

**Rabbi Wein's Weekly Blog**  
**VAYESHEV**

The narrative in the Torah portion of Vayeshev, of how the Jewish people came down to Egypt and settled there for centuries, is in the form of a personality dispute between Joseph and his brothers. The Torah never covers up for anyone and is never hagiographic. It presents for us figures of great people, but it does not demand perfection from them. In short, they are human with all that this connotes.

The brothers' attitude towards Joseph is colored by one negative emotion – jealousy. Joseph is too handsome, too talented, too beloved by his father and too brash a personality. They and he are longer able to communicate with each other civilly and rationally. This jealousy eventually morphs into hatred, and as all human history indicates to us, hatred easily turns into persecution and violence. The brothers truly feel justified in their behavior and actions. They feel compassionate towards Joseph in having sold him into slavery instead of murdering him on the spot. Jealousy and hatred are such strong self-justifying emotions that they can cover up even the most vicious crimes and violent behavior.

In the original story of murder in the Torah, Cain seems to realize that he has committed an evil act in murdering his brother. However, as civilization proceeded through the generations, there is little stigma of guilt associated with murdering people who the murderer feels unjustly has more power, wealth and ability than he does. The concept of justifiable homicide thus becomes one of the tenets of human civilization. And the brothers feel completely at ease in employing this concept regarding their treatment of Joseph and his being sold into slavery.

The Rabbis have taught us that much if not all Jewish history is simply a replay of the script of the story of Joseph and his brothers. It explains not only the differences that exist and have always existed in Jewish life, both religious and general, but it also illustrates how these differences oftentimes descend into acts that are unworthy of the chosen people. And, as with Joseph and his brothers, all differences are magnified and become reasons for the disagreements and for the satisfying self-justification that allows these disputes to perpetuate and recur again and again.

Eventually, history and events – these are the divine instruments by which G-d guides the world – will reconcile Joseph and his brothers. But the scars of their decades of contention will always remain, even after reconciliation has been achieved. So too, Jewish history reflects the repetition of old differences, albeit decked out in new forms and ideologies. Eventually all of these fall away in the face of the truth of Torah and the survival of the Jewish people. The scars remain and oftentimes the differences are revisited by later generations who willingly or unwillingly ignore the past. It is for this reason perhaps that the Torah spends so much space and detail on this story of Joseph and his brothers. It is really the millennia old story of internal Jewish life and society.

Shabbat Shalom  
Rabbi Berel Wein

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**Refusing Comfort, Keeping Hope (Vayeshev 5779)**

**Rabbi Jonathan Sacks**

The deception has taken place. Joseph has been sold into slavery. His brothers dipped his coat in blood. They bring it back to their father, saying: "Look what we have found. Do you recognise it? Is this your son's robe or not?" Jacob recognises it and replies, "It is my son's robe. A wild beast has devoured him. Joseph has been torn to pieces." We then read:

Jacob rent his clothes, put on sackcloth, and mourned his son for a long time. His sons and daughters tried to comfort him, but he refused to be comforted. He said, "I will go down to the grave mourning for my son." (Gen. 37:34–35)

There are laws in Judaism about the limits of grief – shiva, sheloshim, a year. There is no such thing as a bereavement for which grief is endless. The Talmud says that God admonishes one who weeps beyond the appointed time, "You are not more compassionate than I." [1] And yet Jacob refuses to be comforted.

A Midrash gives a remarkable explanation. "One can be comforted for one who is dead, but not for one who is still living," it says. In other words, Jacob refused to be comforted because he had not yet given up hope that Joseph was still alive. That, tragically, is the fate of those who have lost members of their family (the parents of soldiers missing in action, for example), but have as yet no proof that they are dead. They cannot go through the normal stages of mourning because they cannot abandon the possibility that the missing person is still capable of being rescued. Their continuing anguish is a form of loyalty; to give up, to mourn, to be reconciled to loss is a kind of betrayal. In such cases, grief lacks closure. To refuse to be comforted is to refuse to give up hope.

Yet on what basis did Jacob continue to hope? Surely he had recognised Joseph's blood-stained coat – he said explicitly, "A wild beast has devoured him. Joseph has been torn to pieces." Do these words not mean that he had accepted that Joseph was dead?

The late David Daube made a suggestion that I find convincing. [2] The words the sons say to Jacob – haker na, literally "identify please" – have a quasi-legal connotation. Daube relates this passage to another, with which it has close linguistic parallels:

If a man gives a donkey, an ox, a sheep or any other animal to his neighbour for safekeeping and it dies or is injured or is taken away while no one is looking, the issue between them will be settled by the taking of an oath before the Lord that the neighbour did not lay hands on the other person's property...If it [the animal] was torn to pieces by a wild animal, he shall bring the remains as evidence and he will not be required to pay for the torn animal. (Exodus 22:10–13)

The issue at stake is the extent of responsibility borne by a guardian (shomer). If the animal is lost through negligence, the guardian is at fault and must make good the loss. If there is no negligence, merely force majeure, an unavoidable, unforeseeable accident, the guardian is exempt from blame. One such case is where the loss has been caused by a wild animal. The wording in the law – tarof yitoref, "torn to pieces" – exactly parallels Jacob's judgment in the case of Joseph: tarof taraf Yosef, "Joseph has been torn to pieces."

We know that some such law existed prior to the giving of the Torah. Jacob himself says to Laban, whose flocks and herds had been placed in his charge, "I did not bring you animals torn by wild beasts; I bore the loss myself" (Gen. 31:39). This implies that guardians even then were exempt from responsibility for the damage caused by wild animals. We also know that an elder brother carried a similar responsibility for the fate of a younger brother placed in his charge, as, for example, when the two were alone together. That is the significance of Cain's denial when confronted by God as to the fate of Abel: "Am I my brother's guardian [shomer]?" (Gen. 4:9).

We now understand a series of nuances in the encounter between Jacob and his sons upon their return without Joseph. Normally they would be held responsible for their younger brother's disappearance. To avoid this, as in the case of later biblical law, they "bring the remains as evidence." If those remains show signs of an attack by a wild animal, they must – by virtue of the law then operative – be held innocent. Their request to Jacob, haker na, must be construed as a legal request, meaning, "Examine the evidence." Jacob has no alternative but to do so, and by virtue of what he has seen, to acquit them. A judge, however, may be forced to acquit someone accused of a crime because the evidence is insufficient to justify a conviction, while still retaining lingering private doubts. So Jacob was forced to find his sons innocent, without necessarily trusting what they said. In fact Jacob did not believe it, and his refusal to be comforted shows that he was unconvinced. He continued to hope that Joseph was still alive. That hope was eventually justified: Joseph was still alive, and father and son were ultimately reunited.

The refusal to be comforted sounded more than once in Jewish history. The prophet Jeremiah heard it in a later age: This is what the Lord says: “A voice is heard in Ramah, Mourning and great weeping, Rachel weeping for her children Refusing to be comforted, Because her children are no more.” This is what the Lord says: “Restrain your voice from weeping, And your eyes from tears, For your work will be rewarded,” says the Lord. “They will return from the land of the enemy. So there is hope for your future,” declares the Lord, “Your children will return to their own land.” (Jeremiah 31:15–17)

Why was Jeremiah sure that Jews would return? Because they refused to be comforted – meaning, they refused to give up hope. So it was during the Babylonian exile, as articulated in one of the most paradigmatic expressions of the refusal to be comforted: By the rivers of Babylon we sat and wept, As we remembered Zion... How can we sing the songs of the Lord in a strange land? If I forget you, O Jerusalem, May my right hand forget [its skill], May my tongue cling to the roof of my mouth If I do not remember you, If I do not consider Jerusalem above my highest joy. (Psalms 137:1–6)

It is said that Napoleon, passing a synagogue on the fast day of Tisha B'Av, heard the sounds of lamentation. “What are the Jews crying for?” he asked one of his officers. “For Jerusalem,” the soldier replied. “How long ago did they lose it?” “More than 1,700 hundred years.” “A people who can mourn for Jerusalem so long, will one day have it restored to them,” the Emperor is reputed to have replied.

Jews are the people who refused to be comforted because they never gave up hope. Jacob did eventually see Joseph again. Rachel's children did return to the land. Jerusalem is once again the Jewish home. All the evidence may suggest otherwise: it may seem to signify irretrievable loss, a decree of history that cannot be overturned, a fate that must be accepted. Jews never believed the evidence because they had something else to set against it – a faith, a trust, an unbreakable hope that proved stronger than historical inevitability. It is not too much to say that Jewish survival was sustained in that hope. And that hope came from a simple – or perhaps not so simple – phrase in the life of Jacob. He refused to be comforted. And so – while we live in a world still scarred by violence, poverty and injustice – must we. Shabbat shalom

### Shabbat Shalom: Parshat Vayeshev (Genesis 37:1-40:23)

By Rabbi Shlomo Riskin

Efrat, Israel – “And there passed by Midianite merchants, and they drew and lifted up Joseph out of the pit, and sold Joseph to the Ishmaelites for twenty shekels of silver, and they brought Joseph down to Egypt. (Genesis 37:28)

Who bears the ultimate responsibility for a criminal act? Is it the person who plans the crime, or the one who pulls the trigger or stabs with the knife? Is it the agency that sets up the act, the terrorist inciters, the mercenary for hire, or even the disinterested parents or apathetic society that nurtured the evil intent leading to the villainous deed? An ambiguous verse in Vayeshev dealing with the sale of Joseph initiates a difference of opinion amongst biblical commentators that have relevance to this important question.

Let's consider this scene of déjà vu. We know that Isaac was actually blind when he planned to give the blessings to his favored son, Esau, who turned out to be Jacob because of Rebecca's planned deception. Now, we find Jacob is equally blind in his relationships with his own sons, for “Israel [Jacob] loved Joseph more than all his children, because he was the son of his old age, and he made him a coat of many colors” [Gen. 37:3]. This infuriated his brothers. “And when his brothers saw that their father loved him more than all his brothers, they hated him, and could not speak peaceably to him” [Gen37:4]. The Talmud declares:

“A parent must never favor one child among the others; because of a piece of material worth two selahs (the coat of many colors) that Jacob gave to Joseph more than his other children, his brothers became jealous of him and the matter degenerated until our forefathers were forced to descend to Egypt.” (B.T. Shabbat 10b)

Apparently, our Sages felt that Jacob bore ‘ministerial responsibility’ for the tragedy of the brothers, although his sin was certainly inadvertent. Jacob suffers grievously for his mistake in family management, believing for twenty-two years that his beloved son is dead. But nevertheless he certainly is not the main culprit. Joseph doesn't do anything to assuage his brothers' feelings: he recounts his dreams that flaunt his superiority and eventual domination over the other family members [Gen. 37:5–11]. Then, in a fateful move, the still unaware (blind) Jacob sends Joseph to Shekhem to see “whether all is well with his brothers, and well with the flock” [Gen. 37:14]. Sighting Joseph from a distance and clearly aggrieved by their father's favoritism, Joseph's brothers conspire in their hearts to kill him. They tear off his coat of many colors and cast him into a pit. Shortly afterwards, the brothers spy an approaching caravan, prompting Judah to suggest that since killing isn't profitable, they should rather sell Joseph to the Ishmaelite caravan and tell their father he was devoured by a wild beast.

Undoubtedly, the moment Joseph is sold into slavery is one of the turning points in the Torah. It is considered the most heinous crime of the biblical period – the sin of sibling hatred foreshadowing the Jewish divisiveness that led to the destruction of the Second Holy Temple and its aftermath of tragic exile and persecution.

However, when we examine the verse recording the sale of Joseph, it's hard to figure out who it was who actually sold the hapless brother, the Ishmaelites, the Midianites or the brothers who initiated the plan. (Gen 37:27,28)

Joseph himself initially considers the brothers responsible, as he said when he first reveals his true self to them, “I am Joseph your brother whom you sold to Egypt.” (Gen. 45:4)

However, the Rashbam maintains that since the brothers were not the ones who actually pulled Joseph out of the pit to sell him, they could not be considered as the only guilty party; but they must still share responsibility for the events that unfolded as a result of the sale. Their initial act of casting their brother into the pit was done with murder in their hearts. Rashbam casts guilt upon everyone who shares in unleashing the forces of evil, even those whose hands remain clean while others do the actual dirty work.

I share the view of Rashbam. One must do something – not merely think something – in order to be responsible, but the one who sets the ultimate crime in motion by his action, even though he might not have perpetrated the act of the sale itself, must nevertheless certainly take responsibility. Hateful intentions alone cannot create culpability, but placing an individual in a vulnerable position – like casting him into the pit – inciting others to participate in that hatred as well as actively aiding and abetting the perpetrators of the crime, certainly makes one a partner in crime who must assume a share of the guilt.

But there is a twist in this portion, and Joseph engages in a little historical revisionism. A much wiser and more mature Joseph twenty-two years later when Joseph was Grand Vizier of Egypt, he looks upon this incident from the perspective of Jewish history, sub specie aeternitatis, under an Eternal gaze. From his vantage point, when he stands as Master rather than hapless victims, he continues “But now do not be sad, and let there not be reproach in your eyes because you sold me here; it was in order that you (all) might live that God sent me [to Egypt] before you...to ensure your survival in the land and to sustain you [for a momentous deliverance]. And now, it was not you who sent me here but God...” [Gen. 45:5–8].

Hence Joseph may very well be holding the brothers responsible for the sale even though it may have been the Midianites who actually committed the transaction – not only because it was the brothers who began the process which led to the sale, but mostly because he wishes to involve them in redemption. For Joseph, the act that began as a crime, concluded – owing to divine guidance and Joseph's own quick-wittedness – as the salvation of the family of Israel. Joseph is anxious to restore family unity – and thus to look upon the sale from a divine perspective, which turned a tragic family transgression into a truly mighty salvation! Shabbat Shalom

### Vayeshev: The Nature of Exile

Rav Kook Torah

“They took Joseph and threw him into the pit. The pit was empty, without water in it” (Gen. 37:24).

When the brothers threw Joseph into the pit, the exile began - not just Joseph's personal exile from his father's house and the Land of Israel. From that dark, empty pit, began the exile of the entire Jewish people to Egypt.

Joseph's pit is a metaphor for Galut, for each exile of the Jewish people from their land.

#### Three Types of Pits

There are, of course, different kinds of pits. There are pits filled with water, wells that provide life to those living near them. One must be careful not to fall in and drown, but these are productive, useful pits.

Then there are empty pits. They serve no purpose, and are dangerous. Nonetheless, even empty pits have a positive side to them. With effort and skill, they may be filled with water and transformed into useful pits.

And there is a third type of pit. The Talmud (Shabbat 22a) quotes Rabbi Tanchum that Joseph's pit belonged to this third category. It was empty of water, but it contained other things - snakes and scorpions. Such a pit is of no use - neither actual nor potential - for humans.

Some mistake the pit of Exile for a well of water. Yes, one must be careful not to drown in it; but overall, they claim, it is a positive experience. If Jews are careful to act in a manner that will not arouse anti-Semitism, they can dwell comfortably in their foreign homes.

But the true nature of Exile is like Joseph's pit, full of snakes and scorpions. It is a dangerous and deadly place for the Jewish people. Such a pit has only one redeeming quality, intrinsic to its very nature: it will never mislead the Jews into mistaking it for their permanent homeland.

#### Snakes and Scorpions

Rabbi Tanchum spoke of a pit containing snakes and scorpions. What is the difference between these two dangerous animals? A snake bites with its head, while a scorpion stings with its tail. The snakebite is a planned and intentional act, executed by the directives of the snake's brain. A scorpion stings from its tail instinctively, without thought.

Exile is accompanied by both of these "blessings." There are times of intentional and malevolent persecution, such as those perpetrated by the Crusaders, Chmielnicki's Cossacks, Nazi Germany, and other sinister snakes of history. These are dark hours for the Jewish people, but they are also times of shining heroism and self-sacrifice.

Worse than these intentional snakebites are the continual, unintentional scorpion stings which are an intrinsic part of Exile. Cultural dissonance, intermarriage, and assimilation take their slow, unintended toll on the Jewish people and their connection to the Torah.

The afflictions of Exile are by heavenly decree, lest we confuse a temporary resting place in the Diaspora for a permanent home for the Jewish people. The only true remedy for these snakebites and scorpion-stings is to rescue the Jews from the pit, and restore them to their proper homeland.

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The website RabbiKaganoff.com contains many articles on various halachic questions about lighting the menorah, about kashrus issues related to olive oil, and questions about donuts. Here we present...

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### The Chanukah Miracle

#### By Rabbis Avraham Rosenthal and Yirmiyohu Kaganoff

Question #1: How did the Seleucid Greeks defile the oils?

Question #2: How was the oil in the flask protected from tumah?

Question #3: How did the Chashmona'im know that it was indeed tahor, ritually pure?

Question #4: Is there a prohibition against lighting the golden menorah with oil that is tamei?

#### Introduction:

We are all familiar with the story of the flask of olive oil found with the seal of the kohein gadol that was used to light the menorah in the Beis Hamikdash after the defeat of the Seleucid army. There is much discussion in halachic literature concerning this flask of oil. This week's article will attempt to address the opening questions about that flask.

To begin, let us quote the Gemara's explanation of the story: "What is Chanukah? (As Rashi explains this question,) on account of which miracle did the Rabbis establish Chanukah? The Rabbis taught: On the twenty-fifth of Kislev the days of Chanukah commence. They are eight days, on which it is not permitted to eulogize or to fast. For when the

Greeks entered the Sanctuary, they contaminated all the oil that was in the Sanctuary. And when the royal Chashmona'im house gained the upper hand and vanquished them, they searched [the Beis Hamikdash] and found only one flask of oil that had the kohein gadol's seal. It contained only enough oil to kindle the menorah for one day. A miracle happened with this oil and they kindled the lights with it for eight days. In the following year, they rendered [these eight days] into a festival with respect to the recital of Hallel and thanksgiving" (Shabbos 21b).

#### Defiling the Oil

Our first question was: "How did the Seleucid Greeks defile the oils?" Concerning this question, we find several opinions among the Rishonim and Acharonim:

1) One possibility, suggested by Tosafos (ad loc.), is that, *miderabbanan*, non-Jews are treated as *tamei* to the extent that they make people and utensils *tamei* via physical contact or by lifting or moving them (Shabbos 17b; Nidah 31a; Rambam, *Hilchos Metamei Mishkav Umoshav* 2:10). According to this approach, if the Greeks merely moved the flasks of oil, they became *tamei*.

2) Another suggestion is that the oil became *tamei* through *tumas meis*, the type generated by a corpse. This works as follows: Let us say, for example, that a person enters a room in which there is a corpse. Both he and his clothes are now *tamei*. If he or his clothes then come in contact with a utensil, the utensil is now *tamei*. In a situation where there is food or liquid in the container, it becomes *tamei* because it is in contact with the utensil.

Thus, the garments worn by the Greek soldiers who entered the Beis Hamikdash were, in all likelihood, *tamei*, as the soldiers had most likely come in contact with their dead Jewish victims. When those garments came in contact with the flasks of oil located in the Sanctuary, the flasks become *tamei*, which in turn caused the oil to become *tamei* as well (Re'eim, commentary to Semag, *Hilchos Chanukah*).

3) Another possibility, suggested by the Rogetchover Gaon (Tzafnas Pane'ach, *Hilchos Chanukah* 3:1), is based on a passage of Gemara (Chullin 123a) that rules that when a platoon of non-Jewish soldiers enters a house, everything in the house contracts *tumas meis*. This is because the soldiers were wont to carry skins taken from a corpse in order to use them for witchcraft against the enemy. Based on this, the Greeks soldiers also brought this *tumah* into the Beis Hamikdash, thereby causing the oil to become *tamei*.

4) Rav Avraham Halevi Gombiner, author of the famous Magen Avraham commentary on Shulchan Aruch, also wrote commentaries on the midrashim called *Zayis Raanan*. There he suggests that the oil found in the Beis Hamikdash was not *tamei*, but the Chashmona'im did not want to use it out of concern that it had been used as part of an idolatrous service (*Yalkut Shimoni*, Emor, #655, *Zayis Raanan*, s.v. *af betumah*).

#### The Oil was Protected

Our second and third questions were: How was the oil in the flask protected from *tumah*, and how did the Chashmona'im know that it was indeed *tahor*, ritually pure?

Again, concerning this issue we find numerous approaches:

1) Rashi, commenting on the Gemara (Shabbos 21b, s.v. *bechosmo*), writes that they found the sealed flask in a hidden place, where it was unlikely to have been handled by the Greeks.

2) The Ran (Shabbos, ad loc.) writes that the flask was made out of pottery, which has the unique quality that it does not become *tamei* when someone touches its exterior.

3) Tosafos (Shabbos 21b, s.v. *shehayah*) write that the flask was situated in the ground in such a fashion that it was evident that the Greeks did not move it. Several Rishonim propose various possibilities as to how it was evident. Some suggest that they found the flask hidden in the area under the *mizbei'ach* into which flowed the water and wine libations (*Yotzros*, second Shabbos Chanukah). Others suggest that the flask was in a sealed cubby (*Meiri*, Shabbos 21b, s.v. *neis zeh*; see also *Kol Bo* #44).

4) Some Rishonim write that it is clear that the Greek army was not even aware of the flask's existence, for had they come across it they would

have certainly broken it open to see if there was anything valuable inside (Ran and Meiri, Shabbos ad loc.).

#### Using Tamei Oil

Now let us address the last of our opening questions: Is there a prohibition against lighting the golden menorah with oil that is tamei?

The basis of this question is that there is a halachic principle, “tumah hutrah betzibbur,” when the only way to offer the required regular public korbanos is by violating the rules of tumah, the Divine service in the Beis Hamikdash is permitted. Only individuals who are tamei are prohibited from bringing offerings and the like. The source of this halachah is based on a pasuk: “Command the Bnei Yisrael and they shall take for you pure olive oil, pressed, for illumination, to kindle a continual lamp (ner tamid)” (Vayikra 24:2). The Sifra elaborates: “‘Tamid’ – even on Shabbos; ‘tamid’ – even in tumah.” The Rambam quotes this ruling (Hilchos Tamidin Umusafin 3:10). If so, the menorah could have been kindled with tamei oil.

Adding to the question as to the necessity of attaining oil that was tahor, the Acharonim point out that the other korbanos at the time were offered even though everyone was tamei (see Aruch Hashulchan, Orach Chayim 670:3; Pnei Yehoshua, Shabbos 21b, s.v. mai chanuka).

We find several viewpoints in the Rishonim and Acharonim explaining why they required oil that was tahor.

1) Some Acharonim write that the permissibility of tumah hutrah betzibbur applies only to tumas meis, tumah generated by a corpse. However, this rule does not apply to other types of tumah. Therefore, since, according to some opinions, the oil was tamei for other reasons (see above), it could not be used (Pri Chadash 670).

2) Others contend that the rededication of the Beis Hamikdash by the Chashmona'im created a unique situation. The lighting of the menorah at that time was not merely a fulfillment of the daily mitzvah, but it initiated a new beginning, which required doing so in the purest way possible. This required that they attain oil that was tahor (Gilyonei Hashas [Mahari Engel], Shabbos 23).

A similar idea can be found in the Daas Zekeinim Mi'baalei Tosafos (Vayikra 10:4). Although a kohein gadol is not allowed to become tamei for one of his seven closest relatives, a kohein hedyot (regular kohein) is normally allowed to do so. The Daas Zekeinim points out that Aharon's two remaining sons, Elazar and Isamar, were not allowed to become tamei upon the deaths of their brothers. This was because they were just then commencing their initiation as kohanim, and therefore they had the same restrictions as a kohein gadol.

3) Some explain that, in actuality, it was permitted to light with tamei oil because of the halachah of tumah hutrah betzibbur. Nevertheless, Hashem performed a miracle on their behalf allowing the one day's worth of oil to burn for eight days in order to show them His love. This enabled them to light the menorah – the symbol that Hashem's Divine Presence resides among the Jewish Nation – with oil that was tahor (Pnei Yehoshua, Shabbos 21b; Shu"t Chacham Tzvi #87; Rosh Yosef, Shabbos 21b).

4) According to the view of the Zayis Raanan mentioned earlier, the concern was that the oil had been contaminated by idol worship. The Chashmona'im needed oil that did not have this problem, and the heter of tumah hutrah betzibbur did not apply.

#### Conclusion

Whereas Shabbos and most of our holidays include Kiddush and other festivities that we celebrate with the use of wine, on Chanukah we celebrate the miracle that happened with the olive oil in the Beis Hamikdash. Many of our customs, including the consumption of donuts and latkes, are to remind us of the miracle of the oil.

It is interesting to note the many comparisons made between olives and grapes, and this also has halachic overtones. Both vineyards and olive groves are called kerem in Tanach and Mishnaic Hebrew (see Berachos 35a). Wine and olive oil are the only fruit products used in korbanos on the mizbeich. They are also the only liquids whose brocha is not shehakol; it is ha'eitz in the instance of olive oil and hagefen in the instance of wine and grape juice. They both have the halachic distinctiveness of being the only fruits with a Torah requirement of

separating terumos and maasros; and they are the only fruits that may be squeezed for their product when they have terumah sanctity.

On the other hand, there is an interesting technical difference between grapes and olives, one with major hashkafic ramifications. Whereas it requires much tending to coax the vine to produce quality wine grapes, the olive tree requires little attention to produce quality olive oil. Once one has chosen the proper site for planting the trees, the main efforts required to produce quality oil are to harvest the olives exactly when they are ready and to crush them immediately without damaging them. Any significant delay reduces severely the quality of the oil extracted. This is also reflected in the halacha, which rules that one may harvest and process olives on Chol Hamoed, when work is usually prohibited, because delaying causes major loss (Mishnah, Moed Katan 11b).

The root of the word Chanukah is the same as that of chinuch; both instances include the concept of training or the beginning of performing mitzvos. Thus, the true translation of chinuch is not education, as it is ordinarily used, but training. Similar to the grape, some children require constant involvement in their education. If you take your eyes off their chinuch for a moment, they will be in trouble. However, when you attend to them carefully and constantly, they'll produce high quality wine. Other children resemble the olive. They require less oversight. Once they are planted correctly, they only require attentive oversight at key junctions. The rest of the time, they will do far better if left to grow on their own. This is indeed a manifestation of the other aspect of chinuch/Chanukah. As parents and teachers, it is our task to understand our children and apply the correct approach to maximize the potential of each child. As Mishlei (Proverbs) tells us, chanoch lanaar al pi darko (22:6), each child needs to be educated according to his own specific requirements. May the lights of Chanuka symbolize for us the dedication of our ancestors to direct their children and students in the way of Torah, and may they serve as a beacon for us to continue in that mission.

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**Ohr Somayach :: Torah Weekly :: Parshat Vayeshev**

*For the week ending 1 December 2018 / 23 Kislev 5779*

**Rabbi Yaakov Asher Sinclair - [www.seasonsofthemoon.com](http://www.seasonsofthemoon.com)**

#### **Insights**

**All Singing!!! All Dancing!!!**

**“...and the birds were eating them from the basket above my head.” (13:17)**

Baruch Hashem, I have had the privilege to be a Gemara Rebbe in Ohr Somayach for more than twenty years.

And as every Gemara Rebbe knows, the times they are a' changing.

There, I just used one of the most successful techniques I know for fighting weapons of mass distraction: Verbal Ritalin®.

I didn't say “times are changing”. I deliberately made an oblique reference to a song that has entered the public consciousness. I used “verbal Ritalin”. I don't think that many kids with attention deficiencies are slow. Just the opposite! They're too fast for the teacher. Arguably, the modern media have produced a generation whose pick-up rate is much faster than it was. True, it may be more superficial, but the media trains kids to latch on very quickly.

So what happens is that the student has understood the teacher, and then he is not fed new information immediately, and the teacher is now saying the same thing in a different way, and so his mind wanders. But if we can control to where the mind is wandering, we can bring our student back in a flash.

Yes, to be a teacher today requires us to be an all-singing all-dancing one-person entertainment channel.

“Two people holding a tallit”. A Breslover chassid holding one end of a tallit and a litvishe bachur holding the other. What color is the tzitzit?

What's the difference between being responsible for theft and negligence? Negligence is when you drive your friend's Bentley Continental down to the Damascus Gate and get out leaving the key in the ignition and the engine running...

I try and much as I can to slip into my explanation of the Gemara references from popular songs or sayings that the talmidim will

recognize and subconsciously say, “Where does that come from?” I’ll even sing a line in falsetto. I have a pretty good gravelly super-bass American announcer voice, “Coming to a city near you!”

This is what I call verbal Ritalin — reinforcing the talmud’s tendency to go off-topic, to where I want it to go so I can keep his attention.

“...and the birds were eating them from the basket above my head.”

How did Yosef know that the baker was a walking dead man? In normal circumstances birds are frightened of Man. If a bird will come and peck at a basket on top of a man’s head, it’s a sure sign that the man is not even a scarecrow. The birds eating from a basket on a man’s head gives the game away. It’s a small subconscious alarm bell planted in the narrative that tells all. It’s verbal Ritalin.

in a world where our students are dreaming, we have to be the early bird that catches their dreams.

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## ***OU Torah***

### ***Rabbi Dr. Tzvi Hersh Weinreb Vayeshev: Thinking and Dreaming***

When I recall the great teachers I was blessed with over the course of my lifetime, I realize that one thing comes to mind: they were a diverse group. This eclectic group included the gentle man who introduced me to the study of Chumash, Bible, when I was in fourth grade; the seventh-grade teacher who inspired me to read great literature and to try my hand at writing; the Talmudic scholar who turned me on to rabbinic study when I was about 18 years old; and the devout Roman Catholic psychiatrist who was my mentor when I trained to become a psychotherapist.

What did they all have in common? They all were thinkers and intellectuals, each in his own distinct field. And they were all imaginative. They combined *sechel* with *regesh*, intelligence with emotion, information with creativity.

My fourth-grade teacher used pictorial materials, which he had personally designed using his own substantial artistic skills, to illustrate the Biblical stories we studied.

My seventh-grade teacher read to us as a reward at the end of a long day, made longer by the strain of a double curriculum. He read with great drama, moving us sometimes to tears and at other times to fits of laughter.

The rabbi who made Talmud study so exciting did so using stories of great Talmudists over the ages, employing vivid imagery to convey the meaning of the most abstract texts.

And my mentor taught us how to understand people. He especially taught us the importance of the dream. But he was not interested in the dreams of our patients. He was interested in our own dreams, and he insisted that we pay attention to our dreams as one way to know ourselves better, something which he considered an absolute requirement for an effective psychotherapist. “The way to cultivate the imagination necessary to know another person,” he would insist, “is to be aware of your own dreams and what they might mean.”

In this week’s Torah portion, Parshat Vayeshev (Genesis 37:1-40:23) we meet Joseph, the dreamer. He was not the first person in the Bible to dream. His great-grandfather Abraham dreamt and his father Jacob dreamt several times. But Joseph not only dreamt himself. He paid attention to the dreams of others: the chief baker and chief cupbearer in this week’s parsha, and King Pharaoh in next week’s parsha.

Joseph, though, was the first person in the Bible to attempt to interpret dreams. In modern terms, he was the first to use intellect in order to analyze the quintessential product of the imagination, the dream. It is no wonder, then, that Joseph was the first person in the Bible who is referred to as a *chacham*, a wise man.

Jewish tradition has always revered the intellect. The paramount mitzvah in our religion is Talmud Torah, Torah study — an intellectual pursuit if there ever was one. We are proud of the towering geniuses in our history: Rabbi Akiva, who could “uproot mountains and grind them together” with the power of his intellect; Maimonides, who composed

his commentary on the Mishnah while still in his teens and went on to write his magisterial code and his awesome philosophical treatise; the Gaon of Vilna, whose genius encompassed every aspect of Torah and extended into the fields of mathematics and astronomy.

But what about the imagination? What place does that have in our tradition? Is it suspect because it is not bound by reason? Is it acceptable but clearly secondary to rational thought? Is it in some way superior to the intellect?

The answer to these questions lies buried in the vast and daunting writings of two of our greatest philosophers: Maimonides, in his *Guide to the Perplexed*, and Rabbi Yehuda Halevi in his fascinating work, *The Kuzari*.

I can only briefly summarize the differing positions these two sages took on the subject of the *koach hadimyon*, the power of the imagination. I trust that the reader will understand that I am simplifying very complex ideas.

For Maimonides, reason is the essential quality of man. Intellect is all-powerful and all-important. Philosophical expertise is a prerequisite for spiritual achievement. The imagination, according to Maimonides, is clearly secondary. It is limited to the sensory world and cannot transcend it. It is inadequate when thought is required. Even the prophet, whom one would think exemplifies the imaginative person, is basically a philosopher blessed with an additional skill: imagination.

Rabbi Yehuda Halevi, on the other hand, sees the imagination in very positive terms. For him, it is an alternate way of perceiving the world and, in some ways, is a superior method of perception. The intellect can perceive the world of physical reality, whereas the imagination has access to spiritual reality, to the *inyan eloki*, the “God factor.” The prophet, according to Rabbi Yehuda Halevi, is essentially a mystic, not a philosopher.

At this point, the reader might be wondering about the relevance of these philosophic discussions to our everyday lives. It is here that I resort to yet a fifth great “teacher” that I was blessed to have. This teacher is the product of the decades I have amassed of working with people in the fields of education, psychology, and the pulpit rabbinate. After all, is not experience the best teacher?

Experience has taught me that our imaginations help us achieve some very important interpersonal goals. First of all, our imaginations enable us to put ourselves in the shoes of another person, to sense what he or she is going through. This is the skill of empathy, which is so essential if we are to get along with others. To be able to feel what another person is feeling requires an active imagination. Too often, we are limited in our ability to empathize with another because we only know our own feelings and reactions and fail to comprehend that the other has different feelings and different reactions, even to the very same circumstances.

Imagination is not only important if we are to get along with others. It is also necessary if we are to succeed in life, for success requires the ability to envision new possibilities and creatively discover the options that are available in challenging circumstances. Problem-solving cannot be done with intellect alone. Flexibility and creativity and an imaginative vision are absolutely essential counterparts.

What made Joseph great? He was, as we will read next week, a *chacham* and a *navon*, a wise and discerning man. But he was also, as we read this week, a dreamer who could inquire empathically after the wellbeing of his fellow prisoners and ask them, “Why are you so downcast today?”

It was his imaginative capacity that allowed him to develop new options and to plan to avert the famine which threatened to annihilate the entire then-known world.

Joseph’s role in the history of our nation is as a model of the exquisite blending of intellect with imagination. This balance is required of all of us if we are to understand each other, if we are going to succeed in life, and if we are to personally experience personal growth.

Joseph’s example is one that we are challenged to emulate and which we are assuredly capable of following in our own lives.

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***Drasha - Parshas Vayeshev***

**Rabbi Mordechai Kamenetzky**

**Rest Stop**

Yaakov's struggles were over — or at least he thought so. He had met the challenge of living 22 years with a conniving uncle; he had held back the malicious advances made by Esav and had appeased him properly. His daughter was rescued from the clutches of an evil prince, and though his children had attacked and decimated the city of Shechem, the neighboring countries did not seek revenge. This week the portion begins "Vayeshev Yaakov," and Yaakov settled. The Midrash tells us that Yaakov wanted to rest. The Midrash continues that the Almighty did not approve of Yaakov's retirement plans. Hashem asked, "are the righteous not satisfied with the World to Come? They would want to rest in this world too?" Immediately, says the Midrash, the incident with Yosef occurred. Yosef is kidnapped by his brothers and sold as a slave, thus throwing Yaakov's tumultuous existence into another 22 years of agony.

What exactly is the objection toward Yaakov's desire to rest? Why couldn't the father of the 12 tribes spend the final third of his life in tranquility?

On the fast day of the Tenth of Teves, during the height of World War II, Rabbi Ahron Kotler took the well known activist Irving Bunim on a train trip to Washington. The war in Europe was raging, Jews were being exterminated, and the two had to see a high-ranking Washington official to plead with him in every possible way — "save our brothers." On the way down to Washington Rabbi Kotler tried to persuade Bunim to break his fast. "Bunim," he explained. "You cannot fast now. You need your strength for the meeting."

But Irving Bunim refused to eat. He was sure that he could hold out until the evening when the fast ended.

The meeting was intense. Rabbi Kotler cried, cajoled, and begged the official to respond. Finally, the great rabbi felt that he impressed upon the man the severity of the situation. The man gave his commitment that he would talk to the President. When they left the meeting Bunim was exhausted. He mentioned to Rabbi Kotler that he thought the meeting went well and now he'd like to eat.

Rav Ahron was quick to reply. "With Hashem's help it will be good. And Bunim," he added, "now you can fast!"

Yaakov wanted to rest. However, Hashem had a different view. There is no real rest in this world. As much as one has accomplished, there is always another battle — another test. The moment one declares victory, another battle looms.

This week we celebrate Chanukah. The words Chanukah mean "they rested on the 25th (of Kislev)." It was not a total rest. Just one rest from one battle. The Hasmoneans had to rededicate the desecrated Temple, re-light the Menorah, and re-establish the supremacy of Torah over a Hellenist culture that had corrupted Jewish life. They rested from physical battle, but they knew that there would be a constant battle over spirituality for ages to come. They established the Menorah-lighting ceremony with flames that have glowed until today proclaiming with each flicker that the battle may be over but the war is endless — until the final rest.

Good Shabbos and Ah Frailechen Chanukah

*LeZecher nishmas*

*R. Yonasson Aryeh z"l ben yibadel leChayim Tovim R. Moshe Aron, Reb Yonasson Aron, whose entire life was Chessed and Emes and who was a driving force behind the spiritual and physical growth of the fruhm community in Passaic, New Jersey, on the occasion of his first yahrtzeit, sponsored by the Sherer family of Yerushalayim Ir HaKodesh*

*The author is the Dean of the Yeshiva of South Shore.*

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**Rav Yissocher Frand – Parshas Vayeshev**

**Why Binyomin Was Not Considered Yaakov's "Ben Zekunim"**

The last four Parshiyos of Sefer Bereshis, beginning with Parshas Vayeshev, contain the story of Yosef and his brothers. For the most part, the patriarch Yaakov recedes into the background of the narrative.

The Torah says, "Yaakov loved Yosef more than any of his children because he was his 'ben zekunim'." [Bereshis 37:3] Rashi offers two interpretations of the phrase 'ben zekunim.' The first is that Yosef was born in Yaakov's old age. At the time Yosef was born he was the eleventh of eleven sons and the twelfth of Yaakov's children, consisting of eleven sons and one daughter. It is only natural – we find this even today – when people have children when they are younger and then have additional children in their old age, sometimes the children born to parents when they are older are almost like grandchildren. Just as grandchildren have a special place in our hearts, so too, we sometimes have a special relationship with our own children who are born in our "old age."

Rashi then quotes a second interpretation of 'ben zekunim' based on the Tagrum Onkelos, that Yosef was a 'bar chakim' – a precocious child. Seeing him to be especially brilliant, Yaakov gave over all the Torah he learnt to this favorite son.

However, the first interpretation – that Yosef was the child of Yaakov's old age – seems to be closer to the simple interpretation of the Torah's words 'ben zekunim'. Yet, the Chizkuni asks on this interpretation a simple question: Granted, Yosef, the eleventh son, was born in Yaakov's relative old age, but Binyomin – Yaakov's twelfth son – was born when his father was even older! Why isn't Binyomin called Yaakov's 'ben zekunim'?

The Rashbam (Rashi's grandson) points out this same difficulty. He explains that Binyomin was much younger than Yosef, and that Yosef had enjoyed the role of Ben Zekunim for many years, during which time Yaakov developed that special relationship with Yosef that the birth of Binyomin did not preempt.

The Chizkuni's answer is different. He explains – in a very interesting insight – that Yaakov never felt the same for Binyomin that he felt for Yosef because Yaakov's beloved wife Rochel died in childbirth while giving birth to Binyomin. Binyomin was always associated with an element of sadness in his father's mind. Every time Yaakov looked at his youngest son, he remembered Rochel's death. Rochel was always Yaakov's "main wife" and he could therefore never develop the same relationship with Binyomin that he had with Yosef.

**Yaakov Had a Plan; but G-d Had a Different Plan**

Yaakov sends Yosef to check on the welfare of his brothers in Shechem. Rav Gifter, z"l, makes an interesting comment on this pasuk [Bereshis 37:13]. Why was it important to mention specifically that the brothers were in Shechem? Rav Gifter suggests that Yaakov Avinu was very aware of the ill feeling between Yosef and his brothers. Yaakov wanted his children to get along with each other. That is the wish of every single parent.

However, they were not getting along. Yaakov, Rav Gifter suggests, was trying to create an environment in which the brothers would make peace between themselves. He asked himself – which spot on earth is the most fitting for my sons to find unity and solidarity? Shechem.

Shechem was the place where Shimon and Levi arose and wiped out the entire city because, "Look what you did to our sister!" They risked their lives. It was not a picnic! So why did they do it? "Because that is our sister!" They loved the family, they loved their siblings, and they loved their sister! We have a concept that "the place is causative" (haMakom Gorem) [Sotah 45a; Sanhedrin 14b, Sanhedrin 87a; Avodah Zarah 8b]. Yaakov thought that if there is any place in the world that is conducive to family unity amongst his children, it is Shechem. Since he felt that the spiritual force of that place could promote peace in the tension filled relationship of Yosef and his brothers, it was specifically there that he sent his favorite son to "check on the welfare" of his brothers.

The only problem was that the brothers had in fact left Shechem by the time Yosef reached there. The Ramban cites an expression, "haGezeirah Emes, v'ha'charitzus sheker" – which roughly corresponds to the Yiddish expression "A mentch tracht un G-t lacht" [Man thinks and G-d laughs]. That which the Ribono shel Olam wants to happen will happen and the efforts a human being makes (to circumvent G-d's decree) will not make a difference at the end of the day. The best laid plans of mice

and men come to naught if they contradict the Will of the Almighty. If the Holy One Blessed Be He wants “X” to happen, it will happen.

Yaakov’s calculation had merit – Shechem would have been the place to promote brotherly love, but there was a Divine Plan at work to send Yaakov and his children to Egypt. There was no way this plan could be preempted.

#### **Why Suddenly Now – Sackcloth and Fasting?**

The Torah teaches that Reuven returned to the pit (to rescue Yosef) but Yosef was not in the pit and Reuven ripped his clothing (as a sign of mourning) [Bereshis 37:29]. Reuven, too had a plan. He convinced his brothers that rather than kill Yosef, they should throw him into a pit (where he might supposedly “die on his own”). Reuven’s plan was to then come back to the pit when his brothers were not around, rescue Yosef, and return him to the safety of his father.

Rashi explains how it was that Reuven was not around when the brothers themselves pulled Yosef from the pit and sold him to the Yishmaelite traders. Rashi actually gives two interpretations. Rashi’s first interpretation is that the brothers took turns taking care of Yaakov and that particular day happened to be Reuven’s turn. Rashi’s alternate explanation is that Reuven was occupied in sackcloth and fasting for the fact that he had improperly intervened in his father’s marital sleeping arrangements (after Rochel died, Reuven moved Yaakov’s bed into the tent of his mother, Leah, from the tent of Bilhah who had been Rochel’s maid servant). In effect, he was doing teshuva for this sin.

But this second interpretation of Rashi is difficult. The incident of Rochel’s death and the rearrangement of Yaakov’s bed happened years prior to the events of Parshas Vayeshev! Where has Reuven been for all these years that suddenly now he is sitting shiva, so to speak, and taking a leave of absence from the rest of his brothers to do teshuva for a transgression from many years prior?

I heard an answer to this question: Now, suddenly, Reuven had an epiphany of sorts. Reuven thought to himself that it is not right that the handmaiden of Rochel should have precedence over my mother, Leah. He could live with the fact that of the two sisters, Rochel was the favorite. However, he was greatly incensed that even Rochel’s servant should be more favored to Yaakov than Leah who was one of his main co-wives. The emotion is understandable and his logic was reasonable. He stood up for the honor of his mother!

However, Reuven did not take into account how Yaakov would feel about his intervention into his father’s personal matters. Now Reuven sees something amazing: The brothers think they are right. They think that Yosef is a rodef [a pursuer], a terrible person. However – wow, Reuven now realizes the impact this will have on his father. They were ignoring their father’s reactions. Reuven understood very well how Yaakov would react, and that is why he wanted to save Yosef.

Reuven’s epiphany was that these actions of my brothers might be logical, they might be right, but they will kill our father! Someone may have all of the noblest calculations in the world, but if the logical outcome of such calculations is going to hurt somebody, then he must put these calculations aside. In thinking about his brothers’ actions, Reuven now realized that he made the same mistake those many years ago. “I shamed my father because I was telling him what I thought was best. I had my reasons. I stood up for the honor of my mother. True. But now I see that you can have the best calculations and plans and strategies and rationalizations, but you also need to consider how it impacts another person’s feelings.”

Reuven introspected after seeing his brothers’ actions regarding Yosef and concluded, “I am guilty of the same thing.” Therefore, where was Reuven that day? He was occupying himself with sackcloth and fasting over having intervened in the placement of his father’s bed.

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**TorahWeb.org**  
**Rabbi Hershel Schachter**  
**Two Dreams?**

Many years ago Rav Aharon Soloveitchik zt”l spoke at a family simcha and commented as follows:

The brothers of Yosef were upset with him over his two dreams. Their father, Yaakov Avinu, only had one dream - obviously very spiritual in nature - which was all about holy angels. Their brother all of a sudden came up with two dreams: one about the celestial bodies - the sun, the moon and the stars - and the other, very materialistic in nature, which was all about bundles of grain. Yosef’s brothers disapprovingly wondered - where did this gashmius-dige dream come from? It was not in accordance with the family tradition.

But the truth of the matter was that Yaakov Avinu’s dream really consisted of two parts: the ladder in Yaakov’s dream was standing on the earth and its top reached into the heavens. Yosef broke his father’s dream into its two component parts, but in truth both parts were already contained within Yaakov’s dream.

[The Talmud tells us that the tanna R’ Eliezer had a policy not to say anything he hadn’t heard from his rebbeim (Sukkah 28a). In Pirkei D’ Rabbi Eliezer it is stated that R’ Eliezer was such an original thinker that he would develop Torah ideas that no one had heard since the days of maamad Har Sinai. Don’t these two descriptions seem to contradict each other?

Rav Kook suggested that the two passages were not at all contradictory. The tanna R’ Eliezer adopted a policy never to express any original ideas, but he paid close attention to the traditions he had received from his rebbeim and thus he heard more from his rebbeim than his contemporaries. He would always break down the Torah ideas he received from his rebbeim into their component parts, and thereby point out that many additional ideas were implicitly contained within what they had all heard from their rebbeim[1]]

Some individuals had expressed their dissatisfaction with Rav Yoshe Ber’s (his brother) way of thinking. Many felt that their zeideh Rav Chaim only had one dream which was about halacha, and thus questioned where R’ Yosef got this second dream of philosophy. This was not at all part of the family tradition.

Rav Aharon concluded that in his opinion, his brother Rav Yoshe Ber did not add on a new second dream, but merely did as Yosef hatzaddik of old and broke down the traditional dream into its two component parts - halacha and agada.

The Talmud consists of both halacha and agada. The halacha guides us as to how to act, while the agada guides us as to how to think. In every generation we have to present our age-old Torah traditions in a language that will be understood by the masses. Rav Aharon’s brother - Rav Yoshe Ber - was simply translating the haskafot of Chazal into contemporary philosophical jargon. There was only one dream, broken down into its two component parts - “Old wine kept in brand new vessels.”

[1] *This discussion of R’ Eliezer was not part of Rav Aharon’s drasha*  
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#### **Shema Yisrael Torah Network** **Peninim on the Torah - Parshas Vayeishev**

**פרשת וישב תשל"ט**

**וילכו אחיו לרעות את צאן אביהם בשכם... וימצאו איש והנה תעה בשדה**

**Now, his brothers went to pasture their father’s flock in Shechem. (37:12)..... A man discovered him, and behold! – He was blundering in the field. (37:15)**

Clearly, the entire debacle concerning Yosef and his brothers is cloaked in profound esoteric secrecy. All we can do is to derive snippets of ethical lessons which we should incorporate into our lives. Perhaps the most powerful and illuminating statement made by Chazal is the following: “The tribes/brothers were occupied with the sale of Yosef; Yosef himself was absorbed *b’sako u’b’taaniso*, in his sackcloth and fasting; Reuven, as well, was immersed in a state of penitence; so, too, was Yaakov Avinu; Yehudah was engaged in the process of looking for a wife. Last – and most important – was Hashem, Who was involved in creating the future light of *Moshiach Tziddkeinu*.”

*Tzaros*, troubles. Everyone is going through some sort of travail – or, at least, that is how it appears. Yosef is suffering. Yaakov is suffering. The *Shevatim* are certainly not happy with what they are compelled to do. Reuven has his troubles. Yehudah does not fare well. *Hashem Yisborach* manipulates everything for one purpose: to prepare the way for *Moshiach*. *Chazal* conclude, “This teaches us that before the first oppressor was created, the final redeemer had already been created.”

Three times, the Torah writes that Yosef had some sort of an encounter with an *ish*, “man”: *Va’yimtzaeihu ish*, “A man discovered him” (ibid 37:15); *Vayishaleihu ha’ish*, “The man asked him” (ibid 37:15); *Va’yomer ha’ish*, “The man said” (ibid 37:17). This was not a human encounter. *Chazal* say that he was an Angel (Gavriel) in the likeness of a man. *Horav Yechezkel Abramsky, zl*, suggests that since Yosef is the one who was lost, it should have written, *Va’yimtzah ish*, “And he (Yosef) met/discovered a man.” Why does the Torah write that the man discovered him (Yosef)?

This, explains *Rav Abramsky*, is how we know that it was an angel in the likeness of a man who sought out Yosef. The *Malach*, angel, was dispatched by Hashem for a purpose. Everything is guided by Divine Providence. Yosef was “sent” to Egypt by Divine agency, in order to bring the *Shechinah*, Divine Presence, to Egypt in preparation for the descent of Yaakov and his family to the country that would be their home for 210 years. This was the beginning of their exile. Everything has a reason. Nothing happens by chance. We should not err and think that angels were dispatched only in days of old. No, says *Horav Reuven Karlinstein, zl*, every step of our lives is Divinely guided for a reason and purpose. At times, we realize this only many years later. Those who live their lives with their eyes open might even “sense” the angels during their encounter.

וישב ראובן אל הבור

#### Reuven returned to the pit. (37:29)

Where was Reuven (that he had to “return”)? *Rabbi Eliezer (Midrash)* says, “Reuven was occupied with fasting; he was dressed in sackcloth as penitence for changing the placement of his father’s bed. Hashem (in accepting Reuven’s repentance) said to him, ‘From the beginning of time, there has not been anyone who had transgressed and repented. You are the first one. As reward, your descendant will stand and declare/exhort the people to return/repent.’” This is a reference to the *Navi Hoshea*, a descendant of Reuven, who proclaimed, *Shuvu Yisrael ad Hashem Elokecha*, “Return *Yisrael* to Hashem, your G-d.” This *Midrash* begs elucidation. Was Reuven the first to repent? What about Kayin, who repented? Furthermore, *Chazal* teach that Adam *HaRishon* also repented. Why is Reuven singled out as the first penitent when, in fact, two others preceded him?

The commentators, each in his own inimitable manner, distinguish between the varied approaches to *teshuvah* manifest by Adam, Kayin and Reuven. The *Brisker Rav, zl*, offers a novel understanding of Reuven’s *teshuvah*. Reuven was about to perform the *mitzvah* of *hatzolas nefashos*, saving his brother’s life. This was no ordinary *mitzvah* (not that any *mitzvah* may be called “ordinary”). Saving a life is saving a world; he was saving all future generations that would descend from Yosef. Reuven wanted to be sure that this *mitzvah* was executed *b’shleimus*, complete perfection. People often perform *mitzvos* assuming that they are doing something special, wonderful and great, when, in fact, the end result of this *mitzvah* is far from laudatory. Thus, to ensure that there would be no errors, Reuven wanted to purge himself of any vestige of sin.

This form of *teshuvah* is unlike any *teshuvah* previously performed. This was not *teshuvah* to expunge a previous sin; rather, this was *teshuvah* prior to a *mitzvah*, for the express purpose of perfecting the upcoming *mitzvah*. This is the meaning of Hashem’s declaration to Reuven, *Atah posachta liteshuvah techilah*, “You ‘opened’ with repentance ‘first.’ Prior to you, no one had thought of repenting before carrying out a *mitzvah*. You taught the world that if one wants to perfect the performance of a *mitzvah*, he must first be pristine, cleansed of sin. This can only be done through prophylactic *teshuvah*. This is the

meaning of Hoshea’s proclamation *Shuvah Yisrael ad Hashem Elokecha*, “Before you go approach Hashem, ie; perform a *mitzvah*, repent, so that your *mitzvah* will be complete and perfect.” Pouring wine from a filthy pitcher is clearly not the same as pouring from a pitcher that is pristine of all dirt. Should *mitzvah* performance be any different?

Perhaps we can offer an alternative explanation for Reuven receiving the accolade of “first repenter.” While he was preceded in repentance by Adam and Kayin, Reuven’s *teshuvah* was unique, so that it earned him the distinction of being the first to repent. Adam and Kayin repented their defined sin. Reuven’s sin was not defined. The Torah writes, *Vayeilech Reuven, vayishkav es Leah*, “Reuven went and lay with Leah” (*Bereishis* 35:22). Actually, what had transpired was quite different. Following Rachel *Imeinu*’s death, Yaakov *Avinu* established his primary residence in Bilhah’s tent. Reuven considered this an affront to his mother, Leah *Imeinu*. In order to defend his mother’s honor, he took the initiative to move his father’s bed to Leah’s tent. The Torah implies Reuven’s act was an egregious sin, when, in fact, it was a grave error motivated by impetuosity and righteous indignation over what he perceived to be his mother’s shame. Nonetheless, our great leaders are held to a higher, more exacting standard – one that transforms an error into a grievous sin.

Having said this, we may now view Reuven’s *teshuvah* in a different light. He did not simply repent his indiscretion, his error in judgment. Reuven repented the grievous sin as described by the Torah. His *teshuvah* was above and beyond the pale of his sin, because he understood how his error would be viewed in a perspective consistent with his lofty spiritual plateau. His was not the average *teshuvah*. His repentance set a standard which raised the barometer of *teshuvah* to a higher bar. Veritably, that is the way it should be, since the effect and repercussion of a sin is not a “one size fits all” phenomenon.

ויהי בעת ההיא וירד יהודה מאת אחיו

#### It was at that time that Yehudah went down from his brothers. (38:1)

The *Midrash Tanchuma* explains the juxtaposition of Yehudah’s marriage, upon the loss of his wife and two sons, and upon the incident of Yosef’s sale, with Yehudah being the one to inform Yaakov *Avinu* of Yosef’s death. Hashem said to Yehudah, “You have yet to father children; thus, you do not know what raising children and losing them means, the accompanying pain and sorrow. Yet, you were the one to inform your father that a wild animal had killed/torn his son apart. You must now experience the pain of losing a child. Therefore, you will marry and father two sons, whom you will subsequently bury. Then you will realize the pain that you caused your father.

*Horav A. Henach Lebowitz, zl*, expounds on this *Midrash*. It may be implied from *Chazal* that the reason Yehudah had no qualms about informing Yaakov about Yosef’s tragic (fictional) encounter with a wild animal was that Yehudah did not know what it meant to have – and then lose – a child. Despite Yehudah’s greatness, his peerless wisdom and distinction of being second to Yaakov in Torah knowledge, without personal experience he was unable to empathize properly. Yehudah had to experience firsthand the pain that Yaakov had experienced.

The *Rosh Yeshivah* asserts that we must always give a person the benefit of the doubt and judge a person positively, because we rarely know their true situation. People put on a positive front, but deep down they are churning with pain.

*Chazal (Pirkei Avos 2:5)* teach, *Al tadin es chavercha ad she’tagia limkomo*, “Do not judge your fellowman until you come to be in his place.” The secular world has a well-known adage, “Don’t judge a man until you’ve walked a mile in his shoes.” It is not as if *Chazal* require secular support; the purpose of the quote is only to demonstrate that this idea is expressed by an accepted maxim. We often look at a person and decide that they are doing well, because, for all appearances, they are. We do not realize that we are looking at a snapshot of their present state, without taking into account what has taken place before or what has led to their present state. We should not judge people in black and white, because, in reality, the world contains so much gray. Indeed,

unless one has lived exactly as the person he judges, has had similar responsibilities, has experienced the same challenges, he is not in a proper position to judge.

*Ad she'tagia limkomo*, "Until you come to be in his place," may be taken literally to mean, "In his geographical position, his locale." Every person has a background, a place in which he grew up and spent his formative years. Before we judge someone, we must take into account: his background, family, friends and associates. Early childhood experiences (both positive and negative) can be critical factors in setting the patterns for the development of one's personal destiny in life.

Furthermore, do not judge from afar. Move up close in order to develop a better perspective of a person. Distance creates illusions. A person's identity appears different when we get closer to the scene. When we set ourselves apart from the community, from the person we judge, we risk clarity, and, unless we can put ourselves in exactly the same position as the person we are judging, we should not judge.

*Tagia* is related to *yegia*, which means toil, labor. Perhaps *Chazal* are teaching us that we may not judge until we have expended the same effort to reach the same position as did the person whom we are judging. We have difficulty understanding why a person acts in a certain manner. We are envious of an individual's position, wondering how he achieved what he did when we are still busy climbing the ladder. How often do we take into account the travail, obstacles and many challenges this person had to overcome before he made it to the top? Would we be willing to do the same? We question a person's behavior and decisions, wondering why they are so obstinate or inflexible. Do we know what they went through, the various experiences, hardships and challenges until they achieved distinction? Perhaps this is what is meant by "Walk a mile in his shoes." We do not know what kind of shoes he had when he walked that mile. They could have been old and worn out, ill-fitting, torn with holes, allowing water to penetrate or pebbles to cut the skin. His *yegia*, toil, should be a critical part of our judgment process.

*Horav Tzvi Hirsch Rabinowitz, zl*, was the son and successor of the venerable *Kovner Rav, Horav Yitzchak Elchanan Spektor, zl* (children often changed their family name to avoid conscription into the Russian army). Shortly after he married, his wife was diagnosed as clinically insane. She was hospitalized. The doctors who treated her declared that she would never recover. The young *Rav* had one option for freeing himself from the marriage: *heter meiah rabbanim*. Since a man may marry more than one woman (Biblically), under extreme situations, the rabbinical courts which would normally uphold the *cherem*, ban, declared by *Rabbeinu Gershom*, prohibiting a man from having more than one wife, would permit a man to secure the permission of one hundred rabbis to take a second (added) wife.

The citizens of Kovno suggested to their *Rav* that he avail himself of this dispensation. Prominent citizens visited him to encourage him to do what any other man in his position would do. He demurred. "Absolutely not," he said. He was not without a reason. He explained, "If I were to remarry, and my first wife would (by some remote chance) become cured, this would lead to behavior inappropriate for a *Rav*" (Having two wives would not look good on his resume. He would be allowed to stay with his second wife, but would be compelled to divorce his first wife, who would now be stuck.)

"To avoid this predicament, my only option would be to remarry and pray to Hashem that He heal all sick people – except for my first wife [After all, he could not have her become cured and come home.] Thus, my only out would be to call on Hashem not to heal all of the sick people of *Yisrael*. This I cannot do."

There is no question that everyone in Kovno was rendering judgment against their *Rav*. Some lauded him; others excoriated him; still others must have thought he should be committed. No one bothered to think of the pain and anguish that he was experiencing. They were too busy judging. His *yegia* meant very little to nothing to them.

End of the story: *Rav Rabinowitz* continued praying for his wife to be healed together with all of the sick people of *Yisrael*. This went on for decades until she passed away – having never left the

hospital. He never gave up on her. He never turned his back on her. He did not remarry until after she died. He lived alone for decades, because he would not force himself to limit his prayers for sick people. He exchanged his happiness for faithfulness to his wife. His integrity was the product of *yegia* – pure toil. Yet, people probably judged him. What did they know?

**ואיך אנשנה הרעה הגדולה הזאת והטאתי לאלקים**

**How then can I perpetrate this evil and have sinned against G-d! (39:9)**

Potiphar's wife did everything within her power and resources to beguile and seduce Yosef. True to his earned appellation of *tzaddik*, righteous man, he resisted her advances. According to *Rashi*, he employed ingratitude as an excuse, asserting that his master had entrusted him with the total run of the house. To sin with his wife would be the nadir of ingratitude – not to mention indecency – and a betrayal of trust. In the beginning of his *Shaarei Teshuvah, Rabbeinu Yonah* derives a different tactic from Yosef's words – one that should, likewise, apply to each and every one of us. Yosef made a point to acknowledge his many positive attributes, character traits and *yichus*, pedigree, as deterrents from sin. To paraphrase *Horav Avraham Pam, zl* (quoted by Rabbi Sholom Smith), *Es pasht nisht!* "It is unbecoming for someone like me" to commit such a base sin.

A person creates a protective barrier against sin when he stops to think of his Jewish identity. What he is about to do is certainly inappropriate for someone of his standing. Everyone has positive worth; some even have noble lineage. He must ask himself: Is this becoming of me, of someone of my status? Do my ancestors deserve for me to sully their reputation? These are powerful points. So why do they not work? After all, people do sin. Not just spiritually-deficient people, but people who are observant, from distinguished backgrounds, individuals who possess wonderful attributes. It is these same individuals who shock the community when they act in a manner unbecoming someone of their standing. What happened to their self-identities?

Perhaps we can elucidate this with a with a well-known parable from *Horav Nachman Breslover, zl*. There was once a prince who lived with his father and mother, the king and queen. Everything went well. He was a fine young man who received a splendid, well-rounded education, reflective of his aristocratic background. One day the prince transformed. He suffered what we might term an identity crisis. He thought that he was a turkey. He no longer ate with his parents at the dining table, choosing to peck at crumbs under the table. He did not wear his princely garb. Since turkeys wear no clothes, he did not either.

It is understandable that the king and queen contacted any and every professional who might cure their son – to no avail. Money was of no issue. The finest doctors and psychiatrists were summoned, but no one succeeded in convincing the prince that he was anything but a turkey.

One day a gentle - looking man showed up at the palace requesting to meet the prince, "I hereby offer to cure the prince. I want no money. I do, however, have one condition: no one, absolutely no one, may interfere with anything that I do. If you mix in, it will hamper the therapy and produce negative results." They agreed.

The next day, the prince had company underneath the table. The man had shed his clothes and began pecking crumbs in the royal dining room, underneath the table. The turkey/prince looked at him and asked, "Why are you here?" the man countered, "Why are you here?" The prince replied, "I am a turkey. This is where I eat." The man looked at him defiantly and said, "Well, I am also a turkey, and it is time to eat." With that, he began to gobble, gobble like a turkey and peck crumbs from the floor. This went on for a few days.

One morning, the man said to the prince, "I see no reason why a turkey should not wear a shirt." The price thought about it and said, "You are right." Soon the two "turkeys" were wearing shirts. A couple of days passed, and the man asked, "Is there any reason that turkeys should not be allowed to wear pants?" The prince agreed that there was no reason. They now wore pants and a shirt. The process continued until

they were both fully dressed “turkeys” pecking at crumbs beneath the table.

Next, the man convinced the prince that nowhere was it stated that turkeys may neither eat human food nor eat at the table like humans. Before long, the turkey/prince sat at the table dressed in his full regalia, eating human food. He continued identifying as a turkey, but, for all intents and purposes, he was acting like a human being.

The moral: we are fortunate not to suffer from turkey or other complexes, but what about our self-perception? Do we recognize our inherent qualities, our hidden potential? Are we limiting ourselves either by diminished self-perception or delusion? Yes, some of us delude ourselves into believing that we are so much greater than we really are. We cannot fail; we can take chances and will not fall into the trap of the *yetzer hora*, evil inclination. We are wrong on both counts. By diminishing our self-perception, we think that we have no spiritual worth anyway – so why not sin? By convincing ourselves that we can walk a tightrope over sin and maintain perfect balance, we delude ourselves until we fall and fail.

*Rabbeinu* Yonah's tactic works only for he who does not suffer from a weakened self-perception. In that case, then he really is a turkey.

### **Va'ani Tefillah**

ותן שכר טוב לכל הבוטיחים בשמך באמת

*V'sein sachar tov l'chol ha'botchim b'Shimcha be'emes.*

### **And give a good reward to those who truly trust in Your Name.**

We have an added category of Jew for whom we pray: those who are *Botchim b'Shimcha be'emes*, “Truly trust in Your Name.” There are many who talk the talk, proclaiming their trust in the Almighty. When it comes to walking the walk, to placing trust in Hashem at a time when the challenges are too much to endure, however, *be'emes*, “truly,” comes to the fore. Placing one's trust in Hashem when the “sun is shining” and times are good is common. It is when the sky begins to cloud over and become dark, when a person is confronted with the (perceived) bad times, with the challenges and travail, that the veracity of his spiritual mettle is put to the test. One who trusts even through times that appear “bad” – he is one who truly trusts in Hashem.

Who are those unique individuals who have developed such powerful trust in Hashem? *Horav Shimon Schwab, zl*, relates that these are the 36 *tzaddikim*, the *Lamed Vav*, righteous Jews who are bound up in Hashem, whose faith in Him knows no bound and no fear – regardless of what happens in their lives. We pray to Hashem to grant them “good reward,” *sachar tov*, which, according to *Rav Schwab*, means that they have the ability to benefit others. Thus, in the case of *bitachon*, we ask that they inspire others with true *bitachon*.

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**The Parsha and Current Events: Jacob-ism vs. Esau-ism**

**Rabbi Nachman Kahana,**

גאב בסטלו תשל"ט

*Ya'akov agonizes with the greatest struggle that has ever crossed his path: "Is there still a part of Aisav within me, or did I succeed in exorcising it?"*

The central theme of these two parshot is JEWISH IDENTITY – Ya'akovism vs. Aisavism (Jacob-ism vs. Esau-ism), or to put it plainly: as with the practice of medicine where wellness is defined as the absence of sickness; in Judaism, Ya'akovism is defined as the absence of Aisavism. And just as a minor illness excludes the sufferer from the status of wellness, even an infinitesimal dose of Aisavism excludes a Jew from the distinctive, unique, sacred, aristocratic status of Ya'akovism.

In parashat Vayishlach, Ya'akov Aveinu returns home triumphantly, as Chazal say: “spiritually, physically and materially whole”. But a dark cloud hovers as he learns that waiting to greet him in Eretz Yisrael is his brother Aisav, accompanied by 400 “armed to the teeth” cohorts.

Ya'akov prepares for the fateful meeting, not only of two alienated brothers, but the collision of two ways of life, both of which are destined to influence humanity until the end of time. Ya'akov is gripped with fear. He devises a three-pronged strategy: to appease Aisav with gifts, to pray, and to prepare for battle. And just to make sure, if these should fail, Ya'akov

divides his loved ones and material possessions into two camps, so that in the event Aisav destroys one, the other will have an opportunity to survive.

Ya'akov is desperate. On this day, his destiny, and that of the Jewish nation hang in the balance; tomorrow it will be resolved in the life and death struggle between him and his brother.

In view of Ya'akov's pessimism, we cannot escape the seemingly unexplainable change of heart on the part of Ya'akov. At the height of the drama, just before Ya'akov is about to meet his brother, he unites the two camps into one. The Torah even relates by name the order in which the family stood at the approach of Aisav: Bilhah and Zilpah with their children first, Leah and her children second, with Yosef and Rachel last.

How did his fear dissipate?

The answer is in the mysterious episode that separates the opening pesukim describing Ya'akov's trepidations and the perilous meeting with Aisav – the all-night wrestling match between Ya'akov and the angel.

The mystery lies not only with a man physically fighting an angel, but the pasuk itself is contradictory. In chapter 32:25, the Torah says: “And Ya'akov remained alone – and a man began wrestling with him until daylight”. Now, if Ya'akov was “alone”, how did he wrestle with a man?

I submit that Ya'akov was indeed alone; the only man who was present was Ya'akov himself. Ya'akov was wrestling and struggling with himself – with a desperate spiritual dilemma: “Hashem promised that He would bring me home safely, so why am I terrified at the very thought of meeting my brother? What can Aisav do to me or to my family in light of Hashem's promise? But the fact is my heart is filled with terror. Does this mean that I do not believe in Hashem's promise? So who am I – a believing Jew who does not relate to the so-called realities of life but to Hashem the Master of all things; or am I so superficial that I am unable to overcome the tests that Hashem places in my path?”

All night Ya'akov struggles to define his spirituality, of which Aisav might also be a part, for they are twins in body but perhaps also in soul. Ya'akov agonizes with the greatest struggle that has ever crossed his path: “Is there still a part of Aisav within me, or did I succeed in exorcising it?” Ya'akov agonizes in this struggle during the night of his life, when the truth is imperceptible. But at the first rays of morning light, the light of clarity, Ya'akov resolves his perplexing spiritual dilemma, declaring, “I am a totally believing Jew. Not one iota of Aisav is within me. No more compromise. No gifts for Aisav. No more division into two camps. Rather reliance on the promise that Hashem chose me and my descendants for all time.”

Ya'akov returns to his family and merges the two camps into one, fully confident in his inner strength which he now projects to the family, and all are prepared to face the antagonist of all that is holy to Am Yisrael.

Ya'akov identifies himself as “Ya'akov” and “Yisrael”.

Regarding parashat Vayeshev, many quills have been broken and much ink spilled in attempts to explain why Yosef's brothers wished to distance him from the family.

The rationale appearing in Rashi is that the brothers' hatred stemmed from Yosef's having revealed to their father that they had violated the prohibition against dismembering an animal while it is still alive. But this is highly problematic, for this act is forbidden even to the gentle descendants of Noah!

I submit: Hashem chose us, the descendants of Avraham, Yitzchak and Ya'akov from all the nations. But unlike the other nations whose cultures evolved in stages, with individuals integrating as families, families as tribes and tribes as nations, the Jewish People received our entire divine way of life in one moment at Mount Sinai.

But what was the status of the Jewish “family” prior to Hashem's revelation at Mount Sinai? Were they Jews like us in every sense of the word, or were they entirely non-Jews, or perhaps something else? In other words: were they Ya'akov or Aisav, or perhaps a little of both?

This question stood at the heart of the argument that erupted between Yosef and his brothers.

One of the seven Noachide laws is the prohibition against dismembering an organ or flesh from a living animal – אבר מן החי – “Ever Min HeChai”, literally, “a limb from the living”.

This commandment differs from the other Torah laws in that the Torah is stricter with the gentle than with a Jew in determining an animal's moment of death. For Jews cutting the majority of the trachea and esophagus (or one of the two in the case of a kosher fowl), constitutes death of the animal permitting one to begin dismembering it. For non-Jews, however, an animal is considered dead only when its death throes entirely cease.

The dispute between Yosef and his brothers focused on the question of their religious/national status before receiving of the Torah, finding practical expression in how the moment of death that renders an animal to be dismembered.

The brothers argued that they were Jews – Ya'akov in every regard, and they would customarily cut limbs from animals immediately after cutting the trachea and esophagus, without waiting for the animal to come to rest. Yosef agreed that they were Jews in every sense, but only outside the Land of Israel. Inside the Land, they were obligated to abide by all the strictness applying to Jews and to non-Jews. Thus, according to Yosef's approach regarding the Land of Israel, removing limbs from an animal when it is still moving constituted a violation of Ever Min HeChai.

What led Yosef to this conclusion was his mother Rachel's death immediately upon her entrance into the Land. Rachel and Leah were forbidden to marry one husband since they were sisters. Yet Ya'akov, as a Jew, had converted them, and the law is that a convert is like a newborn, such that the family connection between the sisters had ceased. When Yosef saw that his mother had died immediately upon entering the land, he concluded that their conversion, with all of its ramifications, was binding only outside the Land. In the Land of Israel, however, they were bound by all the strictness applying to Jews and to non-Jews. It thus turned out that Rachel and Leah were still considered sisters according to the laws applying to non-Jews. That was why Rachel was taken away from Ya'akov.

Yosef's halachic position maintained that his father should have divorced Leah before they entered the Land, thereby saving Rachel from death.

In Parashat Vayechi, when close to his death, Ya'akov revealed to Yosef that his conclusion based on Rachel's death that the strictness of both Jews and non-Jews applied to the family in Eretz Yisrael was erroneous. Your mother Rachel died and was buried there because fifteen hundred years later, with the destruction of the First Temple, those setting out for the exile would pass by way of Efrat, and Rachel would emerge from her grave to weep and pray for her children.

Ya'akov rejects the notion that he and his children are anything less than total "Ya'akov," without a trace of Aisav.

Two parshiot of uncompromising Jewish identity.

Conclusion: There are many opportunities in life when one is called upon to define and clarify his role as a Jew. For us in Eretz Yisrael there is no room for choice - we eat, drink, breath and live in the eternal shadow of our forefathers. We are not jew-ISH, we are Jews!

In contrast, the most conscious Jew in galut who wants to be a "Ya'akov" cannot let go of the Aisavism in his soul.

In the matter of Ya'akov vs. Aisav it matters not if one is a leading rabbinic figure or an assimilated Jew, both are not Ya'akovs because they choose to live with Aisav. With the difference between the rabbi and the assimilated camp being the quantitative degree of Aisavism they choose to bring into their lives.

The intermarried Jew identifies totally with Aisav, whereas the "ben torah" in galut is Ya'akov prior to that significant night when he fought with the Aisavism in him to become absolute Ya'akov.

In current times...

An example of what I mean is transpiring at this very moment in the State of Connecticut where Agudat Yisrael is holding its 97th yearly conference in an exclusive hotel and enjoying the pleasures that an Aisavistic culture can provide. Leading hareidi rabbinic figures are there. What will they answer in the real world where absolute truth reigns?

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*חגשות ערוך*

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***Ohr Somayach :: Insights Into Halacha :: Chanukah***

***For the week ending 15 December 2012 / 1 Tevet 5773***

***Chanuka: A Bochor's Perennial Predicament***

***Rabbi Yehuda Spitz***

One fascinating issue that affects many thousands annually is the quite contemporary question: Where is the proper place for a Yeshiva Bochor to light his Menorah? Since the phenomenon of having a yeshiva where students not only eat but also dorm is relatively recent, there is not much early Rabbinic literature on this exact topic. Bochorim are not really guests, and might be getting their spending money from their parents - who are usually paying their tuition; yet, many do not live at home. So, they do not seem to fit into any clear-cut category. What is a striving student to do?

A 'Fiery' Debate

Contemporary authorities use precedents as clues to ascertain the proper solution for the Bochor Dilemma. One relevant debate is that of where a guest who generally eats at another's house but "comes home to roost" is supposed to light his Chanuka candles. The Shulchan Aruch, quoting the Tur and Rosh[1], states that a guest (Achsanoi) is required to light his own Menorah, or at least contribute to the host's Chanuka candle expenses[2]. However, if this guest, even a son who's hanging out at his parents' place, has his own apartment (that opens to a public thoroughfare) where he sleeps, then he must light his Menorah there. The reason is because of Chashad, suspicion. Since passersby know that our Achsanoi has his own pad, and will notice whether or not there was a lit Menorah there, they will suspect that he did not light a Menorah at all, not knowing that he eats his meals out and possibly would have kindled there. Accordingly, it would seem that the place where one sleeps is considered his key "dwelling place".

However, the Rema[3], citing the Rashba[4], asserts that one should light his Menorah in the place where he eats. He explains that "nowadays" since we light indoors[5], the 'Pursumei Nissa' is no longer actually meant for random passersby, but rather for the people living in the house. If so, there is no reason to be worried about Chashad, as his family and friends would know that he eats in one place and sleeps in another. Therefore, he rules that such an Achsanoi would light his Menorah where he eats, and not where he sleeps. Many great authorities, including the Bach, Magen Avraham, Taz, Pri Chadash, Pri Megadim, Aruch Hashulchan and Mishna Berura[6] all agree with the Rema, that a guest who eats in one place yet sleeps in another should light his Menorah where he eats. The Taz adds proof to this from the halachos of Eruv Chatzaros[7] that for one who sleeps in one location but eats in another, his main dwelling place is considered where he eats.

Accordingly, it would seem that a Yeshiva Bochor might fit into this category, as he (hopefully) eats in a different location than where he sleeps. So where should he light? The Yeshiva's dining room or in his dira / dorm room?

Dira Daze

Several authorities, including the Chazon Ish, Rav Aharon Kotler, the Steipler Gaon, and Rav Yaakov Kamenetsky[8] maintain that the Rema's ruling still holds true and rule that the proper place for a Bochor to light the Menorah is the Yeshiva's dining room.

However, many other contemporary decisors question the application of the halacha of a guest pertaining to the average Bochor, due to several reasons, including:

A Bochor's "dwelling place", where he feels "at home" and considers his own personal place, storing all of his belongings, etc. is in his dira / dorm room, and not in the yeshiva's communal dining room.

Students have no personal stake in the dining room; they eat and leave, similar to a restaurant. Therefore, many consider it a stretch to consider a dining room as a Bochor's "prime dwelling place".

Many Yeshiva dining rooms are locked throughout the day and only open mealtimes. How can it possibly be considered someone's personal place if he is denied entry most of the time?

It is possible that a Yeshiva Bochor's din is more comparable to the case of the shepherd (or talmid) that lives in the field yet eats at someone's house, that for him the Techum follows the place where he sleeps, and not where he eats[9].

For those living in Eretz Yisrael, nowadays most people do light the Chanuka licht outdoors, potentially making the Rosh's shitta once again the core ruling. Ergo, Chashad might once again be a problem. Therefore, one living in Eretz Yisrael should need to light where he sleeps.

Due to these concerns, many contemporary decisors, including Rav Moshe Feinstein, the Minchas Yitzchak, Rav Shlomo Zalman Auerbach, Rav Yosef Shalom Elyashiv, Rav Shmuel HaLevi Wosner, Rav Moshe Sternbuch, Rav Binyomin Zilber, Rav Nossen Gestetner, Rav Menashe Klein, Rav Yaakov Blau, the Rivevos Efraim, and Neta'i Gavriel[10], all rule that the main dwelling of a Bochor is his dira / dorm room, and that is the preferred place where he should light his Menorah. Yet, several of these Poskim assert that in order not to come into a halachic dispute and to better satisfy all opinions, it is preferable that the Bochorim should eat at least one meal a day in their dorm room. Others advocate contributing to someone lighting in the dining room's Chanuka candle expenses, or lighting again there without a bracha.

Safety First

Yet, it must be stressed that many of these Poskim qualify their ruling, explaining that if the hanhala of the Yeshiva forbids lighting Menorahs in the dorm due to the ever possible threat of fire, R"l, and instead orders the Bochorim to light in the dining room, then that is indeed what they must do[11].

Sefardic Illumination

Sefardi Bochorim have a bit of a different issue. Sefardim predominantly follow the Shulchan Aruch's ruling of only the head of the household, functioning as an agent of sorts, lighting one Menorah for the entire family[12]. Poskim are divided as to whether these Sefardi Bochorim who eat and sleep in Yeshiva are considered part of their father's household or not. Many rule that a Sefardi Bochor may not light in his Yeshiva at all, as he is exempted by his father lighting at home[13]. Others maintain that a Bochor living in Yeshiva is deemed 'his own man' and therefore even a Sefardi Bochor would be required to light his own Menorah, or join in with someone else lighting (preferably an Ashkenazi Bochor) in his Yeshiva[14] [15]. One should ascertain from his Rav or Rosh Yeshiva which opinion the Yeshiva follows before Chanuka, to mitigate any potential halachic mix-ups.

The Gemara[16] teaches, and is later codified in halacha, that someone who is scrupulous withkindling Ner Shabbos and Ner Chanuka will merit having sons who are Talmidei Chachamim. Therefore, it certainly seems worthwhile and apropos that our budding Talmidei Chachamim

should be meticulous in making sure that their lighting of the Menorah is truly “mehadrin min hamehadrin”.

[1]Shulchan Aruch (O.C. 677, 2), Tur (ad loc.), quoting his father, the Rosh.

[2]See Gemara Shabbos 23a, passage about Rav Sheishes.

[3]Darchei Moshe (O.C. 677, 1) and in his Glosses to the Shulchan Aruch (ad loc.).

[4]Shu"t HaRashba (vol. 1, 542). See the Taz's (O.C. 677, 2) explanation of the Rashba's intent. Although others argue that this was not necessarily the Rashba's true intent, nonetheless, in the words of the Pri HaSadeh (Shu"t vol. 2, 70) “we need to pasken like the Rashba, according to the Taz's understanding”.

[5]See Darchei Moshe (O.C. 671, 9), Rema (O.C. 671, end 8), Mishna Berura (ad loc. 54), and Biur Halacha (O.C. 677 s.v. pesach).

[6]O.C. 677 - Bach (s.v. uma sh haRosh), Magen Avraham (6 & 7), Taz (2), Pri Chadash, Pri Megadim (E.A. 5), Aruch Hashulchan (3), Mishna Berura (11). The Rema, as well as several others, maintain that in their times, even the Rosh would agree to the Rashba's ruling.

[7]See Gemara Ervin (72b - 74b) and Shulchan Aruch (O.C. 370, 5) and main commentaries.

[8]These decisors' opinions are cited in Ma'aseh Ish (vol. 4, pg. 132), Shu"t Teshuvos V'Hanhagos (vol. 2, 342, 11), Orchos Rabbeinu (vol. 3, pg. 25 - 26), Rav Shimon Eider's Sefer Hilchos Chanuka (pg. 37, footnote 32), and Emes L'Yaakov (on Shulchan Aruch O.C. 677, footnote 591). A similar ruling is given by the Pri HaSadeh (Shu"t vol. 2, 70).

[9]Case based on Gemara Ervin 73a. See Shulchan Aruch (O.C. 409, end 7), Magen Avraham (ad loc. 14), and Pri Megadim (ad loc. E.A. 14).

[10]Rav Moshe Feinstein (Shu"t Igros Moshe Y"D vol. 3, 14, 5 & O.C. vol. 4, 70, 3), the Minchas Yitzchak (Shu"t vol. 7, 48), Rav Shlomo Zalman Auerbach (Halichos Shlomo, Mo'adim vol. 1 Ch. 14, 5, pg. 273 - 275), Rav Yosef Shalom Elyashiv (cited in Shvus Yitzchak on Hilchos Chanuka pg. 112; also in Ashei Halsh O.C. vol. 3 pg. 269 - 270, 36, and personally told to this author by his noted talmid, Rav Nochim Eisenstein; and not like what is quoted in Shu"t Divrei Chachamim Ch. 43, 491), Rav Shmuel HaLevi Wosner (Shu"t Shevet HaLevi vol. 3, 83), Rav Moshe Sternbuch (Shu"t Teshuvos V'Hanhagos vol. 2, 157, 7 s.v. u'inyan & 342, 11; Mo'adim U'Zmanim vol. 6, 88), Rav Binyomin Zilber (Shu"t Az Nidberu vol. 5, 38, 2), Rav Nossan Gestemer (Shu"t L'Horos Nossan vol. 6, 44), Rav Menashe Klein (Shu"t Mishna Halachos vol. 11, 538), Rav Yaakov Blau (Sefer Chovos HaDar Ch. 1, footnote 59), the Rivevos Efraim (Shu"t vol. 4, 163, 2) and Neta'i Gavriel (on Chanuka pg. 16).

[11]See Emes L'Yaakov, Halichos Shlomo, Shu"t Az Nidberu, Shu"t Shevet HaLevi, and Mo'adim U'Zmanim (ibid.). The reason is that according to several shittos, the dining room is the preferred local for lighting; and even according to the majority who argue, nevertheless, most hold that it is still second best. However, Rav Moshe Feinstein (Shu"t Igros Moshe ibid.) writes that it is preferable that different Bocharim take turns watching the Menorahs in the dorms to make sure that a fire does not break out.

[12]Shulchan Aruch (O.C. 671, 2), based on Tosafos (Shabbos 21b s.v. hamehadrin).

[13]Including Rav Ovadia Yosef (Shu"t Yechaveh Daas vol. 6, 43), Rav Mordechai Elyahu (Darchei Halacha Glosses to Kitzur Shulchan Aruch 139, 28), Rav Ben Tzion Abba Shaul (Kovetz Zichron Yehuda vol. 1, pg. 104), the Tefilla L'Moshe (Shu"t vol. 2, 52), and Rav Ezra Attiah (quoted in several of the above sources). Rav Ovadia Yosef (Chazon Ovadia on Chanuka pg. 150 - 151, and in Yalkut Yosef on Mo'adim pg. 231, 2) and Rav Shlomo Zalman Auerbach (Halichos Shlomo ibid., footnote 22; however, he prefers that the Sefardi Bochar join into someone else's lighting) maintain that even if a Bochar is in a different country and time zone than his parents (ex. an American Sefardi boy learning in Eretz Yisrael), he nevertheless should still not light his own Menorah, as he is still considered part of their household, since the father is still sending him allowance, paying his tuition and expenses etc. However, most other poskim (including Rav Ben Tzion Abba Shaul and Rav Mordechai Elyahu) do not agree, and in this instance maintain that the Bochar is required to light his own Menorah. See sefer Toras HaYeshiva (Ch. 12 at length).

[14]Shu"t Yaskil Avdi (vol. 7, Hashmatos 8), Rav Shalom Mashash (cited in R' Moshe Harari's sefer Mikraei Kodesh, Hilchos Chanuka Ch. 9, 26, footnote 93; see also Shu"t Teyvos Shemesh O.C. 7), and Rav Yehuda Adess (Sefer Shiurei Chanuka 14). This is also how many Ashkenazic poskim ruled for Sefarim, including the Chazon Ish (Ma'aseh Rav vol. 4, pg. 131), Rav Yosef Shalom Elyashiv (Shvus Yitzchak ibid.) and the Az Nidberu (ibid.).

[15]All the Sefardim can get together and light one Menorah. Alternatively, the Sefardi Bochar might fulfill his obligation by the Menorah lighting in the Beis HaMidrash (see Shu"t Yechaveh Daas ibid.).

[16]Shabbos 23b; Rashi s.v. banim, Rambam (Hilchos Shabbos Ch. 5, 1), Tur / Shulchan Aruch (O.C. 263, 1), and Mishna Berura (ad loc. 2) See also Sod Hadlakas Ner Chanuka from the Raavad's son. There are additional ways of understanding this passage as well; for example, see Kaf Hachaim (O.C. 264, 38).

Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.

For any questions, comments or for the full Mareh Mekomos / sources, please email the author: [yspit@ohr.edu](mailto:yspit@ohr.edu).

This article was written L'Iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga, Rav Yaakov Yeshaya ben R' Bonch Yehuda & L'Iluy Nishmas Dreiza Liba bas R' Gershon, R' Chaim Baruch Yehuda ben Dovid Tzvi, L'Refuah Sheleimah for R' Shlomo Yoel ben Chaya Leah, and Rochel Miriam bas Dreiza Liba and V'Zeilus for Shira Yajfa bas Rochel Miriam v'chol yotzei chalutzeha for a yeshua sheleimah!

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## Ohr Somayach :: Talmud Tips :: Menachot 99

For the week ending 1 December 2018 / 23 Kislev 5779

### Rabbi Moshe Newman

#### Where Did His Torah Go?

Rav Yosef taught, “From here we learn that a Torah scholar who forgot his learning due to no fault of his own should not be disrespected.” Menachot 99<sup>a</sup>

From where does he learn this important teaching? G-d told Moshe regarding the Second Tablets, “And I shall inscribe on the Tablets the

words that were on the First Tablets, which you shattered, and you shall place them into the Ark.” (Devarim 10:2). We learn from here, says Rav Yosef, that the Second Tablets, which were not broken, were placed together in the Ark with the broken First Tablets. The lesson from this act, he explains, is that “a Torah scholar who forgot his learning due to no fault of his own should not be disrespected.”

At first glance, it is not clear how we see from this verse that both the Second Tablets and the First, broken Tablets, were placed together in the Ark. The straightforward meaning is that Moshe was commanded to place the Second Tablets — which were received on Yom Kippur, and on which was written the same Torah as the First Tablets which Moshe had rightfully broken when he found the people with the Golden Calf on the 17th of Tammuz — inside the Ark. But where is it mentioned in this verse that the broken First Tablets were placed in that Ark as well?

The Maharsha resolves this mystery. He writes that although the verse is certainly speaking about the Second Tablets, the “close positioning” of the words “asher shibarta, which you broke” — which refer to the First Tablets that were broken — to the words “v'samtam b'aron, and you will place them in the Ark,” hints that the broken First Tablets had already been placed in the Ark, and now the Second, whole Tablets were to be placed with them there as well. Together. The “unbroken” together with the “broken”.

A Torah scholar, who has internalized his Torah study and practice, and has made himself into a “walking Torah scroll” is deserving of the honor due to the Torah. This is true even if he has now “forgotten” his Torah studies through no fault of his own, such as when he has become unwell, or is under extreme pressure to earn a livelihood (Rashi). We should continue to clearly see him as one who still carries the Torah within him, as part of his very being, and he should therefore not be treated with even an iota of disrespect, G-d forbid. (A great rabbi in Jerusalem once told me that this phrase “I'onso” — through no fault of his own — would not apply to a Torah scholar who forgot his Torah studies due to a negligent lack of review of his Torah studies.)

The Mishna at the end of Masechta Sotah states that when Rabbi passed from this world, the trait of humility ceased to exist. The very same Rav Yosef who teaches on our daf not to disrespect a Torah scholar who forgot his learning due to circumstances beyond his control comments on that mishna, saying: “Don't teach that humility has ended, because I am here!” Obviously, this seemingly incongruous statement begs for an explanation.

It is important to note that Rav Yosef was a great Sage whose teachings are recorded in a great number of places in the Talmud. Yet, despite his great scholarship achieved through learning and teaching Torah, and despite the lofty Torah knowledge he had attained, we are taught that Rav Yosef became blind, and as a result of his illness he forgot his Torah learning.

In this light, we can understand Rav Yosef's point. He was not saying, “I am humble, and therefore the trait of humility has not ceased from existence, since humble people still exist in the world.” Rather, he was saying: “Do not say that there cannot be humble people around anymore. Please look at me. As long as I am around, people can look at me and see what can happen to a person. Let them see that a person can be a Torah scholar, learn a vast amount of Torah, teach countless students — and yet forget it all, if it be the will of God. One who truly “gets” this point will become humble, or, at least, will likely become humble. The key to humility is realizing that everything we have is a gift, and it can all be lost at any given moment.

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