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**Weekly Internet Parsha Sheet**  
**VAYISHLACH 5769**

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**GREED, HATRED, DEATH :: Rabbi Berel Wein**

In the United States the day after the Thanksgiving holiday is called Black Friday because the stores have the largest volume of sales for any one day of the year on that Friday. The merchants are therefore in the black as far as their ledgers are concerned, while otherwise they could be in the red with negative balances and sparse sales.

This year on Black Friday a large retailer advertised that it was going to sell large screen TV sets at a considerable reduction in price. The store would open its doors at 6AM to accommodate the expected large crowds of bargain hunters. A poor hapless part time employee opened the doors to the store at 6AM to allow a waiting horde of shoppers to enter the store. The mob of shoppers surged forward pushing the employee to the ground and trampling him to death.

The shoppers ignored the prostrate victim and the paramedics working to revive him and grabbed their TV sets and left the store in haste, stepping over the victim and his would-be rescuers. Greed conquers all, even at the cost of human life.

It is what feeds the murders committed by organized crime gangs the world over. It is what destroys families, communities and societies. It destroys any sense of relative values in society – no discounted flat screen TV set is worth a human life.

Yet we are witness to the fact that to many the relative value of a human life is far less than a flat screen TV set that can be purchased at a bargain price.

The very same day of Black Friday came the horrifying and tragic news of the massacre of innocents by fanatical Moslems in Mumbai, India. There also human life was of no value compared to some warped sense of fanaticism and hatred of the “other.”

There was no strategic or tactical gain possible for the Moslem cause from this attack. It was just cold-blooded indiscriminate murder. However the fact that a Jewish center was especially targeted and that its inhabitants were massacred is certainly not accidental or unplanned. For the Jew is always the ultimate “other.”

To ascribe any of this killing spree to the Israeli-Palestinian conflict is a misreading of the situation. India is a Hindu nation and the adjoining Moslem nation of Pakistan has been established as an independent entity – a two state solution – for sixty years.

Nevertheless hatred governs the Moslem street there, as it does in the Palestinian areas as well. It is senseless, base, self-destructive and very dangerous to all concerned. Hatred is a condition of the soul akin to greed. It places little value on human life.

It produces people willing to take their own lives as long as others are also killed thereby. It defies all logic and makes meaningful negotiation well nigh impossible. The rabbis of the Talmud taught us that hatred deranges any form of normal productive life. We are living witnesses to the truth of that observation.

The rabbis in Avot taught us: “Jealousy of others, hatred of others and uncontrollable desires (such as greed) remove a person from this world.” By this they meant that these evil instincts if left unchecked simply destroy human life and society.

Governed by greed, desire, hatred and jealousy, the person caught in such a trap of one’s own making values human life cheaply. All means, violent and murderous as they may be, are fair game for use by such a person.

Society must learn to protect itself from these vicious values. The current worldwide economic downturn may yet contribute to a reordering of priorities in today’s society. Thus Greed may yet become more tempered, though it is difficult to fathom a solution for unmitigated hatred.

All pacifist philosophies throughout the ages have run aground on the shoals of irrational hatreds. It is the tragedy of human history that hatred destroys all human values, certainly the one of any sort of reverence for human life or the right of the “other” to also live unharmed.

To educate a new generation to arise and forego ancient hatreds is a very challenging goal. But unless it is so attempted, the tragedy of Mumbai will, God forbid, continue to recur. All of history testifies to the truth of this assessment. Greed, hatred and their associated vices and evil truly drive people out of this world. The tragedy is that the victims of these weaknesses of character and behavior are also removed from this world. Perhaps we now are aware of a different, more somber, definition of Black Friday.

Shabat shalom.

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**Weekly Parsha :: VAYISHLACH :: Rabbi Berel Wein**

Yaakov sends messengers, agents to meet with his brother Eisav and to attempt to mollify his anger against Yaakov. After twenty years, Eisav still smarts from the hurt caused him by Yaakov receiving the blessings of their father Yitzchak. Eisav seeks revenge for that hurt and Yaakov is well aware of the danger that Eisav poses to him and his family. Why then does Yaakov send angels, emissaries, agents to negotiate with Yaakov? After all, the Lord has promised Yaakov to protect him from destruction. Would not a direct appearance before Eisav by Yaakov, and Yaakov personally presenting all of the gifts to Eisav directly rather than through agents and emissaries be more logical and productive?

It can be well understood that Yaakov would shirk from personally having to deal with Eisav but he is undoubtedly aware that such a meeting is eventually unavoidable, so why does he choose to postpone the dreaded moment as long as possible? It is true that the gifts given to Eisav were meant to soften his attitude and soothe his hatred towards Yaakov, but perhaps Yaakov's personal presentation of them to Eisav would be even a more powerful inducement for reconciliation. There must be a deeper reason that explains Yaakov's strategy and behavior. And herein lays a deep message of truth and relevance for all of us.

Eisav is always better dealt with through agents, emissaries, public opinion, outside forces. Rarely is much of anything good accomplished by direct confrontation with Eisav. All of Jewish history testifies to the truth of this proposition. It may be more romantic and seemingly heroic to deal with Eisav strongly and directly. But Jewish survival has been strongly abetted by avoiding direct confrontations with the descendants of Eisav - as reflected throughout history.

The State of Israel came into being because of the temporary sympathy of the Western world and even the Soviet Union and the United Nations. The Jews would have to fight and die for its establishment but there is no doubt that if it were not for the emissaries that preceded us we would not have had the opportunity to even attempt to establish such a state. There are many times that confrontation and strength do not accomplish victory and even survival.

After every ideal and noble goal, the main task for the Jewish people has always been to successfully survive and pass on its great heritage and values to later generations and the world generally. If somehow others or circumstances can pave the way for us to accomplish this great goal of survival and success, then such help should be desired and appreciated. In a hostile world it is foolish to repudiate agents and emissaries that deal with Eisav on our behalf.

Shabat shalom.

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**TORAH WEEKLY - Parshat Vayishlach**

**For the week ending 13 December 2008 / 16 Kislev 5769**

**from Ohr Somayach | [www.ohr.edu](http://www.ohr.edu)**

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

**OVERVIEW**

Returning home, Yaakov sends angelic messengers to appease his brother Esav. The messengers return, telling Yaakov that Esav is approaching with

an army of 400. Yaakov takes the strategic precautions of dividing the camps, praying for assistance, and sending tribute to mollify Esav. That night, Yaakov is left alone and wrestles with the Angel of Esav. Yaakov emerges victorious but is left with an injured sinew in his thigh (which is the reason that it is forbidden to eat the sciatic nerve of a kosher animal). The angel tells him that his name in the future will be Yisrael, signifying that he has prevailed against man (Lavan) and the supernatural (the angel). Yaakov and Esav meet and are reconciled, but Yaakov, still fearful of his brother, rejects Esav's offer that they should dwell together. Shechem, a Caananite prince, abducts and violates Dina, Yaakov's daughter. In return for Dinah's hand in marriage, the prince and his father suggest that Yaakov and his family intermarry and enjoy the fruits of Caananite prosperity. Yaakov's sons trick Shechem and his father by feigning agreement; however, they stipulate that all the males of the city must undergo brit milah. Shimon and Levi, two of Dinah's brothers, enter the town and execute all the males who were weakened by the circumcision. This action is justified by the city's tacit complicity in the abduction of their sister. G-d commands Yaakov to go to Beit-El and build an altar. His mother Rivkah nurse, Devorah, dies and is buried below Beit-El. G-d appears again to Yaakov, blesses him and changes his name to Yisrael. While traveling, Rachel goes into labor and gives birth to Binyamin, the twelfth of the tribes of Israel. She dies in childbirth and is buried on the Beit Lechem Road. Yaakov builds a monument to her. Yitzchak passes away at the age of 180 and is buried by his sons. The Parsha concludes by listing Esav's descendants.

## INSIGHTS

### Conspicuous Consumption

#### “Thus says your servant Yaakov” (32:5)

The Jewish People has never found itself in a predicament as complex and disturbing as the one that faces it today.

On the one hand, we have never enjoyed such material comfort and security. Not even during the “Golden Age” in Spain were Jews so accepted into the life of the non-Jewish world. Who would ever have thought that a Jew, and a religious one at that, could be seriously considered for Vice-President of the United States of America, let alone its President?

Jews are more comfortable, more respected, and have a larger slice of the national “apple pie” than ever before.

And yet, on the other hand, the Jewish People are threatened by a new anti-Semitism, on the campus and off, whose depth and virulence can only be conjectured.

There is no doubt that this stems, at least in part, from living the American Dream at not-quite-first remove.

The American Dream is not our dream. It is the dream of our brother Esav. Esav sees the world as a series of spreadsheets and bottom lines, skyscrapers and condos. He sees roast beef on every table.

We see a prayer book on every table.

The hands are the hands of Esav. And nothing incites Esav more than when he sees us usurping his position. Esav knows who we are. He understands, subconsciously, that Yaakov's mitzvot is the voice, the world of the spirit, of Torah and prayer. When Yaakov strays into Esav's territory and lords it up to boot, Esav reacts with implacable ferocity.

Which is not to say that we have to live in abject poverty, just we don't have to knock out our neighbors' eyes with our conspicuous consumption, living the lifestyles of the rich and famous.

We learn this from this week's Torah portion:

“Thus says your servant Yaakov”

The Midrash tells that Rebbe (Yehuda HaNasi) would sign letters to his friend the Roman Emperor Marcus Aurelius Antoninus with the words “your servant.” Rebbe said “Am I better than Yaakov our Patriarch who referred to himself as Esav's servant?”

The Midrash criticizes Rebbe for following Yaakov's example, since it itself opposed Yaakov's conduct in this regard. Nevertheless, Yaakov calling himself Esav's servant created a relationship with Esav and his offspring that binds us to this day. This spiritual land-mapping is called “the actions of the fathers are a sign to the children.”

Jewish identification in America and Europe is at an all-time low, and going down. Support for Israel - the Judaism of previous non-religious generations - has evaporated in direct proportion to Jewish cultural identification. And intermarriage, largely unheard of a hundred years ago, has galloped past the fifty percent mark, which means that more Jews now chose non-Jewish partners over Jewish.

If there's one glimmer of light, it seems to be the religious community (b'li ayn hara). The religious community is burgeoning both in Israel and in the Diaspora. Its birthrate together with rampant assimilation in the non-religious sector have brought the religious community to the forefront of Jewish social life both numerically and intellectually.

However, the religious community isn't perfect. (Is any community?) Divorce, while scarce compared to the secular community, is growing steadily. The phenomenon of “children at risk”, children who leave observant homes and frequently end up on drugs and alcohol, is now a fact of the landscape.

But, maybe most of all, we should be very careful not to show off our newfound prosperity by making extravagant weddings and Bar Mitzvahs, building huge mansions, and spending fortunes on glatt kosher dream cruises.

Are we better than our Patriarch Yaakov?

Sources: Based on the Avnei Ezel

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## Peninim on the Toray by Rabbi A. Leib Scheinbaum

### PARSHAS VAYISHLACH

#### I have sojourned with Lavan and have lingered until now. (32:5)

Yaakov Avinu's opening statement to his wicked brother Eisav was, “I lived with Lavan.” As Rashi explains, this intimates “I did not learn from his evil ways.” Despite living in close proximity to this despicable character, Lavan had no influence on the Patriarch. Eisav was hoping that Yaakov would submit to Lavan's perverted influence, because he knew that his father's blessing to him was contingent upon Yaakov's spiritual downfall. His rise would coincide with his brother's fall. Yaakov's message to him was: Sorry, it did not happen. I am the same as I was when I left home. Let us attempt to delve deeper into the phenomenon of Yaakov's ability to resist learning from Lavan.

Horav Matisyahu Solomon, Shlita, cites the Navi Ovadiah who begins his prophecy, “So says Hashem to Edom.” (Ovadiah 1:1) The Talmud Sanhedrin 39b questions why Ovadiah prophesied to Edom, which is Eisav's nation. Chazal explain that Ovadiah, who lived in close proximity to two reshaim, wicked people, Achav and Izevel, but was not influenced by them, should prophesy to Eisav, who lived with two tzadikim, righteous people, such as Yitzchak and Rivkah, but did not learn from them.

In the beginning of Perek 6 of Hilchos Deos, the Rambam writes: “In his natural state, man is influenced by his friends, neighbors and members of his community. Therefore, one should see to it that he establishes his relationships with righteous people, doing everything possible to distance himself from those who are wicked.” What we understand from the Rambam is that it is natural to gravitate to-- and be influenced by-- one's surrounding environment.

We can now appreciate Ovadiah's uniqueness. He had to transcend his natural proclivity to gravitate to Achav and Izevel, so that he not be influenced by their evil actions. Can we imagine how much yiraas Shomayim, fear of Heaven, this required? It took extreme effort to overcome this pressure. He had to reach out to Hashem in prayer and do everything within his ability to triumph over their hold on him.

We also see now what Eisav had to do in order not to be influenced by Yitzchak and Rivkah. We must acknowledge that we have no idea of the extent of their greatness. We shudder-- or at least we should-- when we are in the presence of a gadol, Torah giant. Yet, the greatest Torah luminary is nothing in comparison to our Patriarchs and Matriarchs. Can we imagine how vile Eisav must have been; how much effort he put forth to counteract their positive influence on him? Yet, he did so, because he was that wicked. He was so committed to being wicked that he was able to transcend his natural tendency. Ovadiah was the perfect individual to prophesy to Eisav's nation. They had something in common: they used

superhuman strength to overcome the effects of their environment. Yaakov and Eisav both inherited this incredible ability from none other than their mother, Rivkah Imeinu. She was the daughter of Besuel, sister of Lavan, and lived in an environment that was totally evil; yet, she managed to remain pure and righteous. She succeeded in transmitting her uncanny ability to her twin sons. Regrettably, only one used it in pursuit of a constructive good.

How does one do it today? How are we able to overcome the challenges endemic to the environment in which we live? What are those people who must go out into the world and navigate its spiritual climate-- in a society that is morally bankrupt and spiritually deficient-- to do? Who is able to transcend his natural instincts? I think that one is affected by the environment only when he feels he has a common bond with the people around him. When one feels that he is like them, he will be affected by them. If we can just elevate ourselves to the point that we realize that "we" and "they" are not the same: We are Torah Jews. We, thus, have an allegiance to Hashem and a mission in life that runs counter to anything they might impress upon us, so that we will not be influenced by them. The influence can occur only when the individual allows himself to be vulnerable to the environmental stimuli.

#### **And his eleven children. (32:23)**

Yaakov Avinu had one more child that should have been present. Dinah, his daughter, was apparently nowhere to be found. Chazal explain that the Patriarch hid her in a box, so that Eisav would not notice her. Because Eisav was an individual whose entire life was controlled by his base desires, he would want her for himself. Chazal add that Yaakov was criticized for suppressing chesed, kindness, from his brother. Because he refused to allow his daughter to enter into a relationship legally, he was punished with the violation of Shechem, in which she was forcibly and inappropriately taken into a relationship. Clearly, Yaakov was acting on behalf of his daughter. How could he even think of allowing Eisav to see her? The possibility of losing her to Eisav was a disastrous thought. Why was he so gravely punished? I would think that he acted appropriately on behalf of his daughter in a manner not unlike the way any respectable, decent father would have acted.

The Mesillas Yesharim derives from here how intense is the omek ha'din, depth of judgment. Yaakov was held responsible for not performing a chesed for the evil Eisav. Perhaps Dinah would have had a positive influence on him, inspiring him to repent his ways and return to Hashem. Now, it was too late. Eisav's chance dissipated.

Horav Elazar M. Shach, zl, would often use this episode as an example of an individual's need to introspect, never allowing an opportunity for performing chesed to dwindle. We are all availed opportunities to act with kindness to others. Yet, we often allow these favorable circumstances to wane, to fade away, without taking advantage of them. In the end, we are diminished and the one whom we could have helped also loses out. We might be able to justify our intentions, but ultimately Hashem will not. Our excuses do not help the individual in need.

Rav Shach practiced what he preached. Once during his twilight years, at the old age of ninety-seven, when he was weak and frail, he demonstrated the significance of never allowing an opportunity to act kindly pass by without acting upon it. It was eleven o'clock in the morning, and he was alone in his apartment. He was laying down to rest, when he heard knocking at his door. At first, he ignored it, due to the difficulty involved in his rising from bed and trudging over to the door. When the knocking persisted, the Rosh Yeshivah overcame his weakness, arose from the bed, and plodded toward the door. Meanwhile, the knocking continued unabated.

The gadol ha'dor, preeminent leader of the generation, opened the door with a smile to greet a teenage girl.

"I hope I did not disturb the Rosh Yeshivah," the girl said.

"No, no disturbance. How can I help you?" he asked.

"Rebbe, today my brother is becoming a chassan. I came to ask for a brachah, blessing, that his match should work out and that the couple should be blessed with longevity and happiness," the girl replied.

Anybody else would have responded, "For this you have disturbed me?" but not Rav Shach, who viewed every opportunity to perform chesed as an

investment in eternity. He immediately smiled and gave his heartfelt blessing.

Shortly afterward, one of his grandsons arrived. Rav Shach told him, "It was good that you were not here before. For if you had been, you would not have opened the door and I would have been deprived of an opportunity to perform a chesed."

This is an incredible story about a legendary individual. What amazes me is that this young girl had no qualms about knocking repeatedly on the Rosh Yeshivah's door; he was so accessible to everyone. Indeed, every Jew felt as if he were his or her personal father, rebbe, mentor. This is true gadlus.

#### **And Yaakov was left alone. (32:25)**

Chazal tell us that Yaakov Avinu's family had left him alone when he returned for some pachim ketanim, small jars. It was at that point that Eisav's angel attacked our Patriarch. Understandably, this statement has been the basis for much homiletic exegesis, focusing on the small jars; their intrinsic value to Yaakov; the fact that he was alone during the night; and specifically, that at this time of solitude and weakness, the angel made his move. Another approach focuses on the small jars, representing the small picture, which Horav Sholom Yosef Elyashiv, Shlita, feels is of great significance, particularly in contemporary times.

There are people whose focal point of religious observance centers around the pachim ketanim, the small-- not necessarily essential-- minhagim, customs. They are careful not to ignore these small traditions, customs, practices while simultaneously paying nothing more than lip service to the "large" jars, such as halachah, Jewish law, its essentials and prerequisites. They have no qualms about spending whatever it takes to use a white hen for Kapparos, atonement, on Erev Yom Kippur, after they have immersed themselves in the mikveh at daybreak. When it concerns other forms of kapparah, atonement, however, they are suddenly clueless.

When Yaakov was left alone, devoid of his family, Eisav's angel attacked. He knew that this was a propitious time, for Yaakov did not have the support of his family. Chazal say that the angel was able to leave an infirmity when he struck Yaakov's side. The defect was in the yotzei yereicho, the offspring of his loins, his children.

This means that if we are to have a significant influence on our children, we must see to it that they observe us spotlighting Torah and mitzvos, caring about the entire corpus of halachah- not simply observing the pachim ketanim, while ignoring the rest of halachah. They must see achdus, unity, in the Orthodox camp, not levado, everyone choosing to be alone, divided, elitist and aloof, such that anyone who does not dress or act exactly like us, is excluded from our frame of observance and, consequently, respect. When Eisav attacks us, the greatest victims are our children. They see the bickering; they are acutely aware of the infighting; they are sensitive to the politics. They often respond with a negativity that extends beyond the issues, spinning off to their core observance, and we will have no one to blame but ourselves.

And it came to pass as her soul was departing...that she called his name Ben Oni, but his father called him Binyamin. (35:18) There is probably no more slandered figure in secular Jewish lore than the Jewish mother. For years she has been the target of many of our own self-loathing secular-minded co-religionists, whose upbringing in a non-Torah-oriented society leaves much to be desired. It is, therefore, significant to relate what Horav Sholom Yosef Elyashiv, Shlita, perceives as Rochel Imeinu's primary concern as she lay on her deathbed. Our Matriarch was very anxious as she lay dying. Her anxiety, however, was not about herself, but about her soon-to-be-born son. She knew how much work had gone into raising the Shivtei Kah, tribes, who comprised the foundation of the Jewish nation. Her angst was concerning this infant: Who would raise him? Who would inspire him to be G-d-fearing, ethical and pious? Who would educate him? Would he be a source of nachas, satisfaction and pleasure, or would he be a source of eternal shame?

The name that Rachel chose expressed her fears and anxiety. Ben Oni, the son of my mourning. Who knows whether this son will cause me to mourn in the Olam HaEmes, eternal World of Truth? There was a precedent in her family which gave her substantive reason to be distressed. Previously (ibid.35:8) the Torah writes, "Devorah, the wet nurse of Rivkah, died and

was buried below Beth-El...and he named it Allon bachus." Rashi cites the Midrash that says that this pasuk, which mentions only the death of Devorah, is an allusion to the death of Rivkah Imeinu. Allon-bachus is perceived by the Midrash to mean place of double weeping - weeping for Devorah and Rivkah.

Why was Rivkah's passing mentioned in such a surreptitious manner? As the wife of Yitzchak Avinu, the mother of Yaakov Avinu, her death should have been noted with a considerable "obituary." Chazal explain that she did not have the sort of burial that a woman of her stature deserved. People were concerned because Avraham Avinu was gone, Yitzchak was homebound, unable to see, and Yaakov had left for Padan Aram. The only one available to represent her family was her wicked son, Eisav. This would not speak well of her. People might speak disrespectfully of her for having given birth to such an evil person. They decided to circumvent this reaction by keeping her death quiet and burying her at night. When Rachel heard what had happened to Rivkah, she was afraid that she, too, might one day be cursed for being the mother of a child that was an embarrassment.

The midwife told her not to worry. Yaakov reassured her that he would be father and mother to the child. He named him Binyamin, a name that denotes strength, aware that it would serve as a positive portent for this child's spiritual future. She was reassured as she left this world. That is how a Jewish mother acts. That is what she thinks about at the most critical final moments of her life. Those who revile the image of a Jewish mother probably did not have much of a Jewish experience when they were growing up.

Many great gedolim, Torah giants, received their earliest inspiration from their mothers, a phenomenon which has been totally normal throughout Jewish history. The mother is a child's earliest mentor and, as such, leaves an indelible imprint upon his or her psyche. Those who denigrate this lofty concept probably have never experienced this unique measure of love. Recognizing that they are missing something in their lives, they choose to revile the idea, rather than to accept their own deficiency.

Horav Yechezkel Levenstein, zl, the venerable Mashgiach of Mir and Ponevez, was a legend in his own time. His wisdom, spiritual intensity, piety and utter devotion to Hashem served as an inspiration to a generation of yeshivah students during the Holocaust and afterwards in rebuilding Torah following the cataclysmic decimation of European Jewry. He became an orphan at the age of five when his mother, Zlata Malka, a scion of chassidic heritage which included the Tosfos Yom Tov, died. Her final words to him as she lay on her death bed proved to be the directive that not only changed his life, but helped to preserve Torah for generations to come. As she lay there, she instructed her young son to dedicate his life to Torah: Du zolst zehn bleiben beim lernen! "See to it that you always remain with Torah!" With her dying breath, she implored him to never forsake Torah study. With these words, she planted the seed in his heart that germinated, blossomed and spread its fragrance and nourishment for others to emulate. Yes- all because of a Jewish mother.

**Then Yaakov inquired, and he said, "Divulge if you please your name." And he said, "Why then do you inquire of my name?" (32:29)**

Yaakov Avinu had bested Eisav's protective angel in a battle which revolved around theological dogma. He now wanted to know the angel's name. Rashi explains that since an angel exists only to perform the Divine Will, his "name" is a reflection of his mission. By asking him his name, Yaakov was inquiring about the nature of his mission. The angel replied that he had no established name, since the name of an angel changes in accordance with his mission. When one reads the text, it is clear that the angel did not give a reply to Yaakov's question. Instead, he countered with another question: "Why then do you inquire of my name?" What kind of answer is this?

Horav Sholom Schwadron, zl, cites his rebbe, Horav Leib Chasman, zl, who related that he saw a novel explanation by an early Kabbalist who says that, "Why do you ask my name?" was the angel's answer. This is my name! In other words: "What is your name?" "My name is - 'Why do you ask my name?'" How are we to understand this?

Rav Leib explained this using the following analogy. A citizen of a small backward village had occasion to visit the big city. This man was very

primitive indeed. He had never been exposed to the electronic age - a cinema was simply something he did not understand, because he had never seen one. He was wandering through the city when he saw an advertisement for a cinema. He purchased a ticket and entered into a large, dark room. The only light was on the wall/screen which displayed people in animation, talking to one another. He had no clue concerning what was going on. Since he was so far away from the screen, he could not see well - and, after all, it was "also" dark. He took out a large match from his pocket and lit up the room, hoping that the extra light would enable him to see better.

We can imagine how this action was greeted by the movie goers. "Fool! What are you doing?" they screamed. "Put out that light, we are unable to see the show!" were some of the nicer comments that were directed at him. He could not understand why they were upset. He only wanted to see a clearer picture. What bothered him was that as soon as he lit the match, the image on the screen began to disappear. The more light, the less picture.

He was not going to permit the people to deny him his right to enjoy the cinema: "I paid for a ticket, and I plan on seeing the movie. It is too dark in here for me to see. I will continue to use my light."

After a few moments, a wise man came over to him and said, "You do not seem to understand. In this place, we see only when it is dark. When the light is shining we are unable to see." This is the message that Eisav's angel attempted to convey to our Patriarch. In this world, we see only in the darkness. We cannot handle the light.

The angel that battled with Yaakov was no ordinary angel. He doubled as the yetzer hora, evil inclination, as the Satan, the prosecuting angel who indicts us after he has convinced us to sin. Last, he functions as the Malach Ha'Maves, Angel of Death, executing the punishment which we have regrettably earned by falling under his guile. When two adversaries battle each other, the one who emerges triumphant asks the vanquished to reveal his secrets. At the moment of Yaakov's victory, he was empowered to ask the angel: "I won. Now, what is your name?" which really means, "What is your essence? What skill do you employ to ensnare people and convince them to sin? What is the secret of your success? How do you do it?"

The angel answered, "My name is, 'Why do you ask me my name?'" No questions asked, no answers given, everything is carried out in darkness, when people neither understand nor see. When it is dark, everything appears bright. It is only when the light shines through that the picture becomes distorted, and we perceive what it really is: nothing at all, just an imaginary image. When the questions are asked, and the answers are not forthcoming, the individual sees that it is all a sham. Eisav's angel said, "My name is 'Why do you ask my name?'" No questions asked, and the people follow along as simpletons, "blinded" by the darkness. The success of the yetzer hora is attained when no one bothers to ask.

**Va'ani Tefillah**

**Tzaddik Hashem b'chol drachav, v'chasisid b'chol maasav.**

**Righteous is Hashem in all His ways, and magnanimous in all His deeds.**

Tzaddik, as explained by Chazal in the Talmud Rosh Hashanah 17b, is a reference to true judgment, that which one really deserves, while chasisid denotes going beyond and above the law, extending loving-kindness to an individual more than he deserves. Avnei Shoham explains that the word tzaddik is used to describe one who acts benevolently towards people, worrying about those who are in need and seeing to it that those who are hungry are fed and those who are in need of a livelihood are sustained. Hashem sustains all creatures. Even the dog, whose sustenance is meager, always having to search for food, is sustained by Hashem in a unique manner. The Talmud Shabbos 155b relates that since Hashem knows that a dog has a difficult time finding food, He created him in a way that food remains in his system for up to three days, so that he would not be hungry. They cite the pasuk, Yodea tzaddik din dalim, "A righteous person knows the oppression of the poor." (Mishlei 29:7) The word tzaddik indicates an individual who is concerned about the needs of others. Hashem is the consummate tzaddik, as He occupies Himself solely with providing for the needs of the world's inhabitants.

Sponsored in loving memory of our Mother and Grandmother Celia Schlesinger Tzirel bas Mendel a"n niftara 21 Cheshvan 5765 You are forever missed. Richard and Barbara Schlesinger and Family

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### **Rabbi Benjamin Yudin TorahWeb**

#### **Warrior Ya'akov – Defender of our People**

Rabbi Elchonon Wasserman, hy"d.(1875-1941) studied under Rabbi Shimon Shkopp zt"l, and later under Rabbi Chaim Brisker, zt"l. At age 32 he joined the Kodshim kollel of the Chafetz Chaim who subsequently became his lifetime role model. In 1921 he became head of the yeshiva in Baronovitch where he remained for the rest of his life. When the Chafetz Chaim planned to make aliyah, a delegation of rabbis came to plead with him to stay. As the spiritual leader of eastern European Jewry, they protested how he could leave them. The Chafetz Chaim answered "you don't need to worry; I will leave behind Rabbi Wasserman."

There is a heart breaking eye-witness report of the execution of Rabbi Elchonon Wasserman and his students on the 11th of Tammuz, 1941. Rabbi Elchonon was taken with his students from amidst their studying Torah to their place of execution. Rabbi Wasserman said, "it seems that in Heaven they consider us righteous people as we had been chosen to atone with our bodies for the Jewish people. We must therefore repent immediately, the time is short. We must keep in mind that with our repentance our sacrifice will be more pure, and with that we will save the lives of our brothers and sisters in America. The fire that will consume our bodies, that very same fire will rebuild the Jewish people."

The Torah in Parshas Vayishlach (32:25) teaches "Yaakov was left alone and a man wrestled with him until the break of dawn." The medrash (Bereishis Rabbah 77:3) identifies the attacker as the guardian angel of Esau. The Tanchuma (Vayishlach 8) adds that his name is Samoel. Rabbi Elchonon Wasserman, in his Kobeitz Maamarim, asks why is it that this angel, whose mission is to protect Esau and his culture, attacked specifically Yaakov? Why not wrestle with the founding fathers of the Jewish nation, Avraham or Yitzchak?

His answer is most fascinating and profound. He cites the Yerushalmi (Chagigah 1:7) that Hashem is patient and can even overlook the three gravest sins of idolatry, adultery and murder, but does not forgive the sin of bittul Torah, neglect of Torah study. He explained the above challenging question with the following metaphor. When two adversaries fight one another, even if one side is victorious today, the other side can regroup and there is always a chance for a further and stronger battle tomorrow. However, if one side seizes the weapons and the ammunition of the other, leaving them totally defenseless, the war is over as they have nothing to fight with. Similarly, the Talmud (Kiddushin 30b) teaches that Hashem declares "I created the yetzer harah [evil inclination] and simultaneously I provided the antidote to control and defeat it, namely the study of Torah". The Angel Samoel, representing the yetzer harah according to the Rabbi Wasserman, knows that there is no other force that can over power him. Therefore, when the Jewish people, G-d forbid, are deficient and derelict in their study of Torah, they have, for all practical purposes, surrendered their armaments and weaponry.

It is for this reason, Rabbi Wasserman argues, that the angel Samoel attacks Yaakov, who resides in the tents of Torah, and not Avraham, the pillar of chessed, or Yitzchak, the pillar of service. Specifically Yaakov, who represents Torah learning, is the target and victim of the yetzer harah. Rabbi Wasserman quotes his rebbi, the Chafetz Chaim, "the yetzer harah does not mind if the Jew does kindness, fasts, and prays all day; as long as he does not study Torah!"

[Note: historically, we don't find that they closed the Jewish Hospital in Volozhin, only the Yeshiva]

Why is Torah the antidote to the yetzer harah? Firstly, "an educated consumer is the best customer." The more one studies, the more one's level of observance is enhanced. Moreover, the study of Torah alone has the ability to transform one character and personality. In Tehillim (19:11) King David extols Torah as "sweeter than honey and drippings of the combs." Regarding honey we find a fascinating halacha: if one finds a piece of the bee in the honey, the Rosh (Berachos 6:35) cites Rabbeinu

Yonah that one may eat that piece of bee because halachically it has transformed into honey. However, an entire bee may not be consumed. Honey can not or does not change the entire bee. Torah is sweeter and stronger than honey as it transforms the entire being. "Kudsha Brich Hu v'Oraisa chad hu - Hashem and his Torah are inseparable", therefore one who studies Torah literally imbibes G-dliness.

In the introduction to Mesilas Yesharim, Rabbi Chaim Luzato quotes the kabbalist Rabbi Hershel Ostropoler zt"l that prior to the Chelministky Massacres, the Satan came to him in a dream and told him he was prepared to rescind the decree against the Jewish communities of central Europe if they would stop learning Torah. Rabbi Ostropoler refused the Satan's offer.

Bereishis (32:26) states "va-teikah kaf yerech Ya'akov – Yaakov's hip socket was dislocated". The commentaries understand the symbolism of this encounter in the following way. When the Angel sees that he can not topple Yaakov, he strikes a serious blow to his descendants, his children. They are deflected from talmud Torah by either persecution or assimilation. Additionally, the Zohar understands the "yerech Ya'akov" to tomchin d'Oraisa – the supporters of Torah. Rabbi Wasserman writes in his Ikvisa D'Mashicha that in the difficult period preceding the coming of the mashiach people will not realize the importance of talmud Torah and will support other Jewish causes, but Jewish education will not be a priority.

We live in very challenging times. We have so many things competing for our down time that Torah learning is too often not a priority. Unlike Rabbi Teitz zt"l who said that "killing time should be considered a capital offense," too many don't realize the excitement, freshness, and spiritual exhilaration that one can derive from talmud Torah. In addition, in our challenging economic times, we must ask halachic questions as to how to prioritize our giving of tzedakah. "Talmud Torah k'neged kulam" (Mishna Peah 1:1), including local yeshiva scholarships funds, must not lose its supremacy.

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### **h a a r e t z**

#### **Portion of the Week / All in the family**

##### **By Benjamin Lau**

In this week's Torah portion, we encounter an unpleasant fact about Jacob's eldest son, Reuben: "And it came to pass, when Israel dwelt in that land, that Reuben went and lay with Bilhah, his father's concubine: and Israel heard it. Now the sons of Jacob were twelve" (Genesis 35:22).

Our sages tried to deal with this problematic point, including by "omitting" it from the narrative. In Talmudic times, during the reading of the Torah, a meturgeman (translator) translated every verse into Greek. This practice, incidentally, is continued today in Yemenite synagogues, where every verse in Hebrew is followed by its translation into Aramaic (the one used is that of Onkelos, a nephew of the Roman emperor Titus who converted to Judaism); the meturgeman is often a young boy of pre-bar mitzvah age. The sages' advice was that the above verse not be translated during the reading, so the worshipers - the majority of whom, during the Talmudic period, spoke Greek rather than Hebrew - would not understand it. Thus, the problematic bit was left out - an example of educational censorship.

Another way of dealing with the issue - more palatable than censorship - is to try to interpret the passage. For instance, Rashi chooses to explain it according to a midrash rather than to focus on its literal meaning: He denies that Reuben had sex with Bilhah and argues that he simply "confuses" Jacob's bed. The midrash explains that, when Rachel dies, Jacob moves his bed to the tent of Bilhah, Rachel's servant, whereupon Reuben, who cannot bear the humiliation his mother will now suffer, transfers Jacob's bed to Leah's tent.

However, Jacob himself apparently denies this interpretation. In the blessings he gives his children before his death, he takes the firstborn's birthright away from Reuben because of his instability and irresponsible conduct: "Reuben, thou art my firstborn, my might, and the beginning of my strength, the excellency of dignity, and the excellency of power:

Unstable as water, thou shalt not excel; because thou wentest up to thy father's bed; then defiledst thou it: he went up to my couch" (Gen. 49:3-4). Reuben is a born meddler. In last week's portion, we were told: "And Reuben went in the days of wheat harvest, and found mandrakes in the field, and brought them unto his mother Leah. Then Rachel said to Leah, Give me, I pray thee, of thy son's mandrakes. And she said unto her, Is it a small matter that thou hast taken my husband? And wouldest thou take away my son's mandrakes also? And Rachel said: Therefore he shall lie with thee to night for thy son's mandrakes" (Gen. 30:14-15).

Sensitive to Leah's inferior position in the family, Reuben tries to draw his mother closer to Jacob by means of the mandrakes. Does he do so because of their fragrance (as Nahmanides argues) or because of their purported value as an aphrodisiac (according to one midrash)? That is irrelevant. The point is, he is trying to interfere: From Rachel's words, we understand that Jacob's bed was regularly located close to Rachel's, not Leah's. A distasteful arrangement in Reuben's view.

In the narrative of the sale of Joseph, Reuben tries to intervene on two occasions; he attempts to assume responsibility in both, but fails. In the first instance, he proposes to his brothers, who want to kill Joseph, that they cast him instead into a pit. He wants to rescue Joseph upon their departure; however, a caravan bound for Egypt appears and Jacob is sold into slavery before Reuben returns.

On the second occasion, when Jacob must deal with the demand of Pharaoh's viceroy (his alienated son, Joseph) that Benjamin be brought to him, Reuben, as firstborn, makes a startling offer: "And Reuben spake unto his father, saying, Slay my two sons, if I bring him not to thee: deliver him into my hand, and I will bring him to thee again." Whereupon Jacob answers: "My son shall not go down with you; for his brother is dead, and he is left alone: if mischief befall him by the way in which ye go, then shall ye bring down my gray hairs with sorrow to the grave" (Gen. 42:37-38). Commenting on Reuben's proposal, one midrash calls him a "foolish firstborn."

These examples help us comprehend Jacob's decision, when blessing his children, to deny Reuben the status of the firstborn: He is too impulsive to be a leader. The fact that he is toppled from leadership helps explain why his descendants, Datan and Aviram, vigorously oppose Moses' leadership. It also helps explain why the Tribe of Reuben chooses to segregate itself from the rest of the Jewish nation, and settles on the eastern bank of the Jordan instead of fighting alongside the other tribes in the conquest of Canaan.

This tendency toward separatism is harshly criticized in the Book of Judges (5:16) by Deborah, who rhetorically asks the Tribe of Reuben: "Why abodest thou among the sheepfolds, to hear the bleatings of the flocks?" Ironically, because the Tribes of Reuben and Gad and half that of Manasseh chose to live east of the Jordan, they are the first of the Twelve Tribes to be expelled from the Holy Land: "And the God of Israel stirred up the spirit of Pul king of Assyria, and the spirit of Tiglath-pileser king of Assyria, and he carried them away, even the Reubenites, and the Gadites, and the half tribe of Manasseh, and brought them unto Halah, and Habor, and Hara, and to the river Gozan, unto this day" (1 Chronicles 5:26). In exile, the Tribe of Reuben vanishes from the stage of history.

Toward the end of the Pentateuch, Moses blesses the Twelve Tribes, saying of Reuben: "Let Reuben live, and not die; and let not his men be few" (Deuteronomy 33:6). Aware of the tragedy of preventing a firstborn son from assuming leadership, Moses stresses that, nonetheless, Reuben is part of the Jewish nation. This same idea is expressed in this week's portion: After being informed that Reuben slept with his father's concubine, we are immediately told, "Now the sons of Jacob were twelve." Despite his sin, Reuben is still part of the family.

It is a mitzvah to arrange a shidduch<sup>1</sup> [colloq: a match] between a man and a woman for the object of matrimony.<sup>2</sup> It is permitted to arrange a shidduch on Shabbos,<sup>3</sup> and if necessary, it is even permitted to discuss the financial arrangements on Shabbos.<sup>4</sup>

The poskim debate whether or not it is permitted to arrange or promote a shidduch between non-observant Jews who will not observe even the minimum halachic standards of family purity. Some permit doing so only for a professional shadchan whose livelihood depends on making shidduchim, while others do not permit it even in that case.<sup>5</sup> But if the shidduch is made for the purposes of potential kiruv or in order to avoid the tragic alternative of intermarriage, then the shidduch may be proposed and followed through regardless of payment. Even a professional shadchan, however, is advised by the poskim not to get involved in arranging a marriage between non-Jews.<sup>6</sup>

Question: During the shidduch process, what type of information may or may not be withheld from the other party?

Discussion: It is prohibited for either party in a prospective match to give false information or to withhold pertinent information about themselves.<sup>7</sup> In certain cases, withholding or falsifying information could result in the invalidation of a marriage.<sup>8</sup>

The poskim give some examples of information that may not be withheld in a prospective match [and which, if withheld, may invalidate a marriage]: serious physical or mental illness,<sup>9</sup> infertility,<sup>10</sup> accurate financial status,<sup>11</sup> lack of religious observance,<sup>12</sup> previous marital status,<sup>13</sup> previous illicit relationships,<sup>14</sup> conversion,<sup>15</sup> adoption.<sup>16</sup>

One is not required to divulge a deficiency which most people do not consider to be an impediment, such as a minor illness,<sup>17</sup> a physical weakness or a minor blemish in one's lineage.<sup>18</sup> Similarly, it is not required to divulge a transgression in the distant past for which the sinner has repented.<sup>19</sup>

Since it is often difficult to gauge and judge minor drawbacks versus major deficiencies, a rav must always be consulted.

Question: When being asked for information about a prospective shidduch, what type of information may be shared with others?

Discussion: An individual who is asked for [or is aware of<sup>20</sup>] information about a shidduch must divulge what he knows regarding a "major deficiency," as detailed above. One who deliberately withholds such information transgresses the prohibition of lifnei iver lo sitein michshol and other Biblical prohibitions.<sup>21</sup>

Detrimental information about a shidduch may be conveyed only with the proper intention — for the benefit of one of the parties, not in revenge or out of spite. Even then, the information may only be relayed when<sup>22</sup>:

- ◆ The condition is serious.
  - ◆ The condition has not been exaggerated.
  - ◆ There is a reasonable chance that the information will be accepted and acted upon. If it is likely to be ignored, it is prohibited to relay it.
- One who is unsure if a particular point of information is a major deficiency or if the above conditions have been met should consult a rav before divulging or withholding any information.

Question: Is it a requirement to pay a shadchan for his services or is it just proper etiquette?

Discussion: As with any other business transaction, a shadchan must be paid a fee for arranging a shidduch.<sup>23</sup> It makes no difference if the shadchan was engaged by one of the parties or if he volunteered his services; in either case he must be paid for his services.<sup>24</sup> Even a non-professional shadchan must be paid for his services.<sup>25</sup> The shadchan may petition a beis din to force the parties to pay his fee.<sup>26</sup>

The amount to be paid is divided equally between the two sides, even if the shadchan spent more time with one of them.<sup>27</sup> At the shadchan's discretion, he may charge only one of the parties involved half of the going rate. He may not, however, charge more than half to one side, even if the other side is poor or for some reason refuses to pay.<sup>28</sup> The shadchan may forgo payment altogether, in which case there is no compelling reason to pay him.<sup>29</sup>

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**YatedUSA Parshas Vayishlach 15 Kislev 5769**

**Halacha Discussion**

**by Rabbi Doniel Neustadt**

**Shidduchim According to Halachah**

Although the obligation to pay is the bride's and groom's, it has become customary for the parents to pay.<sup>30</sup> If the parents fail to pay, there is no obligation for the bride and groom to pay the shadchan.<sup>31</sup> If the match is not completed, the shadchan need not be paid, even though he invested a great deal of time and effort in pursuing the match.<sup>32</sup> The poskim debate the division of payments in a situation where more than one shadchan is involved, or when the match began with one shadchan and ended with another. Whenever there is a dispute, a rav should be consulted, since there are many details involved and no two cases are alike.

Question: Is there a set amount of money that one must pay a shadchan?

Discussion: The amount to be paid to the shadchan is based on the customary local fee.<sup>33</sup> Once the standard fee is agreed upon, the shadchan may not ask for additional compensation to cover special expenses that he may have incurred in arranging the shidduch.

Our custom is to pay the shadchan immediately after the shidduch is completed.<sup>34</sup> Even if the shidduch is broken later, the shadchan does not have to return his fee<sup>35</sup> as long as he did not give erroneous information which led to the termination of the shidduch.<sup>36</sup>

A shadchan whose fee is outstanding should not be a witness to the marriage ceremony.<sup>37</sup>

#### Footnotes

- 1 The word shidduch is Aramaic for "peaceful" or "tranquil" (see Targum on Sefer Shoftim 3:11), referring to the peacefulness which a woman senses when she finds her match and establishes her home (Ran, Shabbos 12a). Others maintain that the word shidduch means "to bind or tie together" (Aruch).
- 2 Shulchan ha-Eizer 3:1, based on the Midrash Rabbah, Tzav 8:1, that Hashem himself arranges matches. See also Chikrei Lev, C.M. 135.
- 3 O.C. 306:6.
- 4 Ketzos ha-Shulchan 107:8. See Kaf ha-Chaim 306:50 who says that whenever possible, it is best to delay discussing finances until after Shabbos.
- 5 See Teshuvos Meishiv Davar 2:32, Teshuvos Maharam Brisk 1:82 and Yismach Lev, vol. 1, pg. 20 quoting Chazon Ish and Rav C. Kanievsky.
- 6 Be'er Heitev, Y.D. 2:15 and Darchei Teshuvah 154:6, quoting Chavos Yair 185. See also Chelkas Yaakov 1:174.
- 7 Sefer Chasidim 507.
- 8 See Igros Moshe, E.H. 1:79-80.
- 9 E.H. 39:5; Igros Moshe, E.H. 4:73-2.
- 10 Otzar ha-Poskim 39:7. See Kehilos Yaakov, Yevamos 38 and ruling of Rav Y.S. Elyashiv (quoted in Nishmas Avraham, vol. 5, pg. 118).
- 11 Teshuvos Chasam Sofer, E.H. 72 quoted in Pischei Teshuvah, E.H. 38:14.
- 12 Chofetz Chaim, Hilchos Rechilus, Klal 9, tziyur 3:6, 11.
- 13 Noda b'Yehudah 2:50, quoted in Pischei Teshuvah, E.H. 39:4.
- 14 Igros Moshe, O.C. 4:118; Minchas Yitzchak 3:116. See, however, Maharsham 7:152.
- 15 Minchas Yitzchak 7:90; Tzitz Eliezer (quoted in Nishmas Avraham, E.H. pg. 252).
- 16 Minchas Yitzchak 5:44.
- 17 Such as an ulcer; Rav Y. Zilberstein (Emek Halachah, Asyah, pg. 160).
- 18 Chavos Yair 120. See Teshuvos Knei Bosesem 1:121 and Nishmas Avraham E.H., pg. 26, for an elaboration. See also Titein Emes l'Yaakov, pg. 85, who quotes a dispute between contemporary poskim as to whether it is permitted to slightly "adjust" the age of bride or groom, such as from age 20 to age 19, etc.
- 19 Minchas Yitzchak 6:139. Such information, therefore, may not be repeated by others when they are asked for information, ibid.
- 20 Tzitz Eliezer 16:4.
- 21 Chofetz Chaim, Hilchos Rechilus, Klal 9:1, tziyur 2:3. See also Pischei Teshuvah, O.C. 156 and Chelkas Yaakov 3:136. See also Practical Medical Halachah, 3rd edition, pg. 166, quoting an oral ruling by Rav M. Feinstein that a disability which may impact negatively on an individual's functioning as a spouse or as a parent must be revealed.
- 22 Chofetz Chaim, Hilchos Rechilus, Klal 9:2.
- 23 Rama, C.M. 87:39 and 185:10.
- 24 Be'ur ha-Gra, ibid.
- 25 Teshuvos Maharash Engel 3:15.
- 26 Rama, C.M. 87:39 and 185:10.
- 27 Erech Shai, E.H. 50.
- 28 Beis Yitzchak, E.H. 115; Halichos Yisrael 20.
- 29 Rav Akiva Eiger, C.M. 185; Pischei Teshuvah, E.H. 50:16, who reject the mistaken notion that a shadchan must be paid even if he forgoes his payment.
- 30 Avnei Nezer C.M. 36. See Teshuvos Halichos Yisrael 3.
- 31 Erech Shai C.M. 185. See Yismach Lev, vol. 1, pg. 22, for other opinions.

32 Beis Yosef, C.M. 185.

33 Pischei Teshuvah, E.H. 50:16. If there is no clear custom as to the amount a shadchan receives, a rav should be consulted.

34 Aruch ha-Shulchan, E.H. 50:42; Beis Yitzchak 1:115; Teshuvos Halichos Yisrael 4; Pischei Choshen, sechirus, pg. 337. When a shadchan does not get paid on time, the Biblical prohibition of delayed payment (lo salin) may apply; see Halichos Yisrael 1-2. See also Yismach Lev, vol. 1, pg. 23, quoting Rav C. Kanievsky.

35 Aruch ha-Shulchan, E.H. 50:42. But in a locality where the shadchan is customarily paid after the wedding, and the couple in question do not get married, the shadchan does not have to be paid; see Chut Shani, Shabbos, vol. 3, pg. 243.

36 Levushei Mordechai C.M. 15, quoted in Pischei Choshen, ibid. See Teshuvos Halichos Yisrael 11, on whether the shadchan should be paid if the shidduch was broken because of information of which the shadchan was unaware.

37 Otzar ha-Poskim 42:45-15; Rav Y. Kamenetsky (oral ruling, quoted in Apiryon l'Shlomo, pg. 40). B'diavad, though, the kiddushin is valid.

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Vayishlach - Universal Principles of Justice

Rabbi Asher Meir

Our parsha is filled with incidents which help instruct us how to relate to our non-Jewish neighbors. One particularly interesting question the Rishonim discussed is the status of non-Jewish courts, which are one of the seven mitzvot of bnei Noach. The subject arises because of the mistreatment of Dina - an obvious breach of civilized norms. The Rambam states that the sons of Yaakov were called upon to punish the individual residents of Shechem for this transgression. The Ramban, however, explains that execution of justice is by nature an obligation of the community as a whole. (Ramban on Bereshit 34:23.)

The Ramban goes on to say that the basic outlines of non-Jewish justice should be parallel to those of Torah law. This suggests that the basic outlines of Torah jurisprudence are meant to reflect universally applicable principles of justice. There are many halakhot which seem to support this view.

For instance, the Shulchan Arukh rules that in the case where a Jew is being sued by a non-Jew in a non-Jewish court, a fellow Jew may testify on behalf of the non-Jew only if the court won't rely on the Jew's testimony without corroboration of an additional witness or of an oath requirement. (SA CM 28:3-4.) The Sema explains that the general principle is that anytime the testimony would be more damaging than corresponding testimony in a Beit Din, the testimony is forbidden.

This rule doesn't seem to reflect any obligatory aspect of Noachide judgment, for non-Jewish courts are authorized to rule on the basis of a single witness. (At least in capital cases - Sanhedrin 57b.) The rule also doesn't reflect a requirement for testimony which would itself be sufficient in Beit Din, for the additional witness can be a non-Jew, and a non-Jew may not testify in Beit Din. (SA CM 34:19; the Beit Yosef points out that according to almost all Rishonim this is true according to Torah law.)

Rather, the rule suggests that the requirement for two witnesses in a monetary judgment is a basic principle of fairness, which should ideally apply even in a non-Jewish court. (See also Rosh Bava Kama 1:19.)

[There are many exceptions to this rule, including the case of a designated witness who should testify in any case. Nowadays many cases can be considered like a designated witness - see Arukh HaShulchan 28:5. My comments are not meant to provide practical halakhic guidance, but rather to convey some of the deeper messages we find in the halakha.]

Another example is a responsum of Rav Moshe Feinstein, written to a prominent government official who sought the orah position on capital punishment. The majority of Rav Moshe's answer is dedicated to the explication of the great severity of the death penalty in halakha, and the many obstacles to imposing it which are a result of the our recognition that each human life is precious. Afterwards, Rav Moshe mentions the special circumstances under which judges may nonetheless impose capital punishment - again, according to Jewish law! (Igrot Moshe Choshen Mishpat II:68.) This despite the fact that according to Noachide law, even a single judge can impose the death penalty according to the testimony of a single witness for a wide variety of transgressions

There are widely varying opinions among halakhic authorities if Noachide justice should be based on Jewish law or on convention. However, there is no question that many requirements of halakha do not apply to non-Jews. Yet despite the fact that we don't view non-Jews as being obligated to apply all the main principles of Torah judgment, there is much evidence that all mankind should ideally strive to emulate the foundations of justice found in Torah law.

Rabbi Asher Meir is the author of the book *Meaning in Mitzvot*, distributed by Feldheim. The book provides insights into the inner meaning of our daily practices, following the order of the 221 chapters of the *Kitzur Shulchan Arukh*.

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#### **TALMUDIGEST - Kiddushin 69 - 75**

**For the week ending 13 December 2008 / 16 Kislev 5769**

**from Ohr Somayach | [www.ohr.edu](http://www.ohr.edu)**

**by Rabbi Mendel Weinbach**

#### **THE THUMBLESS LEVITES - Kiddushin 69b**

The return to Eretz Yisrael from Babylonian exile led by Ezra is a major topic of the final perek of our mesechta. The mishna mentions that Levites were among the Jews who made this journey. But in his record Ezra declares that he inspected the people at one point "but found none of the sons of Levi" (Ezra 8:15).

The solution to this mystery, explains Rashi, is based on some passages in Tehillim (137:1-4), which describe a touching scene of Jewish exiles weeping by the rivers of Babylon, where they hung their lyres upon the willows. The Babylonian King Nebuchadentzar had demanded of the Levites gathered there to play for him a song of Zion. "How can we sing a song of G-d in a foreign land?" was their reply. They did not say that they do not wish to play for the king, but rather that they were physically unable to do so. In order to make themselves incapable of playing their lyres they had bitten off their thumbs.

It was these Levites, now ineligible to perform the musical service in the Beit Hamikdash, which would soon be built, who had accompanied Ezra, while those who were eligible decided to remain in Babylon where they were more comfortable and secure. Ezra was referring to Levites eligible for Temple service, while the mishna refers to the thumbless ones.

#### **WHAT THE SAGES SAY**

"One who marries for money a woman who is not kosher for him will have improper children."

The Sage Rav - Kiddushin 70a

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#### **THE WEEKLY DAF - Kiddushin 75 - 82**

**For the week ending 13 December 2008 / 16 Kislev 5769**

**from Ohr Somayach | [www.ohr.edu](http://www.ohr.edu)**

**by Rabbi Mendel Weinbach**

#### **THE VIRTUE OF VULNERABILITY - Kiddushin 76b**

The requirement for a Kohen to check into the ancestry of the woman he wishes to marry-to ascertain that there is nothing in her family history to disqualify her as a marriage partner-is suspended in the case where there were charity wardens in her family. The background for this is the power of these wardens, appointed by the community to collect charity assessments imposed on members of the community, to enforce their collection by confiscating property from reluctant individuals even at such a tense time as Erev Shabbos. This would inevitably bring them into conflict with these individuals and would have led to their being humiliated with the mention of any family blemish. If such vulnerability never led to exposure, it is a guarantee that there were no skeletons in the family closet.

#### **MERITS AND LIVELIHOOD - Kiddushin 82**

Rabbi Meir declared:

One should always teach his son a clean and simple trade and pray to He who is the source of all wealth and property, for there is no trade which cannot lead to poverty and wealth; for poverty and wealth are not determined by trade alone but rather by merit.

Rabbi Shimson ben Elazar declared:

I have never seen a deer drying fruit, a lion porter, or a fox shopkeeper and yet they are all provided with their food without pain. They were created only to serve me and I was created to serve my Master. If those who were created to serve me are provided with their livelihood without pain then certainly I, who was created to serve my Master, should be provided with my livelihood without pain - but I have corrupted my actions and complicated my livelihood.

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