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INTERNET PARSHA SHEET ON VAYEITZE - 5770

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Jerusalem Post :: Friday, November 27, 2009 CONVERSIONS :: Rabbi Berel Wein

The latest rage in the Jewish world concerns the demographic problem that there are too few Jews in the world. The Jewish people have not made good on the loss of the six million Jews killed in the Holocaust, American Jewry is declining in numbers because of intermarriage and a low birth rate and the problem of chronic "singles" plagues Western and Israeli Jewish societies. Alarmed by what is perceived as the main danger to Jewish survival, pundits, politicians and especially the media have begun an almost hysterical campaign to replenish our numbers by mass conversions of non-Jews.

In order to affect this panacea, all of these savants agree that the bar to conversion to Judaism must be substantially lowered and that determined "outreach" efforts directed at the non-Jewish world must be put into place in order to attract hordes of converts. I do not deny that there should be larger numbers of Jews than presently accounted for. However, conversions of non-Jews to help solve the problem is a chimera. The idea is not only against Jewish tradition and halacha, it is against reason and historical experience.

It is against reason simply because it presupposes a large pool of non-Jews wanting to become Jews but yet unwilling to undergo the requirements of conversion as these standards are currently interpreted by halacha. There is absolutely no empirical or even anecdotal evidence that such a group exists. The evidence here is contrary.

Hundreds of thousands of non-Jews live here in the State of Israel and witness Judaism in all its varieties first hand. Yet, there is not a major clamor at the doors of the rabbinate demanding conversion to Judaism. There is, as there has always been, a small trickle of non-Jews who are interested in becoming Jews. If they persevere in this idea and study Judaism, its beliefs and practices and then are still interested in becoming

Jews then they will in almost every case be converted to Judaism according to halacha.

These wonderful people are to be welcomed and admired by Jews from birth. They are a necessary transfusion into Jewish life of talented and committed people. But their numbers are not large and probably never will be large and these loyal converts are certainly not the promised panacea for our demographic problem.

A noted journalist as well as an Orthodox rabbi spoke at a dinner that I recently attended. They both advocated a more loving and embracing attitude towards the intermarried in order to increase our numbers. All studies have shown that in the United States over eighty percent of children raised in an intermarried family are not raised as Jews. Reform Judaism, the haven of the intermarried in America, is declining in its influence and true numbers, no matter what the propagandists foist upon us.

Tolerance is a Jewish virtue. The intermarried couples have not helped Reform become stronger or more Jewish. They have only increased its alienation from other Jews and Jewish groups. Unfortunately, blindness to reality, wishful thinking, looking at the Chanuka menorah in the house and not at the adjoining Christmas tree, will not in any way strengthen Jewish life, society, the State of Israel or bring about a demographic revival. Intermarriage itself is a powerful individual statement about not really caring to remain Jewish. There are exceptions, individuals who through intermarriage sometimes find their way back to Judaism. But they are few and far between, a speck of holiness in a sea tide of assimilation and a flight from Judaism.

In the second and third centuries of the Common Era, there were thousands of non-Jews who were interested in Judaism. They no longer believed the myths of the gods of Greece and Rome and were repelled by the depravity, violence and emptiness of pagan life and ritual. Many of them became converted to Judaism, but the overwhelming majority did not. They found the bar of conversion set too high, the demands too rigorous and the life of a Jew too difficult.

Christianity capitalized on this situation, giving the convert to this new faith all of the "benefits" of Judaism – monotheism, ideas of love, forgiveness, peace, moderate life-style and belief in a better world – without demanding the sacrifices entailed in halachic conversion – circumcision for males, intense study of Judaism, acceptance of ritual and commandments and the willingness to identify with a small, persecuted nation.

There were great people and Jewish scholars and heroes stemmed from Roman converts to Judaism – Rabbi Akiva, Rabbi Meir, Onkelos, Akilas and others. However, most potential converts took the Christian way out and the Talmud records for us painful instances when converts to Judaism eventually became renegade Jews.

Over the centuries, easy and mass conversion to Judaism has proven itself to be a detriment and not an asset. The rabbis of the Mishna criticized the Hasmonian kings for their mass conversion of the Idumean tribe into Judaism. Eventually those converts produced Antipater and Herod and contributed to the destruction of the Second Temple and the Second Commonwealth. The history of mass conversions and lowered standards for conversion does not make for pleasant reading in Jewish history.

There are many things that our society can do to help strengthen Jewish demographic trends. It can educate in our schools regarding the practicality and sanctity of fundamental Jewish values – the importance of marriage and children, the holiness of life and the ills of rampant abortions. There are many more abortions in Israel yearly than there are potential converts under any standards of conversion to Judaism.

The view of life through a Jewish prism and not through the lens of the current fads of modern society will go a long way towards solving our demographic problems. Misguided plans of widespread conversions may be considered innovative and popular, however, they are not realistic, practical and/or desirable. The old-fashioned values of intensive Jewish education, traditional Jewish life, early and stable marriage, children and self-pride are

not very glamorous or media-worthy. But until now they are the only things that have worked and created Jewish survival until today.

From genesis@torah.org rabbiwein@torah.org
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Subject Rabbi Wein - Parshas Vayeitzei - To Achieve Your Goals and not Cause Jealousy

Weekly Parsha :: VAYETZEI :: Rabbi Berel Wein

Avraham, Yitzchak and Yaakov all suffered from success-induced jealous reactions from the local populations where they lived. Avraham is recognized as the "prince of God in our midst" and yet is begrudged a grave plot to bury Sarah. Yitzchak is sent away from the kingdom of Avimelech because "you have grown too great from us." And in this week's parsha, Yaakov is told by Lavan that everything that Yaakov owns is really the property of Lavan.

The blessings of God and the promise that He made to protect the patriarchs and matriarchs of Israel save them from their neighbors, relatives and enemies. However, this very success and achievements of this small family, as per God's promise and against all odds and opposition, raises the hatred and jealousy of their neighbors. No matter that the neighbors themselves, such as Avimelech and Lavan benefit mightily from the achievements of Yitzchak and Yaakov.

The rabbis of the Talmud taught us that "hatred destroys rational thought and behavior." So, instead of gratitude and friendship, the accomplishments of the patriarchs and matriarchs only bring forth greed, jealousy, persecution and always the threat of violence hovers in the background. All efforts to maintain a low profile and to mollify Lavan result only in increased bigotry and hatred.

It is not for naught that the Pesach hagada makes Lavan a greater enemy to the survival of the Jewish people than even the Pharaoh of Egypt. But almost all of the enemies of the Jews over the centuries suffer from the same basic moral faults regarding the Jews: ingratitude, jealousy and greed. These are all revealed to us in this week's parsha.

Someone mentioned to me that perhaps if we maintained a lower profile in the world, didn't receive so many Nobel prize awards, and were less influential in the fields of finance and the media, anti-Semitism would decrease. "What if" is a difficult field of thought to pursue intelligently. There is no question that the world and all humankind would be by far the poorer if the Jews purposely withheld their energy, creativity and intelligence from contributing to human civilization. And there certainly is no guarantee that the world would like us any more than it does now if we were less successful and prominent.

The mere fact that God blessed the patriarchs with the blessings of success and influence indicates that this is His desire for us. The Torah specifically states that all of the nations and families of the earth will benefit and be blessed through us. So in our case less would not necessarily be more. Yet we were enjoined from flouting our success in the faces of those less fortunate than us. Modesty in behavior and deportment is an important partner to success.

This is also a lesson that our father Yaakov intended to teach us. We are not allowed to rein in our talents and achievements. But we are certainly bidden to rein in our egos and bluster. That is also an important Jewish trait that should be a foundation in our lives.
Shabat shalom.

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TORAH WEEKLY - Parshat Vayeitzei
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from Ohr Somayach | www.ohr.edu
by Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com

OVERVIEW

Fleeing from Esav, Yaakov leaves Be'er Sheva and sets out for Charan, the home of his mother's family. After a 14-year stint in the Torah Academy of Shem and Ever, he resumes his journey and comes to Mount Moriah, the place where his father Yitzchak was brought as an offering, and the future site of the Beit Hamikdash. He sleeps there and dreams of angels going up and down a ladder between Heaven and earth. G-d promises him the Land of Israel, that he will found a great nation, and that he will enjoy Divine protection. Yaakov wakes and vows to build an altar there and tithe all that he will receive. Then he travels to Charan and meets his cousin Rachel at the well. He arranges with her father, Lavan, to work seven years for her hand in marriage, but Lavan fools Yaakov, substituting Rachel's older sister, Leah. Yaakov commits himself to work another seven years in order to also marry Rachel. Leah bears four sons: Reuven, Shimon, Levi and Yehuda, the first Tribes of Israel. Rachel is barren, and in an attempt to give Yaakov children, she gives her handmaiden Bilhah to Yaakov as a wife. Bilhah bears Dan and Naftali. Leah also gives Yaakov her handmaiden Zilpah, who bears Gad and Asher. Leah then bears Yissachar, Zevulun, and a daughter, Dina. Hashem finally blesses Rachel with a son, Yosef. Yaakov decides to leave Lavan, but Lavan, aware of the wealth Yaakov has made for him, is reluctant to let him go, and concludes a contract of employment with him. Lavan tries to swindle Yaakov, but Yaakov becomes extremely wealthy. Six years later, Yaakov, aware that Lavan has become dangerously resentful of his wealth, flees with his family. Lavan pursues them but is warned by G-d not to harm them. Yaakov and Lavan agree to a covenant and Lavan returns home. Yaakov continues on his way to face his brother Esav.

INSIGHTS

Double Duty

"And Yaakov left Be'er Sheva and went to Charan." (25:10)

G-d blesses the righteous that their physical actions effect the maximum spiritual impact.

Rashi asks on the above verse why the Torah related from where Yaakov left. What difference did it make from where he came? Isn't the destination all that's important?

Sometimes, when we leave one place and go to another our intention is to leave where we are, and sometimes it is to reach where we're going. Here, however, Yaakov had both of these intentions in mind.

His mother Rivka told him to flee Be'er Sheva to escape the murderous intentions of his brother Esav, and therefore Yaakov's intention was to fulfill his mother's command and leave Be'er Sheva. On the other hand, his father Yitzchak sent Yaakov to Charan to find a wife from amongst the daughters of Lavan and not from the daughters of Canaan, and thus Yaakov's intention was not to leave but to arrive.

Thus Yaakov was able to fulfill the mitzvah of honoring both his father and his mother in two different ways with one and the same action.

Source: Beit HaLevi in Mayana shel Torah

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Peninim on the Torah by Rabbi A. Leib Scheinbaum

Parshas Vayeitzei

Yaakov departed from Beer-Sheva. (28:10)

It really was not necessary to relate Yaakov Avinu's point of departure. We know where he had been living. The Torah could have simply stated that he went to Charan. Chazal infer from here that his departure from Beer-Sheva left a significant impression. When a righteous person leaves a place, he leaves behind a void. As long as such a person lives in a city, he embodies its glory, its splendor, and its beauty. When he departs, the traits he personifies leave with him. In other words, it is the righteous person who leaves an impression on the place. Horav Yitzchak Zilberstein, Shlita, relates that Horav Yehoshua Leib Gadlevsky, zl, would tell about a "place" that left an impact on him. Truth be told, this episode left a powerful impression on this writer.

Rav Gadlevsky was born in Germany. After studying in Frankfurt, he left for Telshe in Lithuania to study in the yeshivah under the revered Rosh Yeshivah, Horav Avram Yitzchak Bloch, zl. He studied there for a number of years and, when he came of age, he became engaged to be married. The wedding was to take place in Slabodka. The day after his aufruf, on the Shabbos before the wedding, he went to bid farewell to his rebbe. The custom is that after his aufruf a chassan does not go out unaccompanied. As he bid farewell, he mentioned that he was going to the train station, and that he needed a student to accompany him. Whom could he ask?

The Rosh Yeshivah replied, "Go to the bais hamedrash and look around at the students that are engrossed in study. If you see anyone who is not involved totally in learning, this does not mean that he is wasting time - just that he is "speaking in learning." You may take him with you to the train station.

The chassan did as he was told. He remained for quite a while in the bais hamedrash, but he could not locate anyone who fit the Rosh Yeshivah's criterion. He returned to Rav Bloch and related his lack of success. Everybody was learning b'hasmadah rabah, with great diligence. What was he to do?

The Rosh Yeshivah's answer was powerful, defining the individual that he was and the way he inspired Telzer talmidim: "If you need something to accompany you to the train station, take the image of what you have just seen along with you. You stood by the bais hamedrash for quite some time and could not find a single student who was not involved in Torah. This picture should accompany you throughout your entire life! Whenever you will need encouragement and chizuk, strengthening in your Torah study, reflect on this image. It will change your life."

Rav Yehoshua Leib studied b'chavrusa, study partner, with Rav Naftali Beinisch Wasserman, zl, son of Horav Elchanan Wasserman, zl. As was the accepted tradition, R' Yehoshua Leib asked his chavrusa to attend his wedding. R' Naftali said he would think about it. Around that time Rav Elchanan stopped in Telshe, as he was traveling throughout the region. He paid a visit to his son, who presented him with his query concerning attending his chavrusa's wedding. Should he attend the wedding, and - if he should - how long should he stay? Was attending the chupah ceremony sufficient, or should he remain throughout the wedding?

We should take into consideration that Telshe to Slabodka was not a "stroll in the park." It was a train ride and, given the conditions in pre-World War II Europe, it probably took an entire day. Rav Elchanan told his son, "Since you are his chavrusa, that establishes a certain relationship, a bond. You should attend - but only for the chupah. Immediately thereafter, take the train and return to the yeshivah." That was the "world that was."

(If G-d will) give me bread to eat and clothes to wear... and Hashem will be a G-d to me. (28:20)

Yaakov Avinu stopped along his journey to pray to Hashem. This would be a powerful prayer, a prayer that would set the tone, serve as a paradigm for future prayer and for a healthy Jewish attitude. One would think that our Patriarch would ask for the world. The opportunity was there. Why not?

He, however, did not. He asked for two things: lechem le'echol ubeged lilbosh, "bread to eat and clothes to wear." He did not ask for the world. He did not even ask for steak. Simply lechem, bread. That would be sufficient. He asked for clothing to wear - not Armani, simply something respectable to cover his body. In other words, Yaakov asked for bare necessities - no excess, no luxuries. Yaakov was asking for his future, his opportunity to come closer to Hashem. V'hayah Hashem li l'Elokim. "And Hashem shall be for me a G-d." It is almost as if the criteria for establishing a lasting relationship with Hashem is: lechem le'echol u'beged lilbosh. No more. Why? Is a Jew not permitted to enjoy? Is there something wrong with having a "little more" than bread? Is a nice suit an anathema? Rabbeinu Bachya writes: "This is the paradigmatic request of the righteous from Hashem. They do not ask for extras or luxuries. They only ask what is necessary to live, without which man cannot survive. Excess creates confusion. Therefore, one should be sameach b'chelko, happy with his portion, content with a little, and not desirous of luxuries. Then his heart will be satisfied with Hashem." The above is a free translation which reflects the author's understanding of Rabbeinu Bachya's commentary. He seems to underscore the significance of being content with necessities as the primary direction one should take if he wants to come close to Hashem. Furthermore, he is not negating going beyond the bread and clothes - just not to live for it. There is nothing wrong with wearing good clothes, as long as this does not characterize one's life's desire. One must eat. Although bread is not the only staple, there is a great difference between eating to live and living to eat. One who is obsessed with gashmius, physicality and materialism, has no room left for ruchniyos, spirituality.

This time let me gracefully thank Hashem. (29:35)

Gratitude is an inherently Jewish characteristic. The Chidushei HaRim asserts that we are called Yehudim after Yehudah, because we give thanks to the Almighty. We wake up in the morning, and the first thing that we recite, our very first prayer of the day, is Modeh Ani lefanecha melech chai v'kayam shehechezarta bi nishmasi b'chemlah rabbah emunasecha, "Thank you, living and eternal king, for mercifully returning my soul within me. Great is your faithfulness." The Jew begins his day with hodaah, giving thanks. I recently read a short vignette about this very special, meaningful prayer.

There was a convention of neurologists from all over the globe who gathered to discuss a variety of neurological issues. One of the primary topics was the phenomenon of people fainting upon rising from bed. One of the speakers, a female neurologist, delivered results from the latest findings that this fainting is caused by the sharp transfer of positions from lying down to standing up. She calculated that it takes approximately twelve seconds for the blood to flow from the feet to the head, and when a person stands up upon awakening, the blood is thrown too quickly to the brain, creating a fainting spell. Her suggestion was simple: upon waking up, one should sit on the bed for twelve seconds, count to twelve and then stand up. This approach will prevent dizziness and fainting. This seems like a simple solution to a pressing problem. Indeed, everybody applauded her solution. Another professor, who happened to be a Torah-observant Jew, asked for permission to address the assemblage. He said, "We Jews have a tradition that dates back thousands of years. We recite a prayer of thanksgiving to the Almighty every morning upon waking up. We offer our gratitude for having merited to wake up healthy and whole. The prayer is called Modeh ani. It is recited while one is still on the bed and sitting up. The prayer consists of twelve words, and - if you concentrate and say it slowly-- it takes exactly twelve seconds to say."

When we begin the day recognizing our greatest Benefactor, we go through the day with an altogether different outlook: one of deep-rooted gratitude to Hashem for all that He does for us. Hodaah has another meaning: to give eminence or majesty, hod. In Sefer Tehillim 18:11, David Hamelech says, Vayede al kanfei ruach, "He flew high on the wings of the wind." In another pasuk in Tanach, the word "hodaah" is used to mean "lifting up" or

"carrying". Thus, the same word which is used to thank is also used to give eminence, to elevate. Horav Avigdor Miller, zl, derives a fundamental principle from here. When we have cause to thank, pay gratitude to a benefactor, we become dutiful to study his eminence, to elevate him and to recognize his virtues. This is all part of gratitude. When we recognize the need to thank Hashem, we, in turn, apply ourselves to acknowledging His eminence.

Since Peninim is written a few months before it is published, I am writing this as I prepare for Rosh Hashanah. As we are about to usher in the New Year and Yom HaDin, Day of Judgment, everyone is concerned about the past and, of course, the future. We ask ourselves: Are we worthy of the future? We introspect over the past and turn to Hashem for forgiveness with promises that we will not repeat our mistakes. I was wondering how many of us begin our tefillos with a sense of gratitude for all that we have received this past year. Perhaps some have received more and others have received less, but the mere fact that we are here, able to talk about it, is reason to shout, "Thank you!" By the time this is read, it will be past the Yamim Noraim, High Holy Days. As we begin to navigate the winter months, it is still not too late to offer our gratitude.

It is so natural to request what we need, but more difficult to begin with an acknowledgment and gratitude for the past. The following story has been a tradition handed down from the Tzemach Tzedek. One Yom Kippur, the talmidim, disciples, of the Baal Shem Tov sensed that their rebbe was not acting in his usual manner. He seemed sluggish; his tefillos were not expressed with his usual fervor and enthusiasm. Something was wrong. It took some time, and, after a while, the Baal Shem appeared rejuvenated, vivid and filled with zeal and passion. He completed the holy day's davening, prayer service, with heightened devotion to Hashem. Something had clearly transpired before their eyes to which they were not privy. They approached the Baal Shem that evening, begging elucidation of the day's events. The Baal Shem related that by midday things had begun to appear very bleak for the Jewish People. Hope for the next year was not very promising.

Understandably, he was quite upset. He had no idea how to mitigate this kitrug, accusation, against Klal Yisrael. Suddenly, out of nowhere, something occurred which provided the Jewish People with a rampart against Satan's denunciation. They now had a chance for mercy. It happened because a middle-aged woman, who for years had been barren and had practically given up hope of having her own child-- had miraculously given birth at the age of 50. During davening, she left the shul to go home and nurse her infant son.

What does a nursing child have to do with providing merit for Klal Yisrael? It was not the nursing; it was the way she nursed, and what she said as she nursed her child. As she sat there staring lovingly at her son, tears of joy welled up in her eyes, and an overwhelming feeling of gratitude spread throughout her being. How thankful she felt to Hashem for what He had done for her. How fortunate was she to be able to nurse her child at an age when most women were grandmothers a few times over. Hashem had been so good to her. How could she repay the Almighty for his incredible kindness to her?

With a heart filled with emotion and a voice trembling with trepidation and joy, she said, "Ribono Shel Olam, You have performed such an unimaginable chesed, kindness, with me. How can I ever repay You? The entire world and everything in it belongs to You. The only thing that I can do is bless You, from the depths of my heart, that the overwhelming nachas, pleasure and satisfaction, that You catalyzed for me with the birth of my son, You should have from Your children!"

This woman's simple words, emanating from a pure heart created such a stir in Heaven to the point that the accusers became defenders of Klal Yisrael. The decree that was hanging over our heads was rescinded as the middah, attribute, of Rachamim, Mercy, prevailed.

Rachel said, "Mighty struggles I have struggled regarding my sister, and I have succeeded." And she named him Naftali. (30:8)

Rachel Imeinu seems to be pouring out her heart, reminiscing about her past struggles to attain the status of her sister, Leah Imeinu, who had a large family. The Daas Zekeinim go so far as to interpret Rachel's words as: "I have suffered greatly regarding my sister, and I have gathered my strength to endure and have not succeeded until now." They are implying that Rachel took her inability to bear children-- in contrast to Leah's large family-- very hard. It almost brought her to the breaking point. She was able to maintain the fortitude to bear the pain of childlessness only as a result of her tremendous resolve.

This struggle which Rachel experienced was not petty jealousy. Rachel was jealous of her sister, as recorded by the Torah (Ibid 30:1), "And Rachel was jealous of her sister." This was not the kind of envy that prevails in us.

Rashi explains that this was kinaas sofrim, the type of competitive feeling that is found among Torah scholars, whereby a scholar has a deep-rooted desire to achieve greater, more elevated heights in Torah. He sees another individual who is "ahead" of him on the spiritual ladder of Torah knowledge, and he is envious - not of him - but of his achievement. This "envy" stimulates growth among Torah scholars.

The jealousy that plagues the average person is such that he does not tolerate his friend's success, regardless of the arena in which it is experienced. I want to have more than he does. Kinaas sofrim is not the desire to see the other person have less - just that the individual has a strong desire to also be worthy of such reward. He wants to know what he can do in order to achieve such distinction. Given this distinction, let us understand Rachel's jealousy. If it was positive and even praiseworthy, to the point that she wondered whether she could also have children, she wanted to know what she could do to merit a portion in building Klal Yisrael. Why, then, does she declare that her suffering was almost unbearable? Why would a carefully orchestrated and controlled jealousy, which under normal conditions was being used for constructive spiritual growth, ever reach the point of being overwhelming? How can something "good" be "bad"? Horav A. Henschel Leibowitz, zl, asserts that the yetzer hora, evil inclination, attempts every strategy in order to ensnare people in its trap. At times, when the simply straightforward approach does not work, the yetzer hora reaches into its bag of tricks and changes strategies - even if it appears to be switching sides. Instead of setting up obstacles to impede spiritual growth, it will encourage them to move forward at an even faster pace. The yetzer hora is now not the "evil" inclination, but, instead, manifests itself as a scholar who pushes us harder and faster, to accept greater spiritual responsibilities, to do more, quicker, until he stumbles, or even snaps. The goal of the yetzer hora is to stop the individual from moving forward. If the front door does not work, he uses the back door.

The Chafetz Chaim, zl, interprets this into the tefillah we say each night during Maariv: v'haseir satan milefaneinu u'meiachareinu, "And remove from us the Satan, from in front of us, and from in back of us." The usual position which the yetzer hora/Satan takes is in the front, blocking forward/upward spiritual movement. If that does not work, it switches sides and comes up from behind, pushing people to go faster, with greater intensity, until ultimately they fall.

Rachel was involved in kinaas sofrim, envious of her sister's merits. Even the great Matriarch could have pushed too hard and fallen into a maelstrom. She was using pain and dissatisfaction as stimuli to increase her service to the Almighty, so that her merits would rise. At times, however, pain and dissatisfaction can lead to depression and hopelessness. It was only because she was able to muster her willpower to exert control over her emotions, that she was able to maintain equilibrium. Otherwise, she would have fallen into the trap of spiritual vertigo, in which the emotions backfire and one ends up not only spiritually uncontrolled, but in emotional turmoil. Spiritual ascendancy is a constant endeavor. Indeed, it should be a lifelong pursuit, but a person must be aware that this pursuit is like walking a tightrope. On the one hand, one should avoid complacency and stagnation;

on the other hand, there is a concern that by slowing down and focusing on one's deficiencies, he might get carried away and fall into depression. Thus, he should attempt to strike a balance between never feeling satisfied, always wanting to improve, but not going so fast that he might stumble and lose control.

Spiritual crises, with their attendant backsliding, are not unusual. While they occur in one way or another in everyone's life, they can be especially traumatic for someone who is beginning to tread the waters of Jewish observance. The baal-teshuvah, newly-observant, is extremely self-aware and prone to self-criticism. Thus, what the observant person takes in stride, the newly-observant views as a major disturbance in his life. A minor setback can become a source of angst, throwing him off-balance for a while, as he retrieves and builds up his self-confidence. Having a preconceived notion of what an observant Jew is - and should be - often cultivates a feeling of self-doubt. These issues can be exacerbated by insecure members of the observant community, whose insensitivity to anyone who is not exactly like them, is often manifest subtly and, at other times, not so subtly.

On the other side of the coin is the problem of spiritual fatigue, waning of interest and a loss of enthusiasm. This can lead to overload in which one just gives up, claiming it is too much. He is in need of respite, to disengage, gather himself and set his equilibrium straight. For the most part, he should seek out his rebbe or mentor, talk and express his feelings. This is one of the many crises that confront all of us, but especially one who is newly-observant. No one said it was going to be easy, but then, nothing of great value is.

Rachel said, "Mighty struggles I have struggled regarding my sister, and I have succeeded," and she named him Naftali. (30:8)

Rashi interprets this pasuk: "I was persistent, and I beseeched with many beseechments and turnings to Hashem to be equal with my sister." Rachel Imeinu was confronted with what appeared to be an insurmountable challenge. She did not give up. Regardless of how we translate Naftalei be it struggle, prayer, entreaty or beseechment - Rachel persevered and kept surging forward. She was not going to be left out of the building of Klal Yisrael - not if she could do something about it. Horav Shimshon Pincus, zl, derives from here that when it involves ruchniyos, spirituality, nothing should stand in one's way. One must be stubborn and persevere, not giving in or giving up. Rachel saw that Heaven was preventing her from conceiving. Every door that she approached was closed. A lesser person would have thrown in the towel. It just was not bashert, destined to occur. Not our Matriarch, Rachel. She broke down the doors. This was not about being refused a material object. This was about Klal Yisrael and being a part of establishing another shevet, tribe, another component in the infrastructure of the Jewish nation. It was not a time for complacency, for passivity, or acceptance. It was a time for action. In the end, she prevailed. When something is worth fighting for - one fights.

Rav Shimshon posits that when someone notices obstacles standing in his quest for spiritual ascendancy, he is to persevere and do everything within his ability to overcome these challenges. On his way to the epoch test of his life, the Akeidas Yitzchak, our Patriarch, Avraham Avinu, was challenged by Satan every step of the way by raging rivers, wild animals and other such impediments. With determination and self-sacrifice, he trudged on and reached Har HaMoriah.

During one of the Napoleonic conquests, the commanding officer was notified that the enemy had breached the first rampart. The situation appeared bleak, as the enemy was rapidly advancing. When the general heard this, he became depressed and melancholy. At that moment, one of his adjutants entered the war room and asked the general why he looked so crestfallen. The general replied that he had just heard grave news concerning the events of the war. The adjutant looked at his commander and said, "This moment, I have been privy to even worse news." "What did you hear?" the general asked. "I heard that the commander of the troops has

fallen into a state of depression. This report is worse than the previous one," the adjutant responded. When one gives up hope - all is lost.

Throughout history, Klal Yisrael has been blessed with a standard of leadership that never took "no" for an answer. Nothing was impossible. If the door was closed - they broke it down. Many were Roshei yeshivah, and rabbanim, spiritual leaders of the highest calibre, who contended those who blocked the way for Klal Yisrael's spiritual and physical development. Their opponents were assorted: secular leaders who were bent on destroying the Jewish People, and insecure leaders from within the fold, whose desire to appease the secular political leadership was more important than the lives of their own people. These spiritual giants were assisted by lay leaders whose devotion to Klal Yisrael was without peer, and who maintained an unyielding adherence to the bidding of the gedolei Yisrael.

One such superstar about whom I had the distinct privilege of writing about in *The World that Was: America*, was Stephen Klein. He provided a singular example of the strictly Orthodox Jew who bridged the world of Torah observance with that of corporate America - with corporate America benefitting from the relationship. His unstinting adherence to halachah, while building a large corporation; his view of himself as nothing more than a shlucha d'rabbanan, a faithful emissary of the gedolei Yisrael; his generosity and kindness to individuals; his dedication to rescuing and sustaining his fellow Jews; his unequivocal commitment to Torah institutions throughout the world; and his harnessing of the mass media to convey the word of Hashem to an unknowing world: all of these traits are what set him apart. While others devoted themselves to one or two of the above - Stephen Klein dedicated his life and every aspect of his being - successful to each and every one of the aforementioned.

One would need an entire volume to portray his life and to do justice to his achievements. One particular vignette has always had a special place in my heart. In 1946, as chairman of the Immigration Committee of the Vaad Hatzala, he volunteered to go to Europe as an accredited officer of UNRRA (the United Nations Refugee and Rescue Authority) to spend six months working in DP (Displaced Persons) camps. During that time, he established yeshivos, arranged visas and supplied affidavits for thousands of Jews to emigrate to this country. For a man to leave his wife and young children, and a new business that was still growing under his leadership, was an extraordinary display of self-sacrifice, but then, Stephen Klein was an extraordinary man.

Magid devarav l'Yaakov chukav u'mishpatav l'Yisrael.

He details His words to Yaakov, and His chukim and Mishpatim to Yisrael.

Horav Shimon Schwab, zl, explains that in the previous pesukim, the Psalm has indicated how Hashem uses His powers to convert awesome sheets of ice into rain/snow, so that instead of destroying the earth, they will sustain it. In closing, David Hamelech asserts that Hashem does the same with His words and laws. Comprehending the underlying concepts behind tzedek u'mishpat, righteousness and justice, is impossible, because it emanates directly from Hashem on High. This is true concerning all of Hashem's Laws. They may seem elementary and simple to understand but they actually are not. What Hashem does is "break" them down just like the sheets of ice, so that we are able to grasp these sublime concepts. Thus, even the young child in cheder can understand Hashem's words. During Yemos HaMoshiach, Days of Moshiach, we will be able to see how these "simple" words emanate back to Hashem to even higher and more profound principles. Hashem will then reveal Torah to us on a level never before attainable.

The Sefas Emes notes the use of the word magid, He details, in the present tense, rather than higid, He detailed, in the past. He explains that the Torah, in of itself, is a closed book. One's ability to plumb its depths and penetrate its secrets is commensurate with his amal, toil. The more he works at it, the more Hashem will reveal to him. Thus, the detailing of the Torah did not

occur only when it was given. It occurs at every given moment that a Jew studies Torah and enthusiastically exerts himself to mine its profundities. In loving memory of our husband, father and grandfather on his yahrtzeit Elchanan ben Peretz z"l niftar 11 Kislev 5759
Esther Kurant, Mordechai & Jenny Kurant, Aliza & Avrohom Wrona, Naomi & Avrohom Yitzchok Weinberger, Dovid & Chavi Kurant, Yossi & Chani Kurant

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Rabbi Yissocher Frand on Parshas Vayetztei Gematria of Ladder Equals Money

At the beginning of this week's parsha, Yaakov must leave home, the house of his parents and the environment of "Yaakov the simple man who dwelled in the tent (of Torah learning)" and he must go to Charan, the country of his ancestors, to find an appropriate wife.

The Torah tells us that he needed to lie down, for the sun had set and he had a dream. This is the famous dream of the ladder based on the ground whose head reached towards Heaven, with Angels of G-d ascending and descending upon it.

The fact that Yaakov had this dream at this particular time, at this juncture in his life, is obviously telling us that Yaakov Avinu had to hear this message specifically now. He did not have this dream while he was growing up in the house of his father. He did not have this dream while he was learning in the Yeshiva of Shem and Ever. Now, suddenly, on the way to the house of Lavan, he has this dream.

What is the significance of the ladder? The Baal HaTurim points out that the Hebrew word for ladder has the same numeric value as the Hebrew word for money (sulam b' gematria mammon). According to the Baal HaTurim, the image of the ladder is supposed to send a message to Yaakov Avinu about money. What is that message?

At this moment, Yaakov is going through a major transition. If we put it in modern day terms, he is going from the life of a "yeshiva bocher" into the "real world". In the house of his father, he sat and learned. He learned in the Yeshiva of Shem and Ever for 14 years. He established a reputation as an "ish tam yoshev ohalim" - a pure man, who sits in the tents (of learning). He had no worries of finances. He did not need to make a living. He did not need to worry about a family. He lived the life of a Yeshiva student - a life that can be devoted to spiritual growth and self improvement. Now he was going into the "real world", one that would not be as cloistered and insulated as that of the Yeshiva. He is going to need to deal with Lavan, the quintessential con-man.

The message of ladder = money is that Yaakov's success in the "real world" would hinge on how he would deal with that issue that stays with us for most of our adult lives - how we deal with making a living. This issue can become the focus of a person's life. It can overtake a person and upset him and his spiritual goals in life.

Life is like this ladder - there can be tremendous ascent and there can be tremendous descent. It depends to a very large extent on how one deals with the issue of money. It is not inevitable that when one leaves Yeshiva, his spiritual growth may be over and everything spiritual may be "down-hill from now on."

On the contrary, a person can grow through challenge and adversity. When he recognizes the challenges and the lack of the peace of mind that he had in his youth, if a person can cope with those difficulties and grow under those situations, then he can ascend rather than descend. He can rise from the ground to the heaven! If on the other hand, he allows the challenges of earning a living to consume him, then a person can suffer tremendous

spiritual descent. That is why at this moment and at this juncture in his life, Yaakov has the dream of the ladder.

Rav Moshe Feinstein makes a similar comment in his sefer Darash Moshe. Rav Moshe buttresses this idea with support from a Gemara (Chullin 91b). The Talmud says that when Yaakov Avinu reached Charan, he asked himself: "Is it possible that I passed the place where my fathers prayed and I neglected to pray there?" He returned and at that point "the place jumped toward him".

Rav Moshe said that we are familiar with the concept of "kefitzas haderech" [the road jumps] from elsewhere. When Eliezer went from Canaan to Charan he had a "kefitzas haderech" - he made it back and forth in one day. However, every place where this idea is mentioned in the Talmud, it refers to someone travelling a journey in a shorter than expected time. However, the "kefitzas haderech" of Yaakov is unique. He did not travel at all. All of a sudden, G-d took Mt. Moriah and brought it to Yaakov in Charan.

This is a miraculous "jumping of the place" that is not found anywhere else in the Talmud. The symbolism of this, says Rav Moshe, is that it is possible to have the Beis HaMikdash in Charan. You can be stuck in Galus [exile] with Lavan the con man for twenty years, constantly dealing with a boss who is trying to short change and cheat you, but you can have the Temple Mount there with you at the same time.

Yaakov was successful at having the Beis HaMikdash with him in Charan. In next week's parsha, he says "with Lavan I resided (garti)" to which the Rabbis add "and I kept the 613 (taryag) commandments without picking up his evil traits." Yaakov was successful at bridging the gap between the tents of Shem and Ever and the business environment of Lavan. He brought the Temple to him in the place where he was working.

In Pesachim [88a], we are taught that each of the patriarchs referred to the place of the Temple in a different terminology. Avraham called it a mountain; Yitzchak called it a field; but Yaakov called it a "house".

Avraham saw it as a place that was difficult to ascend. Yitzchak saw it as a lonely field. Yaakov, however, was successful in making the Beis Hamikdash his house. Applying the thought of Rav Moshe—he was successful in bringing the Beis Hamikdash to him in Charan, and infusing his daily life there with holiness.

This is a challenge for each and every one of us.

I used to tell my students that their years in Yeshiva were the "best years of their lives". I recently received a letter from a former student who complained about that. "How could you tell us that? Should we assume that the next 40 or 50 years of our life are all down-hill?" No one says you are over the hill at 24!

I have refined my mussar lecture to my students since receiving this letter. It may not be the best years of their life; it is just the easiest years of their life. It is the easiest time in a person's life to grow and to study and to become a more spiritual person. But it does not end there. >From there on out, it becomes difficult - like a ladder, one must ascend step by step carefully and with exertion. However, is a tremendous accomplishment to continue to grow, in spite of all that is thrown at you. The years in Yeshiva are the easiest, but not necessarily the best. Which are the best depends on what one makes of his subsequent challenges while facing the "outside world".

Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD
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Haaretz.com
Portion of the Week / A journey revisited
By Rabbi Benjamin Lau

When Jacob sets out for Haran to the home of his uncle, Laban, he passes through Bethel, to which he will return 20 years hence. The first time he goes there, he is a young man who has been driven out of his own home: His life is threatened by his enraged brother Esau, who is determined to kill Jacob after their father dies. For Jacob, the future is uncertain, especially since his route is the opposite of that taken by his grandfather, Abraham, and his mother, Rebecca: Setting out for an unknown place, he abandons his native land, his cultural milieu and family.

Our midrash depicts Jacob's journey from Be'er Sheva to Haran in magical terms, explaining how he traveled 1,000 kilometers within a single day. Rashi comments: "Furthermore, our sages say: 'Jacob called Jerusalem Bethel.' On what do they base this statement? I argue that Mount Moriah was uprooted and transferred to Bethel; this is a case where the land folded up, distances were eliminated ... The Temple was shifted to Bethel; that is how we must understand 'And he lighted upon a certain place' [Genesis 28:11]. In journeying to Haran, Jacob bypassed the Temple, and it could be maintained that he then asked himself, 'Could I have bypassed the place where my ancestors prayed and where I could have prayed myself?' What did he do to remedy the situation? He decided to return to Bethel; that is when the land folded up, distances were eliminated and the Temple was miraculously transported there."

This imaginative interpretation of the biblical text has a double function. One is to link Jacob to Abraham, to connect him to the same places where Abraham stopped during his own journeys. The second is polemical: In the eyes of the classical exegetists, Bethel was problematic because that was where Jeroboam son of Nebat established his kingdom when he severed ties with the tribes led by Judah: "Whereupon the king took counsel, and made two calves of gold, and said unto them: It is too much for you to go up to Jerusalem: behold thy gods, O Israel, which brought thee up out of the land of Egypt. And he set the one in Bethel, and the other put he in Dan ... So he offered upon the altar which he had made in Bethel the 15th day of the eighth month, even in the month which he had devised of his own heart; and ordained a feast unto the children of Israel: and he offered upon the altar, and burnt incense" (1 Kings 12:28-33).

Bethel is thus an alternative to Jerusalem. When Jeroboam establishes Bethel as a center for offering sacrifices, he depends on the collective memory of the tribes of Jacob, who remember their ancestor's journey - for Bethel was sanctified long before Jerusalem. Perhaps that is why the Talmud and the midrash "disconnect" Jacob from Bethel, and shift the arena of his journey to legendary places that link him to the Temple in Jerusalem.

I would like to return to more earthly locales and travel with Jacob along what is known today as Highway 60, the latter-day route of our patriarchs. Jacob departs Be'er Sheva, crosses southern Mount Hebron, traverses the Gush Etzion settlement bloc and, exhausted, reaches Bethel. He deliberately bypasses Jerusalem en route, because that city is destined to be associated in Jewish tradition with the struggle between Israel's tribes over the privileges of birthright. Whereas the tribe of Joseph (Rachel's eldest son), located in Samaria and the north, constitute the Kingdom of Israel, the tribes of the sons of Leah, led by Judah, inhabit Hebron and the Judean lowland. Jerusalem, under King David and King Solomon, unites all tribes and is destined to be the site of reunification of the kingdoms of Israel and Judah. Reaching Bethel, his last stop before leaving the Holy Land, a worn-out Jacob falls into a deep slumber in which he dreams of a ladder that is rooted in the ground and reaches up to the heavens. The same midrashim that rejected geographical detail in describing Jacob's journey show great precision in depicting the ladder. Rashi notes: "It is written, 'And he was afraid, and said, How dreadful is this place! this is none other but the house of God, and this is the gate of heaven' [Gen. 28:17]. Citing Rabbi Yossi ben Zimra, Rabbi Elazar states: 'The foot of the ladder rests in Beersheba and the midpoint of its curve is above the Temple in Jerusalem, with Beersheba in the southern part of Judah and Jerusalem in its northern part, on the border between Judah and Benjamin. Bethel is in the northern part of

Benjamin's territory, on the border between Benjamin and Joseph's descendants. Thus, since the ladder's foot is in Beersheba and its head in Bethel, the midpoint of its curve is above Jerusalem."

The attempt to liken the ladder's structure to the Holy Land's terrain seems unrealistic. The dream more likely reflects Jacob's emotional state. The foot of the ladder rests firmly on earth, symbolizing where he set out from - namely, a stable, permanent home. Above the ladder stands God, who promises to protect Jacob on his journey. The fact that the ladder reaches the heavens symbolizes the fact that Jacob does not know what lies ahead. A fascinating interpretation of the ladder was proposed by the late Bar-Ilan University Bible studies professor, Yehudah Elitzur. He suggested that the top of the ladder that stretches toward the heavens represents the differences between the House of Abraham and Mesopotamian tradition, that the ladder is an alternative to the Tower of Babel. Jacob discovers the "house of God" in an open field, not in lofty towers constructed by human hands, Elitzur wrote. The angels ascending and descending the ladder represent the liberation of the God of Isaac from the shackles of time and place. The angels will protect us all, no matter where we journey. Reassured by his dream, Jacob finds the courage to proceed on his long trip and knows that God's blessing will always accompany him: "And, behold, I am with thee, and will keep thee in all places whither thou goest, and will bring thee again into this land; for I will not leave thee, until I have done that which I have spoken to thee of" (Gen. 28:15).

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Rav Kook List
Rav Kook on the Torah Portion
Prayer: Free Expression of the Inner Soul

Lengthy Prayers

What makes a great prayer? Are longer prayers more likely to be answered than shorter ones?

The Sages appear to give contradictory counsel. On the one hand, Rabbi Chanina taught that a lengthy prayer will not go unheeded. He learned this from Moses' extraordinarily long prayer - forty days and forty nights - an impassioned plea that achieved its goal. "And He listened to me also that time" [Deut. 10:11].

Rabbi Yochanan, however, taught the exact opposite. One who prays at length and looks into it - such a person will be disappointed and heartbroken. As it says in Proverbs 13:12, "Deferred hope makes the heart sick."

The Talmud (Berachot 32b) already took note of this discrepancy. It noted that Rabbi Yochanan specifically spoke of one who 'looks into his prayer' - me'ayein bah. What does this mean?

This phrase is traditionally understood to mean one who looks expectantly for his prayer to be fulfilled. Rabbi Yochanan spoke of those who expect that, in merit of their lengthy prayers, they will be answered. Such people, however, are bound for disappointment. Prayers are not automatically answered just because they were recited for a long time. Prayer is not like some automated machine, where, as long as one tosses in enough coins, one's wish is automatically granted.

Not the Time for Intellectual Exercises

Rav Kook, however, gave an original explanation to this Talmudic passage. He explained the phrase me'ayein bah in a more literal way, that it refers to those who examine and analyze their prayers. During prayer, these people

reflect on the mechanics of prayer and its deeper function in the universe. While there is nothing wrong with such intellectual inquiry, it creates a serious problem when it takes place during prayer itself.

Prayer is a natural product of the soul's inner emotions. It should flow from the depths of the soul's innermost aspirations. Contemplative thought and analysis are useful as a mental preparation and foundation for prayer. By refining our intellectual understanding, and making sure our conduct matches our thoughts and insights, we strengthen the inner soul as it pours out its prayer before its Creator.

But if we combine these calculations and reflections with prayer - during the hour of prayer - that is a mistake. Prayer is not founded on our powers of logic and reason, but on far deeper resources of the soul. Prayer engages the very essence of the soul. It reveals the soul's inner essence, as it yearns towards the One Who redeems it. When no other mental faculties are admixed with these soul-emotions, then our prayer is purest and most likely to fulfill in its purpose.

Rabbi Yochanan spoke of those who pray at length and examine their prayers. Their prayers are lengthy because of their intellectual contemplations during prayer. These individuals will come to heartbreak, for their prayer is no longer the free expression of the soul's inner emotions. Their prayer contains foreign elements of intellect and reasoning, and will fail to achieve its true goal.

Preparation for Prayer

Now we may understand Rabbi Yochanan's remedy for those who have fallen in this trap: to engage in Torah study. How will this help?

Those who seek to deepen their cognitive understanding of prayer should do this - not with prayer, but with Torah. This intellectual activity should take place before prayer, as a preparation for prayer. And the more one succeeds in refining one's cognitive understanding, the more one's intellect will influence and enlighten the other forces of the soul, the emotions and the imagination.

Those whose prayer is lengthy, not because of reasoned reflections and analyses, but because they strive to bring out the soul's hidden yearnings and its innate thirst to be close to God - their prayers will be heeded, like the powerful prayers of Moses.

[Adapted from Olat Re'iyah vol. I introduction p. 22; Ein Ayah vol. I p. 150 on Berachot 32b]

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Weekly Halachah 5750 - Parshat Vayeitzei
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WASHING BEFORE A MEAL: QUESTIONS and ANSWERS (Part 1)

THE PROCEDURE

QUESTION: What is the proper procedure to follow when using the bathroom immediately before washing for a meal?

ANSWER: This presents a halachic problem since it is improper both to wash the hands twice in a row and to delay the recital of *asher yatzar* until the meal has begun. After debating the various possibilities, the poskim recommend one of the following two methods.(1)

* Wash your hands with water but without using a vessel,(2) dry your hands and recite *asher yatzar*, and then rewash your hands with a vessel as usual and recite *al netilas yadayim* and *ha-motzi*;(3)

* Wash your hands with a vessel as usual, recite *al netilas yadayim*, dry the hands, recite *asher yatzar* and then recite *ha-motzi*.(4)

QUESTION: How much water should be used for *netilas yadayim*?

ANSWER: There are four possible *shiurim* (amounts) of water that could suffice for washing. In order of preference:

* Technically, one could use one *revi'is* (approximately 3 fl. oz.) of water to wash both hands and his washing would be valid. Practically, this is not recommended, as several halachic problems could result when so little water is used.(5)

* The recommended method is to pour at least one *revi'is* of water on each hand.

* Some poskim require a second pouring of water over each hand. While ideally one should conduct himself according to this view, it is not obligatory, and if not enough water is available one need not search for it.(6)

* It is proper and praiseworthy to use water unstintingly when washing, as the Talmud tells us that one who washes with an abundance of water is abundantly rewarded from Heaven.(7)

QUESTION: After washing one's hands, another person who has yet to wash touched the wet hands. Is the washing valid?

ANSWER: A minority opinion maintains that if one washed his hands - as recommended - with at least a *revi'is* of water, the washing is valid and the hand does not need to be re-washed.(8) Most poskim, however, hold that the washing is invalid.(9) It is recommended that the hands be re-washed, but the blessing is not repeated.(10) Before re-washing, the hands should be dried.(11)

The same halachah applies if after washing one hand, the other (unwashed) hand touched the washed hand. But in this situation the poskim debate whether or not the hands first need to be dried before being re-washed.(12)

QUESTION: Is it important to make sure that one's hands are completely dry before washing?

ANSWER: According to the Mishnah Berurah this not a concern; it is permitted to wash one's hands even though they were just wet.(13) The Chazon Ish,(14) however, disagrees and requires that the hands be totally dry before the washing takes place. In his opinion, even *b'diavad* the washing may not be valid if the hands were not completely dry before being washed. It has, therefore, become customary for God-fearing people to carefully dry their hands completely before washing for a meal.(15)

QUESTION: Is it permitted to wash for a meal in the bathroom?

ANSWER: *L'hatchilah* this should not be done, even if the hands will be dried outside the bathroom.(16) It is proper, therefore, to fill a cup with water and wash one's hands outside the bathroom.

Under extenuating circumstances, however, there are several poskim who are lenient and allow washing in a modern-day bathroom which is considerably different from the olden-day bathroom to which the Shulchan Aruch was referring.(17)

In addition, several poskim are lenient concerning a bathroom which is also used for personal grooming, e.g., toothbrushing or haircombing (a full bathroom). In their opinion, such a bathroom may be used for washing hands as well.(18)

THE VESSEL AND THE WATER

QUESTION: Is it permitted to wash hands for a meal directly from the sink [without using a vessel] by turning the faucet on and off directly over each hand?

ANSWER: No. There are two basic requirements for how the water must reach the hands: a) from a utensil (*keli*), and b) manually, *koach gavra* (lit., "by human force"). Although turning the faucet on and off satisfies the requirement of *koach gavra*, since a "human force" allows the water to be poured over the hand by turning the faucet on, it still does not satisfy the requirement that the water must come from a *keli*. Since the water comes from the pipe directly onto the hands, it is not considered as if one washed from a *keli*, for a pipe is not a *keli*.(19)

In a case where the water for *netilas yadayim* is coming from a *keli* such as an urn, and a vessel with which to wash the hands is not available, then it is permitted to place the hand directly underneath the spigot, press the spigot and allow the first flow of water to fall directly on the hand. The procedure is then repeated for the second hand. (20)

QUESTION: What type of cup may be used for netilas yadayim?

ANSWER: A cup made of any material, including paper or plastic,(21) may be used. Even a cone-shaped paper cup which cannot stand on its own may be used, since the cup was designed and manufactured in that shape.(22)

L'chatchilah it is not advisable to use a bottle, a soda can, or any vessel with a narrow opening for washing, since it is preferable that the entire rev'i's reach the hand full-force from the vessel from which it is being poured. If, however, no other vessel is readily available, it is permitted to use one with a narrow opening as long as the water is poured in an uninterrupted flow.(23)

QUESTION: Is it permitted to dry the hands with an electric dryer?

ANSWER: Yes. Although the hands must be dried before the bread is eaten, (24) our main concern is that the hands will be dried, not the manner in which they are dried. It is also permitted, therefore, to let the hands air dry.(25)

QUESTION: After changing a baby's dirty diaper during a meal, does one need to wash his/her hands again for netilas yadayim?

ANSWER: Yes, he does. Changing a dirty diaper, as well as using the bathroom, scratching one's scalp or touching the sweaty areas of one's body, is considered a hesech ha-da'as, which "cancels" the original washing of the hands. Therefore, Netilas yadayim must be repeated before one may resume the meal.(26)

Whether or not the berachah of al netilas yadayim must be repeated as well is a subject of much debate among the poskim. Some rule that al netilas yadayim is repeated in all of the hesech ha-da'as cases mentioned above,(27) others require that al netilas yadayim be repeated only in some of those cases, such as using the bathroom or diapering a baby,(28) and some hold that the berachah of al netilas yadayim is not repeated in any of these hesech ha-da'as cases.(29) While one may follow any of the three views,(30) the prevalent custom today follows the third opinion.

FOOTNOTES: 1 There are other suggestions; see Kaf ha-Chayim 165:1 and Ketzos ha- Shulchan 33:14. 2 As explained in Minchas Yitzchak 5:96, that it is not required to use a vessel when washing one's hands after using the bathroom. Those who are particular to wash their hands from a vessel after using the bathroom should not use this method. 3 Kitzur Shulchan Aruch 40:15; Mishnah Berurah 165:2. If not enough water is available for two washings, all agree that the second method is followed. 4 Aruch ha-Shulchan 165:2 and Chazon Ish O.C. 24:30, who testify that our custom is to follow this method. If the hands are very dirty, this method cannot be used since the dirt may be considered a chatzitzah. 5 Mishnah Berurah 158:37. 6 Mishnah Berurah 162:21. See also Chazon Ish 24:22. According to the Kabbalah of the Ari z'l, it is proper to wash three times on each hand; Kaf ha-Chayim 162:2. 7 O.C. 158:10. 8 Shulchan Aruch Harav 162:10, quoted by Sha'ar ha-Tziyun 162:39. 9 Chayei Adam 40:3; Aruch ha-Shulchan 162:20; Kaf ha-Chayim 162:29. This seems to be the view of the Mishnah Berurah 162:45 as well. See Sha'ar ha- Tziyun 162:39, where he remains undecided on this issue. 10 Mishnah Berurah 162:49 and Sha'ar ha-Tziyun 39. 11 Mishnah Berurah 162:45. 12 Mishnah Berurah 162:48 quotes two views about this and does not decide. While Aruch ha-Shulchan 162:22 is lenient, Chazon Ish 24:23 rules stringently. 13 Beur Halachah 162:2 (s.v. ha-notel). 14 O.C. 24:20. [Shulchan Aruch Harav agrees with this view in his Siddur but not in his Shulchan Aruch.] 15 Ketzos ha-Shulchan 33:13. 16 Chazon Ish O.C. 24:26; Igros Moshe E.H. 1:114. 17 Eretz Tzvi 110-111; Zekan Aharon 1:1; Minchas Yitzchak 1:60; 4:36; Harav Y.E. Henkin (Eidus I'Yisrael). 18 Eretz Tzvi 110:111; Chelkas Yaakov 1:205; 2:174; Minchas Yitzchak 1:60; Harav E.M. Shach (Hashkafaseinu, vol. 4, pg. 5). Harav C. Kanievsky, however, does not rely on this leniency; see Nekiyus v'Kavod b'Tefillah, pgs. 163-164. 19 Zekan Aharon 1:1 (quoted in She'arim Metzuyanim b'Halachah 40:5); Minchas Yitzchak 4:21, based on Magen Avraham 159:4 and Mishnah Berurah 47; Harav S.Z. Auerbach (Halichos Shelomo 20, note 40). See also Taharas Mayim, pgs. 319-320. See, however, Shalmas Chayim 163, Yaskil Avdi 5:26 and Tzitz Eliezer 8:7, who rule that under extenuating circumstances, we may consider the pipe a keli and it would be permitted to wash from it. 20 Mishnah Berurah 159:64; 162:30. 21 Harav Y.E. Henkin (Am ha-Torah, 1979, vol. 10, pg.6); Harav M. Feinstein and Harav Y. Kamenetsky, oral ruling, quoted by Harav Y. Belsky (Halachah Berurah). 22 She'arim Metzuyanim B'halachah 40:3. 23 Mishnah Berurah 162:30; Aruch ha-Shulchan 162:15. 24 O.C. 158:12. 25 Chazon Ish O.C. 25:10. See She'arim Metzuyanim

b'Halachah 40:5. 26 O.C. 164:2. Mishnah Berurah 164:8 rules that even if there was already a piece of bread in his mouth when the hesech ha-da'as took place, he may not swallow the piece until he washes again. Other poskim, however, disagree; see: Peri Megadim 7, Kaf ha-Chayim 10; Aruch ha-Shulchan 5. 27 O.C. 164:2 and a host of poskim mentioned in Sha'ar ha-Tziyun 164:10. 28 Chayei Adam 40:14; Mishnah Berurah 164:13; Aruch ha-Shulchan 164:5. 29 Pri Megadim 170:2; Siddur Derech ha-Chayim; Shulchan Aruch ha-Rav 164:2; Kitzur Shulchan Aruch 40:16; Ben Ish Chai, Kedoshim 21; Kaf ha- Chayim 164:16. See also Chazon Ish 25:9. 30 See Beur Halachah 164:2, s.v., lachzor; Chazon Ish 25:9

Washing Before a Meal: Questions and Answers Part II

Question: What type of cup may be used for netilas yadayim?

Answer: A cup made of any material, including paper or plastic,1 may be used. Even a cone-shaped paper cup which cannot stand on its own may be used, since the cup was designed and manufactured in that shape.2

L'chatchilah it is not advisable to use a bottle, a soda can, or any vessel with a narrow opening for washing, since it is preferable that the entire rev'i's reach the hand full-force from the vessel from which it is being poured. If, however, no other vessel is readily available, it is permitted to use one with a narrow opening as long as the water is poured in an uninterrupted flow.3

Question: Is it permitted to dry the hands with an electric dryer?

Answer: Yes. Although the hands must be dried before the bread is eaten,4 our main concern is that the hands will be dried, not the manner in which they are dried. It is also permitted, therefore, to let the hands air dry.5

Question: What should one do if he is traveling and has no water with which to wash his hands?

Answer: He can use a soft drink such as soda, or beer.6

If a soft drink or beer is not available, he must travel 72 minutes ahead [or back up for 18 minutes] to look for water7 [or soda]. If still no water can be found, one may wear gloves or wrap both of his hands in a plastic bag, etc.8 When using this method, the hands must remain covered during the entire meal, even when one is eating foods other than bread.9

If one cannot find anything to cover his hands with, he may wash his hands with any fruit juice, but not with oil10 or wine. No blessing is recited when washing with juice.11

If none of the above options are available, some poskim allow eating bread with a fork while being very careful not to touch the bread with one's hands.12 This method should be relied upon only if one is very hungry, as there are several poskim who do not agree with this leniency.13

Question: Can the obligation of netilas yadayim be discharged by dipping the hands in water?

Answer: Dipping the hands in water is valid only if the hands are dipped in * a wellspring, hot or cold. There must be enough water in the spring to cover both hands at one time.14

* a running river or a natural lake. If the water is discolored because of smoke, pollution or debris, it is invalid. If it is discolored because of sand or other natural particles, it is valid.15

* a sea. Even if the water is too salty for a dog to drink from, it is still valid.16 The water, however, may not be discolored, as stated above.

* a man-made lake or swimming pool17 with a volume of 40 se'ah of water [approximately 180-19018 U.S. gallons]. The water must be piped into the lake through pipes which are built on or under the ground. If the lake or pool is filled in some other way, it is invalid.19

* a kosher mikveh.

The hands could be dipped one at a time or both together.20 They need to be dipped in one time only. Drying the hands is not required, unless the residual wetness will make the food unappetizing.21 The regular blessing of al netilas yadayim is then recited.22

Question: Visitors to amusement parks, etc., are often stamped on the back of their hand so that they can freely exit and re-enter the park. May one wash his hands for a meal while the stamp is visible, or does the stamp

constitute a chatzitzah (a halachic obstruction) that invalidates the netilas yadayim?

Answer: Yes, one may wash his hands. There are two reasons why this is permitted:

Shulchan Aruch²³ rules that dried ink is considered a chatzitzah. He is referring, however, only to dried ink which can actually be felt when touched, such as ink from an inkwell. If there is only an inky smudge but the ink has no substance and cannot be felt, it is not considered a chatzitzah.²⁴

An additional argument for leniency in this case could be based on the view of some poskim who rule that one is required to wash his hands only until the knuckles. Although under normal circumstances one should be stringent and wash his hands until the wrist as is the established custom, in this situation [when the stamp is needed for re-entry and there is no other choice] we may rely on the basic view that washing the hands until the knuckles is sufficient.²⁵ Accordingly, even if the stamp on the back of the hand would constitute a chatzitzah, the washing itself is still valid.²⁶

Question: Is a woman's nail polish considered a chatzitzah?

Answer: Generally, no. Since women paint their fingernails for the sake of beauty, the polish is considered as if it is part of their body and is not considered a chatzitzah.²⁷ If, however, the nail polish has become chipped and the woman would be embarrassed to be seen in public with chipped nail polish, it is possible that the nail polish would no longer be considered as part of her body.²⁸ She should, therefore, remove the chipped polish before washing her hands.

1 Rav Y.E. Henkin (Am ha-Torah, 1979, vol. 10, pg.6); Rav M. Feinstein and Rav Y. Kamenetsky, oral ruling, quoted by Rav Y. Belsky (Halachah Berurah). 2 She'arim Metzuyanim B'halachah 40:3. 3 Mishnah Berurah 162:30; Aruch ha-Shulchan 162:15. 4 O.C. 158:12. 5 Chazon Ish O.C. 25:10. See She'arim Metzuyanim b'Halachah 40:5. 6 Based on Rama O.C. 160:12. 7 Beir Halachah 163:1. 8 O.C. 163:1. The hands should be covered until the wrist. If that is impractical, they must be covered at least until the knuckles; Sha'ar ha-Tziyun 7. 9 Avnei Yashfei 2:11 based on Rama 170:1. 10 Shulchan Aruch Harav 160:15. 11 Mishnah Berurah 160:64 and Sha'ar ha-Tziyun 69. Some hold that the option of using fruit juice has priority over the option of covering the hands. 12 Mishnah Berurah 163:7. 13 While Mishnah Berurah allows one to rely on this option when no alternative exists, many poskim disagree. Chayei Adam, Kitzur Shulchan Aruch and Aruch ha-Shulchan do not mention this leniency at all. 14 O.C. 159:14. 15 Mishnah Berurah 160:3. 16 Mishnah Berurah 160:38, 40. Salty water, however, may not be used when washing hands with a vessel. 17 The filter must be turned off. 18 See Siddur Minchas Yerushalayim and Taharas Mayim, pg. 22. 19 O.C. 159:16 and Beir Halachah. 20 Mishnah Berurah 159:80. 21 Ibid. 158:46. 22 Ibid. 159:97 and Chazon Ish O.C. 23:13. 23 O.C. 161:2. 24 Mishnah Berurah 161:14. See also Machatzis ha-Shekel 8. There is a view that holds [concerning immersion] that a mere appearance of any type or substance may also be considered a chatzitzah (see Sidrei Taharah Y.D. 198:17). See the following paragraph as to why the stamp will not be a chatzitzah even according to that view. 25 Based on Mishnah Berurah 161:21 and Beir Halachah. 26 See Sha'ar ha-Tziyun 161:2. 27 Mishnah Berurah 161:12. 28 Halichos Bas Yisrael 3:2 and other contemporary poskim. See possible source in Igros Moshe Y.D. 3:62 [concerning artificial eyelashes].

From Yeshiva.org.il <AskRabbi@yeshiva.org.il> Date Fri, Nov 27, 2009 at 1:53 AM Subject The Lost Gift

The Lost Gift Rabbi Yirmiyohu Kaganoff

While learning in my study one day I was greeted by a knock at the door. I opened the door to find two women standing in the doorway.

"Rabbi," Rivka began somewhat apprehensively, "We have a shaylah that we need to ask you. I was supposed to bring a present to Lakewood for Leah's daughter, but it was lost somehow along the way. I feel responsible. Leah feels that I am not responsible and I should not feel any obligation to compensate her daughter, but I feel that I should."

"If anyone is responsible it is I," replied Leah. "I keep insisting that Rivka should not pay, and she keeps insisting that she should. We decided that we would refer it to the Rav to decide."

The case turned out to be a very interesting halachic shaylah.

A family member brought a very expensive wedding gift for Leah's recently married daughter, who now lives in Lakewood. Leah heard that Rivka's husband was driving to Lakewood, so she called to ask if he could bring the gift with him. Rivka suggested that Leah should drop by and put the gift in the trunk of the car so that they wouldn't misplace it.

Upon reaching Lakewood, Leah's daughter arrives to pick up the package. Rivka's husband checks the trunk of the car, but the gift is not there!! He calls Rivka, who in turn calls Leah, who says that she definitely placed the gift in the trunk. The gift seems to have inexplicably disappeared!

Who, if anyone, is responsible to replace the gift?

I asked for some time to think about the shaylah. In the interim, I needed to ask some pertinent questions. This gives us an opportunity to review the relevant halachos.

There are several halachic areas we need to clarify:

1. To what extent are you responsible for replacing an item that you were watching without remuneration?

2. If you permit someone to place something in your house or car, does that mean that you are now responsible if it is damaged, lost or stolen?

3. If you agree to transport an item as a favor, is there an assumption of responsibility, and if so, to what extent?

4. Assuming that someone is responsible in our case, is it Leah, Rivka, or Rivka's husband?

WHAT IS A SHOMER CHINAM AND TO WHAT EXTENT IS HE RESPONSIBLE?

Someone who assumes responsibility to take care of an item, but receives no benefit for doing so, is called a shomer chinam. He/she is responsible if the item becomes damaged, stolen, or lost because of his negligence, but not if he took proper care of the item.

EXAMPLE: Binyomin entrusted money to a shomer for safekeeping.

When he came to collect his money, the shomer replied that he does not remember where he put it. Rava ruled that not knowing where you put something is negligent and the shomer must pay (Gemara Bava Metzia 42a).

WHAT IF HE DID NOT EXPRESSLY ASSUME RESPONSIBILITY?

A shomer may specify that he assumes no responsibility for an item (Mishnah Bava Metzia 94a). Furthermore, if he clearly did not assume responsibility, he is also not obligated to pay.

EXAMPLE: While fleeing from the Napoleonic wars, Naftali buried valuables in a pit in his backyard, and offered Asher to hide his valuables there too. The two of them fled to a safer area, hoping to return one day to unearth their valuables. Fortunately, the war ended, and they were able to return. Naftali was eager to unearth the valuables and give Asher back his money, but Asher was busy taking care of other matters. Naftali sent Asher a message that he was unearthing the valuables, but Asher did not arrive immediately. By the time Asher arrived, his valuables had disappeared. Does Naftali bear responsibility?

Naftali and Asher came to ask Rav Yaakov of Lisa, the author of Nesivos Hamishpat (291:2). The Rav ruled that Naftali is not obligated to pay any damages, since he never assumed any responsibility for Asher's valuables, but merely made his hiding place available.

Thus, we have established that if a shomer assumes responsibility he will have to pay for damage caused by his negligence, but if he does not assume responsibility, he does not have to pay.

However, our case is somewhat different from the case of the Nesivos. In his case, Asher knows that Naftali will not be around to supervise his property. Both of them know that no one will be protecting the property. In our case, Leah had accepted the gift on behalf of her daughter, which means that she has assumed responsibility for it, and Rivka suggested that it be placed in her car. Does that make Rivka responsible to replace it if it is lost?

Or, as we phrased our second question above: If you permit someone to place something in your house or car, does that mean that you are now responsible if it gets damaged?

The Gemara raises the following shaylah which affects our question:

Daniel asked Shlomo if he could leave his sheep and some equipment in Shlomo's yard. Subsequently, Shlomo's dog Fido bit Daniel's sheep; the next day someone stole the equipment. Assuming that Shlomo was negligent, must he pay for the damages?

The question is whether Shlomo ever assumed responsibility for Daniel's property. Although he permitted Daniel to place the sheep and the equipment in his yard, does that mean that he assumed responsibility for this property? The Mishnah (Bava Kamma 47a) quotes a dispute between Rebbe and the Chachomim as to whether we assume that Shlomo took responsibility.

HOW DO WE PASKIN?

There are three opinions:

1. Some rule that Shlomo is responsible for the damage. They contend that when someone grants permission to place items on his property, he assumes responsibility to look out for the items.
2. Others contend that Shlomo is not responsible for the stolen equipment, but he is responsible for Fido biting the sheep (Shach 291:9). Permitting someone to place items on his property didn't mean that he assumed responsibility. However, Shlomo is liable if his animal caused damage to property that he allowed onto his premises.
3. Shlomo does not need to pay at all since he never accepted responsibility (Shulchan Aruch 291:3). (According to this opinion, even though Shlomo's dog bit Daniel's sheep, Shlomo is not responsible for damage done by his own animal on his own property.)

The Shulchan Aruch rules like the third opinion that Shlomo is not responsible, although other poskim disagree. Thus, we see that although someone permits you to put something in his house or car, you cannot assume that this means he is assuming responsibility for it. Thus, placing the gift in Rivka's car does not necessarily mean that Rivka or her husband are responsible for the gift.

However, there is a difference between Leah's gift and Daniel's sheep other than the fact that one of them bleats. I am going to use another din Torah to demonstrate the difference between the two.

While Levi was packing his donkey to travel to the next city, Yehuda asked him if he (Yehuda) could send his shoes along. Levi responded, "You can put them on top of the donkey." Yehuda complied, and Levi rode off without tying the shoes adequately to the donkey. Subsequently, when the shoes were lost, Levi claimed that he never assumed any responsibility for Yehuda's shoes.

Is Levi responsible to pay Yehuda for his shoes? After all, he never told Yehuda that he was assuming responsibility; he simply allowed Yehuda to place his shoes on the donkey.

The Rosh (quoted by Tur Choshen Mishpat Chapter 291) ruled that Levi is indeed responsible, even though he never told Yehuda that he was assuming responsibility.

Why are Yehuda's shoes different from Daniel's sheep, where we assumed that Shlomo took no responsibility? The difference is that when Levi transports the shoes with him, Yehuda will not longer be able to watch them. Under these circumstances, we assume that Levi accepted responsibility unless he specifically stated at the time that he did not. However, when Daniel puts his sheep into Shlomo's yard, there is no reason why Daniel cannot continue to be responsible to take care of his sheep. Thus, there is nothing in Shlomo's action that implies that he is assuming responsibility.

Based on the above analysis, it would seem that Rivka is indeed responsible since she made Leah the offer of placing the gift in her car. This implies that Rivka indeed assumed responsibility.

However, Rivka's gift is different from Yehuda's shoes for two different reasons:

1. Rivka's gift was not put into a place that requires any type of supervision. The locked trunk of a car is a secure place to leave items. Thus, it is less certain that we can assume that Rivka accepted responsibility.

2. More importantly, Rivka told Leah to put the gift in the car, but told her that she (Rivka) was not going to Lakewood. Thus, Rivka certainly was not assuming responsibility for bringing the gift to Lakewood. We also cannot say that her husband assumed responsibility when he never agreed expressly to take the package. Thus, it would seem that neither Rivka nor her husband is responsible. However, if her husband agreed to take the package, he would be responsible if indeed he had been negligent. Since we do not know where the package went, we would probably assume that the package disappeared because of some negligence on his part.

DOES THIS MEAN THAT LEAH IS RESPONSIBLE TO PAY HER DAUGHTER FOR THE GIFT?

Indeed it might. When Leah accepted the gift on her daughter's behalf, she assumed responsibility as a shomer chinam. We now have a new shaylah: Did she discharge this responsibility when she placed the gift in Rivka's car for the trip to Lakewood?

The Gemara records an interesting parallel to this case.

At the time of the Gemara, houses were not particularly secure places to leave valuables. For this reason, the proper place to store money and non-perishable valuables was to bury them in the ground. A shomer chinam who received money but did not bury the money would be ruled negligent if the money was subsequently stolen (Gemara Bava Metzia 42a).

The Gemara mentions a case when this rule was not applied:

Someone entrusted money to a shomer who gave it to his mother to put away. His mother assumed that it was her son's own money, not property he was safekeeping for someone else, and therefore placed it in his wallet rather than burying it. Subsequently, the money was stolen and all three of them ended up appearing before Rava to paskin the shaylah.

Rava analyzed the case as follows: "The shomer is entitled to say that he has a right to give something entrusted to him to a different member of his family for safekeeping. Furthermore, there is no claim against him for not telling his mother that the money was not his, because she will take better care of it assuming that it was his. Therefore, the shomer did not act negligently. The mother also did not act negligently – based on the information she had, she acted responsibly. Thus, neither one of them is obligated to pay (Gemara Bava Metzia 42b).

The principles of this last Gemara can be applied to our case. Neither Leah, nor Rivka, nor Rivka's husband acted negligently in our case. Leah gave the gift to someone in a responsible way to get it to Lakewood. We have already pointed out that neither Rivka nor her husband ever assumed responsibility for the gift. Furthermore, neither one of them acted irresponsibly. Thus, it seems to me that none of the parties involved are halachically obligated to make restitution.

There is actually a slight additional angle to this story. Leah is technically obligated in an oath (a shvua) to her own daughter to verify that she indeed placed the gift in the car. However, since it is unlikely that Leah's daughter will demand an oath from her, she is not obligated to pay.

Needless to say, Leah will apologize to her daughter even if she has no technical responsibility, and will probably offer her daughter a replacement gift. Hopefully her daughter will accept the loss of a gift as a minor mishap, and put it out of her mind.

In general, we should be careful when we assume responsibility for items belonging to others to take good care of them and not leave them around irresponsibly or near young children. We should pray to be successful messengers when entrusted with other people's property.

* Written by the rabbi

For the week ending 28 November 2009 / 10 Kislev 5770

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by Rabbi Mendel Weinbach

HOW ERETZ YISRAEL WAS ACQUIRED - Bava Batra 100a

“Arise, walk about the Land through its length and breadth, for to you will I give it.” (Bereishet 13:17)

This command of G-d to the Patriarch Avraham is cited by Rabbi Elazar as a source for walking in an acquired property constituting a kinyan which makes the transaction final and irreversible.

His position is challenged by the other Sages who contend that Avraham’s walking throughout Eretz Yisrael promised to him and his descendants was only a symbolic way of preparing the future conquest of the Land by Yehoshua and his Jewish army. The position of these Sages is that walking on land does not serve as a kinyan, and another expression of mastery such as improvement of the property is required to finalize a transaction.

Although no mention is made in our gemara as to what did serve as a kinyan for Avraham according to these Sages, there is an interesting suggestion made by the Ohr Hachayim commentary on Bereishet.

Two passages before the one quoted above, Avraham is told, “Raise now your eyes and look out from where you are: northward, southward, eastward and westward, for all the land that you see I will give to you and your descendants.”

Human vision is limited, so that in order for Avraham to see the entire Land from where he stood it was necessary for G-d to miraculously bring all of the Land to him. Such a phenomenon of the Land coming to Avraham was certainly a supreme expression of mastery which gave our forefather absolute title to Eretz Yisrael.

WHAT THE SAGES SAY

“One cannot take away from the public a road on his property which he has allowed them to use.”

Rabbi Yehuda in the name of Rabbi Eliezer - Bava Batra 100a

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From Halachically Speaking <halachicallyspeaking@thehalacha.com>

reply-to mdl@thehalacha.com

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subject Volume 5 Issue 18 - The Issur of Lying

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The Issur of Lying

Throughout one’s day man is faced with questions of telling the truth vs. lying. This comes up in many different forms. In this issue we will discuss the many halachos which may arise regarding this issur, and when is it permitted to lie.

The Source / Reason The posuk in the Torah¹ says that one should further himself from lying. Lying is disgusting in the eyes of all, and there is nothing more disgusting than lying. Hashem is truth, and beracha only goes on someone who wants to go in the ways of Hashem. Therefore, the Torah tells us to further ourselves from lying. One should not listen to a lie.² The opinion of a few poskim is that this issur is talking about a person swearing in Bais Din,³ or if it might cause damage.⁴ (According to this lying is permitted in many situations, see below), while most poskim⁵ hold there is an issur even if the lying does not fall into the above categories.⁶ No other aveirah does the Torah use the words “to further” except for lying therefore one must be careful with this even when it would only appear to be a lie.⁷ One should not lie even if it is only for a joke.⁸

The Ill Effects of Lying There are many ill effects of lying, but we will only list some of them here.⁹ The Gemorah in Sanhedrin¹⁰ says that there are four groups of people who do not get the Shechinah on them; one of them is the group of liars. Whoever swiches his words is considered as if he is worshipping other G-D’s.¹¹ Hashem dislikes one who talks one way but thinks something else in his heart.¹²

One who is a liar is not believed even when he tells the truth.¹³ One should view the issur of lying as the issur of arayos, if one does this Mashaiach will come.¹⁴ The Jews were sent out of their home land (Eretz Yisroel) because they transgressed the issur of lying.¹⁵ Lying is a sickness which is widespread in the world.¹⁶ Some say lying caused the destruction of the first and second Bais Hamikdosh.¹⁷

The Benefits of Truth There are many benefits for those who speak the truth. (We will only list some of them).¹⁸

Rabbi Shimon Ben Gamliel said that on three things the world stands, and one of them is truth.¹⁹ As long as people keep from lying and are close to the truth then Hashem is their salvation.²⁰ One who speaks the truth is saved from all pains.²¹ Speaking the truth lengthens one’s life.²² Yaakov Oveinu spoke the truth so he merited twelve shevatim.²³ The signature of Hashem is truth.²⁴ Hashem is close to those who talk the truth.²⁵ Though the speaking the truth the redemption will come.²⁶ One who speaks the truth is saved from illicit thoughts.²⁷ There is no greater level than speaking the truth.²⁸

Different Categories of Lying The Rabbeinu Yonah in his Sharei Teshuva²⁹ lists nine different categories of lying in order of severity. 1. Lying and cheating in business dealings 2. To trick your friend to believe you like him and then take advantage of him. 3. The lie causes someone a loss of gain which was coming to them. 4. Those who make up stories for the purpose of lying. 5. You tell someone you will give him something and you do not follow through. 6. People who do not keep a promise. 7. One who claimed he did a favor to someone when in reality he did not. 8. Praising oneself about attributes that he does not have. 9. People who change minor details when retelling an occurrence. Others add a tenth kind. This is that if one has an object and is asked if he has it he should not say “I do not have it.”³⁰

Children One should teach children that lying is not allowed and one should stand guard on this.³¹ One should not tell a child that you will give him something and then not fulfill your words, because doing so is teaching the child to lie.³² One who hears his children talking loшон hara, lying etc has a mitzvah to stop them from doing so.³³ One should try to avoid pretending to eat food in order to make the child eat as well since this will teach the child that not doing the truth is allowed.³⁴ Many times one is learning with a child and he comes to a point where if he says the real peshat it will not be tzniusdik. The question is if one is allowed to veer from the real peshat? The opinion of the poskim is that one should say the real peshat and nothing will happen to the child by doing so.³⁵ Non-Jews Most of the rules of lying apply to a non-Jew as well.³⁶ How to Avoid Lying One should not cling to a liar, and one should be very careful with this since the yetzer hara is always trying to catch us.³⁷ One who thinks of the word “Emes” and mentions it from his mouth many times will be prevented from saying a lie.³⁸ When one talks a lot it brings sin,³⁹ therefore, if one avoids chatter he will not come to sin or to lie.⁴⁰ One should learn some Mussar, including the Orchos Tzadikim on the topic of sheker.⁴¹ One should not ask someone something that he knows will cause the person to lie.⁴²

Business Many times people do not tell the truth in business and this is not correct.⁴³ When it says one is supposed to be trustworthy in his business dealings⁴⁴ it does not mean that you should not steal because if you do that you are a wicked person. Rather it means that you should not say a lie,⁴⁵ you should talk nicely and not get angry....⁴⁶

Writing One who wrote a lie has nonetheless transgressed the issur of not lying.⁴⁷ Actions Even if one does not do any talking but from his actions it is obvious that he was saying a lie, then it is forbidden⁴⁸ (i.e. shaking his head to admit to something which is false). Different Gemorahs Where Lying was done Yaakov did not want to lie when going to his father in Eisav’s clothing, but he did so because of the prophecy of his mother.⁴⁹

When it is permitted to lie? The Gemorah⁵⁰ says for three things one is permitted to lie.⁵¹ 1. Lying regarding a mesechta 2. Lying regarding hilchos tznius. 3. Lying regarding a guest. There are different interpretations of what this means. Some say if a person asks you if you know a certain mesechtas one is allowed to say no since he is displaying humility.⁵² If one asks you if you used the bed, you can answer no because of tznius.⁵³ One may also avoid the truth for other middos as well.⁵⁴ Others say this means if one asks you on Purim if you know the difference between cursed Haman and borch Mordechai you can say no.⁵⁵ One who is asked if his host treated him with respect can say no, in order that the host does not receive many unwanted guests.⁵⁶ Others say when they ask someone a question on an inyun he can say he is learning a different inyun in order that they should not ask on the first inyun.⁵⁷

In the permitted instances of lying this applies for an un-learned person as well.⁵⁸

Based on the above, one who is asked where he is holding in a certain mesechta can say the daf before the one where he is really holding if he does not know that current Gemorah, but does know the previous daf. The reason is since he may be embarrassed if he is asked the Gemorah that he does not know.⁵⁹ It is important to point out the heter to lie about a certain mesechta is only if one is being asked in order to be tested, but if one is asked a din etc then one has to say the halacha.⁶⁰

In any situation where it is permitted to lie it is proper to avoid doing so.⁶¹ Some say this is hinted to it the roshai teivos of the three above mentioned items. Ushpitz, Mesechtas, and Tashmish (tznius inyunim), in Hebrew spells Emes.⁶²

A woman who is asked if she is pregnant may say she is not in order for people not to know her private business.⁶³

Based on the above, one is permitted to lie for humility, tznius and to avoid harm to one's friend.⁶⁴

Lying For a Purpose Aside from the above leniency, lying is permitted for a purpose in certain situations.⁶⁵ Many of them are discussed in Titen Emes L'Yaakov and we will bring examples below.

Ride One who is getting a ride from someone can say he is going to a close place even if he is not in order not to bother the driver.⁶⁶ So too one who sees his friend may miss his ride can say it is later than it is really in order to get the friend to make his ride.⁶⁷

Collecting Tzedaka There is a discussion in the poskim if one is allowed to go collecting for a poor talmid chachum and say it is for hachnosos kallah because then the givers will give more money. ⁶⁸ When this question arises one should consult with his Rav.

Appeal During an appeal one is not allowed to announce a larger donation than he is planning to give, even if the point is for others to give more money.⁶⁹

Package One who is shipping fragile objects such as matzah can write the word "glass" on the box in order that it should be dealt with properly.⁷⁰

Peace One is allowed to lie for the sake of peace.⁷¹ A proof to this is the fact that Hashem told Avraham a different story than actually took place between Hashem and Sarah.⁷² Based on this one is allowed to lie to bring peace between husband and wife. ⁷³ In addition, we find a proof to this in Mesechtas Avos⁷⁴ where it says one who wants to be a student of Aron should run after peace, and Rashi there says that Aron would tell someone his friend loves him even if it was not true.⁷⁵ The Ben Yehoyada⁷⁶ says the gematria of sheker equals to "derech shalom." There is a discussion in the seforim if one is allowed to say a real lie for the sake of peace, or only to say something which can be interpreted as the truth as well.⁷⁷ There are poskim that are of the opinion that lying is only permitted for the sake of peace on something which already happened, but for an occurrence which did not yet happen one is not permitted to lie even if it is for peace.⁷⁸ However, the custom is to be lenient.⁷⁹ One should not be accustomed to lie for peace.⁸⁰

One is permitted to say the food is good even if it is not to prevent the host from cooking a different food if you told the truth about the food.⁸¹ If children are fighting, and lying will bring peace between them it is permitted to do so.⁸² It is important to point out that when it is permitted to lie for peace one should not take it lightly and think that all cases are permitted one should really think if peace will be avoided by telling the truth.⁸³

Loaning Money One is permitted to tell friend he has no money to lend if he knows his friend will not pay back.⁸⁴ In addition, one can say to a collector I do not have money if he really does have since he means he does not have money for this collector.⁸⁵

Cigarettes One who is asked if he has a cigarette and he does not want to give one for whatever reason can say he does not have. The intention is that although he has but for this person he does not have.⁸⁶

Going to the Mikvah When a woman goes to the mikvah it is not proper that anyone other than her husband know.⁸⁷ Therefore if a woman is asked where she is going and she is going to the mikvah she may say she is going to this and this place.⁸⁸

Sleeping There is an opinion in the poskim who says if one is sleeping and someone wants to reach him, it can be said he is not home. The reason is because when one sleeps it is as if he is not present in the house.⁸⁹

Avoiding Embarrassment One is permitted to lie in order for one's friend to avoid being embarrassed.⁹⁰ Based on the above, if a bochur who went on a date is asked where were you last night he does not have to say the truth if he is embarrassed.⁹¹ You can also say I had to take care of something. In addition, if a woman miscarried and now gave birth to a boy one does not have to say the truth if he is asked will there be a pidyon haben? However, he can say she is a bas Kohen, or Levi in which case there is no pidyon haben.⁹² In addition, one who is doing kiruv may say he did the sin as well in order to lessen the embarrassment of his students.⁹³

Many ba'alei teshuva who are asked what they did in their youth lie about it and this is permitted since it is embarrassing to them.⁹⁴ One who is not up to par and does not want others to know about it may say he is doing fine when asked how he is felling.⁹⁵

Collector at Door It is a very common occurrence for a collector to knock on the door and wish to speak with the ba'al habayis to receive money. Many times the parent will tell the child tell the person I am not home. Is this permitted according to the halacha? (against lying)? The poskim say that telling the person the ba'al habayis is not home is permitted because of shalom. It is not the business of the collector to know what is going on in the house. If he tells him he does not want to

see him now it will make the collector angry, therefore lying is permitted.⁹⁶ In any case one should not tell a child to say one is not home because it is not good chinuch.⁹⁷

Revealing Secrets It is very common for a person holding in a shidduch and is about to get engaged, to tell his friend not to say anything about it to other people. If he is asked by someone else if it is true, that so and so is getting engaged can one lie? The poskim are of the opinion that he may not tell and he should say I do not know.⁹⁸

Parents If one's father asks you who told you to do this and this and if you say your mother it will make your father upset you can lie and say someone else told you.⁹⁹

Wealth One who is asked is it true that you have a lot of money? can say no, if he is concerned of ayin hara and does not want other people to become jealous.¹⁰⁰

Candle Lighting If a woman asks her husband how much time is left until Shabbos? he may say there is less time remaining until Shabbos so that she will be ready early. However, this is only when a woman is running late because she is lazy. If it will cause her pain it should not be done.¹⁰¹

Broke a Utensil If a utensil broke and blaming it on a child¹⁰² (who does not understand, since otherwise it would not be good chinuch to lie) would make peace of the situation, then doing so is permitted.¹⁰³

Refraining from Issur In order to prevent someone from doing an issur one is allowed to say a name of an odom gadol (that he will listen to) who said it is ossur, even if the odom gadol did not say it.¹⁰⁴ The same is true to lie in order to avoid eating something which is ossur, i.e. to say you are fasting.¹⁰⁵ In addition, someone in the kashrus field may lie to a non-Jew and tell him Jewish law requires it even if it does not in order for him to listen.

Kallah There is a dispute if one is supposed to say to the chosson the kallah looks nice even if she does not.¹⁰⁶ L'maseh, one is permitted to say a kallah looks beautiful even if she does not. The reason is in order that her chosson should love her.¹⁰⁷ Some say this is based on the heter to lie because of peace.¹⁰⁸ Others say because even if one says she is beautiful when she is not it can be going on her actions.¹⁰⁹ The same is true for one whose child is not pretty; he may say he is beautiful.¹¹⁰

A Bought Item One may tell a person the object he bought is nice (if he was asked) even if it is not nice.¹¹¹ The reason is because one is supposed to be well liked among the world.¹¹²

Learning A rebbe who sees a student who is not learning, can tell him "you have the ability to learn better" even if the rebbe knows he does not, if it is done in order for the student to be more learned.¹¹³

Cheering Up Someone One may lie to someone who is broken hearted if doing so will cheer him up.¹¹⁴ For example, if one is in pain because he has no money one can say to his friend I do not either have money even if he really does.¹¹⁵

Calling Someone Son or Brother One is allowed to call someone his son or brother even if he is not his son or brother. The reason is because even one's students are his sons and all Yiddin are brothers.¹¹⁶

Calling One's Son-in-Law a Son etc. It is very common after a couple gets married for the new father-in-law to call the son-in-law a son or daughter. This is not considered a lie because a son-in-law or daughter-in-law is really like one's own child.¹¹⁷ The same is true for the son-in-law to call his in-law by Ma or Ta.¹¹⁸ Nonetheless, one should not do this in front of his parents.

Exaggerating One is permitted to exaggerate and it is not considered lying, since one is not making his friend make a mistake because of it, and we do find some places¹¹⁹ that the Gemorah says exaggerating was done.¹²⁰ Someone who is asked how much something was can say it was \$2000 when in reality it was \$1533 since it is close to \$2000.¹²¹ Based on this one would be permitted lie to make other people happy if no one is getting fooled because of it.¹²² In addition, one who is asked the time can say it is 1:00pm even if it is 12:58pm.¹²³ Furthermore, writing on an invitation the chupah will be at 7:30pm even though it will not be until 8:30pm is not a lie since all know that these events do not start on time.¹²⁴

Eulogy Many times one can find himself at a levaya r"l and the speaker is saying middos etc which all present know the deceased did not have, is this permitted or considered lying? The poskim say doing so is permitted as long as one does not go overboard with attributes that were non-existent.¹²⁵ The Taz¹²⁶ explains it is permitted because if the deceased would have had the opportunity to do the chessed to the next level he would have done so, so we say it about him even if he did not do it. Others explain that although we saw or knew the deceased did a certain action we add to it because who really knows how much he did and chances are he did more than we know of.¹²⁷

Yom Kippur How are we able to say certain al cheits if we never did those aveiros, are we lying before Hashem on the Day of Judgment? Some say since one's friend might have done the aveira we are saying it on him since all of Jews are connected to each other.¹²⁸ Some question how we are allowed to say comments of crying on Yom Kippur if we are not actually crying.¹²⁹

Oleinu When davening Oleinu we say “mishtachavim,” but we do not literally bow down, so how can we say it? Although bowing down means spreading out ones hands and feet, bending of the head and body is also considered bowing and it is not a lie.¹³⁰

Yeshiva It is forbidden to lie to the government and say that there are more students in the Yeshiva than there really are in order to receive more benefits from them.¹³¹

Imitating A common occurrence is for a person to dress up as a poor person in order to collect more money, is this permitted or is considered as if he is not coming off as being truthful? The Mishnah in Mesechtas Peah¹³² says if one is not missing a limb or blind etc. and he makes himself as such he will not leave this world without becoming the thing which he imitated. The opinion of the Maharsha¹³³ is that this is talking about a person who is poor and he needs money so he does certain actions to make others have mercy on him. Others seem to say that this is referring to someone who does not need money and he makes believe that he does.¹³⁴ Some say if a person is poor than doing the above is permitted,¹³⁵ while other do not agree with this premise.¹³⁶

Fasting If an individual is fasting (not on a public fast day) and he is asked if he is fasting, it is proper for him to say he is not fasting in order not to show off before others.¹³⁷

Shidduch It is very common for one to be red a shidduch and if it is not for him, he says he is “busy.” Is this permitted even if he is not busy but does not want the girl to feel bad that he really is saying no? One is permitted to do so since otherwise it would be embarrassing to the girl to know that the boy said no to her.¹³⁸

Lying about Age A question arises if one is permitted to tell a shadchan he or she is younger than their age in order to facilitate a shidduch.¹³⁹ There are poskim who say if one of the sides is already looking for a shidduch and is having a hard time finding one then he or she may lie about their age.¹⁴⁰ Harav Elyashiv Shlita says that one who is twenty can say he is nineteen.¹⁴¹ When this question arises one should discuss it with his Rav.

Surprise Party Many times one is interested in making a surprise party for someone but can not get him to the party by telling him the truth, therefore, a lie is said in order to get him to the party without him knowing the real reason why he is going. One is not allowed to do so since it is an outright lie.¹⁴²

Airport When traveling on an airplane one is asked beforehand if he packed everything and if there are any packages that you may have received from others. One is allowed to answer that he did not receive any packages from others even if he knows there is a package from his friend in the suitcase. The reason why doing so is permitted is because the point of the question is to inquire if there are any “suspicious” objects onboard. Since the passenger knows that there are no such items in his suitcase he may say that there are no packages from anyone inside.¹⁴³

Torah When one is telling you a davar Torah which you heard already, you may make believe that you never heard it even if you did.¹⁴⁴

Honoring Parents It is permitted to lie in order for one to respect his parents.¹⁴⁵

Telling of a Deceased Relative One who is sick and if he is told that a relative of his has died, he will r'l also die, then one does not tell him the bad news.¹⁴⁶ This is true even if the sick person asks for the reason that the family member etc has died.

Rav The opinion of Harav Elchonon Wasserman zt”l was that one should not be called “Rav” unless he is a Rav of a Shul, posek, or a Rosh Yeshiva.¹⁴⁷ However, today, the custom is to be lenient with this.¹⁴⁸ Accordingly, even one who did not get semicha may be called Rav or Rabbi.

[All footnotes <http://www.thehalacha.com/attach/Volume5/Issue18.pdf>]

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