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INTERNET PARSHA SHEET ON VAYISHLACH - 5772

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Vayishlach 5771

By any standards it was a shocking episode. Jacob had settled on the outskirts of the town of Shekhem, ruled by Hamor. Dinah, Jacob's daughter, goes out to see the town. Shekhem, Hamor's son, sees her, abducts and rapes her, and then falls in love with her and wants to marry her. He begs his father, "Get me this girl as my wife." Jacob hears about this and keeps quiet, but his sons are furious. She must be rescued and the people punished. Hamor and his son come to visit the family and ask them to give consent to the marriage. Jacob's sons pretend to take the offer seriously. We will settle among you, they say, and intermarry, on condition that all your males are circumcised. Hamor and Shekhem bring back the proposal to the people of the town, who agree.

On the third day after the circumcision, when the pain was at its height and the men incapacitated, Shimon and Levi, Dinah's brothers, enter the town and kill all the males. It was a terrible retribution. Jacob rebukes his sons:

"You have brought trouble on me by making me a stench to the Canaanites and Perizzites, the people living in this land. We are few in

number, and if they join forces against me and attack me, I and my household will be destroyed."

(Gen. 34: 30)

But Shimon and Levi reply:

"Should he have treated our sister like a prostitute?" (34: 31)

There is a hint in the text that Shimon and Levi were justified in what they did. Unusually the Torah adds, three times, an authorial comment on the moral gravity of the situation:

And the sons of Jacob came in from the field when they heard it; and the men were grieved, and they were very wroth, because he had wrought a vile deed in Israel in lying with Jacob's daughter; which thing ought not to be done. (34: 7)

The sons of Jacob came upon the slain, and spoiled the city, because they had defiled their sister. (34: 27)

Yet Jacob condemns their action, and although he says no more at the time, it remains burningly in his mind. Many years and fifteen chapters later, on his death bed, he curses the two brothers for their behaviour:

"Simeon and Levi are brothers—
their swords are weapons of violence.

Let me not enter their council,
let me not join their assembly,
for they have killed men in their anger
and hamstringed oxen as they pleased.
Cursed be their anger, so fierce,
and their fury, so cruel!

I will scatter them in Jacob
and disperse them in Israel." (49: 5-7)

Who was right in this argument? Maimonides vindicates the brothers. In his law code, the Mishneh Torah, he explains that the establishment of justice and the rule of law is one of the seven Laws of Noah, binding on all humanity:

And how are the Gentiles commanded to establish law courts? They are required to establish judges and officers in every area of habitation to rule in accordance with the enforcement of the other six commands, to warn the citizenry concerning these laws and to punish any transgressor with death by the sword. And it is on this basis that all the people of Shekhem were guilty of death (at the hands of Shimon and Levi, sons of Jacob): because Shekhem (their Prince) stole (and raped) Dinah, which they saw and knew about, but did not bring him to justice... (Maimonides. Laws of Kings, 9, 14).

According to Maimonides, there is a principle of collective responsibility. The inhabitants of Shekhem, knowing that their prince had committed a crime and failing to bring him to court, were collectively guilty of injustice.

Nachmanides disagrees. The Noahide command to institute justice is a positive obligation to establish laws, courts and judges, but there is no principle of collective responsibility, nor is there liability to death for failure to implement the command. Nor could there be, for if Shimon and Levi were justified, as Maimonides argues, why did Jacob criticize them at the time and later curse them on his death bed?

The argument between them is unresolved, just as it was between Jacob and his sons. We know that there is a principle of collective responsibility in Jewish law: Kol Yisrael arevin zeh b'zeh, "All Jews are sureties for one another." But is this specific to Judaism? Is it because of the peculiar nature of Jewish law, namely that it flows from a covenant between G-d and the Israelites at Mount Sinai, at which the people pledged themselves individually and collectively to keep the law and to ensure that it was kept?

Maimonides, unlike Nachmanides, seems to be saying that collective responsibility is a feature of all societies. We are responsible not only for our own conduct but for those around us, amongst whom we live. Or perhaps this flows not from the concept of society but simply from the nature of moral obligation. If X is wrong, then not only must I not do it.

I must, if I can, stop others from doing it, and if I fail to do so, then I share in the guilt. We would call this nowadays the guilt of the bystander. Here is how the Talmud puts it:
? Rab and R. Hanina, R. Johanan and R. Habiba taught [the following]: Whoever can forbid his household [to commit a sin] but does not, is seized for [the sins of] his household; [if he can forbid] his fellow citizens, he is seized for [the sins of] his fellow citizens; if the whole world, he is seized for [the sins of] the whole world. (Shabbat 54b)
Clearly, however, the issue is a complex one that needs nuance. There is a difference between a perpetrator and a bystander. It is one thing to commit a crime, another to witness someone committing a crime and failing to prevent it. We might hold a bystander guilty, but not in the same degree. The Talmud uses the phrase "is seized." This may mean that he is morally guilty. He can be called to account. He may be punished by "the heavenly court" in this world or the next. It does not mean that he can be summoned to court and sentenced for criminal negligence.

The issue famously arose in connection with the German people and the Holocaust. The philosopher Karl Jaspers made a distinction between the moral guilt of the perpetrators and what he called the metaphysical guilt of the bystanders:

There exists a solidarity among men as human beings that makes each co-responsible for every wrong and every injustice in the world, especially if a crime is committed in his presence or with his knowledge. If I fail to do whatever I can to prevent them, I too am guilty. If I was present at the murder of others without risking my life to prevent it, I feel guilty in a way not adequately conceivable either legally, politically or morally. That I live after such a thing has happened weighs upon me as indelible guilt.[1]

o there is real guilt, but, says Jaspers, it cannot be reduced to legal categories. Shimon and Levi may have been right in thinking that the men of Shekhem were guilty of doing nothing when their prince abducted and assaulted Dinah, but that does not mean that they were entitled to execute summary justice by killing all the males. Jacob was right in seeing this as a brutal assault. In this case, Nachmanides' position seems more compelling than that of Maimonides.

One of Israel's most profound moralists, the late Yeshayahu Leibowitz (1903-1994), wrote that though there may have been an ethical justification for what Shimon and Levi did, "there is also an ethical postulate which is not itself a matter of rationalization and which calls forth a curse upon all these justified and valid considerations." [2] There may, he says, be actions which can be vindicated but are nevertheless accursed. That is what Jacob meant when he cursed his sons.

Collective responsibility is one thing. Collective punishment is another. The first two volumes of Covenant and Conversation are now available in book form;

Covenant and Conversation: Genesis: The Book of Beginnings and Covenant and Conversation: Exodus: The Book of Redemption are now published by Maggid Books, an imprint of Koren Publishers

From Mordechai Tzion mororly@bezeqint.net via yahoo groups.com reply-to ravaviner-owner@yahoo groups.com to ravaviner@yahoo groups.com date Wed, Dec 7, 2011 at 3:13 PM subject [ravaviner] Vayishlach 5772 - #213 mailing list <ravaviner.yahoo groups.com> Filter Parashat Vayishlach 5772 - #213

Ask **Rav Aviner**: mororly@bezeqint.net Prepared by Rabbi Mordechai Tzion Visit our blog: www.ravaviner.com
Ha-Rav Aviner is set to publish a Hebrew commentary on Tehillim. You can be a meaningful partner in this project by dedicating a book, or part of a book, in memory or in honor of someone. Payment may be made over time. Please be in touch with Rav Aviner or with me if you are interested in this opportunity.

On the Parashah...

Yaakov Avinu – Adversities Yaakov returned to Eretz Yisrael, but his life was also beset by adversity there. In fact, he suffered throughout his lifetime, starting from his conception when "the children clashed within her" (in the mother's womb [Bereshit 25:22]) and on through his birth when "his hand grasped the heel of Esav" (ibid. v. 26). He then had to buy the birthright (ibid. v. 33), received his father's blessing by deceit (ibid. 27:6-29), was forced to flee to Charan to save himself from his brother Esav who was plotting to kill him (ibid. v. 41-46), was duped into marrying the sister of the woman he wanted to marry (ibid. 29:20-25), was repeatedly swindled by his father-in-law Lavan (ibid. 31:41 and 30:28-43), had a confrontation with his "loving" brother Esav upon his return home (ibid. 32:3-33:18), suffered: the rape and abduction of his daughter Dinah, the reprisal attack on the city of Shechem (chap. 34), his son's hatred of his brother Yosef (ibid. 37:1-12), the loss of this most beloved son of his (ibid. 37:12-36), the imprisonment of Shimon and later of Binyamin (chaps. 43-44), the crossing of his hands and the switching of his blessings to his grandsons (ibid. 48:10-21), etc., etc.

There was not a period in Yaakov's life that was free of hardship and tribulations. The greater a matter is, the more trouble and afflictions are associated with it. Yaakov is the most ideal of the forefathers (Bereshit Rabbah 76:1), because he was the final product – the full-blown Jew – that resulted from the creative process that transpired through our forefathers, Avraham and Yitzchak. "It was Yaakov who redeemed" (Yeshayahu 29:22)." Avraham's very existence is justified and gains significance by virtue of the fact that Yaakov is his descendant. Yaakov's life is beset by complications specifically because of his greatness (Zohar, Bereshit 207).

Rav Aviner on...

There's No "Price Tag" [Be-Ahavah U-Be-Emunah – Vayetze 5772 – translated by R. Blumberg] Question: When the Arabs attack us, are we allowed to retaliate, an eye for an eye? After all, attacking them and their property is the only thing that deters them. And likewise, when the army or the police evacuate settlements or hilltop communities, perhaps we should react against the Arabs. Let them know that just as they've got crazies, so do we have crazies who can't be controlled: insane, irrational people. This will deter them by creating a balance of terror, an efficient approach. In his time, the Prophet Samson operated this way, and it worked. Answer: That's a very bad approach indeed. You don't build up the Land of Israel through bad character and sins. Quite the contrary, because of our sins we were exiled from our land. An important rule in Jewish law is this: one does not do a mitzvah by doing a sin. Our argument with the Arabs is over whose land this is. This is our Land and not theirs! Yet that does not permit us to kill them, hit them, rob them or even insult them. Quite the contrary. By doing such things we hurt our national struggle, moving it into the petty realm of spats with neighbors. And certainly one shouldn't hurt an Arab for something he didn't even do. In his day, when the first settlement groups were setting out for the Shomron, Rabbeinu Ha-Rav Tzvi Yehuda Kook said one is allowed to settle only on State lands, and he explained: "We have no quarrel with Ahmed or Mustafa. We have no personal argument with this or that Arab. It's a national struggle." The very question is a sign of weakness and confusion. It shows that there are people who haven't understood what we have been doing here for more than a hundred years. The issue is not settlements by a particular Jew, but by the Jewish people. And the one who decides on this is the Jewish people, and not an individual Jew and not an individual student. Within the very question is the hidden assumption that the Israeli government is hostile to the land, like the British in their day. It's true that under British rule partisans operated, and then as well there was a terrible argument over whether each group was entitled to make decisions, or if this was a role for the entire nation. Yet at that time there was no country. Now, thank G-d, there is, and all agree that it is our country which must decide these things. In Shimshon's day as well, we didn't have a country, and the Philistines ruled in Israel, so Shimshon operated alone. Part of his reason for doing so was to make sure that the entire Jewish people would not be held accountable for his deeds. Besides, everything he did, he did with divine intuition, in accordance with divine holiness. Indeed, from "Price Tag" against Arabs, some people have moved on to "Price Tag" against the Army and Police, as though they are the enemy, as though they must be treated as informers and traitors, etc. The Army virtuously does not report all of that – all of the stones thrown at it, all of the intentional harassment, all of the insults. When all is said and done, the Army loves the whole Jewish people, and sacrifices itself for all of the Jewish people. What a great army! In the book Pele Yo'etz (s.v. "Hatzala"), the following is quoted from our Sages: "Even the least worthy Jews are as full of mitzvot as a pomegranate is full of seeds" (Berachot 27a). How can this be? The Talmud is talking about "those who possess the mitzvah of saving Jewish lives. Through this, they surpass in merit the greatest sages of Israel." And if this is said of those who save individuals, all the more so regarding the Army

which saves the entire Jewish people, the entire Land of Israel, ensuring the full sanctification of God's name and the full glorification of the Jewish people. They don't report it, but it hurts them and makes them sad that the very people that they are protecting harm them and endanger them. Surely it is obvious to all that if the army didn't do its work, if it failed to function even slightly, those very people wouldn't be able to survive. Our only consolation is that perpetrators of "Price Tag" are the fewest of the few, the fringe of the fringe, and, truth be told, sometimes they're accused of doing things they haven't done... Moreover, not one Torah scholar has ruled that one should act this way, either against the Arabs or against the Army and Police. There are only a very few isolated Rabbis who have alluded to their support, or have told their students, "It's forbidden," while winking in collaboration. G-d have mercy on those fringes who shoot themselves in the foot and distance themselves from the community by taking a path that is neither beneficial nor moral. Therefore, once and for all, changes in policy have to go through decisions of the entire nation, and not through the partisan acts of individuals. Don't try to force your truths on everybody. The one making the decisions is the Jewish people, and it isn't afraid of anything, not of the enemy and not of anything. Not even of you. Thank G-d we're moving forward. We're becoming stronger. We're becoming united. We're becoming exalted. And Hashem is walking before us.

Shut She'eilat Shlomo - Questions of Jewish Law **Hilchot Sheleg** – Laws of Snow Making and throwing a snowball Q: Is it permissible to make a snowball on Shabbat? A: The Rambam (Hilchot Shabbat 10:12) writes that putting all sorts of things together is forbidden on Shabbat because of "boneh" (building). Some argue that making a snowball on Shabbat is therefore forbidden (Shemirat Shabbat Ke-Hilchata ibid). Some explain, however, that since a snowball is temporary it is permissible. One may therefore be lenient. Making snowballs before Shabbat which one sets aside to throw on Shabbat (within an eruv) is permissible. There is a question about throwing a snowball since it is crushed. One can argue that if the snowball is crushed it is an "unintended act which is not beneficial to him," since the thrower wants a full snowball to hit the other person. This is not the intention of the one who is hit, but we follow the intention of the thrower.

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Rabbi Mordechai Willig The TorahWeb Foundation Descendants and Deficiencies

I

"These are the descendants (toldos) of Esav" (Breishis 36:1). The word "toldos" is spelled in four different ways: with two vavs, no vavs, only the first vav, or, as in our pasuk, only the second vav. Rav Shimshon Raphael Hirsch (25:12) explains that a missing vav of the root, the first vav, indicates an internal deficiency in the descendant. A missing vav of the plural, the second vav, represents a lack in the number of descendants.

When describing Hashem's creations - "These are the products (toldos) of the heavens and the earth" (Breishis 2:4) both vavs appear, since Hashem's works lack neither quality nor quantity. Similarly, the description of the lineage of Dovid Hamelech and the Mashiach - "these are the generations (toldos) of Peretz" (Rus 4:18) - uses two vavs to reflect their completeness.

The descendants of Esav are great in number but lacking spiritually and morally. Therefore "toldos Esav" (Breishis 36:1) omits the first vav but contains the second.

Some of the descendants of Yitzchak, i.e. Yaakov and his sons, were spiritually great. Hence, "these are the offspring (toldos) of Yitzchak" (Breishis 25:19) contains the first vav. Since Esav and his children lacked spiritual greatness, the second vav, which would indicate greatness among all of Yitzchak's descendants, is omitted. Rashi's comment on the word toldos - "Yaakov and Esav who are spoken of in

the parsha" - may reflect the presence of the first vav and the absence of the second vav, respectively.

"The descendants (toldos) of Yishmael" (Breishis 25:12) is spelled without either vav. Rav Hirsch explained that this is due to the fact they were neither spiritually great nor numerous. This requires explanation, as Yishmael had many sons and innumerable descendants! The Kli Yakar (Breishis 25:23) states that there are gerei tzedek from Esav but not from Yishmael (see Chasam Sofer Kesubos 53a). As such, perhaps Rav Hirsch is saying that quantity is positive only when at least some quality results.

II

Surprisingly, the first vav is omitted when describing Yaakov's sons, "These are the descendants (toldos) of Yaakov" (37:2). Rav Hirsch explains that this indicates the moral deficiency of Yaakov's sons in their sin against Yosef. This paradigmatic interpersonal sin (see Meshech Chochma Vayikra 16:30) can be partially explained by the family history. Avraham had a bad son, Yishmael, and Yitzchak had a bad son, Esav. The defect in the offspring of Yitzchak is rooted in the previous generation: Avraham begat Yitzchak. Since Avraham had a Yishmael, Yitzchak had an Esav. Yaakov's sons anticipated that their generation would be no different than the previous ones, and thus were expecting there to be a bad son among Yaakov's children. When Yosef behaved inappropriately (Rashi 37:2), they jumped to the erroneous conclusion that he was the Yishmael or Esav of their generation. They misunderstood his dreams as confirmation of this hypothesis and this led them to their terrible sin (see Malbim Breishis 37:4).

In fact, Yosef was a righteous person whose behavior was somewhat different from his brothers'. The tragic mistake of treating someone whose path in the service of Hashem is different from one's own as a wicked or heretical person is precisely the sin which caused the destruction of the second Beis Hamikdash. Substantive but acceptable differences led some to consider their coreligionists to be tz'dukim, beyond the pale. Perushim, righteous Jews, pursued each other based on the false imagination of the other as a heretic (Netziv, Meishiv Davar 1:44).

Just as Yishmael was thrown out of Avraham's home with Hashem's consent (Breishis 21:10-12), Esav was distanced by Yaakov (Breishis 33:13-14, see Rashi). Later, idolaters were purged by Moshe Rabbeinu (Shemos 32:27-9). It is critical, however, not to extrapolate from these precedents to cases that lie beyond certain rigorous borders. It is proper to distance oneself from heretics, pray for their downfall (v'lamalshinim - v'chol haminim), and even, when possible, pursue them (Avodah Zarah 26b). However, the mistake of Yosef's brothers and the Perushim of bayis Sheni was to attack righteous individuals whose ways differed from theirs.

Rav Hirsch himself was famous for Austritt, i.e. stepping away from the organized community which was controlled by heretical Reform Jews. Other great rabbonim disagreed. In any event, each case is somewhat unique and must be individually analyzed (see Kovetz Igros Achiezer vol. 1, p. 243-244).

While the aforementioned Netziv bemoaned unnecessary disunity in Klal Yisrael, others considered the disunity necessary and critical in order to maintain ideological purity. Now, over a century later, these disputes continue. To what extent should Torah-true Jews separate themselves from heretics? What about their innocent children, whom the Rambam (Hilchos Mamrim 3:3) requires us to "pull close with words of peace until they return"? How does one deal with those who subscribe to the fundamentals of our faith (ikarei emunah), but view the halachic process in a radically different way? Should they be attacked, ignored, or embraced? Some otherwise Orthodox Jews have succumbed to the temptations of promiscuity or alternate lifestyles. Should one express outrage or sympathy? Might it depend on whether the behavior is recognized as sin or trumpeted as perfectly acceptable?

As we read parshiyos Vayishlach and Vayeshev, we must learn the lessons of the four spellings of toldos and attempt to properly balance the beloved ideals of truth and peace. This balance will lead to our ultimate redemption (Zecharyah 8:19).

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Rabbi Yissocher Frand - Parshas VaYishlach

Don't Bother Asking For Its Name

This week's parsha contains Yaakov's battle with the "Angel of Eisav". Throughout the ages, Chumash commentaries have seen this battle between Yaakov and Eisav as an epic battle, the prototype of the ongoing battle between the Jewish nation and the nations of the world that has gone on through the millennium.

The commentaries have drawn differing symbolisms from this battle. One of those symbolisms is that our Sages tell us "It is a well known reality that Eisav hates Yaakov." This phenomenon of "Sinat haYehudim" that we all know by its English name of "anti-Semitism" is part of the battle between Yaakov and Eisav. The fact is that Eisav and his descendants -- at least some of them -- hate us. Chazal tell us that HaShem gave the Torah on a mountain called Sinai because from there 'Sinah' [hatred] descended to the world. This has been a constant theme throughout the millennia.

Perhaps then, at least homiletically, we can understand the dialogue between Yaakov and the Angel of Eisav. Yaakov asked the Angel of Eisav what his name was. The Angel responded, "Why do you ask my name?" Rashi explains the comment to mean, "I have no exact name. My name changes from circumstance to circumstance depending on my mission."

I once heard from Rav Chaim Dov Keller that Yaakov asked the Angel to define himself (by specifying his name). If we can superimpose this interpretation on our understanding of this battle -- namely the ongoing battle of the anti-Semites against the Jewish people -- then Yaakov is asking the Angel of Eisav, "Define for me the essence of anti-Semitism. What is the essence of your hatred towards the Jewish people?" In that vein, the response of the Angel is that there is no one definition of anti-Semitism. "Anti-Semitism takes on different guises, different forms, and different ways. Therefore, it is futile to tell you exactly what anti-Semitism is, because it always changes."

I was inspired to speak about this because of an article that appeared on the front page of a recent issue of the New York Times (2003). The article begins "Attacks by Arabs on Jews in France revive old fears." The article continues...

The boys hide their skullcaps under baseball caps. The girls stick their Star of David necklaces under their sweaters. Their school, which is located in the middle class suburb east of Paris, has been scorched by fire. One early Saturday morning in November, unidentified vandals set fire to the new two story wing of the Mercaz HaTorah school for Orthodox Jews that was set to open an elementary school in January. The fire prompted Jaques Chirac, the President of France, to call an emergency cabinet meeting and declare that 'an attack on a Jew is an attack against France'. It also intensified an agonizing debate over the definition and the extent of anti-Semitism today in France and indeed over all of Europe, and forced the French government to redouble its efforts to combat it.

This is not a revival of the old anti-Jewish hatred of the right that infused Europe before the Vatican reconciled with the Jews in the 1960s, but a playing out of the Arab-Israeli conflict in the streets and the salons of France. France is home to around 600,000 Jews the world's largest Jewish population except for that of Israel and the United States, but also has as many as 10 times that number of Muslims of Arab origin the largest such population in Europe, many of them young, poor and unemployed.

Complicating matters, public opinion throughout Europe is broadly critical of Israeli policy towards the Palestinians. A recent public opinion poll of European Union countries found that most citizens believe that the greatest threat to world peace is Israel, followed by Iran, North Korea, and the United States.

For allegedly rational people to think that the greatest threat to world peace is the State of Israel -- ahead of North Korea and Iran -- is truly irrational! There are those who want to say that this has nothing to do with anti-Semitism, it is strictly a function of the Israeli - Palestinian situation. "I love you as a Jew, I just hate your politics."

Listen to the words of the education minister of France: "France is facing a new form of anti-Semitism. It was no longer an anti-Semitism of the extreme right but one of Islamic origin." By contrast, the interior minister recently said in a television debate, "All those who explain the resurgence of anti-Semitism by the conflict in the Middle East are saying something that is false. Anti-Semitism existed before the existence of the State of Israel."

He is saying that anti-Semitism has nothing to do with Eretz Yisrael, it has nothing to do with what they told Disraeli ("It's your nose I don't like.") Rather, it is about Eisav's eternal hatred of Yaakov.

This is the dialog between Yaakov and Eisav's angel. "Tell me your name. What is it? How is anti-Semitism going to manifest itself in future generations?" The Angel pushes off the question and tells Yaakov that it does not pay to ask for his "name" (i.e. -- the essence of non-Jewish hatred of Jews). Anti-Semitism will take differing forms throughout the millennia. One time it will be because we are not an Aryan nation; once will be race based. Now it is because of Zionism. It really has nothing to do with any of this. It is because Eisav hates Yaakov.

Mortimer Zuckerman, who is the publisher of U.S. News and World Report, quoted someone who said a profound truth. Over the millennia, the world has known different "isms". Eventually all "isms" fall by the wayside. Hellenism, Socialism, Communism, and Humanism, have all had their day in the sun. Each one plays on the world stage and then falls by the wayside. There is only one "ism" that was, is, and will always be. That is anti-Semitism.

"The man' struggled with him until day break" -- until the "morning comes" [Bereshis 32:25]. This epic battle will persist until the End of Days.

Rav Yonasan Eibshitz's Acerbic Comment

I will end with a very acerbic comment from Rav Yonasan Eibshitz. We learn at the end of the parsha that Shchem, son of Chamor, violated Dinah, the daughter of Yaakov. Shchem fell in love with Dinah and did not want to give her up. Shchem came to Yaakov and said let us make a deal -- you will marry us and we will marry you, we will become one nation -- just let me keep Dinah. The sons of Yaakov came up with a ruse. They agreed to the deal but they stipulated that the nation of Shchem had to circumcise themselves first. Three days after the milah, the men were all bed-ridden. Shimon and Levi went and wiped out the city.

Rav Yonasan Eibshitz asks -- why did they need to make this a Jewish thing? Why did they need to tell them "circumcise yourselves"? Why couldn't they have used some other kind of ruse? Why didn't they make the condition that the people must fast for 3 days to purge themselves of the impurities they may have consumed -- or something of that nature -- that would have served the same purpose of weakening the population?

Rav Yonasan Eibshits answers that Shimon and Levy had a great idea. They anticipated Yaakov's concern (that the surrounding nations would retaliate against them) and precisely chose a way to destroy the nation of Shchem without affecting world opinion. They planned everything specifically so that the nations of the world would not "get up in the UN to condemn them". How did they do this? They first made Shchem into Jews. Once the people of Shchem were Jews, no one would get upset if they were massacred.

This, as we say in Yiddish, is a "bitere gelechter" [a bitter joke]. It is a pathetic truth, but is true nevertheless. Jews can be slaughtered without anyone objecting in the slightest. It is a well-known part of history and international relations: "Eisav hates Yaakov." This phenomenon has been around from the time of the epic battle described in this week's parsha and it will end on ly "with the coming of day break" -- when the Exile comes to an end and all the nations will recognize the Almighty and the rightful place of the Jewish nation in His plan for the world. Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD

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Drinking Coffee on the Road

By: By Rabbi Eli Gersten, RC Recorder of OU Psak and Policy

Considering the long days that Mashgichim put in and the hundreds of miles that they drive daily, it is no surprise to hear that most mashgichim rely on coffee to keep them going. While caffeine is a plus for those who work in an office, for those out on the roads those 10 minute coffee stops are quite literally life savers. Let us take a moment to understand if there are any kashrus concerns with picking up a coffee while traveling on the road. This question was presented to the OU poskim Rav Schachter and Rav Belsky.

The primary ingredients in plain black coffee (water, sugar and unflavored coffee) are all group 1, acceptable from any source.

The Pri Chadash Y.D. 114:6 says that although coffee cannot be eaten raw and is served at the tables of kings, there is no issue of bishul akum. He explains that since coffee is essentially a water-based drink, since water can be drunk uncooked, coffee too is permitted.

The Gemara (Avoda Zara 31b) says that one may not drink beer in a non-Jewish establishment, since this can lead to intermarriage. One must take the beer back to their house before drinking. The Rambam says that cider may be drunk at a non-Jewish establishment since it is not as common a drink as beer. What about coffee? Rabbi Belsky said that although one may not drink coffee socially at a non-Jew's home (see Chachmas Adam) there is no issue of drinking coffee in a store. Rabbi Schachter said that it is preferable that one wait to drink the coffee until one goes back to their car. He understood that the leniency of the Rambam was specifically on cider because it is not a common drink, but coffee today is as common as beer.

Rav Belsky said, in general there is no concern that the utensils that cooked the coffee were used with non-kosher. The coffee pot is usually rinsed out and reused, and is not sent through the dishwasher. Rabbi Schachter added that there would be reasons to be lenient even if the coffee pot was sent through the dishwasher.

Rabbi Schachter said that there is no issue of marris ayin for one to purchase coffee at a McDonalds rest stop. Rav Belsky agreed that this was permitted, but indicated that in such a case one should not sit down at the restaurant tables, which would give the appearance that one was intending to eat a meal, but rather should sit at one of the public rest stop seats. As we mentioned earlier, Rav Schachter recommended waiting to drink the coffee until one returned to their car.

Rav Belsky and Rav Schachter paskened that it is permissible to purchase coffee at a rest stop or convenience store. Rav Schachter added that even if one ordinarily would be machmir about these issues, they

should not do so if they feel they are getting tired. Driving when tired, in violation of the prohibition against drinking when tired is much worse than drinking a cup of coffee which is מותר על פי דין.

לפעמים משגיח נוסע ברכב שלו לשם השגחה וירא פן תחטפנו שינה בדרך ויסתכן, ובכדי להתעורר, רוצה הוא לשתות קאווע, אלא שאין אתו ברכב, ורוצה ליכנס לחנות בלתי-כשרה (מיק דאנעלד"ס, וכדומה) שעל הדרך, ולקנות קאווע משם.

(א) על פי פשוטו נראה שאין כאן בעיא של מראית עין (והייתם נקיים וגו') כי בדינו כבר ידוע הוא שהרבה בני אדם נכנסים לחניות שכאלו שלא על מנת לאכול ממאכליהם האסורים, אלא על מנת להשתמש בשרותים שמהם, או על מנת לקנות קוקה-קולה וכדומה (ב) בנדון כשרות הקאווע, אף על פי שלפעמים יוצא הקאווע הכשר מאותו הסילון שיוצא הקאווע הבלתי-כשר, ויש בקאווע הכשר תערובת של משהו איסור, על פי פשוטו היה נראה לומר שאותו המשהו מתבטל בסמ"ך, ואין בזה משום ביטול איסור לכתחילה, שהרי אין כונתו לבטל, ואף דבדרך כלל היינו מיעצים שלא לקנות קאווע יוצא מן הכלי שכזה, בשעת הצורך שכזה שיש קצת חשש סכנה, נראה שאין להחמיר.

(ג) ואף שיש מקום לערער על כשרות הקאווע"ע - שלפעמים יקרה שישטפו את הכלי שבו מתבשל הקאווע"ע ביחד עם כלים שיש עליהם פירווי מאכלות אסורות, ועל ידי כך תכנס הבליעה אל כלי ההיתר (של הקאווע"ע). על פי רוב תמיד מכניסים דיטרג'נט אל תוך מכונת שטיפת הכלים באופן שכזה שתחילת בליעת האיסור אל כלי-בישול הקאווע"ע יהיה בבחינת נותן טעם לפגם, ומותר.

(ד) אלא דבגמרא עבודה זרה (לא): איתא שאסרו לשתות שכר של עכו"ם במקום מכירתו, ולדעת כמה פוסקים אף כל המשקאות הקלות גם כן בכלל הך גזרה (עייני יורה דעה ריש סימן ק"ד). על כן יש ליעצו לרב המשגיח שלא ישתנה הקאווע"ע שמה - בחנות, אלא להוציאו לחוץ ולשתותו ברכב שלו, דבגמרא (שמה) הובאו ב' הנהגות של האמוראים - אם מספיק לשתותו אבבא דחנותא, או דמן הנכון להחמיר שלא לשתותו אלא בביתו, וכאן - בנידון דידן, לשתותו ברכב שלו הוא החומרא הכי גדולה שאפשר להצריך (ה) ועל פי פשוטו אינו נכון למשגיח להחמיר בזה ולנהוג במדת חסידות, ולהתרחק מן הכיעור ומן הדומה לכיעור, שהרי התורה צותה ונשמרתם מאוד לנפשותיכם, וחמירא. סכנתא מאיסורא, וחסידות בכהאי גוונא בודאי תחשב כחסידות של שטות צבי שכתר

ביסוד אני מסכים מן ה"יוצא לפועל" אבל מש"כ בסעי' ד' שכמה פוסקים אסרו משקאות קלות, נעלמה ממני דעה זו ולא שמעתי מעולם. גם מש"כ ששוטפים כלי הקאווע יחד עם כלי האוכל כמדומה לי ששוטפים בנפרד ביד ולא במכונה ועוד מלבד זה ברוב מקומות rest שראיתי, מקום השולחנות אינם קשורים למסעדות אלא לה (rest stops) מנוח עצמו ואין בהם מראת עין או גזירת חנויות שלהם כי הוקבעו למנוח הצבור ומנותקים מהחנות ישראל הלוי בעלסקי

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THE TANACH STUDY CENTER [<http://www.tanach.org>]
In Memory of Rabbi Abraham Leibtag
Shiurim in Chumash & Navi by Menachem Leibtag
for PARSHAT VAYISHLACH - shiur #1
FROM YAAKOV TO YISRAEL -

Was Eisav really planning to wipe out Yaakov's family with his four hundred men? Or was his intention all along simply to welcome his brother back 'home'?

When reading Parshat Vayishlach, it is difficult to reach a clear conclusion.

Similarly, when Yaakov crossed the Yabok River (with his wives and children), was he planning a secret escape from this confrontation? Or, was Yaakov's intention all along to confront his brother - face to face?

And finally, was God's purpose in sending a 'mal'ach' to struggle with Yaakov - simply to bless him at this critical time, or was it an attempt to thwart Yaakov's planned 'escape'?

When one reads Parshat Vayishlach, it is difficult to find precise answers to these (and many other) questions.

In Part One of this week's shiur, we'll suggest some answers to these questions, while offering a reason why the Torah's account of these events is intentionally so vague.

Based on that analysis, Part Two will discuss the deeper meaning of Yaakov's name change to Yisrael.

INTRODUCTION

Before we begin our shiur, a short remark re: its methodology:

In our study of Sefer Breishit thus far, our goal has usually been to find the underlying meaning (or message) or each story, based on its details. However, when the story itself is difficult to understand, then it becomes even more difficult to uncover its message.

However, when we encounter ambiguity in a certain narrative - one can also entertain the possibility that its vagueness may be intentional, and hence its message may lie in that ambiguity.

With this in mind, we begin our shiur by considering the events that lead up to Yaakov's encounter with Eisav - in an attempt to better understand both the details and ambiguities of that encounter.

WAS THE 'COAST CLEAR' YET?

Recall, from the end of Parshat Toldot, how Yaakov ran away from Eretz Canaan in fear that Eisav would kill him. To verify this, let's quote the departing message that he heard from his mother:

"Your brother Eisav is consoling himself by planning to kill you. Now, my son - listen to me, get up and run away to Charan - to Lavan my brother. ...Until your brother's anger quiets, and he will forget what you did to him - [then] I will send someone to call you to return..." (see 27:42-44).

Neither Rivka nor Yaakov know how long this will take, but clearly - Yaakov plans to stay by Lavan until 'the coast is clear'.

On his way to Charan, God appears to Yaakov at Bet-El, assuring him with Divine protection during his journey:

"Behold I will be with you, and guard you anywhere you go, and I will bring you back to this land..." (see 28:15).

Note however, that despite this promise of protection, God never told Yaakov when he was supposed to return.

Years pass, but Rivka never sent for Yaakov.

Finally, after some twenty years God tells Yaakov that it's time to return home - demanding:

"Return to the land of your fathers and birth - and [then] I will be with you" (31:3).

Does this imply that Eisav is no longer a threat?

If so, why didn't Rivka send for him? [Possibly she didn't know, even though God did.]

Could it be that God wanted Yaakov to return, knowing that Eisav was still a threat? Could it be that God wanted these two brothers to confront one another? If so, did God want them to fight, or to make peace?

Clearly, God wants Yaakov to return home - yet He does not inform him concerning how he should deal with Eisav!

When Yaakov approaches the land of Israel, he sees (once again) a vision of angels ['mal'achei Elokim'] who come to greet him (see 32:2-3). As this vision parallels Yaakov's original vision of mal'achim (when God first promised protection - see 28:10-15), is God now telling Yaakov that the 'coast is clear' - and hence he need not worry about Eisav?

And how about Eisav himself? Certainly, Yaakov is still worried about him; but does Eisav still want to kill him - or has he put his past behind him?

As you may have guessed by now, it is very difficult to reach any definite conclusion about any of these questions,

but Chumash certainly keeps us pondering.

YAAKOV SENDS AN ENVOY

Parshat Vayishlach begins as Yaakov sends messengers ahead, apparently to assess to what extent Eisav is still a danger. Note, how this decision comes immediately after his vision of God's angels at Machanayim, suggesting that this vision gave Yaakov the confidence to initiate an encounter - i.e. to make sure that it was truly now safe to return home (see 32:4-5).

However, to Yaakov's surprise, his messengers come back with a report that he most probably did not expect: Eisav, with four hundred men, was on his way to meet Yaakov! There can be no doubt concerning how Yaakov understood this report. Eisav is out for his head!

This explains Yaakov's sudden fear (see 32:7 -12 'va-yira Yaakov me'od...'), as well as his next course of action.

Expecting that Eisav was on his way to kill his entire family, he quickly divides his camp in two (to save at least half of them), then turns to God in prayer (see 32:7-12).

Yaakov's prayer (see 32:9-12) reflects this predicament. On the one hand, God told him to return and promised to protect him. Yet on the other hand, God never told him to initiate an encounter with Eisav. Did Yaakov think he had made a mistake? Maybe he was supposed to return to Canaan and avoid Eisav entirely?

Had he 'sinned' by sending messengers? Did God want him to stay clear of Eisav (and his bad influence)?

Note how Yaakov's prayer reflects our discussion. First, his opening appellation:

"And Yaakov said: The God of my father Avraham & the God of my father Yitzchak - the God who told me - Return to your homeland and I will be with you [i.e. protect you]" (see 32:10).

Note how Yaakov first reminds God that it was His idea for him to return, and that God had promised to protect him

Nonetheless, if Eisav remains a danger, it must not be God's fault, rather his own. Therefore, Yaakov concludes that maybe he has done something wrong, or possibly has 'used up' all of his 'protection' points, and God had already provided him with so much ('katonti...' / read 32:11!). Then, Yaakov states his precise fear:

"Save me from Eisav my brother, lest he come to kill me, mothers and children alike - but You promised me that you would be with me and that my offspring would be numerous like the sand of sea..." (see 32:12-13).

In the final line of his prayer, Yaakov may be 'hinting' that even if he deserves to die, God should at least save his children, as He had promised to his forefathers.

To our surprise, even though Yaakov prayed, God doesn't appear to provide Yaakov with an immediate answer!

WHAT SHOULD YAAKOV DO?

Yaakov now faces a predicament. After all, what does God want him to do?

Should he confront Eisav? If so, should he try to appease him, or should he stand up and fight for what is right? [And it may not be clear to him who is right - for it was Yaakov who stole the blessings!]

Should he run away directly to Eretz Canaan? Maybe that is what God originally wanted him to do? Maybe only there will he be worthy of divine protection! Alternatively, maybe he should hide his wife and children, and then face Eisav himself?

Let's take a look now, and see what he does.

After he prays, that evening Yaakov prepares an elaborate 'peace offering' for his brother (see 32:13-20). Hence, it appears that Yaakov has chosen the path of 'appeasement', hoping that his brother will be so impressed that he may change his mind (see 32:20).

Nevertheless, there is an interesting detail in these instructions that must not be overlooked. Note how Yaakov instructs his men to leave a gap between each flock of animals. In other words, he wants this 'offering' to be presented very slowly and staged. Then he commands each group to make the same statement:

"When Eisav will meet you [i.e. each group] and ask who are you and where are you going and who are these for? Answer him, they are a present from your servant Yaakov - and he is right behind us" [i.e. on his way to meet you as well] (see 32:17-18).

Then, Yaakov repeats this very same command to each group, emphasizing each time that each group should state - "Behold, Yaakov is right behind us..." (see 32:19-20).

What are the purpose of these 'gaps' and the repeated message of "Yaakov is right behind us"?

Either Yaakov is telling the truth - i.e. the purpose of these gaps is to gradually 'soften up' Eisav. Or possibly, Yaakov is trying something 'tricky' [again], and these gaps (and the entire offering) are part of a decoy, to stall Eisav's imminent attack, thus providing Yaakov with ample time to run away! [or at least to hide his wives and children].

As we will see, the story that ensues can be read either way.

WHAT DIRECTION IS HE CROSSING?

That very same evening, after he designates his offering and the men that will bring it to Eisav, Yaakov takes his two wives, two maidservants, and his eleven children; and crosses the Yabok River (see 32:21-23). [Re: Dina (child #12)- see Rashi on 32:23!]

But it's not clear why he is crossing this river, and what his intentions are! Is this simply part of his journey to meet Eisav (as most commentators understand), or possibly (as Rashbam suggests), Yaakov is running away!

If Rashbam's interpretation is correct (see Rashbam on 32:23-25) - then we have a wonderful explanation for the 'gaps'; the message that 'Yaakov is right behind us'; and the need for the Torah's detail of Yaakov crossing the Yabok! They all are part of Yaakov's plan to 'run away' from Eisav, to save his life. [Otherwise, all these details appear to be rather superfluous.]

[Alternately, if Yaakov is telling Eisav the truth, then we would have to explain that the 'gaps' are to increase the chance of 'appeasement', Yaakov plans to be right behind this offering, and the Torah tells us about the Yabok crossing as the background for Yaakov's struggle with the mal'ach.]

THE STRUGGLE

That evening, as Yaakov crosses the Yabok with his family, God sends a mal'ach who struggles with Yaakov until the morning (see 32:24-25). It would only be logical to assume that there is a divine reason for this struggle.

If we follow Rashbam's approach (that Yaakov is running away), then God's message seems to be quite clear. By keeping Yaakov engaged in battle all night long, God is not allowing Yaakov to run, thereby telling him that he shouldn't (or doesn't need to) run away. [See Rashbam 32:25.] In fact, Rashbam claims that Yaakov's injury is a punishment for his running away! [See Rashbam on 32:29.]

With this background, we could explain some additional

details of this encounter. First of all, this could explain why the angel asks to leave at dawn. If his job was to keep Yaakov from running away at night so that he would meet Eisav; then as soon as dawn arrives his job is over (note that Eisav arrives immediately after sunrise - see 32:31-33:1!).

This also explains Yaakov's request for a blessing (which could also be understood as Yaakov looking for the meaning of this encounter). The angel blesses Yaakov by 'changing his name' from Yaakov to Yisrael. Considering that the name Yaakov implies some sort of 'trickery' [see Yirmiyahu 9:3 'ki kol ach akov yaakov'], while the name Yisrael implies the ability to 'stand up and fight' (see 32:28); then this 'blessing' is simply God's answer to Yaakov - don't run away, rather encounter your brother!

Finally, it explains what happens immediately after the angel leaves. Note how the next pasuk informs us that the sun rises, and - sure enough - Yaakov looks up and sees that Eisav and his four hundred men have already arrived [see 33:1]. What should happen now? It's too late to run!

As we would expect, still fearing his brother, he tries to save at least some of his family by splitting them into groups (see 33:1). Then, he runs to the front to encounter Eisav directly, bowing down seven times in a last effort to 'appease' his brother [see 33:2-3].

Most likely to Yaakov's total surprise, Eisav greets him with hugs and kisses - in what appears to be a very friendly (and brotherly) manner [see 33:4].

Was it Yaakov's efforts to achieve appeasement that caused Eisav to change his mind, or was Eisav planning all along for this friendly encounter? I suppose we'll never know, as the Bible is intentionally ambiguous in this regard. [Maybe those little dots over 'va-yishakehu' (see 33:4) are hinting to something. See Rashi & Radak who quote two opposite opinions in Breishit Rabba (which should not surprise us the least!)] In fact, Ibn Ezra (33:4) claims that the simple 'pshat' is that Eisav had never planned to harm Yaakov, as proven by the fact that he cried during this encounter.

Eisav even invites his brother to join him on his return trip to Se'ir. Yaakov prefers to travel slowly at his own pace, 'promising' to arrive in Se'ir at a later time (see 33:12-14).

THE PAST & THE FUTURE

What should we learn from this story? One could follow Rashbam's approach, and arrive at a very 'right wing' conclusion. But if one studies Ramban's interpretation to these events, one would arrive at a very 'left wing' conclusion (i.e. there are times when Am Yisrael must first attempt to appease their enemies in any manner possible).

One could suggest that the Bible's ambiguity is intentional, as there are times in Jewish History when a 'right wing' approach is correct, and there are times when a 'left wing' approach is preferable. Similarly, there are times when we must take action, even when we are in doubt in regard to the true intentions of our enemies. While at other times, it may be better to remain passive.

Just as life is not a 'fairy tale', neither is Chumash. Nevertheless, we should learn that in every encounter that we face, we must both act (i.e. turn to ourselves) and pray (i.e. turn to God). We must make every effort to understand our predicament in order to arrive at the approach that would best follow the path that God has set. However, when that path is not clear, we must pray that God will not only assist us, but that He should send some sort of an 'angel' to assure that we follow the proper direction.

Yaakov leaves this encounter not only limping, but also

'contemplating' and 'wondering'. But he continues on his journey, on his way to Bet-El, ready to face any future encounter with prayer, wisdom, action, faith, and resolve.

So too, in the history of the Jewish people - there are times that we must stand up and fight, and there are times that we attempt appeasement. There are also times when we struggle, and remain limping. Yet we continue to pray, to study, to contemplate, and persevere with an unyielding resolve to achieve our goals.

shabbat shalom,
menachem

FOR FURTHER IYUN

A. There is a Midrash telling us 'Yaakov avinu lo met' - Yaakov never died. Relate this Midrash to the fact that the bechira process concludes with Yaakov, and that all of his offspring have been chosen. Relate this also to 49:33 in comparison to 35:29 and 25:8.

B. TOLDOT EISAV

Yitzchak was chosen. Therefore, we need to follow the toldot of Eisav, just as we needed to follow the toldot of Yishmael & Lot.

Based on this assumption, explain perek 36.

Based on the above shiur, why do you think there is an emphasis on the kings who ruled in Edom before a king ruled over Bnei Yisrael (see 36:31)?

C. BRIT MILA & GOD'S BLESSING TO YAAKOV

A quick analysis of God's final blessing to Yaakov at Bet El (35:9-15) immediately shows that it is reflective of brit mila (Breishit perek 17). The name of Kel Shakai; 'pru u-revu'; 'kehal goyim & melachim'; 'shem Elokim'; and the concept of 'lihiyot lecha le-Elokim' can all be found at brit mila. Note that the bracha of brit mila which began in perek 17 with Kel Shakai telling Avraham 'hithalech lefanai - veheyeh tamim' is being given now to Yaakov - the ish tam. Try to explain the significance of this.

Carefully compare Yitzchak's bracha to Yaakov before he departs to Padan Aram (28:3-4) to God's blessing of Yaakov at Bet El (35:9-13)! Note that they are almost identical.

Relate this to the last two shiurim.

Note that God's name 'be-shem Havaya' does not appear unto Yaakov from the time that he arrives in Eretz Canaan! Note also God's promise to Yaakov at Bet El, before he left to Padan Aram, (28:13-15) which was given be-shem Havaya. Are any aspects of that bracha repeated in Bet El when Yaakov returned? If so, which?

Note the single use by Yaakov of shem Havaya in his prayer prior to his confrontation with Eisav (32:9-12). What promise does he remind God of at that time? Where is the source of that promise.

Relate to the relationship (be-shem Havaya) between brit bein ha-btarim, the bracha at the akeida, and this tefilla. Note - 'kochvei ha-shamayim' and 'asher lo yisafer me-rov'.

How does this relate to the nationalistic aspect of these revelations, i.e. the concept of 'yerushat ha-aretz'.

Could one consider from a nationalistic perspective that even though Yaakov returned from Galut Aram, his stay in Eretz Canaan was only a short stopover on his way down to Galut Mitzrayim?

Relate this to 'arami oved avi, va-yered mitzrayim...'

(Devarim 36:3-10). Compare the language there to brit bein ha-btarim!

Why do Chazal interpret this pasuk as referring to Yaakov? Could the fact that Yaakov understood that the time for the fulfillment of brit bein ha-btarim had not yet come, explain his timid behavior when he confronts Eisav?

From **Destiny Foundation/Rabbi Berel Wein**

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Subject Weekly Parsha from Rabbi Berel Wein

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THE REAL ENEMIES :: Rabbi Berel Wein

There was once a fascinating commentary on life in the form of a comic strip called Pogo. One of its most telling captions to my memory was the paraphrasing of the famous line "We have met the enemy and they are ours" into "We have met the enemy and they are us!" The time, energy and effort spent on fighting imagined enemies and illusory dangers in the Jewish world, including the observant Jewish world is fairly mind-boggling. This is unfortunately in line with much of Jewish history where identifying the real problems, the true enemies of Jewish existence and comfort was somehow secondary to quarrels about fabricated enemies and minor issues of differing ritual and custom.

In the middle of the nineteenth century the great Chasidic rebbe, Rabbi David of Tolnoah, changed one word in the daily prayer service because of a holy dream that he claimed to have had. This touched off a war in Jewish Galicia that split families, caused divorces and created violent confrontations. This dispute lasted generations until it was finally settled by Hitler who didn't care what word was used by Jews in whatever prayers they recited.

All of the energy, wealth and talent expended on that issue a century and half ago could certainly have been better used to combat the rising tide of assimilation, secularism, anti-Semitism and poverty that was then threatening the observant Jewish community in that part of Poland. The enemy was misidentified.

The real enemy escaped with almost nary a scratch. Well, this sad situation is being reenacted in our times and societies as well. We simply are tilting at windmills while the real enemies of Jewish life and growth insidiously march on to attempt to overwhelm us.

I feel that one of the great enemies of traditional Judaism in the United States is the high cost of tuition in Jewish day schools and yeshivot.

Everyone talks about it and recognizes the problem. Families have fewer children because of it. Jewish children from otherwise observant families are sent to Charter Schools and Public Schools because of it. Both the quality and quantity of Jewish education suffer because of it. But apparently nothing is done about it.

The major national organizations are busy with their political offices, fighting turf battles and using their funds as they wish. They are legally entitled to do so but I would think that they could and should allocate a given percentage of their budgets to support local day schools and yeshivot that lower tuition rates. That is the true enemy, not all of the supposed deviations from the "true" faith that each group finds present in the other group or organization.

The argument over the age of the earth is a sterile one that will not be resolved through articles, speeches and conventions. And worse, it is completely irrelevant to the current problems that face the Jewish world. How can we improve the world that we live in is the question that faces us. How to create a Torah society in Israel and the Diaspora; how to protect ourselves physically and spiritually from the enemies that threaten us so menacingly is the true issue that needs to be addressed. It should not be ignored.

In Israel the supposed enemy is the Charedi society. The media is obsessed with it and the only thing apparently that Israel has to fear is that there will soon be more Charedim in its midst. But again this is a false enemy.

The true enemy lies in the secular society where the rate of disaffection from Israeli army service is far greater than with the Charedim. It lies in a university system that somehow under the guise of academic freedom produces the greatest number of Israel bashers and haters of Judaism than anywhere else in the Western world. The enemy can be found in a

generation of youth who feels entitled to being given everything without having to work for it and who does not in the main have a sense of Jewish solidarity and traditional loyalty.

The enemy lies within an electoral system and judicial system that is devoted to only replicating itself and its particular viewpoints. And the external enemy is a real one. Pious statements about how the Moslem brotherhood will become moderate once in office fly in the face of the reality of our history of the last century.

Iran is an existential threat to Israel. In short, there is no shortage of real enemies both within and without our society. These enemies should be identified and combated - and we should no longer invest our energies in dealing with enemies who are either nonexistent or long ago defeated and dealt with.

Shabat shalom

From: Aish.com [newsletterserver@aish.com]
www.ou.org/shabbat_shalom/article/to_appease_or_not_to_appease/
December 06, 2011 To Appear or Not to Appear By **Rabbi Shmuel Goldin**

Excerpt for Parshat Vayishlach from Rabbi Goldin's book *Unlocking the Torah Text: Bereishit*

<http://www.ou.org/oupres/item/71067>

Context

Yaakov adopts a subservient attitude towards Esav both prior to and during their fateful reunion. The patriarch initiates communication with his brother, repeatedly refers to Esav as "My lord," plies his brother with gifts, bows down to him again and again and, in general, diminishes himself before his older brother. (Bereishit 22:4-23:17)

Questions

Was Yaakov right or wrong in assuming this subservient posture towards his brother? Should a potential enemy be met with conciliation or strength? Where does diplomacy end and self-debasement begin?

Approaches

[R]abbinic authorities stake out dramatically disparate positions as they consider Yaakov's actions.

A

Numerous commentaries are strongly critical of Yaakov's approach to his brother. One source in the Midrash, for example, contends that Yaakov's plan was flawed from the very outset: "Rav Huna applied the following verse: 'One who passes by and meddles in strife that is not his own can be compared to an individual who takes a dog by the ears'.... (Mishlei 26:17) God said to Yaakov: '[Esav] was going on his way and you dispatch a delegation?'" (Midrash Rabba, Bereishit 75:2) Rav Huna maintains that Yaakov was unnecessarily asking for trouble simply by initiating communication with Esav. The patriarch should have quietly slipped back into the Land of Israel without alerting his brother. Building on Rav Huna's observation, the Ramban claims that the destructive potential of Yaakov's behavior becomes tragically evident centuries later in Jewish history. During the period of the Second Temple, the Hasmonean kings of Judea repeat the patriarch's mistakes when they willingly initiate and enter into a covenant with the Roman Empire. This covenant, contends the Ramban, invites the Romans into our lives, opens the door to Roman domination of Judea and directly leads to the subsequent downfall of the Second Jewish Commonwealth and to our nation's exile from the Land of Israel. (Ramban, Bereishit 32:4) The Ramban's remarks acquire even greater poignancy in light of the rabbinic tradition which identifies the Roman Empire as the spiritual heir to Esav. The Talmud, Midrash and numerous other sources, including the Ramban himself, often refer to Rome as "Edom," the biblical nation descended from Esav. Another Midrashic source goes even further in its condemnation of Yaakov's behavior. (Midrash Rabba, Bereishit 75:11) Noting that, during the encounter, Yaakov refers to his brother Esav by the title "my lord" no less than eight times, the rabbis state: "At the moment when Yaakov referred to Esav by the title 'my lord,' God proclaimed: 'You have debased yourself and called Esav 'my lord' eight times. By your life! I will establish from his descendants eight kings who will rule over their nation before even one king reigns over your children.' As the Torah states: 'And these are the kings who ruled in the land of Edom before a king reigned over the Children of Israel.'" (Bereishit 36:31) Finally, the Midrash Hagadol connects Yaakov's obsequious approach to his brother to a series of disastrous losses eventually experienced by the Jewish nation. "Yaakov bowed to Esav seven times, therefore seven [cherished locations/institutions] were forcibly

taken from [his children]: the Sanctuary, Gilgal, Shilo, Nov, Givon, the First Temple and the Second Temple." (Midrash Hagadol, Bereishit 33:3) These sources and others not only condemn Yaakov's behavior but see within that behavior seeds of disaster and tragedy that will affect his children across the ages.

...

B

At the opposite end of the spectrum are those rabbinic authorities who not only defend Yaakov's conciliatory approach to Esav but believe that the patriarch sets a skillful example of diplomacy which we are meant to follow. Looming large in this camp is the major historical figure Rabbi Yehuda Hanasi, editor of the Mishna (the first authoritative written compilation of Jewish Oral Law) and leader of the Jewish people in the Holy Land during the second century of the Common Era. Less than two centuries after the destruction of the Second Temple at the hands of the Romans, Rabbi Yehuda developed a friendship with the Roman emperor, Antoninus. The extensive Midrashic and Talmudic record concerning this fascinating relationship includes the following interchange between Rabbi Yehuda and his secretary, Rabbi Aphi: (Midrash Rabba, Bereishit 75:5)

Rabbi Yehuda Hanasi said to Rabbi Aphi: "Write a letter in my name to his Majesty the Emperor Antoninus." He [Rabbi Aphi] arose and wrote: "From Yehuda the Prince to his Majesty the Emperor Antoninus..." Rabbi Yehuda took the letter and tore it up. He then instructed [Rabbi Aphi] to write: "From your servant, Yehuda, to his Majesty the Emperor Antoninus..." He [Rabbi Aphi] objected: "Why are you debasing your honor?" Rabbi Yehuda responded: "Am I any better than my elder, Yaakov? Did not Yaakov say [to Esav]: 'Thus says your servant, Yaakov...' (Bereishit 32:5)?"

Using Yaakov's behavior towards Esav as a model, Rabbi Yehuda eschewed his own personal honor in his dealings with the Roman monarch. Through such diplomacy and discretion, Rabbi Yehuda maintained good relations with the Roman authorities and was able to protect the interests of the Jewish population under Roman rule. Another Midrashic authority is even more direct in his suggestion that Yaakov's approach to his older brother serve as the model of appropriate behavior towards authority: "Rabbi Yonatan said: Anyone who wishes to placate a king or ruler but is unfamiliar with his ways and tactics should place this chapter [the chapter chronicling the encounter between Yaakov and Esav] before him and learn from it the arts of conciliation and appeasement." (Pesikta Zutrata, Bereishit 32:4) For his part, the Sforno underscores approval of Yaakov's behavior through a brief but telling reference to two Talmudic passages. He first cites the rabbinic observation concerning the curse pronounced by the prophet Ahiya the Shilonite: "The Lord will strike Israel as the reed is shaken in the water." (I Kings 14:9) This curse is preferable, claim the Talmudic Sages, to the blessing of the evil sorcerer Bilam who prophesized that the Jews would be "as the cedars." (Bamidbar 24:6) A reed survives by bending in the wind while a cedar stands firm and is uprooted. (Talmud Bavli Ta'anit 20a) Yaakov's example teaches us, says the Sforno, that we must be flexible enough to bend - to humble ourselves, in order to escape the sword of Esav's descendants. The Sforno goes on to quote the powerful claim of Rabbi Yochanan Ben Zakai, the architect of Jewish survival at the time of the destruction of the Second Temple: (Sforno, Bereishit 33:4) "Had it not been for what the zealots did (responding to the Romans with resistance rather than negotiation), Jerusalem would not have been destroyed." (Talmud Bavli Gittin 56b) Finally, the Talmud itself frames the concept of diplomacy in halachic terms by simply stating: "It is permissible to offer false flattery to evildoers in this world." (Talmud Bavli Sota 41b) Reish Lakish traces the source of this legal ruling directly to Yaakov's behavior towards Esav. (ibid.)

C

Rabbi Shimshon Raphael Hirsch adds new depth to our understanding of Yaakov's behavior towards Esav by contrasting this behavior with Yaakov's earlier interactions with his father-in-law, Lavan. Earlier, when Yaakov confronted Lavan's deceit, the patriarch responded with strength rather than subservience. The contrasting conciliatory attitude that Yaakov now exhibits towards Esav, says Hirsch, stems from his own sense of guilt over his taking of the birthright and the blessing from his older brother: "Better to endure corruption and injustice for twenty years (as did Yaakov at the hands of Lavan) than stand one moment before an individual who we know has been injured by our hands and who is incapable of understanding the circumstances which...might mitigate our guilt." (Rabbi Shimshon Raphael Hirsch, Bereishit 32:8) Yaakov can deal with the evil that Lavan represents. He has difficulty, however, confronting his own complex feelings of guilt as the reunion with Esav approaches. Even though he may have been justified in his actions towards Esav, Yaakov knows that his brother will never really understand.

Points to Ponder

Once again, an ancient rabbinic debate concerning an even more ancient Torah text speaks to our time with uncanny relevance. As the global confrontation with terror increases in intensity – as the nations of the world confront rogue regimes armed with nuclear capability; as the State of Israel, always on the front line of civilization’s struggles, wrestles with the next steps to be taken in the ongoing confrontation with implacable foes – the questions loom large. What is the correct approach to be taken in the face of hostility? Will conciliation avoid further conflict or be interpreted as weakness on our part and lead to increased danger? How far can diplomacy go in ensuring our safety? The rabbinic debate concerning Yaakov’s actions reminds us that no single approach to an enemy is always correct. Each situation calls for its own response and, even then, we can never be certain we are on the right path. Constant ongoing assessment of the circumstances facing us, careful application of both the principles of strength and diplomacy, and a willingness to change course midstream when necessary will all be required if we are to successfully meet the challenges of our day.

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Subject Peninim on the Torah by Rabbi A. Leib Scheinbaum

Peninim on the Torah by Rabbi A. Leib Scheinbaum Parshas Vayishlach

When he perceived that he could not overcome him, he struck the ball of his thighbone; and the ball of Yaakov's thighbone became dislocated as he wrestled with him. (32:26)

Obviously, the dynamics of this "wrestling match," this spiritual struggle between the forces of evil and falsehood and the forces of good and truth have created powerful, esoteric implications and ramifications for generations. Chazal shed some light upon this struggle and the meaning of Yaakov Avinu's "limping" afterwards. Sforno presents an interesting rendering of the pasuk: "He could not overcome him." Eisav's angel - who represented him in this struggle to overwhelm Yaakov's middah, attribute, of emes, truth, and in his clinging to Torah - fought in vain to weaken Yaakov's resolve. He clung so tenaciously to Hashem in thought and speech that the angel could not diminish him in any way. However, "he struck the ball of his thigh bone"; he was able to make an incursion. He discovered an area which Yaakov dreaded, and there he struck. He informed Yaakov of the sins of the Jewish nation's future leaders. This troubled the Patriarch, so that he momentarily hesitated in clinging to Hashem. This is the meaning of his limping. It is an insightful exegesis, but can we say that the sins of Klal Yisrael's leadership are worse than: the churban Batei Mikdash, destruction of the two Temples; the Spanish Inquisition; the Chemilnicki pogroms of Tach V'Tat, 1648-1649; the European Holocaust? Are these tragedies not worse? If so, why did Eisav's angel not notify the Patriarch of our national tragedies? That should have troubled him significantly, so that his connection with Hashem would have dwindled. Apparently, these national tragedies would not have diminished Yaakov's concentration. Why? Are the sins of Jewish leadership that much worse? Horav Henech Leibowitz, zl, derives from here that nothing frightened Yaakov as much as the awareness that one day Jewish leadership would sin. This befuddled his ability to think clearly, thereby momentarily crippling his connection with Hashem. This provided Eisav's angel with an unprotected area in Yaakov's defenses. He struck, injuring the Patriarch.

But why? Why should faulty leadership reflect a greater tragedy than the cataclysmic tragedies that have physically, emotionally and spiritually decimated our People? The Rosh Yeshivah explains that as long as we have strong leadership, the national tragedies will take their terrible toll, but we will rebuild; we will rejuvenate and return to become the Klal Yisrael that we once were. When the einei ha'eidah, the "eyes" of the Jewish assembly, the leaders of the generation, have distorted their minds and perverted their actions, we have no hope of regaining Jewish consciousness. Resuscitation cannot work if the patient has no pulse, if his heart has stopped working. The foundation upon which the Jewish nation rests - and will rise again - has crumbled. When the leaders falter, the nation crumbles. The erosion of Jewish values, the implosion of our national religious persona, follows closely after our relationship has abnegated their own spiritual destiny. It happened in Germany 150 years ago, when a group of misguided leaders felt that Orthodoxy was too stringent and restrictive. The people needed to "breathe," to move about, to imbibe the secular culture. They chopped away at the mitzvos, until they no longer believed the Torah to be Divine. They created their own seminaries, founded on the principles of heresy which they expounded. What should the people

do? If the leadership has deviated, the people have no hope. The people followed, and this is why millions of alienated Jews have no understanding of the meaning of being Jewish, or how to find out. Their leadership continues to mislead them. Eisav's angel knew exactly where to strike. He knew how to get Yaakov's attention. The Rosh Yeshivah quotes the Talmud in Arachin 17a, which relates a dispute between the sages concerning the interpretation of the pasuk in Tehillim 24:6, "This is the generation of those who seek Him, those who strive for Your Presence, (the nation of) Yaakov, Selah." Rabbi Yehudah Nesiah explains that this verse seems to be comparing the people of a generation to its leaders. It attributes the character of a generation to its leaders, positing that the character of a generation is parallel to that of its leader. In contrast, the Rabbis maintain that the character of a leader parallels that of his generation. The Talmud asks to identify the specific issue of the disagreement regarding the character of a generation and its leadership. They respond that Chazal have stated their specific opinion in reference to the traits of anger and the likelihood of being appeased. Rashi explains that, according to the view that a leader parallels his generation, Hashem installs an insolent leader when the generation is brazen in nature and a temperate leader when they are amiable to one another. According to the alternative view, the people of a generation are influenced by their leader. Apparently, according to one view, a leader can positively inspire the people of his generation - and can also negatively influence them. This teaches us the enormous responsibility vested in a leader. If he is arrogant - so will be his people. If he is quick to anger - so will be his people. On the other hand, if he is temperate - so, too, will be his people. Accordingly, a congregation, institution, assembly are all mirror images of their leadership - or is it the other way around?

And he said, "Your name shall no longer be called Yaakov, but rather Yisrael, for you have striven, im Elokim and with people, and you have prevailed. (32:29)

In defining the phrase, im Elokim, which should be translated, "with G-d," we find a difference of opinion among the commentators. Targum Yonasan Ben Uziel defines the word Elokim as referring to angels of G-d. Thus, Yaakov Avinu fought with an angel. Targum Onkelos explains that the term Elokim refers to Hashem Himself, while the word preceding it, im, has the meaning of "before," rather than "with." Thus, the pasuk is translated such that the word im has two meanings: "You have striven before G-d and with people, "and" you have prevailed."

Horav Aharon Soloveitchik, zl, applies both of the aforementioned explanations to the relationship the Jewish People should maintain with the secular and non-Jewish society outside of the Torah camp. From the interpretation offered by Targum Yonasan, we can deduce the proposition that the name Yisrael was conferred upon Yaakov as a result of his successful contention against the forces of nature and against people. To put it succinctly, the essential quality of Yaakov was his unique ability to counteract both a hostile physical environment and a social climate that was antagonistic to his way of life. Yaakov was willing to contend when necessary, when his Torah way of life was threatened. Targum Onkelos seems to find Yaakov in contention only with those forces which struggle with him "before G-d" in matters of theology and spirituality. When it comes to our ruchniyos, spirituality, he has no room to brook compromise. A Jew cannot adapt to the prevailing spiritual environment. Concerning matters of ethics and religion, a Jew does not countenance any path other than one prescribed by the Torah. Just as our Patriarch, Avraham Avinu, we stand as an Ivri, one who remains on a different side, while the rest of the world is on the "other" side. Concerning secular matters, completely unrelated to theology or religion, a Jew may assume a different approach. He should pursue a policy of peaceful coexistence, harmony and respect. In civic, scientific and economic matters, he may integrate into the existing society - as long as he experiences no threat whatsoever to his religious standing and views. At this point, Rav Soloveitchik takes his thesis one step further. The mandate of religious segregation implied by the name Yisrael applies to any potential religious or spiritual association with any group, regardless of its non-Jewish or Jewish background. If its religious doctrine runs counter to the Torah way, then religious affiliation is to be negated. While the Torah requires us to show love and friendship toward anyone who was created b'tzelem Elokim, in the image of G-d, Jew, Gentile, religious or non-observant, it still exhorts us against fellowship of a religious nature with non-religious groups. This is the mandate that accompanies the name, Yisrael.

The question which now confronts us is how the struggle "before G-d" is to be realized. This is where Rav Soloveitchik teaches us how a Torah Jew contends with forces that are either antithetical to - or undermine - religious life. Yes, even in "struggle," there are two ways: the "wrong" way, and the Torah way. We must note that the Torah does not use the word, nilchamta, "for you have fought," as in milchamah, war. It uses instead the word, sarisa, "you have striven", as in sar, officer, leader. We can draw a clear distinction between nilchamta and sarisa.

Nilchamta, "you have fought", implies involvement in a conflict which entails physical force and verbal strife, which is carried on with a single aim: vanquishing the opponent. A war is a battle in which two sides contend, with one emerging the victor and the other the vanquished.

The term sarisa, though, implies striving for leadership, as it is derived from the word sar, leader. A leader does not really involve himself in fighting. He prevents the battle. He is one who perseveres in attempting to arouse the latent good and noble qualities inherent in each person. A leader continually seeks to resolve conflicts that arise among his people. He also endeavors to calm and soothe the inner conflicts within the depths of the human soul. A leader is one who aspires to recapture the true personality of the individual by inspiring and stimulating the maximum spiritual potential in that person. To put it simply, nilchamta, "for you fought," seeks to focus on the negative, finding a way to overpower it. Sarisa, "for you have striven," does not imply a fight. On the contrary, it focuses on the positive, finding a way to build it up, so that there can be a meeting of the minds, with respect and dignity.

Yaakov struggled against Eisav before G-d: not with brute force or verbal dissension, not with bans and the masses; not with denouements and interdiction; and certainly not with curses and other inflammatory remarks aimed at the non-Jewish and non-religious world. Rather, Yaakov struggled against Eisav with the medium of sarisa, with courage and sincerity, with dignity and firmness, with dedication and piety, and with a love for all people and a burning desire to sanctify Hashem's Name.

Yaakov was not looking to put Eisav down, but rather, to raise himself up. He endeavored to be a leader over people and a ruler over the various forces in the world. He did this: by asserting his own uniqueness, by reconciling and unifying the various conflicting forces that wreak havoc on the human soul; by harmonizing the earthly with the Heavenly, the Yaakov with Yisrael. Our Patriarch was a diplomat - not a rabble-rouser. This does not mean that it hurt him any less when he observed a desecration of Hashem's Name. He just had a different, more refined, way of dealing with the issue. We see now why Yaakov epitomizes the attribute of tiferes, beauty.

The parsha commences with Yaakov's dream of a ladder that was set on earth, with its head reaching Heaven, with Heavenly angels ascending and descending upon it. The ladder represents the connection between Heaven and earth, the spiritual and the physical, Yaakov/Yisrael. Consistent with this idea, every Jew who earns the name Yisrael represents the ability to counteract the environment by sublimating its conflicting factors into one harmonious entity. This is our raison d'etre. By acting like Yisrael, we create the opportunity for kavod Shomayim, whereby Hashem's Name is glorified, revered and loved.

Va'ani Tefillah

Adon uzeinu, tzur misgabeinu, Magen yisheinu.

Master of our strength, Rock of our security, shield of our salvation.

With the above praises, we acknowledge that whatever strength, security, salvation we might think we possess, we are acutely aware that Hashem is behind it.

Whatever strength we possess comes solely from Hashem. He is Adon, Master, of uzeinu, our strength. He alone has strength. We understand that we have none. He is our strength. This is how a Jew should perceive himself. We think we are secure, but we know that, without Hashem, we are fodder for the elements - both material and human. The rock of our security is Hashem. A nation that believes this is strong. A nation that thinks it is all kochi v'otzem yadi, "My power and strength of my hand," is setting itself up for disaster.

Often the Jewish People are "saved" by intervention which has been catalyzed by human, natural resources. We understand that these shields of our salvation - who "just happen" to appear in the right place at the right time - come from Hashem. On our own, we do not stand a chance. With Hashem we have every reason to succeed - if this is His will. A Jew who does not maintain this perspective is in serious trouble.

Sponsored in memory of Rabbi Louis Engelberg z"l nifter 8 Kislev 5758 Mrs.

Hannah Engelberg z"l nifter 3 Teves 5742 t.n.tz.v.h.

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By Rabbi Yirmiyohu Kaganoff

Life Insurance: To Buy or not to Buy?
By Rabbi Yirmiyohu Kaganoff

Yaakov needed to make very important and practical life decisions with major long-term ramifications, when he heard that Esav was approaching with his army of 400 men; these decisions were made based on his halachic and hashkafic background. We also have similar decisions to make. With this introduction, I bring you:

Question #1:

Chaim knows that, as the head of the family, he has the responsibility to care for his wife, Fruma, and their children. He feels that this responsibility obligates him to acquire an adequate amount of life insurance should something chas veshalom happen to him. Fruma's upbringing was that even discussing this matter can cause bad things to happen. Who is right - Chaim or Fruma?

Question #2:

Miriam calls her rav with a shaylah. "My husband and I would like to buy life insurance, but we're concerned that it might show a lack of bitachon that Hashem always does what is best for us. Is that correct?"

Question #3:

Tzadok is one of the city's biggest tzaddikim. He teaches, voluntarily oversees some local tzedakah projects, not to mention his incredibly solid kevi'us itim. He is a talmid chacham and is raising his own large family. One of the ba'alei batim has offered to purchase a life insurance policy on his behalf, but Tzadok questions whether doing so might jeopardize him, since his family would no longer be dependent on his support. Is his fear founded?

Answer:

At times we have heard someone opposing life insurance -claiming that it reflects a lack of bitachon, or that its acquisition could actually be to one's detriment. Let us understand what the halachic authorities say about this subject. Indeed, are there halachic or hashkafic concerns about purchasing life insurance? From a Torah perspective, should this practice be encouraged or discouraged?

The three situations I presented above demonstrate three different issues that poskim discuss when analyzing whether there is a halachic problem in purchasing life insurance. They are:

I. Creating a Devil's Advocate

The Gemara states that one should not say something that might cause evil to occur. Al yiftach adam piv l'satan - Do not create an opportunity for Satan to mix in! Is purchasing life insurance not considered encouraging the evil Satan to do something nefarious?

II. In G-d We Trust

If we really believe that Hashem provides for all of our needs, doesn't purchasing life insurance demonstrate that we are worried about the future and lack trust in Hashem?

III. Succeeding in Divine Judgment

As opposed to a human court, Hashem's judgment and decisions are perfect, and take all ramifications into consideration. The Heavenly Tribunal will not recall someone unless all the consequences of his disappearance are calculated. Based on this, perhaps purchasing life insurance jeopardizes the insured, since his family is no longer as dependent on his support, thus minimizing the merits he has when judged by the Heavenly Tribunal?

Let's analyze each one of these issues individually, in order to determine whether or not purchasing life insurance should be allowed or even encouraged.

Issue #1 -- Creating a Devil's Advocate

Al yiftach adam piv l'satan literally translates as, "A person should not open his mouth for Satan." One should be careful not to say something that might provide Satan with ammunition. The Gemara applies this rule to forbid a person from saying, "I sinned a lot, but Hashem has not punished me." The admission that one is guilty and deserves punishment gives Satan a chance to prosecute one in the Heavenly Tribunal. According to the Magen Avraham,³ the main concern here is that the words "Hashem has not punished me" imply that one anticipates the punishment, although this is clearly not what the speaker intends. However, when Satan prosecutes, he might take the speaker's words out of context.

The question is whether purchasing life insurance provides Satan with such an opportunity to prosecute.

A different Talmudic discussion implies that it is absolutely permissible to make arrangements for oneself in the event of one's demise, and that doing so is not considered opening one's mouth to Satan. The Gemara⁴ discusses whether someone who prepares for himself shrouds (tachrichim) that are four-cornered is required to attach tzitzis to their corners, implying that it is, indeed, permitted to

prepare shrouds for oneself. In other words, planning for one's death does not constitute violating the warning *al yiftach adam piv l'satan* and does not provide the Satan with any ammunition.

Indeed, this Gemara's discussion is rallied as a source in the following situation. Maury Bond is lying on his deathbed on a hot Friday afternoon. There is concern that if he dies before Shabbos, his corpse will begin to decompose and smell unpleasant before it can be buried after Shabbos, which would not be a *kvod* for the departed. (Remember that earlier generations did not have ready access to refrigeration.) The authorities debate whether it is permitted to dig Maury's grave while he is still breathing, so that, should he die on Friday, he could be buried quickly before Shabbos. Most authorities⁵ permit digging the grave while Maury is still living; the dissenting opinion prohibits this out of concern that Maury might find out that his grave is already dug, which will distress him, and this itself could lead to his premature demise.⁶ However, none of the authorities debating this case is concerned that the efficacy of digging Maury's grave while he is still alive violates *al yiftach adam piv l'satan* and provides Satan with the opportunity to clamor for Maury's swift departure. Some of the authorities who discuss this question explicitly state that it is perfectly acceptable for a healthy person to arrange the digging of his own grave and to prepare his own shrouds, as we see from the above-quoted passage in the Gemara. One highly respected authority expressly approves the practice of purchasing adjacent burial plots for a couple, the fact that at least one member is still alive notwithstanding.⁷

Thus, we see that it is not considered *al yiftach adam piv l'satan* when a healthy person makes funeral arrangements for himself, since he is not mentioning his sins and giving Satan any reason to prosecute him. Based on this, several authorities rule that purchasing life insurance is also not a violation of *al yiftach adam piv l'satan*.⁸

However, I would like to note that there are two sources from which it seems that *al yiftach adam piv l'satan* applies in some other cases. In Kesubos 8b, the Gemara states that a person should not make the following declaration, "Many will drink the cup of mourning" because of the concern of *al yiftach adam piv l'satan*. This source implies that there is concern of *al yiftach adam piv l'satan* even when one's statement does not imply that one has sinned and deserves punishment. Similarly, a different Gemara passage states that upon entering the bathhouse (which in those days involved a moderate degree of danger), one should not say "if something goes wrong, my death should atone for my sins" because of *al yiftach adam piv l'satan*.⁹ Thus, we need to resolve why the halachic authorities who discuss making shrouds, digging a grave, or purchasing a burial plot for a living person do not prohibit these actions because of the principle of *al yiftach adam piv l'satan*, even though the statements "many will drink the cup of mourning" and "if something goes wrong, my death should atone for my sins" are prohibited for this reason.

The answer appears to be that these last two cases are a concern only because one is expressing the possibility of one's passing, which fits the words of Chazal: a person should not say, "I sinned a lot, but Hashem has not punished me." Assuming our solution is correct, arranging plans for one's demise, including writing one's will and purchasing life insurance do not violate *al yiftach adam piv l'satan*, provided that one does not express verbally the possibility of one's death.

Issue #2: -- In G-d We Trust – Exclusively

A Jew is obligated to believe that although he makes an effort to earn his livelihood, *parnasah*, it is ultimately Hashem alone Who provides it. The question is whether there is a difference between working for one's daily needs and working to save money for future expenses. Is it a shortcoming in *bitachon* to save for the future? Does purchasing life insurance imply lack of confidence that Hashem will provide for his family?

To answer these questions, we must first examine the halachic relationship between *parnasah* and *bitachon*.

Is there a Dispute in the Mishnah?

The Mishnah quotes two ostensibly dissenting opinions. Rabbi Meir is quoted first as saying: "A person should teach his son a livelihood that is easy (to learn) and free of potential sin. (At the same time, he should) pray to Him Who is the source of all wealth and property. (Always realize that) there is no profession that does not have its vicissitudes. Poverty and wealth are dependent on his merit." We see that Rabbi Meir advocates teaching one's child a livelihood, while simultaneously acknowledging that livelihood comes from Hashem and not from our efforts.¹⁰ On the other hand, the very same mishnah quotes Rabbi Nehorai as saying, "I abandon all means of livelihood and teach my son only Torah."

Thus, we appear to have a dispute between two *tanna'im* as to whether one should take time from teaching one's son Torah in order to provide him with vocational training. However, this analysis cannot be accurate for the following reason:

The Gemara¹¹ teaches that Rabbi Meir was an alternate name for Rabbi Nehorai, because his teaching of Torah produced so much light. (Meir means "He who gives light," and the word Nehorai also means "light".) How could Rabbi Nehorai disagree with himself?

Resolving the Dispute

One answer to this problem is that Rabbi Nehorai's statement that he would teach his son nothing but Torah was personal - Rabbi Nehorai himself had no worldly concerns, because he placed complete trust in Hashem. Someone at this level should indeed not teach his son any worldly occupation. However, most people do not reach this level of trust and must provide their son with a livelihood, while emphasizing that *parnasah* is from Hashem.¹²

Rav Moshe Feinstein¹³ presents an alternative answer to the contradictory statements of Rabbi Meir. The two statements are discussing different stages of life, one before the son must begin supporting his family, and the other when he has to support his family. Rabbi Nehorai's statement that "I teach my son only Torah" applies before the son needs *parnasah*. Until then, he should learn only Torah. The other statement refers to a son who has to earn a living. At that point, his father should teach him a livelihood that involves few halachic challenges and is easy to learn, while at the same time teaching him that his vocation is only *hishtadlus*, one's feeble apparent attempt, and that *parnasah* comes only from Hashem.

There is a halachic difference between the two approaches. According to the first approach, someone with total trust that Hashem will provide for him, even if he makes no *hishtadlus*, should not make any effort toward *parnasah*. According to Rav Moshe's approach, even a person with total trust in Hashem is required to have a livelihood. Rav Moshe brings evidence from several sources that it is inappropriate to rely on miracles for one's *parnasah*. Furthermore, he considers having no livelihood as equivalent to relying on miracles.¹⁴

On the other hand, Rav Vozner rules,¹⁵ similarly to the first approach, that a pure *baal bitachon* is permitted to rely totally on Hashem for *parnasah*; however, he agrees that this applies only to rare individuals. There are stories about Gedolim, such as Rav Yosef Chayim Sonnenfeld, who made no conventional *hishtadlus* to attain *parnasah*. These Gedolim, too, must have had the same opinion as Rav Vozner. According to Rav Moshe's approach, one may not deliberately adopt such a lifestyle.

Both Rav Moshe and Rav Vozner rule that, generally speaking, people are required to have some type of *parnasah*, and that it is not a lack of *bitachon* to do so. Unless he is a great *tzaddik*, no one should assume that he has sufficient *zechuyos* (merits) to expect Hashem to provide his *parnasah* with no *hishtadlus* whatsoever on his part.

The *poskim* bring evidence from *Tosafos* that it is not a shortcoming to make arrangements to take care of one's financial future. The Gemara¹⁶ rules that although a father has the halachic ability to marry off his daughter while she is a minor, he is prohibited to do so out of concern that when she grows up, she may not like her husband. In *Tosafos'* time, however, underage daughters were married off, which appeared to be a violation of this halacha. Upon what basis was there a practice contrary to the Gemara's ruling?

Tosafos explains that in his turbulent times (the *Baalei Tosafos* lived during the period of the Crusades), a man who had sufficient means to provide his daughter with a dowry, should arrange her marriage to someone appropriate. If the father delayed, he risked losing his money, which could have been tantamount to his becoming unable to marry off his daughter. *Tosafos* does not contend that a person should have *bitachon* that he will have the means to be able to marry her off later. Similarly, someone who can purchase life insurance, an annuity, or other means for making his life or the lives of his dependents more secure, may do so.¹⁷ *Bitachon* does not require someone to ignore future needs. *Bitachon* does require that a person realize that everything that happens is under Hashem's supervision and control.¹⁸

What will I eat tomorrow?

But doesn't this approach violate the statement that "Someone who has (today's) bread in his basket, and asks, 'What will I eat tomorrow?' lacks faith"?¹⁹ Aren't Chazal teaching us that someone who plans for tomorrow's livelihood lacks proper trust in Hashem?

The answer is no. This last passage is discussing people's beliefs. Everyone must believe that Hashem provides for him and that whatever happens is under His control. One may not say, "What will I eat tomorrow?" thereby ignoring Hashem's supervision. However, this does not mean that making practical plans for the future

is a violation of bitachon, provided one fully realizes that everything comes from Hashem and is dependent on Him.

The Manna

However, there is another passage of Gemara²⁰ that may indicate otherwise: "Rabbi Shimon ben Yochai's disciples asked him, 'Why did the manna not fall for the B'nei Yisrael once a year (for the entire year)?' He answered them, 'I will give you a parable. A human king once provided his son with support on an annual basis. The son visited his father once a year to receive his allowance. Wanting to see his son more often, the father altered the system and began providing his son with support on a daily basis. Thereafter, his son visited his father every day. Similarly, the head of a large household worried that no manna would fall on the morrow; thus he would pray daily for sustenance.'" Doesn't this Gemara imply that it is better for one's parnasah to arrive one day at a time than to plan for the future? The halachic authorities provide two answers to this question that are dependent on the dispute between Rav Vozner and Rav Moshe mentioned earlier. According to Rav Vozner, this Gemara reflects the ideal: a great tzaddik should indeed receive his parnasah one day at a time. However, most people are not at this level of faith and may plan for the future. According to Rav Moshe's approach, the Gemara means that a person should mentally acknowledge every day that Hashem provides for all his needs; however, he is permitted and required to make hishtadlus, which includes planning for future needs. It should be noted that all the poskim that I have seen discussing this issue rule that purchasing life insurance qualifies as normal hishtadlus.

In this context, it is worthwhile to quote a Midrash that demonstrates the obligation to make hishtadlus. Quoting the pasuk,²¹ "L'ma'an yevorechecha Hashem Elokecha b'chol ma'asecha asher ta'aseh," "So that Hashem Your G-d will bless you in all your deeds that you will perform," the Midrash points out that the last two words of the posuk, "asher ta'aseh," "that you will perform" are seemingly superfluous, because the Torah already stated, "b'chol ma'asecha," "in all your deeds." What is added with the words, "that you will perform?" The Midrash²² explains, "The Torah states, 'Keep the mitzvos.' I might think that he should do nothing and expect his parnasah to come automatically? Therefore, the Torah repeats, 'that you will perform.' If you work, you will receive blessing, and if you do not work, you will not receive blessing." This Midrash proves that one has a responsibility to earn parnasah.

Issue #3 -- Succeeding in Divine Judgment

I have heard people give yet another reason why someone should not purchase life insurance. What happens if a husband does not have the personal merit to guarantee longevity, while his wife and children do have the merit or the mazel (fortune) to live financially secure lives? In a case like this, the husband would live a long productive life as their provider. By purchasing life insurance, which guarantees their sustenance even without his presence, he jeopardizes his life, since his dependents are now provided for should something bad happen to him. In the one halachic source that I saw mention this concern, the author, Rav Yitzchok Sternhell zt"l, quoted the exact opposite approach in the name of the Shinaver Rav (Rav Yechezkel Shraga Halberstam zt"l, author of Divrei Yechezkel), who was one of the greatest halachic authorities of his day in Galicia. The Shinaver contended that buying life insurance should provide longevity. He argues that since the mazel of the people who own insurance companies is to become wealthy, their mazel will prevail and prevent them from losing money by having to pay out life insurance policies. Thus, purchasing a policy actually rallies mazel to one's side and does not jeopardize one's life.²³

Another counter-argument runs as follows: If loss of merit is a concern, then there is valid reason to refrain from accumulating any wealth. The family members of a man who ekes out a daily existence are far more dependent on their breadwinner than are the wife and children of a wealthy man, since he will leave them with an appreciable inheritance should something happen to him. Thus, one could argue that accumulating wealth is not in one's best interest, an approach that does not have too many advocates. I have never seen anyone refrain from accumulating wealth because of this concern, and neither have I seen any halachic authority suggest this as a reason to avoid affluence. Therefore, I conclude that this is not a factor in the question of purchasing life insurance.

Conclusion

In conclusion, I am aware of thirteen written teshuvos²⁴ (responsa) on the purchase of life insurance or annuities, written by authorities representing Litvish, Chassidish and Sefardic approaches. All thirteen teshuvos permit purchasing life insurance, and some encourage the practice strongly.

Rav Meir Shapiro, the Rosh Yeshiva of Yeshivas Chachmei Lublin, had a very large life insurance policy, even though he unfortunately had no children. His reason was that since fundraising for the yeshiva was completely on his shoulders, he was concerned that in the event of his premature death, the yeshiva would be forced to close. We see that he was not concerned with any of the above issues and felt that purchasing insurance was an appropriate course of action.

May we all be blessed with long years and good health.

1 Kesubos 8b 2 Berachos 19a 3 239:7 4 Menachos 41a 5 Beis Yosef, Bach and Gr'a to Yoreh Deah 339; Mishneh LaMelech, Hilchos Aveil 4:5 6 Shu't Rivash #114 as explained by Bach, Yoreh Deah 339 7 Shu't Rivash #114 8 Shu't Be'er Moshe 8:118, quoting Shu't Lechem Shelomoh by Rav Shelomoh Zalman Ehrenreich, #68; Shu't Yechaveh Daas 3:85 9 Berachos 60a 10 Kiddushin 82a 11 Eruvin 13b 12 Sefer HaMikneh, Kiddushin 82a. See Kochavei Ohr of Rav Yitzchak Blazer (colloquially called Rav Itzele Peterburger, because he once served as the Rav of St. Petersburg), the disciple of Rav Yisrael Salanter, Chapter 11, for a description of the difference between these two types of people. 13 Shu't Igros Moshe, Orach Chayim 2:111; see also Orach Chayim 4:48). 14 We should note that Rav Samson Raphael Hirsch also follows this approach numerous times in his commentary on the Torah. 15 Shu't Shevet HaLevi 4:1:2 16 Kiddushin 41a 17 Shu't Yechaveh Daas 3:85; Shu't Kochavei Yitzchak 1:22, both quoting several other authorities. 18 Both Shu't Be'er Moshe 8:118 and Shu't Teshuvos VeHanhagos 4:325 also reach the same conclusion and bring support to this conclusion from several other Talmudic passages and concepts. To keep this chapter reasonably small I have omitted his proofs. In addition, Shu't Teshuvos VeHanhagos provides sources that a person cannot selectively apply bitachon to say medical issues. One should be consistent in how he bases his decisions on bitachon. The reader is encouraged to read their responsa on the subject. 19 Sotah 48b 20 Yoma 76a 21 Devarim 14:29 22 Midrash Shocher Tov, cited by Shu't Yechaveh Daas 3:85 23 Shu't Kochavei Yitzchak 1:22 In addition to the above quoted sources and sources that they quote, see Koveitz Teshuvos 1:19 a letter from Rav Elyashiv to Rav Elya Svei and Rav Malkiel Kotler encouraging Torah institutions to provide their educators with life insurance policies.