, women also should not eat before davening. Women who exempt their obligation to daven by reciting a supplication, as explained earlier, may eat after doing so⁽²⁵⁾.
3. Women are exempt from Tachanun, Ashrei, U'va l'tziyon and the Shir shel yom⁽²⁶⁾. It has become customary for them to recite Aleinu after Shemoneh Esrei⁽²⁷⁾.
4. Women are exempt from Hallel on Rosh Chodesh, Pesach⁽²⁸⁾, Sukkos and Shavuos, because it is a time-based mitzvah⁽²⁹⁾. Some poskim require women to recite Hallel on Chanukah⁽³⁰⁾, while others exempt them⁽³¹⁾.
5. The poskim debate whether women are obligated to daven Musaf or not⁽³²⁾. It is customary that they do⁽³³⁾. Note that in all cases in which women may be exempt, such as the daily Ma'ariv,

FOOTNOTES: 1 Magen Avraham 106:1 based on the view of the Rambam. 2 All the authorities agree that women are not obligated in Ma'ariv, since Ma'ariv was initially established as a voluntary prayer even for men. Although eventually men accepted Ma'ariv as an obligation, women did not. 3 View of the Ramban (Sefer ha-Mitzvos 5). 4 Mishnah Berurah 106:4. 5 The Chafetz Chayim's son reported (Sichos Chafetz Chayim, pg. 13) that his mother rarely davened when her children were young. She said that the Chafetz Chayim exempted her from davening during that period in her life. 6 Harav M. Feinstein (quoted in Ko Somar l'Beis Yaakov, pg. 29) once remarked that the fact the many women were illiterate and were not required by the rabbanin to learn how to read is proof that they relied on the poskim who did not require women to daven Shacharis and Minchah, although women certainly recited supplications. See below. 7 The list is formulated for Ashkenazic women only, since some Sephardic poskim (see Yechaveh Da'as 1:68; 3:3) rule that women are not allowed to daven certain parts of the davening from which they are exempt. 8 Machazeh Eliyahu 19:5-15. If she has intention to fulfill her obligation of tefillah through the recitation of Birkas ha-Mazon she may do so - ibid. 9 See Emes le-Yaakov O.C. 106:1 and Halichos Shelomo 2:4. 10 Mishnah Berurah 106:4. See also Mishnah Berurah 263:43. 11 Rama O.C. 70:1. 12 Kaf ha-Chayim 70:1 quoting the Levush. 13 Mishnah Berurah 70:4; 106:4. It is not, however, required that the Shema be said within the time frame allotted to men - Eishel Avraham (Butchach) 70:1. See also Aruch ha-Shulchan 70:2. 14 Mishnah Berurah 70:1; Aruch ha-Shulchan 70:1. 15 O.C. 47:14. See Beur Halachah that according to the Gr"a women are exempt from Birchos ha-Torah. Accordingly, a woman who is short of time should give priority to the other blessings. 16 Mishnah Berurah 4:1. 17 This blessing is given priority in order to satisfy the view of some poskim who hold that women are obligated to fulfill the daily mitzvah of Zecher l'Yetzias Mitzrayim (the daily mitzvah to remember the Exodus) - Magen Avraham 70:1. Many other poskim do not agree with this obligation. 18 The poskim disagree about whether women are exempt from Pesukei d'Zimrah - see Mishnah Berurah 70:1; Sha'ar ha-Tziyon 4; Aruch ha-Shulchan 47:25; 70:1; Yechaveh Da'as 3:3. [Contemporary poskim also disagree about whether women who come late to shul should skip Pesukei d'Zimrah in order to daven b'tzibur, since women are not considered as part of the tzibur - see Avnei Yashfei, 2nd edition, pg. 202-203.] 19 Although clearly exempt from reciting Kerias Shema, it has become customary for women to try to recite the entire Shema, so that they, too, accept Hashem's sovereignty and commandments upon themselves. 20 Minchas Elazar 2:28. 21 Aruch ha-Shulchan 70:1. 22 Harav M. Feinstein (quoted in Ko Somar l'Beis Yaakov, pg. 34); Machazeh Eliyahu 19:5-14. [Logically, women should not daven Shacharis earlier than alom amud ha-shachar. A woman who is unable to daven at a later time, may daven Shemoneh Esrei then, although that Shemoneh Esrei may count for Ma'ariv and not for Shacharis.] 23 Halichos Beisa 5:5 quoting several poskim. 24 O.C. 89:3. 25 See Kaf ha-Chayim 286:30. See Igros Moshe O.C. 4:101-2 who questions if women are prohibited to eat after reciting a supplication even if they are planning to daven later. 26 See Machazeh Eliyahu 20, Halichos Beisa, pg. 51-52 and Halichos Bas Yisrael, pg. 44 who offer various reasons for this. 27 Machazeh Eliyahu 20. 28 Except for the Hallel said at the Seder, which they are obligated to recite. 29 Beur Halachah 423:2. 30 Toras Refael O.C. 75; Minchas Pitim 683; Moadim u'Zemanim 2:146. See also Igros Moshe O.C. 1:190. 31 Beis She'arim O.C. 359; Machazeh Eliyahu 22. 32 Both views are quoted in Mishnah Berurah 106:4 without a decision. 33 Kaf ha-Chayim O.C. 286:7. See also R' Akiva Eiger, O.C. 106. Weekly-Halacha, Copyright © 2002 by Rabbi Neustadt, Dr. Jeffrey Gross and Torah.org. The author, Rabbi Neustadt, is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. The Weekly-Halacha Series is distributed L'zchus Doniel Meir ben Hinda. Weekly sponsorships are available - please mail to jgross+@torah.org . Torah.org: The Judaism Site <http://www.torah.org/> Project Genesis, Inc. 122 Slade Avenue, Suite 203 (410) 602-1350 Baltimore, MD 21208

From: RABBI MORDECHAI KORNFIELD Kollel Iyun Hadaf [kornfeld@netvision.net.il] To: daf-insights Subject: Insights to the Daf: Sanhedrin 46-49 INSIGHTS INTO THE DAILY DAF THE MORDECAI (MARCUS) BEN ELIMELECH SHMUEL KORNFIELD MASECHES SANHEDRIN brought to you by Kollel Iyun Hadaf of Yerushalayim daf@dafyomi.co.il, <http://www.dafyomi.co.il> SANHEDRIN 49 (24 Cheshvan) - dedicated by Dr. Moshe and Rivkie Snow to the memory of Rivkie's father, the Manostrishtcher Rebbe, Hagaon Rav Yitzchak Yoel ben Gedaliah Aharon Rabinowitz Ztz"l. A personification of the Torah scholar of old, the Ukrainian born Rebbe lived most of his life in Brooklyn, NY, where his warm ways changed many lives.

Sanhedrin 49 THE PROSECUTION OF YOAV QUESTION: After the death of David ha'Melech, Shlomo ha'Melech wanted to bring Yoav to justice, and he sent Benaiyahu to administer the punishment that Yoav deserved. Yoav fled into the Beis ha'Mikdash and seized the corners of the Mizbe'ach. He refused to leave until Shlomo

ha'Melech agreed that if he kills Yoav, he will accept upon himself the curse that was supposed intended for Yoav's family.

The Gemara says that when Shlomo agreed, they brought Yoav to Beis Din to judge him for killing Avner and Amasa. The Gemara says that Yoav found a way to exempt himself from liability for the death of Avner, but the Gemara gives no defense for his killing of Amasa. The Gemara leaves us with the understanding that Yoav was found guilty for killing Amasa.

However, TOSFOS points out that Yoav was exempt from liability in that case as well, because he did not receive proper Hasra'ah, warning from witnesses. Shlomo ha'Melech killed Yoav nonetheless, because of a third charge; he showed that Yoav was a "Mored b'Malchus" -- he had rebelled against the Malchus of Shlomo's father, David ha'Melech.

If Shlomo ha'Melech wanted to charge Yoav for being "Mored b'Malchus," then why did he first try to prosecute him with charges of murder? Why did he not immediately charge him with being "Mored b'Malchus?"

In addition, why did Shlomo ha'Melech accept Yoav's curse if he was able to prosecute him and kill him as a "Mored b'Malchus?" If for someone reason he was not able to kill him for being "Mored b'Malchus," then why did Yoav agree to forfeit his life if Shlomo ha'Melech would accept the curse?

ANSWER: The MARGOLIYOS HA'YAM cites the TESHUVOS BEN YEHUDAH (#20) who explains Shlomo's actions based on the RAMBAM (Hilchos Rotze'ach 5:14). The Rambam rules that the Mizbe'ach does not protect a person who is Chayav Misah because of a sin. Even if a person kills b'Shogeg, accidentally, and is thus obligated to go into Galus to an Ir Miklat, the Mizbe'ach does not protect him, unless he is a Kohen and he is performing the Avodah on the Mizbe'ach. However, if the king wants to kill a person (based on the king's power to kill whomever he wants), or if Beis Din wants to kill a person based on a "Hora'as Sha'ah" (to teach a lesson and not based on actual Din Torah), and the person flees to the Mizbe'ach, the Mizbe'ach protects him and he cannot be killed unless the court proves, based on the testimony of valid witnesses, that he is Chayav Misah for a sin that he committed.

The KESEF MISHNAH asks that according to the Rambam, how was Shlomo able to kill Yoav? Tosfos says that Yoav was not proven by Beis Din to be Chayav Misah for a sin, but rather he was Chayav Misah only because of the Din Malchus -- the right of the king to execute a person! The Teshuvos Ben Yehudah answers that this is why Shlomo ha'Melech first accused Yoav of being Chayav Misah for killing Avner and Amasa. He wanted to use the court case as a pretext to remove Yoav from the Mizbe'ach.

How did this tactic work? If Beis Din found that Yoav was not guilty of the charges that Shlomo brought against him, then they should have returned Yoav safely to the Mizbe'ach!

The answer might be as follows. Had Yoav been found innocent, perhaps they would have returned him to the Mizbe'ach. However, although he was not found guilty of killing b'Mezid, he was found guilty of killing b'Shogeg, and thus he was Chayav Galus -- he had to go to an Ir Miklat. Now Yoav was trapped: if he would demand to be returned to the Mizbe'ach, Shlomo could not kill him as a "Mored b'Malchus." However, Yoav could be killed by the Go'el ha'Dam, because of his status of a Rotze'ach b'Shogeg. Since Shlomo was Amasa's first cousin, Shlomo had the status of Amasa's Go'el ha'Dam and thus could kill Yoav. On the other hand, if Yoav would demand that the court bring him to an Ir Miklat, he would be safe from the Go'el ha'Dam but Shlomo could then kill him as a "Mored b'Malchus."

Yoav decided that he would rather stay with the Mizbe'ach, because he knew that the king would feel uncomfortably personally coming and killing someone himself as a Go'el ha'Dam. Benayahu had to obtain Yoav's permission to remove Yoav from the Mizbe'ach, in order to spare Shlomo the embarrassment of having to come in personally and kill Yoav with his own hands (since the Go'el ha'Dam may not send a Shali'ach to do his work). Yoav agreed to leave if Shlomo would accept his curse, because he realized that even if he would stay at the Mizbe'ach, he still could be killed by Shlomo as the Go'el ha'Dam of Amasa, and therefore he would not escape death by refusing to leave. (See the MARGOLIYOS HA'YAM #5.)

HOW YOAV WAS ABLE TO KILL AVNER

QUESTION: Rabbi Yochanan says that before Yoav killed Avner, "he judged him with the judgement of Sanhedrin." Yoav proved to Avner that, based on Halachah, his act of killing Asah'el was considered murder, since he could have injured Asah'el instead and saved himself that way. That entitled Yoav, as the Go'el ha'Dam of Asah'el, to kill Avner. (Even if Avner did not receive Hasra'ah and could not be killed in court, he is no less than

a Rotze'ach who kills accidentally, whom the Go'el ha'Dam is permitted to kill.)

The Gemara proceeds to tell us how Yoav fooled Avner. Yoav asked Avner how a woman with no arms can perform the procedure of Chalitzah by removing the Yavam's shoe. Avner told him that the woman can do it with her teeth. When Avner bent down to demonstrate how one can remove a shoe with one's teeth, Yoav drew his sword and killed Avner.

If Yoav proved to Avner that he was not justified in killing Asah'el and thus Yoav was entitled to act as a Go'el ha'Dam, then how did Avner fall for Yoav's trick and let down his guard to let Yoav kill him? He knew that Yoav was the Go'el ha'Dam of Asah'el and thus he should have stayed as far away from Yoav as he could!

ANSWER: Perhaps the reason Avner let down his guard is because the verse says that this interaction between Yoav and Avner occurred in the city of Chevron (Shmuel II 3:27). Chevron was an Ir Miklat, as the verse states in Yehoshua (21:11)! Avner was not afraid of Yoav, the Go'el ha'Dam, because he was in an Ir Miklat, and a Go'el ha'Dam is not allowed to kill in an Ir Miklat!

If, however, they were in an Ir Miklat, then why indeed did Yoav kill Avner? Why was Yoav not Chayav Misah for doing so (since a Go'el ha'Dam who kills in an Ir Miklat is Chayav Misah)?

The answer may be learned from the words of the RAMBAM (Hilchos Rotze'ach 6:4) who distinguishes between a person who kills b'Shogeg, accidentally, and a person who kills in a manner that is close to Meizid, that is almost deliberate (such as when it was done due to negligence). The latter does not go to an Ir Miklat, and if he does flee to an Ir Miklat, the Ir Miklat does not protect him and the Go'el ha'Dam is entitled to kill him even in the Ir Miklat.

Avner killed Asah'el intentionally, but he did not receive Hasra'ah. Even if he was not aware of the Halachah that one is supposed to injure his pursuer when possible rather than kill him, such a misunderstanding of the Halachah would be considered a Peshi'ah, an act of negligence, since an act done by accident due to a lack of knowledge is considered to have been done intentionally ("Shigegas Talmud Oleh Zadon").

Avner did not know that an Ir Miklat would not protect a person in his situation. Yoav took advantage of this Halachah, and Avner's unfamiliarity with it, to kill Avner in Chevron. (See MARGOLIYOS HA'YAM 49a:4 in the name of KAPEI AHARON.)

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