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ON VAYISHLACH - 5777

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Rabbi Yisroel Reisman – Parshas Vayishlach 5776

1. I would like to share with you a thought an observation regarding the Parsha. During WW I as the battle raged on the Russian front, there was a movement among Gedolei Yisroel, an idea to collect all the Sifrei Torah from the different small communities and to bring them to St. Petersburg which was considered a safe city. The Ohr Sameach, Rav Meir Simcha of Dvinsk vetoed the idea, he was against the idea. As it turned out, the heaviest fighting was in St. Petersburg. Had the Sifrei Torah been there they would have been destroyed. The Ohr Sameach was asked afterwards whether he had a spurt of Nevua in making his recommendation. To that he answered no, I learned it from Chumash.

In this week's Parsha in 32:9 (אם-גבוא עשו אל-המקנה האחת והקבו-והיה המקנה) we find that Yaakov Avinu made plans with his battle with Eisav to divide his family, his children, into two places. So that if one place is destroyed there would be another place another group that would be saved. He said the same thing with the Sifrei Torah. I understand from the Chumash that you don't put all the Sifrei Torah together in one place because Mi Yodai'a, who knows what will be. This is something said in the name of the Ohr Sameach.

I would like to point out to you something which a Ben Torah, any Ben Torah, anyone who sits and learns should notice but neglects to notice. When we learn the Rishonim and we pause for a minute, we realize that almost all of the Rishonim are Sefardim. Of course the Rif and the Rambam but beyond that, the Ramban, the Rashba, the Ritva, the Nemukai Yosef, the Ran, Rabbeinu Bachya, the Rivash, the Radvaz, all of the different Rishonim whose names we are familiar with are for the most part Gedolei Sefarad with the exception of Rashi and his grandsons, the Baalei Tosafos. Even the Rosh who started out in Ashkenaz, fled and ended up in Sefarad as well. So it is an observation that the Rishonim for the most part are all Gedolei Sefarad, they all come from Sefardic backgrounds.

What is important or noticeable about this is the contrast. The Rishonim are from the year 1000 – 1500. The following 500 years from 1500 to the present day are what we call the Achronim. The greatest Achronim were of course in the 1600's, in the early Acharonim. If you take out a Shulchan Aruch you notice a contrast. All of the Meforshai Hashulchan Aruch are Gedolei Ashkenaz. The Magen Avraham and the Taz, the Shach, and the Sma, the Chelkas Mechokeik, and the Bais Shmuel, certainly the GRA and the Pischei Teshuva. All of the Meforshim on the page are almost without exception Gedolei Ashkenaz. What happened? How is it that in the period of the Rishonim they were virtually all Gedolei Sefarad and in the period of the Achronim, the early Achronim on who Halacha is based, they are almost all Gedolei Ashkenaz?

The answer is an observation that HKB"H did the same thing. During the period of the Rishonim it was a period of terrible oppression to the Bnei Ashkenaz. The crusades took place during those centuries. Terrible oppression and death. The Menuchas Hanefesh for Limud Hatorah was not great. The ability to publish and spread one's word certainly wasn't. At that time in Sefarad it was the golden age of Spain. So that when HKB"H gave Tzar and Tzarah in one camp, (המקנה הנשאר, לקליטה). The other camp was safe.

Of course after 1492, roles were reversed. The period of the crusades had passed and then came the period in which the Jews were chased out of Spain and they didn't last just for a few years. The running continued for a while. Some of the greatest of the Gedolei Sefarad ran from one country to another. From Turkey, to Syria to Mitzrayim. Many landed up in Eretz Yisrael. As a matter of fact, many of the original settlers in Eretz Yisrael at that period were all Gedolei Sefarad but they were running. Torah, the calm place of Torah was in Ashkenaz. (והיה המקנה הנשאר, לקליטה). It is an observation, it is something to notice, take note of in our history. How HKB"H has always looked after us. HKB"H in the terrible oppressions in our Galus always kept a Machaneh one here and one there. This is an observation from the Parsha, an important observation regarding our Mesorah.

2. Let's move on to another topic. We find that Yaakov Avinu comes to Eisav with as is found in 32:33 (שתי נשיו ואת שתי שפיהתי) the four Imahos, (ואת אחד עשר, ילדיו) and his 11 children. Rashi asks where was Dinah? To that, Rashi gives an answer that Dinah was hidden. In his Kasha how did he know that Dinah was missing? There were 11 children, it could have been one of the boys that was missing. How do we know to ask where was Dinah, that she was the one who was missing? The question should have been where is the 12th child?

The GRA in Kol Eliyahu says beautifully. The GRA says that we understand that the primary part of the Beis Hamikdash was in Cheilek Binyamin and Chazal tell us in the Medrash that because Binyamin was the only one who didn't bow down to Eisav his section in Eretz Yisrael was the place that the Beis Hamikdash would be.

Says the GRA, had Dinah been one of the 11 children and there would have been 10 other boys it would have meant that it was one other of the first 11 Shevatim who did not bow to Eisav. If that were true then certainly he would merit that the Beis Hamikdash would be in his land. Something would have to be done to resolve the competing claims between him and Binyamin. Since only Binyamin merited having the Beis Hamikdash in his land it is obvious that the other 11 bowed to Eisav.

There is a message here. Bowing to Eisav. We live in Galus Edom, in Eisav's Galus. Nodding one's head to Eisav, to the culture around us. It is a very challenging thing. When the Jews were in Poland and the non-Jews around them were for the most part drunks and wife beaters, there was no attraction to nod one's head towards the non-Jewish world. They would sing that Shikur is a Goy.

In America it is not that way, in America there is an attraction to Eisav. Those communities that lived attracted to Eisav. Germany of the 17 and 18 hundreds, they nodded their head to Eisav, they bowed to Eisav. Kedusha could not reside among them. Even as we are fortunate to live in a Medinah

Shel Chesed and in a Medinah of extraordinary kindness to Klal Yisrael, extraordinary kindness in letting us do the things that we need to do to serve HKB"Y. Even as that happens, we need to take the moment and to observe that Klal Yisrael, our values are not their values. Our goals in life are not their goals in life. We don't bow to them. We live alongside them with respect. We have to be careful not to bow to Eisav.

It is interesting, HKB"Y tested Yaakov with Eisav's coming. Yaakov says 32:12 (הֲצִילֵנִי נָא מִיַּד אָחִי, מִיַּד עֵשָׂו). Protect me from my brother, from Eisav. Says Rashi if he treats me like Achi, he wants to be close to me, then save me from his influence. If he treats me like Eisav, he wants to kill me, save me from him as well. Yaakov was afraid of both. At the end, the Nisayon was Achi, he didn't come to kill him. When he finally arrived he befriended him and kissed him. He said let's go together as brothers. He was his brother who kissed him and hugged him. Why didn't he go together with him? I guess he found an excuse. He said no, let's stay separate.

We live in a post holocaust generation. What the Goyim have done to us, what Eisav has done to us is so horrible. We live in a period that we are afraid of (הֲצִילֵנִי נָא מִיַּד עֵשָׂו) we are afraid of an Eisav who looks to kill us physically. The (הֲצִילֵנִי נָא מִיַּד אָחִי) is not foremost on our minds. On the contrary, we want to find favor in the eyes of the countries in which we live, the nations within which we reside. We want to be liked by them. (מִיַּד אָחִי מִיַּד אָחִי). Be careful not to bow to Eisav.

We are grateful to the country in which we live but even with that gratitude we retain that thought, that idea, the way of life that no, our way is a different way. We live alongside each other, we don't bow. We don't ask anyone to bow to us and we don't bow to them. That is the message here. 3. The question of the week: To be honest the question goes back to last week's Parsha as much as this week's Parsha. Since the question is new I will share it with you now. We find in last week's Parsha that Yaakov makes a very generous offer to the Ribbono Shel Olam as it says in 28:22 (וְכַל אֲשֶׁר יָבִיא לְךָ מֵעַשְׂרֵי אֲשֶׁרְךָ לְךָ). If you bring me home from Lavan safe and sound I will give Maiseir. What a beautiful thing, he is going to give 10% to Maiseir. I don't understand. All Bnei Torah today give Maiseir. Everyone gives Maiseir. From where did Maiseir begin?

The Rambam in Perek 9:1 of Hilchos Melachim says that the Mitzvos in the Torah came to us in the following order: (עַל שֵׁשׁ דְּבָרִים נִצְטָוָה אָדָם הָרִאשׁוֹן). Adam Harishon had six commandments. (הוֹסִיף לָנוּ אֲבִר מִן הַחַיִּים) which is how we come to the Sheva Mitzvos Bnei Noach. (אֲבָרָהָם וְנִצְטָוָה יִתְרָא עַל אֱלֹהֵי בְמִילָה). (וְהוּא הִתְפַּלֵּל שְׁחָרִית וַיִּצְחַק הַפְּרִישׁ). Avraham added Bris Milah and Shacharis. (מַעֲשֵׂר וְהוֹסִיף תְּפִלָּה אַחֲרָיו). Yitzchok added Maiseir. So it was Yitzchok who added the Mitzvah of giving Maiseir. Is it a Chiddush that Yaakov gave Maiseir?

The Raivad in his Hagoas on the Rambam says that Avraham added Maiseir as it says in 14:20 (וַיִּתֵּן לוֹ מַעֲשֵׂר, מִכֶּלֶךְ). Well it was either Avraham's Takana or Yitzchok's. (אֲבָרָהָם וְנִצְטָוָה בְּמִילָה). Is it a surprise that Yaakov practiced Milah? Avraham and Yitzchok said Shacharis and Mincha are we surprised that Yaakov Davened Shacharis and Mincha? So if either Avraham or Yitzchok or both were Mesakein Maiseir, what is the generosity of such a pledge (וְכַל אֲשֶׁר יָבִיא לְךָ מֵעַשְׂרֵי אֲשֶׁרְךָ לְךָ)? Halo Davar Hu! Wow! That is a Kasha.

With that I wish one and all an absolutely wonderful Shabbos Parshas Vayishlach. Coming closer to Chanukah to connect with those who fought off the Misyavnim and connected themselves to Torah, Avodah, Yir'as Shamayim. A Gutten Shabbos to all!

Thanks to hamelaket@gmail.com for collecting the following items:

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VAYISHLACH

The prophet of Israel, describing what can unfortunately be characterized as the usual situation in Jewish life, states that it is comparable to one who flees from the lion and finds one's self in the embrace of a bear. Our father Jacob, who barely escapes from the treachery of Lavan, soon finds himself confronted by the deadly mob of his brother Eisav. Jacob, in his confrontation with Lavan, chooses the option of flight as he removes himself from the territory controlled by Lavan and his sons. But this option of flight is no longer possible in his contest with Eisav. Jacob is in his own land, the land of his ancestors, the land promised to him personally by God Himself, to be his rightful residence. As such, Jacob has nowhere to run. As taught to us by Midrash and quoted by Rashi, his only options were to stand and fight, to buy Eisav off with monetary tribute, and/or to pray. The option of fleeing does not enter the equation in any fashion. This is perhaps the basis for the well-known Talmudic dictum severely limiting the right of a Jew to leave the Land of Israel cavalierly. Polish Jewish history, from biblical times to the present, shows us that exile from the Land of Israel on a collective basis never occurred voluntarily. The most mobile, wandering people in the history of civilization never left their homeland of their own volition. In this they were following the example of their father Jacob, who never considered fleeing from the Land of Israel in order to avoid the long expected and dreaded confrontation with his aggressive and volatile brother.

In our long and winding road of exile, over the past two millennia, when one country closed down for us because of economic, social or religious reasons, the Jewish people moved on elsewhere. But as we have discovered, we have run out of places to go in the world. There are no new undiscovered continents on the face of the globe, no seemingly safe havens left for escape.

This is part of the reason for the establishment of the State of Israel and its phenomenal growth and inexplicable stability. Even though it has been provoked by errors of policy and with concessions to its neighbors, it is as though the Jewish people, like their ancestor Jacob, declared that this is where they will make their stand. Prayer is a constant in current Israeli life, even for those who do not deem themselves to be observant of Jewish law and tradition. But in spite of all of the troubles, problems, and the myriad challenges that living in our country poses, flight in a collective sense is a nonexistent possibility. Unable to defeat us militarily or economically, even though diplomatically they have wounded us severely, our enemies openly declare their intent to make us leave our homeland. But that is a very unrealistic policy. The children of Jacob, in the state that bears his name, certainly will follow his example until it finally it brings quieter times and better relations. Shabbat shalom Rabbi Berel Wein

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Rabbi Wein's Weekly Blog COLLEGE CAMPUSES

Recently there have appeared in a number of newspapers throughout the United States articles detailing the appalling anti-Semitism that exists currently on many American college campuses. American Jewish youth attend colleges and universities in greater proportion to their population than any other segment of the American public. It can be maintained that theoretically and proportionately speaking, these Jewish students are more subject to hate speech and abuse than any other segment of the American student population. This comes as a distinct shock to American Jewry which somehow believes that institutionalized anti-Semitism in American education is a thing of the past. Since there are no longer quotas on Jewish enrollment in American higher educational institutions and active discrimination against Jewish students by faculty, administration or other

students, prejudice it seemed was a fast disappearing relic of the darker past.

However this rosy picture of Jewish attainment and acceptance is no longer true. From the upper echelons of the Ivy League schools to the almost unknown community colleges, the ugly truth is that anti-Semitism on the college campus is not only present but is accepted and sometimes even glorified. The disease of anti-Semitism defies any known cure or palliative. It is unreasoning and unreasonable, destructive of all civilized norms and eventually leads to terrible political and social consequences. Any reasoned view of the history of anti-Jewish speech and behavior will reveal the dire consequences that eventually engulfed all of the societies that tolerated such hate and bigotry. One could expect that the intellectual bastions of society – its colleges and universities – would be the places least likely for anti-Semitism to flourish. Sadly, that is not the case at all. There are numerous reasons advanced to help explain why this troubling and dangerous phenomenon exists today. Some say that it is fueled by the Israel – Arab confrontation and the natural sympathy of the intellect to side with the poor underdog no matter who that underdog may be. Others have pointed out that there is a strong undercurrent of jealousy, especially amongst other minority groups, at the success, wealth, achievement and influence that the Jewish community has acquired in the United States today. Envy is a very strong emotion that often leads to hatred and violence. And college campuses, traditionally, are the hotbeds of envy - intellectually, professionally and otherwise. All of this creates an environment where the age-old scourge of anti-Semitism can thrive and grow. Another factor that is often mentioned is that colleges and universities always attract people who yearn for utopian ideals. But, since not one of these ideals has ever been realized in practice, there is always an active search for the scapegoats who somehow prevent the utopia from arriving. It is what the Soviet Union glorified as being “wreckers” and “saboteurs.” The Gulag was filled with millions of these hapless victims of the failure of Marxism to bring forth the brave new world that it had promised. In the eyes of many intellectuals today, for some unknown reason the Jews remain the obstacle to world peace, the eradication of poverty and misery for all and the great new world of the future. It is the state of Israel, not North Korea, Iran, Venezuela or any of the other nations of the world, which is the reason why the world does not live in peace and harmony yet. And unfortunately on most college campuses, this nonsense is expressed, taught, validated and accepted. Is there any wonder therefore why anti-Semitism is so strong and virulent on college campuses? The American Jewish community, if not American society generally, is awakening to the depths of this problem. It is beginning to realize that anti-Semitism hiding behind the right of free expression is an existential threat to the American Jewish community and therefore indirectly to American society itself. Student campuses today are unruly places with the presence of all sorts of fringe organizations and wacky causes. Jews have obtained rights and stature on those campuses that previous generations of American Jews never dreamt of even asking for. Yet Jewish uncertainty and insecurity on American college campuses is real and palpable. Young Jews have earned the right to wear a kippah on college campuses and in their classrooms but today many feel that they do so at their own peril. Jews have hunkered down and assumed a low profile attempting to avoid the confrontations with the militant campus organizations that promote and advance anti-Semitism. Whether or not this tactic is the correct one, and will prove successful in the long run, remains yet to be seen. Shabbat shalom Berel Wein

from: Rabbi Yirmiyohu Kaganoff <ymkaganoff@gmail.com> to: kaganoff-a@googlegroups.com By Rabbi Yirmiyohu Kaganoff

Choosing a Hometown – Insights of our Sages By Rabbi Avraham Rosenthal, edited by Rabbi Yirmiyohu Kaganoff *With Yaakov searching for a new residence, I thought it appropriate to send this guest shiur.*

How does one choose where to live? Although there is a popular adage that the three most important factors in the value of a house are “location, location, and location,” this is not usually the only factor used to determine where one chooses to live. Numerous other factors go into the equation, including availability of parnassah, proximity to parents and siblings, good chinuch for the children, neighbors, cost of living, etc. All of these points are certainly important considerations. However, did one ever stop and consider what Chazal and the Rishonim have to say about this matter? There are many statements and suggestions scattered throughout Shas, Midrashim and the Rishonim that include advice concerning where one should live. Let us spend some time examining their advice concerning this topic. It must be noted that Chazal’s suggestions on this topic are just that – suggestions. They should not be taken as absolutely required halachah. If one has certain practical reasons to choose a particular place to live, one should realize that this advice does not necessarily apply in his situation. These suggestions were meant primarily for scenarios in which a person must choose between two locations which, otherwise, are fairly similar. In all situations, it is always preferable to discuss these matters with a rov to determine the best solution.

Place of One’s Predecessors At the end of Sefer Maharil, there is a section entitled “Likutei Maharash”, in which the Maharil cites numerous minhagim, practices and teachings of his teacher, Rabbeinu Shalom of Neustadt, the Maharash. One of the instructions that the Maharash stated was: “A person should reside in the place of his predecessors, as Chazal have instructed. If it were not for this, there are many times when I would have considered relocating from Neustadt.” Although the Maharash did not refer to a specific statement of Chazal, it is possible that he had in mind the following. When Yaakov Avinu finally returned home after living with Lavan for twenty years, the pasuk states: “And Yaakov came to Yitzchok, his father, at Mamre of Kiryat Arba; that is Chevron where Avraham and Yitzchok sojourned” (Bereishis 35:27). In order to explain the seemingly superfluous information that this was the place where “Avraham and Yitzchok sojourned,” Chazal state: “A person should stand only in the place of his predecessors, so that their merit will assist him” (Bereishis Rabbah, Vayishlach 35:27). Additionally, the Acharonim point out that if one’s parents are still alive, there is another reason to live in their proximity. This is because in the merit of kibbud av ve’eim, as well as the fact that the children will refrain from performing sins due to the fear of their parents, they will be protected from mishap. There are Acharonim, however, who caution that if living near one’s parents will cause strife, it is preferable to distance oneself from them (see Yaffeh Lalev, volume III, Kuntres Acharon, Yoreh Deah 240:4; Zechirah Lachaim, volume II, Parshas Vayeitzei, page 13a, s.v. uvechein).

Near One’s Rabbi The Gemara (Brachos 8a) cites two contradictory Beraisos. One states that a person should always live near his rebbi, while the other maintains the opposite. The Gemara resolves this by explaining that one who is compliant with his rebbi’s opinions should live near him. However, one who is not compliant should preferably live elsewhere. Rashi explains that being compliant means that he accepts his teacher’s rebuke and follows his instructions. Such a person should indeed live near his teacher, so that the rebbi will rebuke him and guide him. However, if the disciple does not listen to his rebbi, he should not live near him. This is because of the concept of mutav sheyiheyu shogegim ve’al yiheyu meizidim -- it is preferable to sin unknowingly rather than intentionally.

A Place of Torah In the last perek of Pirkei Avos, we find the following: Said Rabbi Yosi ben Kismah: “One time, I was traveling and I met a person. We exchanged greetings, and he said to me, ‘Rebbi, where are you from?’ I answered him, ‘I am from a great city of sages and scholars.’ He said, ‘Rebbi, would you care to live with us in our place, and I will give you a million gold coins and precious stones?’ I answered, ‘My son, even if you gave me all the gold, silver and precious gems in the world, I would reside only in a place of Torah! This is because when a person passes away, silver, gold and precious stones do not accompany him. Only Torah and good deeds

do.” From this famous exchange, we learn of the importance of residing in a place where there are yeshivos and talmidei chochomim. This concept appears also in the Gemara (Kesubos 111a): “Just as it is forbidden to leave Eretz Yisroel to Bavel, so, too, it is forbidden to leave Bavel for other countries.” Rashi explains that it was prohibited to leave Bavel, which then was a place of yeshivos that were constantly disseminating Torah. May one leave a location where there is a yeshiva in order to live in a place where there isn’t one? This question was addressed by Rav Shlomo Kluger, one of the great poskim and authors of the nineteenth century. He explains (Shu”t Kin’as Sofrim, Hashmatos to #19) that during the time of the Gemara, the entire transmission of Torah was verbal and one needed to have a rebbi and companions in order to learn. Nowadays, when seforim are readily available, it is possible to learn Torah without a rebbi or yeshiva. Thus, although it might be advisable to remain in a place where there is a yeshiva, it is not required. Within Proximity of Talmidei Chochomim The Gemara (Shabbos 63a) states that one should cling to talmidei chochomim. Rashi explains that by doing so one benefits from the talmid chochom’s Torah knowledge. On the other hand, the Gemara warns against living in the proximity of an ignoramus, even if he is a “chased,” a righteous individual. According to Rashi, this is out of concern that one will come to learn practices and habits from his unlearned neighbor that are not correct according to halacha and Torah. It is interesting to note that, although one should live in the proximity of talmidei chochomim, the Gemara (Pesachim 112a) discourages living in a city whose mayor is a talmid chochom. Rashi explains that since talmidei chochomim are busy learning, they will not have sufficient time to tend to the physical needs of the city and its residents. And while we are on the topic of undesirable mayors, the Gemara (ibid. 113a) also states that one should not live in a city whose mayor is a doctor. The Rashbam explains this is because he will be too busy with his patients to run the city’s affairs properly. Obviously, if he gives up his medical practice in order to run the town’s affairs, this concern will no longer be valid. However, bear in mind that physicians do not always make good politicians, and they do not have the best track record as dictators. (Check Syria.)

Men of Good Deeds The Zohar (Parshas Bo, page 38a) states: “A person should live only in a place where people of good deeds reside. What is the reason? This is because, woe to the one who lives among those who are guilty, for he will be caught in their guilt, and if he lives among those who have merit, good will be done to him in their wake.” The Zohar relates that Rav Chisda changed his location of residence to one in proximity of talmidei chochomim and he became wealthy, in addition to being a talmid chochom. Rav Chisda said that the reason why he merited this is because he chose to live among those that Hashem looks after.

Living near the Wicked The Rambam (Hilchos Dei’os 6:1) writes that since it is human nature for a person to be influenced by his companions, he should always live among chochomim and tzadikim, so that he can learn from their ways, and he should distance himself from the wicked. He continues -- if it is impossible to avoid the companionship of the wicked, it is preferable that he live by himself in caves and deserts. The Rambam also writes (ibid. 7:6) that it is forbidden to live in the neighborhood of people that speak lashon hara. The Chofetz Chaim cites this Rambam in his Hilchos Lashon Hara (9:4) and notes (Be’er Mayim Chayim 9:10) that this is also Chazal’s intent when they state: “Woe is to the wicked, woe to his neighbor” (Avos d’Rebbi Noson 9:1). The Gemara (Pesachim 112b) cites several instructions that Rabbi Yehudah Hanasi gave to his children. One of them was not to live in the city of Shachnetziv, as the people there were scoffers, and he was concerned that his children would be influenced by their evil ways.

Living in Eretz Yisroel The Gemara (Kesubos 110b) states: “A person should live in Eretz Yisroel, even in a city where the majority of the people are idol worshippers, and he should not live in chutz la’aretz, even in a city whose majority is Jews. This is because one who lives in Eretz Yisroel is considered to be one who has a G-d, and one who lives in chutz la’aretz is

considered to be one who does not have a G-d, as it says, ‘To give you the land of Canaan to be a G-d unto you’ (Vayikra 25:38).” The Gemara then asks: “And one who does not live in Eretz Yisroel is G-d-less?” Hashem is the G-d of the entire world! The Gemara explains: “Rather, it comes to tell you that whoever dwells outside of Eretz Yisroel, it is as if he worships idols.” Before proceeding with the halachic view concerning living in Eretz Yisroel, this Gemara begs an explanation. What does it mean, “that whoever dwells outside of Eretz Yisroel is as if he worships idols?” The Torah warns that if the Jewish People forsake the Torah, “Hashem will scatter you among all the peoples, from the end of the earth to the end of the earth and there you will serve the gods of others whom you did not know – you or your forefathers – of wood and stone” (Devorim 28:64). Rashi there explains that this does not mean that the Jews will actually worship idols. Rather, it means that the Jews living in chutz la’aretz will have to pay taxes to pagan religions. Whether living in Eretz Yisroel nowadays is a mitzvah is disputed by the Rishonim. Rav Moshe Feinstein (Shu”t Igros Moshe, Even Ha’ezer volume I, #102 and Yoreh Deah, volume III, #122) writes that although most Rishonim maintain that there is a mitzvah, it is not a mitzvah chiyuv, but a mitzvah kiyumis. This means that if one lives in Eretz Yisroel, he fulfills a mitzvah, but there is no chiyuv, or obligation, to do so. Additionally, the Chasam Sofer (Koveitz Teshuvos #46) maintains if one has a livelihood in chutz la’aretz, but in Eretz Yisroel he would have to live off charity, he should not move to Eretz Yisroel. It is interesting to note that the Divrei Chaim of Sanz was quoted as saying that if one sanctifies himself in the “four ammos of halachah,” meaning that he dedicates himself to learning Torah, then even if he lives in chutz la’aretz, he attains a certain degree of living in Eretz Yisroel (Sefer Shefa Chaim, Michtevei Torah #409). There is far more on this topic, but we will need to leave it for a different time.

A City with Vegetables The Gemara (Eiruvin 55b) states: A talmid chochom is not allowed to live in a city without vegetables.” Rashi explains this is because vegetables are a healthy food that can be purchased cheaply. This will enable the talmid chochom to focus on his learning.

The Ten Requirements The Gemara (Sanhedrin 17b) provides us with a list of ten items that a city must have in order that a talmid chochom may live there. This list appears also in the Rambam (Hilchos Dei’os 4:23), with one or two slight changes. A city must have: 1) a beis din that administers punishments, 2) a tzedakah fund, 3) a shul, 4) a bathhouse, 5) an outhouse, 6) a physician, 7) a blood-letter, 8) a shochet, 9) a sofer to write tefillin and mezuzos, 10) and a schoolteacher. [The Rambam omits “shochet” and instead requires a water source.] Obviously, this Gemara must be taken in context with the realities of the era. For example, during the time of the Gemara, bloodletting was a common cure for various ailments. Hence, a bloodletter would be the equivalent of a physician in our society. To clarify this, Rashi tells us that the physician Chazal refer to in this list is a mohel. Bathhouses were necessary during the time of the Gemara since there was no indoor plumbing. On the other hand, if a person required a mikvah, he or she would often use the local river. In our society, however, while bathing is easy, no one would dream of using a river for tevilah purposes. Therefore, the Gemara’s bathhouse would be the equivalent of our mikvah. Although one might think that the Gemara’s requirement to have an outhouse is no longer relevant, it is interesting to note the explanation of Rav Yaakov Emden in his glosses to the Gemara. He writes that even though people have bathroom facilities next to or in close proximity to their homes, this Gemara teaches us that it is necessary to have a public bathroom for those people who find themselves too far from home. As an aside, it is related that when Rav Yaakov Kaminetsky became rov of a town in Russia, there was no doctor. Out of concern for the Gemara’s requirement of a town doctor, Rav Yaakov took it upon himself to study medicine to the extent that he was satisfied that he could qualify halachically as the town doctor. Indeed, he became so proficient that a physician with whom he had a conversation assumed that Rav Yaakov was a certified practitioner!

Alarm Systems According to Chazal, one should not live in a city that does not have a warning system that danger is present. The source of this statement is the following Gemara (Pesachim 113a): “Do not live in a city in which a horse does not neigh and a dog does not bark.” Rashi explains that these animal noises provide protection against enemies and thieves.

Watch Out for the Hills The Gemara (Eruvin 56a) maintains that it is unhealthy to live in a city that has inclines and slopes, as the difficulty in climbing leads to premature aging (see Rashi ad loc.).

Ground Floor or Upper Floor? Where is it preferable to live – on the ground floor or on an upper one? Avos d’Rebbi Noson (25:5) lists several individuals “shechayehem einom chayim,” which literally translates as “their lives are not lives,” meaning that their lives are very difficult. One of those listed is “someone who lives on an upper floor.” Avos d’Rebbi Noson gives no indication whether this refers to anything above ground level or whether it is only applicable to a floor that is difficult to get to. Additionally, it would seem to be less of an issue in a building that has an elevator (see Sefer Habayis, chapter #1, footnote #11). It should be noted that according to some Acharonim, if a person has an opportunity to live on the top floor of a building, he should do so, as this gives him the chance to perform the mitzvah de’Oraisa of building a ma’akeh, a fence on the roof (ibid, quoting Kuntres Chikrei Halachos Vehalichos Shecheinim, #27).

Owning One’s Home The Yerushalmi (Mo’eid Katan 2:4) maintains that it is forbidden to move from one residence to another during chol hamo’eid, as it detracts from simchas Yom Tov. However, the Yerushalmi states that if one is moving into his own home, then it is permissible, “as it is a simcha for a person to live in what he owns.” We see from this Gemara the importance of owning a home. On the other hand, some maintain that this applies only in Eretz Yisroel. In chutz la’aretz however, it is preferable for a person to live in a rented home and not build homes at all, so as not to establish one’s residence in an impure land. This underscores the emunah in the future redemption and looking forward to Hashem’s salvation on a constant basis (Pele Yo’eitz, Binyan).

Eitzos versus Obligations As we mentioned at the outset of this article, the points that we discussed are non-binding suggestions made by Chazal and the Rishonim. However, it is important to point out that every Jew, no matter where he lives, has a constant obligation: to make a kiddush Hashem. The Gemara (Yuma 86a) cites the pasuk, “And you shall love Hashem, your G-d” (Devorim 6:5) and comments: “The Name of Heaven should become beloved through you. One should learn Tanach, study Mishnah and serve talmidei chochomim. His dealings with people should be with pleasantness. What do people say about him? ‘Fortunate is his father who taught him Torah, fortunate is his teacher who taught him Torah. Woe is to those who did not learn Torah! So-and-so, whom they taught Torah, see how pleasant are his ways, how perfected are his deeds.’ Concerning him the pasuk states: ‘And He said to me, you are My servant, Yisroel, through you, I am glorified’ (Yeshayahu 49:3).”

Rav Shlomo Aviner Giving Tzedakah without Offending Q: How can I give money to a family member who is in a bad financial state without offending him? A: Tell him that it is a loan, and then forget about it. Milk and Fish in One Oven Q: What is the Halachah if one cooked meat and fish in the oven at the same time but on different trays? A: If one did not drip on the other, it is, after the fact, Kosher. Aruch Hashulchan (Yoreh Deah 116:10).

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"The Jewish Journey" Rabbi Sacks' Covenant & Conversation 5777 for Vayishlach

Why is Jacob the father of our people, the hero of our faith? We are “the congregation of Jacob”, “the children of Israel.” Yet it was Abraham who began the Jewish journey, Isaac who was willing to be sacrificed, Joseph who saved his family in the years of famine, Moses who led the people out of Egypt and gave it its laws. It was Joshua who took the people into the Promised land, David who became its greatest king, Solomon who built the Temple, and the prophets through the ages who became the voice of God.

The account of Jacob in the Torah seems to fall short of these other lives, at least if we read the text literally. He has tense relationships with his brother Esau, his wives Rachel and Leah, his father-in-law Laban, and with his three eldest children, Reuben, Simon and Levi. There are times when he seems full of fear, others when he acts – or at least seems to act – with less than total honesty. In reply to Pharaoh he says of himself, “The days of my life have been few and hard” (Gen. 47:9). This is less than we might expect from a hero of faith.

That is why so much of the image we have of Jacob is filtered through the lens of midrash – the oral tradition preserved by the sages. In this tradition, Jacob is all good, Esau all bad. It had to be this way – so argued R. Zvi Hirsch Chajes in his essay on the nature of midrashic interpretation – because otherwise we would find it hard to draw from the biblical text a clear sense of right and wrong, good and bad. The Torah is an exceptionally subtle book, and subtle books tend to be misunderstood. So the oral tradition made it simpler: black and white instead of shades of grey.

Yet perhaps, even without midrash, we can find an answer – and the best way of so doing is to think of the idea of a journey.

Judaism is about faith as a journey. It begins with the journey of Abraham and Sarah, leaving behind their “land, birthplace and father’s house” and travelling to an unknown destination, “the land I will show you.”

The Jewish people is defined by another journey in a different age: the journey of Moses and the Israelites from Egypt across the desert to the Promised Land.

That journey becomes a litany in the parsha of Massei: “They left X and they camped in Y. They left Y and they camped in Z.” To be a Jew is to move, to travel, and only rarely, if ever, to settle down. Moses warns the people of the danger of settling down and taking the status quo for granted, even in Israel itself: “When you have children and grandchildren, and have been established in the land for a long time, you might become decadent” (Deut. 4:25).

Hence the rules that Israel must always remember its past, never forget its years of slavery in Egypt, never forget on Sukkot that our ancestors once lived in temporary dwellings, never forget that it does not own the land – it belongs to God – and we are merely there as God’s gerim ve-toshavim, “strangers and sojourners” (Lev. 25:23).

Why so? Because to be a Jew means not to be fully at home in the world. To be a Jew means to live within the tension between heaven and earth, creation and revelation, the world that is and the world we are called on to make; between exile and home, and between the universality of the human condition and the particularity of Jewish identity. Jews don’t stand still except when standing before God. The universe, from galaxies to subatomic particles, is in constant motion, and so is the Jewish soul.

We are, we believe, an unstable combination of dust of the earth and breath of God, and this calls on us constantly to make decisions, choices, that will make us grow to be as big as our ideals, or, if we choose wrongly, make us shrivel into small, petulant creatures obsessed by trivia. Life as a journey means striving each day to be greater than we were the day before, individually and collectively.

If the concept of a journey is a central metaphor of Jewish life, what in this regard is the difference between Abraham, Isaac and Jacob?

Abraham’s life is framed by two journeys both of which use the phrase Lech lecha, “undertake a journey”, once in Genesis 12 when he was told to leave his land and father’s house, the other in Gen. 22:2 at the binding of

Isaac when he was told, “Take your son, the only one you love – Isaac – and go [lech lecha] to the region of Moriah.”

What is so moving about Abraham is that he goes, immediately and without question, despite the fact that both journeys are wrenching in human terms. In the first he has to leave his father. In the second he has to let go of his son. He has to say goodbye to the past and risk saying farewell to the future. Abraham is pure faith. He loves God and trusts Him absolutely. Not everyone can achieve that kind of faith. It is almost superhuman.

Isaac is the opposite. It is as if Abraham, knowing the emotional sacrifices he has had to make, knowing too the trauma Isaac must have felt at the binding, seeks to protect his son as far as lies within his power. He makes sure that Isaac does not leave the Holy Land (see Gen. 24:6 – that is why Abraham does not let him travel to find a wife). Isaac’s one journey (to the land of the Philistines, in Gen. 26) is limited and local. Isaac’s life is a brief respite from the nomadic existence Abraham and Jacob both experience.

Jacob is different again. What makes him unique is that he has his most intense encounters with God – they are the most dramatic in the whole book of Genesis – in the midst of the journey, alone, at night, far from home, fleeing from one danger to the next, from Esau to Laban on the outward journey, from Laban to Esau on his homecoming.

In the midst of the first he has the blazing epiphany of the ladder stretching from earth to heaven, with angels ascending and descending, moving him to say on waking, “God is truly in this place but I did not know it . . . This must be God’s house and this the gate to heaven” (28:16-17). None of the other patriarchs, not even Moses, has a vision quite like this.

On the second, in our parsha, he has the haunting, enigmatic wrestling match with the man/angel/God, which leaves him limping but permanently transformed – the only person in the Torah to receive from God an entirely new name, Israel, which may mean, “one who has wrestled with God and man” or “one who has become a prince [sar] before God”.

What is fascinating is that Jacob’s meetings with angels are described by the same verb 'p-g-sh', (Gen. 28:11, and 32:2) which means “a chance encounter”, as if they took Jacob by surprise, which clearly they did. Jacob’s most spiritual moments are ones he did not plan. He was thinking of other things, about what he was leaving behind and what lay ahead of him. He was, as it were, “surprised by God.”

Jacob is someone with whom we can identify. Not everyone can aspire to the loving faith and total trust of an Abraham, or to the seclusion of an Isaac. But Jacob is someone we understand. We can feel his fear, understand his pain at the tensions in his family, and sympathise with his deep longing for a life of quietude and peace (the sages say about the opening words of next week’s parsha that “Jacob longed to live at peace, but was immediately thrust into the troubles of Joseph”).

The point is not just that Jacob is the most human of the patriarchs but rather that at the depths of his despair he is lifted to the greatest heights of spirituality. He is the man who encounters angels. He is the person surprised by God. He is the one who, at the very moments he feels most alone, discovers that he is not alone, that God is with him, that he is accompanied by angels.

Jacob’s message defines Jewish existence. It is our destiny to travel. We are the restless people. Rare and brief have been our interludes of peace. But at the dark of night we have found ourselves lifted by a force of faith we did not know we had, surrounded by angels we did not know were there. If we walk in the way of Jacob, we too may find ourselves surprised by God.

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Knowing What You Don’t Know; Preventing Needless Deaths by Jonathan Rosenblum - Mishpacha Magazine

All of us carry around a large stash of things we know. And an even larger stash of things we don’t know, and know we don’t know. Few of us, for instance, are likely to spend much time discussing the implications of the General Theory of Relativity, because we have only the dimmest conception of what it is, even if we know that such a

creature exists. As long as we know that we don’t know something, we are in a relatively safe territory. The problems start when we do not know that we do not know. A recent case in point from the life of your humble scribe. I have long known that the annual convention of Agudath Israel of America takes place on Thanksgiving weekend. Certainly that was the case every time I attended the convention in the past. My knowledge was not only based on experience, but logic as well: It makes sense to hold the convention over a four-day weekend when people are off from their jobs. So when I realized that the Thanksgiving date would allow me to attend the convention this year by merely extending by a few days a long-scheduled trip to speak in the 5Towns the preceding Shabbos, I quickly called Agudath Israel to find out whether they would be interested in my singing for my supper. They were, and found three slots for me, including one on leil Shabbos. It never occurred to me to ask the date of the convention or to pay much attention to the materials sent me, once I knew the topics upon which I was supposed to wax wise. So it came as quite a shock when one of my sons called the evening before I was supposed to fly to America, and informed me that I had a problem – i.e., the Agudah convention was scheduled for the coming Shabbos, not that of Thanksgiving. True, a dear friend had earlier sent me an email that he had seen an advertisement for a series of speeches in Woodmere the coming Shabbos, and expressing his opinion that would be a “considerable FEAT even for you.” But I made no effort to find out that the feat he had in mind was not having secured a speaking slot in a particular shul, but rather speaking in Stamford, Connecticut and Woodmere on the same Shabbos. In the end, it all worked out, more or less. I had a wonderful Shabbos in Woodmere and made new friends, and was still able to participate in two panels at the Agudah convention. While that involved travelling back and forth twice to Stamford, catching a remnant of the New England Fall, a season unknown to Israeli firs, brought back many happy memories and made the driving a pleasure. IT TURNED OUT THAT the date is not the only thing that has changed at the Agudah convention in the years since I last attended. Modern technology has come to the Agudah. Every non-Shabbos session of the sold-out convention was live-streamed to an audience of thousands more at home. There was a distinctly younger feel to the convention than the last time I attended, due to the major planning role of Shai Markowitz, director of Agudath Israel’s Lefkowitz Leadership Project, ably assisted by a cohort of young askanim, including Mishpacha’s own Yisroel Besser and Nechemia Hoch. In addition to the perennial favorites, such as Rabbi Paysach Krohn and Rabbi Yissochar Frand, I experienced for the first time a group of younger speakers – some of them multiple times – about whom I had heard a great deal, including Rabbi Shlomo Farhi from England and Rabbi Eytan Feiner. They far exceeded even my high expectations. Rabbi Yosef Elefant of Mirrer Yerushalayim is a former neighbor, and I have long been enamored of his shiurim on Rabbi Shlomo Wolbe’s Alei Shor, but this was the first time I had heard him at an Agudah convention. (It was not his first visit, and certainly will not be the last.) The Thursday night question and answer session with Rabbi Ely Brudny, Rosh Yeshiva, Mirrer Yeshiva, and his former talmid Rabbi Elefant was perhaps the highlight of the convention for me. I have never heard a gadol of Rabbi Brudny’s stature speak in quite so down-to-earth fashion, and I fully understand why his wisdom is in constant demand across North America. Watching the interplay between him and his former talmid, himself now a much sought after source of guidance to thousands of his own talmidim, was fascinating. With bulldog tenacity, Yisroel Besser pressed each question until satisfied that the person who had submitted the question had been fully understood and answered. One thing has not changed, however: the work of Agudath Israel in the halls of government. Indeed that work only grows, with a legion of full-time Agudath Israel representatives now involved at the state and regional level, with Abba Cohen still holding down the fort in Washington D.C. After all the oratorical fireworks of the Motzaei Shabbos keynote session, it was left to Agudah’s Executive Vice-President Chaim Dovid Zwiebel, to calmly, but movingly, sum up the impact of the work of Agudath Israel – and the various threats to that work. The governmental work of Agudath Israel brings in, sometimes alone and sometimes in tandem with others, many tens of millions annually. The challenge Agudah faces is that it has been doing this largely behind-the-scenes work for so long and so effectively that it is taken for granted. As a community, we have a responsibility to make sure that the full impact of what Agudah has achieved is not fully appreciated for the first time when it is no longer there.

Preventing Needless Deaths After the Shabbos davening at Congregation Aish Kodesh of Woodmere last week, I was approached by an earnest young man, who introduced himself as Dr. Rabin Nahmani, a gastroenterologist with a group practice in Brooklyn. He is also an Assistant Professor of Medicine Albert Einstein College of Medicine, Director of Medical Education and Research, Division of Gastroenterology, Maimonides Medical Center, and a musmach of Rabbi Abba Bronspigel. Despite the fact that I was rushing to another shul, what he told me was sufficiently important to stop and listen and to share with Mishpacha readers. It could be life-saving. Dr.

Nahmani's practice group maintains 30 separate clinics and covers virtually all the ethnic groups of Brooklyn. And it is his firm impression that from Jews are far less likely to utilize preventative testing for colon cancer than are other ethnic groups. The religious Jews he sees in Williamsburg and Boro Park, he told me a follow-up phone conversation, are far more likely to come for examination only after the growth of the polyps in the gastro tract have become symptomatic, usually in the form of rectal bleeding. At that point, the polyps are usually enlarged or, *chas ve'shalom*, cancerous. Statistics about utilization of preventative testing – i.e., a colonoscopy – by religious group are hard to come by. For one thing, there is often a reluctance to ask patients their religion, or to keep statistics based on religion. And even in neighborhoods with high concentrations of religious Jews, such as Williamsburg and Boro Park, there is an admixture of other racial and ethnic groups. So neighborhood statistics on utilization are inadequate for determining that of frum Jews. Nevertheless, Dr. Nahmani estimates that among those in the age groups for whom periodic colonoscopies are recommended only about 40% of religious Jews in Brooklyn are having the recommended colonoscopies, versus 65% of the general population. That is tragic for several reasons. First, colon cancer is the second major killer after lung cancer in the United States. Second, there is a higher incidence among Jews of diseases of the gastroenterological tract – e.g., ulcerative colitis, Crohn's disease – all of which create a predisposition to colon cancer. (Among blacks the incidence of colon cancer is even higher, and earlier testing is recommended.) Third, and most important, colon cancer is almost totally preventable with periodic testing, and that testing is readily available. Maimonides Medical Center, for instance, offers a free testing program for the uninsured, and many insurance companies, recognizing that prevention is far cheaper than any cure for colon cancer, offer discounts for those who undergo periodic testing. The current recommendation is for a colonoscopy once every ten years starting from age fifty (45 for blacks), and once every five years for those with a first-degree relative who had colon cancer or advanced polyps. (There are different opinions as to whether a grandparent constitutes a first-degree relative.) Unlike other forms of screening, the colonoscopy is itself a near full preventative since any polyps found are removed during the procedure before they become cancerous. I asked Dr. Nahmani why he thought the use of colonoscopies is lower in the religious community. He could not be sure. But he suggested that many in minority communities, for instance, know that they are not medically sophisticated, and are therefore inclined to follow their primary caretaker's instructions. Religious Jews, by contrast, have a tendency to think that they understand more than everyone else, even in those (rare) cases when they do not. And not knowing what they do not know – i.e., precisely how beneficial preventative screening for colon cancer is – can be fatal.

Ohr Somayach :: Torah Weekly :: Parshat Vayishlach For the week ending 17 December 2016 / 17 Kislev 5777 Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com His Heart's Desire "And Yaakov became frightened, and it distressed him." (13:17) Rashi explains that, sensing his forthcoming encounter with Esav, Yaakov "became frightened" lest he be killed, and "it distressed him" lest he kill Esav.

The halacha states that if someone comes to kill you, it is a mitzvah to preempt him and kill him first. Given that Yaakov knew this mitzvah, why should he be distressed? Yaakov Avinu certainly knew the difference between sensitivity and sentimentality.

The only reason that Yaakov bought the portion of the firstborn from Esav was so he could perform the Divine Service of the Beit Hamikdash. The Shulchan Aruch, the universal Code of Jewish Law, says (Orach Chaim 128:35) that a kohen who kills someone, even inadvertently, may no longer "duchan" (he may no longer raise his hands in the priestly blessing), for "his hands are full of blood." If bloody hands proscribe the giving of the priestly blessing, all the more so would be forbidden the higher level of the Temple Service at the Altar.

Thus, were Yaakov to kill Esav he would forfeit the Temple Service, and the buying of the firstborn's portion would have been for naught (not to mention the concomitant hatred of Esav).

For this reason Yaakov was distressed at the possibility that he might have to kill Esav and lose his heart's most precious desire. © 1995-2016 *Ohr Somayach International*

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Rabbi Dr. Tzvi Hersh Weinreb

OU Torah Rabbi Weinreb's Parasha Column, Vayishlach "Jacob's Strategy: A Model for Jewish Leadership?" Regular readers of this column on the weekly Torah portion are familiar with my style. They know that I usually focus upon some early personal memory and connect it to the parasha. Within each parasha, I select a less-known incident, or relatively minor personality for reflection and elaboration. I rarely deal with the major issues of the Torah interpretation, and I steer clear from both grand philosophical themes and the upheavals of world history. This week's column will be somewhat different from my customary style. I intend to go beyond my usual microcosmic interests and will instead relate to a macrocosmic phenomenon. I refer to the cyclical nature of history, a process epitomized in the old adage, "History repeats itself." This phenomenon is especially important to students of the Book of Genesis, which is read in the synagogue every Shabbat during this time of year. I say this because our Sages have told us that the events of all of Jewish history are "repeats" of the narratives we are currently reading and studying. They have taught us that "ma'aseh avot siman labanim, the stories of the Patriarchs are precursors for what will happen to their descendants." Rabbi Moses ben Nachman, known as Ramban or Nachmanides, commits himself, in his renowned commentary, to finding predictions of future Jewish events in the narratives of Abraham, Isaac, and Jacob. Perhaps more than any other traditional commentator Ramban insists that we read these Torah portions closely enough to be able to discover patterns of events that occurred to the Jewish people centuries, and even millennia, after the accounts described in these readings. It is, therefore, no wonder that Ramban finds the opening drama of this week's parasha, Parashat Vayishlach (Genesis 32:4-36:43), especially significant. By the time we begin this week's Torah reading, we are already thoroughly familiar with the enmity that Esau bears toward Jacob. Just two weeks ago, in Parashat Toledot, we read: "Now Esau harbored a grudge against Jacob because of the blessing which his father had given him, and Esau said to himself, 'Let but the mourning period of my father come, and I will kill my brother Jacob.'" Jacob's mother, Rebecca, knew of Esau's hostility, and it was at her urging that Jacob fled Beersheba and sojourned for many years in the faraway land of Haran, where he married, raised a large family, and amassed significant wealth. This week, we read of Jacob's return to Canaan, but not before he must deal with the unavoidable encounter with his hostile sibling. How does Jacob prepare for this frightening encounter? The Torah tells us that he prepares in several ways: he readies himself for battle, he sends gifts ahead to try to mollify Esau, and he prays to the Almighty. Additionally, we learn that he divided the people with him into two camps, reasoning that "if Esau comes to one and attacks it, the other may yet escape." We then learn Esau approaches Jacob and his camp, accompanied by a small army of four hundred men. At this point, Jacob humbles himself extremely. "He himself went on ahead and bowed low to the ground seven times until he was near his brother." Esau greets him, embraces him, kisses him, and weeps with him. But that does not bring the bowing to an end. The maids and their children bow low, as do Leah and her children, and even Joseph and Rachel "came forward and bowed low." Jacob begs Esau to accept his gifts, and repeatedly refers to him as "my lord." He does not merely humble himself; he subjugates himself and demeans himself before his brother. The fact that Esau has apparently relinquished his enmity and seems ready to restore brotherly relations does not convince Jacob to cease his abject behavior. Eventually, Esau and Jacob take leave of one another. Esau offers, "Let us start on our journey, and I will proceed at your pace." Esau seems ready to offer Jacob equality. But Jacob refuses Esau's offer and, consistently referring to him as "my lord," he says, "Let my lord go on ahead of his servant, while I travel slowly." Jacob seems to prefer a subsidiary status. What does all of this mean for future relationships between the descendants of Jacob and the descendants of Esau? If one is to take the

phrase “ma’aseh avot siman labanim” seriously, one must consider Jacob’s behavior as a blueprint for the Jews’ relationship with other nations for all future time. Is this the prescribed policy for the Jewish nation’s dealings with other nations throughout our history? Are we to bow and beg forever, ignoring the conciliatory behaviors that other nations demonstrate toward us? Are we to also reject offers of equality and insist upon subsidiary status?

These questions call to mind the numerous occasions in our history when they were very relevant to Jewish policy makers. Even today there are those who, on religious grounds, insist that we must not assert ourselves in the international arena. We must avoid confrontation, even if it means forgoing rights and privileges. We must follow Jacob’s example, they argue. Others vehemently disagree. They see this passive behavior as surrender. For them, this behavior was a nearly fatal flaw that has haunted us throughout the many centuries of our galut. It is here that we are advised to carefully examine the words of those commentators who have explored these issues in terms of the story of Jacob and Esau’s confrontation. Chief among them is Ramban himself, who criticizes Jacob for humbling himself before Esau and referring to himself as “your servant Jacob.” In fact, Midrash Rabba goes even further and states: “The moment that Jacob referred to Esau as ‘my lord,’ the Holy One, Blessed Be He, said to him, ‘You have lowered yourself and designated him as your master eight times. I swear that I will install eight kings from among his descendants before your descendants attain to positions of royalty.’” How telling is the passage in Midrash Rabba, not on the Book of Genesis, but on the Book of Esther, which teaches us that Mordecai was chosen to be the hero of the Purim story, because as a descendant of Benjamin he could courageously and successfully defy Haman. Benjamin was the only one of Jacob’s children who did not bow before Esau.

Benjamin was not yet born at the time of the story of Jacob’s encounter with Esau. These passages in the writings and teachings of our Sages do not see Jacob’s behavior as the perfect model for future relationships between the Jews and their enemies. They find Jacob’s behavior weak and ultimately ineffective. Instead, they glorify Mordecai and Matityahu, heroes of the stories of Purim and Hanukkah. Can it be just a coincidence that in little more than a week, we will recall and joyously celebrate the Hanukkah story and Matityahu’s courageous leadership? The medieval commentary authored by Ba’al Haturim puts it this harshly: “Jacob’s fear of Esau, addressing him as ‘my lord,’ caused his descendants to become exiles among the other nations.” Another commentary reminds us of an ancient proverb: “He who makes himself a sheep will be devoured by the wolves.”

Intellectual honesty demands that I at least refer to other traditional commentaries which value Jacob’s behavior and do recommend it as a model for future confrontations between Jews and their enemies. Thus, the Midrash Lekach Tov suggests that all Jewish leaders who find themselves dealing with the leaders of other nations are to study this week’s Torah portion and to learn from it strategies of appeasement and compromise. The 16th century Jewish Italian commentator, Rabbi Obadiah Sforno, also adopts this position and lauds Jacob’s tactics. There are no easy answers to the dilemmas of leadership. But the leaders of today are well advised to study this week’s parasha well, with all of its diverse interpretations, and decide for themselves which tactics to choose at today’s crucial juncture of world history.

Personally, I am convinced that if they do study the parasha, they may find that there were times when Jacob’s way was sadly necessary. But I wager that today, they will find the strategies of Mordecai and Matityahu more compelling. I pray that they will find them effective. © 2016 Orthodox Union

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Rabbi Shmuel Rabinowitz

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The Jerusalem Post Parashat Vayishlah: A small iniquity, a large iniquity Rabbi Shmuel Rabinowitz

In this week’s parasha of Vayishlah we read a short story that is hard to digest. Jacob returns from Haran to his parents’ home in Canaan after 22 years of exile. When he left his parents, he was poor, alone and frightened. After 22 years, he returns as the head of a tribe, accompanied by four women, 11 children and many assets.

On the way, a short distance before reaching his destination, his parents’ home in Hebron, his beloved wife Rachel gives birth to her second son, Jacob’s 12th, and dies in childbirth. This in itself is a very sad story, but it is not the one that is hard to digest.

Immediately following Rachel’s death and burial on the main road, we read a short and horrifying story: “Reuben went and lay with Bilhah, his father’s concubine” (Genesis 35:22).

What was the background to this deed? What motivated Reuben to do such a thing and what was he hoping to gain by it? How did Jacob deal with his oldest son’s act? The sages of the Talmud explained this story in a way that seems odd at first glance: “R. Samuel b. Nahman said in R. Jonathan’s name: Whoever maintains that Reuben sinned is merely making an error.... Then how do I interpret, ‘and he lay with Bilhah, his father’s concubine’? This teaches that he transposed his father’s couch, and the Writ imputes [blame] to him as though he had lain with her” (Shabbat 55).

From where did the sages of the Talmud get this interpretation? They looked at the story’s context and understood that it could not be taken literally. Immediately after the short description of Reuben’s act, the Torah says: “and so, the sons of Jacob were 12. The sons of Leah [were] Reuben, Jacob’s firstborn....” If Reuben had indeed committed the act described, why would the Torah emphasize right afterward that Jacob had 12 sons and the oldest was Reuben? One would expect that after such a deed, if it had indeed occurred, Reuben would be completely rejected by Jacob’s family.

Furthermore, when we read Jacob’s words before he dies, when he parts from his sons, we see that Reuben is punished for his deed and he is denied the privileges of the firstborn. But there the punishment ends.

Reuben is not rejected by the family and is not even strongly rebuked for what he did.

Why, then, did Reuben move his father’s bed? Rashi (Rabbi Shlomo Yitzhaki, France, 11th century) explained that after Rachel’s death, Jacob took his bed from Rachel’s tent and transferred it to the tent of Bilhah, Rachel’s maidservant, rather than to the tent of his other wife, Leah. This act and the accompanying humiliation hurt Reuben and he lost his senses. Impulsively, he went and hid his father’s bed.

This interpretation seems reasonable but raises another question: If Reuben did not actually commit the serious act described in the Torah, but only hid his father’s bed, why is the description in the Torah so incriminating? The reader who does not discern the narrative context and is unaware of the sages’ interpretation would be convinced that the story describes a disgraceful and scandalous act. Wouldn’t one expect the Torah to describe Reuben’s behavior more accurately and less harshly? During the 19th century and the first half of the 20th century, a Jewish spiritual movement called the Musar (morality) movement developed. This movement viewed Judaism as a way to repair man in all spheres of life, and gave in-depth interpretations to mitzvot and Torah stories through psychological analysis and comprehension of the human spirit. Its adherents developed unique methods of understanding the motives behind the acts described by the Torah and they clarified the lessons learned from these stories.

One of the important thinkers of the Musar movement was Rabbi Natan Zvi Finkel (1849-1927), called the Saba (grandpa) of Slabodka for the yeshiva he founded in Slabodka, Lithuania. He saw the question regarding Reuben’s actions as an opening into a deep understanding of man’s soul.

In man’s soul, he said, there are urges that could lead him to the ugliest of actions. But these drives are not always expressed fully. Sometimes they are expressed in a relatively mild manner, as a result of the circumstances, moral restraint, social norms, etc. But this does not mean that the act performed

points to the whole picture of what is happening in the person's soul. It could be that a small iniquity is indicative of a much larger one that was not fully implemented.

This is how it was with Reuben. Though his act was a relatively minor iniquity, the Torah tells us that behind this deed lay a serious offense that might have led to a much more grievous act. This is why it was important that we read the blatant and harsh description.

We mustn't think that a small iniquity is inconsequential.

There might be a much stronger emotional basis, which is latent, that for now is being somehow restrained.

This understanding provides us with a different perspective regarding "minor" moral issues. Simple things are never insignificant. The most minor of inequities can indicate deep moral corruption. Distancing oneself from inequities can never lead to greater ones. Integrity, honesty and innocence are values that should guide us even in our simplest and most minor of actions. *The writer is the rabbi of the Western Wall and holy sites. Copyright © 2016 Jpost Inc.*

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Parsha Parables By Rabbi Mordechai Kamenetzky

Drasha Parshas Vayeitzei Brothers in Scorn Rabbi Mordechai Kamenetzky

Dedicated in Honor of the First Yahrzeit of Chana Hinda bas R' Aharon Mordechai

Yaakov's first encounter with his future wife Rachel was significant, encompassing varied emotions, each of which merits lengthy discussion. Upon greeting her at a well, Yaakov feeds her sheep, kisses her, cries, and then identifies himself as the brother of her father. (Genesis 29:11-12)

Such classification needs explanation. Yaakov was not a brother of Rachel's father Lavan: he was a nephew, the son of Lavan's sister, Rivka.

Why, then, did Yaakov refer to himself as a brother of Lavan? The Talmud in Megilah explains that Lavan's notorious reputation preceded him. He was nicknamed Lavan HaArami, or Lavan the charlatan. He was known not only to be avaricious, but to be unscrupulous as well. Yaakov wanted to lay the ground rules with his future bride.

"If your father will act conniving then I am his brother [meaning, I will act conniving as well]. However, if he will act honorably I will respond in kind."

What needs clarification, however, is why begin a marital relationship on such a note. What precedent is Yaakov setting with such a powerful declaration?

Rabbi Meir Shapiro (1887-1933) was a leader of Polish Jewry in the years before World War II. In addition to being the chief Rabbi of Lublin, building and maintaining one of the world's largest and most beautiful yeshivos, Yeshivas Chachmei Lublin, he was also one of the first Orthodox members of the Polish parliament, the Sejm. He was a courageous leader whose vision and unwavering commitment to Torah values gained him the respect of Jews and gentiles alike.

During his first weeks as the leader of the Orthodox Jewish delegation, Rabbi Shapiro was approached by a Polish parliamentary deputy, Professor Lutoslawski, a known anti-Semite whose devious legislation constantly deprived minorities of their civil and economic rights.

Standing in front of a group parliamentarians in the halls of the Sejm, the depraved deputy began. "Rabbi," he shouted, a sly smile spreading across his evil face. "I have a wonderful new way for Jews to make a living — they can skin dead dogs."

Without missing a beat Rabbi Shapiro shot back. "Impossible, their representatives would never allow it."

The Professor looked puzzled. "Whose representatives? The Jews'?"

"No," smiled Rav Meir, "the dogs' deputies."

Flustered, the vicious bigot tried one more. "Well, my dear Rabbi," he continued sarcastically. "Do you know that on the entrance gate of the city of Schlesien there is an inscription, 'to Jews and dogs entrance forbidden?'"

Rabbi Meir just shrugged his shoulders. "If so, I guess we will never be able to visit that city together."

Needless to say, nary an anti-Semitic word was ever pointed in Rabbi Meir's direction again.

Yaakov knew that to initiate his destiny in the confines of a hostile environment he should proclaim the rules loud and clear. He would not allow himself to be swayed, duped, or connived by even the master of deception and ridicule, Lavan the charlatan. In forging the household that would be the basis for Jewish pride and eternity, Yaakov had to make it clear to his future bride that he too could play hardball. He sent a message of pride and awareness to his descendants. Though this Jew who sat in the tent would enter his new environment with brotherly love, if he needed to, he could just as well be a brother in scorn. *Good Shabbos ******

All... Most Yaakov prepared himself to confront his brother — a man who 22 years ago set out in a rage to kill him. Yaakov had no idea what this encounter would yield. All he knew was that his brother Esav was fast approaching with 400 armed men. And the prospects for peace were dim. There was little to do. He prepared for war, but he also prepared to avert war by offering gifts to appease the wrath of his mighty kin. He sent messengers laden with sheep, cattle, donkeys and camels all as offerings of peace to Esav. The bribe worked and the encounter that ensued was not confrontational at all. Yaakov greeted his older brother with great dignity. He bowed and called him, "my master." At first, Esav declined Yaakov's generous gifts. "I have much, let what you have remain yours." (Genesis 33:9) Yaakov urged Esav to accept the offering. "Please accept my gift," he pleaded, adding that "G-d has been gracious to me and I have everything." (Genesis 33-11) Ultimately Esav agreed, accepted the gifts and made a counteroffer. He asks Yaakov to join him or at least let his men accompany Yaakov and his family on their journey. Yaakov refused the magnanimous offer from his former enemy and the brothers parted ways. Esav left toward his destiny — Seir — while Yaakov traveled to a town he named for its symbolic transience — Sukkoth, meaning tents. What are the roots of these brothers' ideological differences. One refused generous offers from his former nemesis; the other accepted. One travels with an entourage, and the other only with family and some servants. One traveled toward his permanent home and the other names the resting place with a word that means huts. The Rebbe, Reb Ber of Mezritch, was once approached by a chasid who had a very common problem. "Rebbe," he pleaded. "I never seem to have enough. The more I get, the more I want. I know it is improper to think this way and I need help." The rebbe told the man to visit Rebbe Zusia of Anipoli. "He can guide you with your difficulty." The man was shocked as he approached Reb Zusia's residence. He saw a ramshackle wooden hut with boarded windows. Upon entering, the poverty was overwhelming. The man figured, "surely this is a man who is in constant need. He hardly has what he needed, and must grapple with new desires on a constant basis. He surely will be able to counsel me on my longing for the articles that I lack." The man discussed his problem with Reb Zusia, but Reb Zusia looked at him in amazement. "What are you coming to me for? How can I advise you? I have absolutely everything I need!" There is a distinct difference in how Yaakov and his brother Esav perceived their lot. Yaakov said he had everything. He needed no favors, wanted neither gifts or help from Esav, and was very happy to live in a tent city named Sukkoth. Esav only had most of what he wanted. If you push the right buttons, he could be bought, cajoled and swayed for a little more. The vision of one's future is determined by the essence of one's present. One who believes he has only most of what he can acquire will not be satisfied until he has it all and he will never have it all. But one who feels he has it all, will be most happy — always. *The author is the Dean of the*

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torahweb.org Rabbi Yakov Haber On the Torah's Attitude Toward War and Justified Self-Defense[1]

"Vayira Yaakov m'od vayeitzer lo - And Yaakov was intensely afraid and was distressed" (VaYishlach 32:7). Commenting on the seeming redundancy of the verse, Rashi quotes from the Midrash: "vayira" - lest he be killed; "vayeitzer lo" - lest he kill others. At first glance, the second concern is difficult. Since Eisav and his men were presumably coming to kill Yaakov, he would be allowed and even required to defend himself even using deadly force. Why would this "distress him"? Many commentaries on Rashi deal with this question. Mizrachi explains that concerning Eisav, Yaakov's was worried that if he killed him, Yitzchak, having been deceived as to Eisav's true nature, would curse Yaakov thinking that Yaakov had killed an innocent man. Regarding Eisav's men, Mizrachi suggests that Yaakov was concerned that he would be required to use non-deadly force (echad mei'eivarav) to defend his family if possible as mandated by the Torah and, in the heat of battle, would kill them instead.[2]

Gur Aryeh presents the possibility that Yaakov was concerned that Eisav's men were forced to join Eisav and were not intent on harming Yaakov. However, since this was unknown to Yaakov, he would have to utilize deadly force against them to protect himself. In response as to why this was a cause of distress since Yaakov would have the right to assume they were attempting to kill him, Maharal compares it to an unknowing sin, a cheit beshogeig. This approach appears to be difficult since if Yaakov would have a right to assume that they came to harm him, he would be totally justified in eliminating the threat. Why should this be considered a cheit beshogieg? Rav Yehoshua Hartman in his footnotes to Gur Aryeh explains that concerning killing, the resultant taking of an innocent life even if done in accordance with halachic directives still requires kappara.[3]

Nachalas Yaakov offers a third approach. The Gemara (Berachos 7a) quotes the verse in Mishlei (17:26) "Gam anosh latazadik lo tov" which it interprets to mean that punishing is not ideal for a righteous one to do. Here too, Yaakov, even if justified in defending himself from Eisav, did not wish to have to do so.

Apparently Mizrachi and Gur Aryeh who do not offer Nachalas Yaakov's approach do not view the act of killing the wicked in self-defense as being in any way objectionable. Perhaps this debate is reflected in the debate between R' Eliezer and the Chachamim concerning whether weaponry is considered an ornament with respect to carrying on Shabbos (see Shabbos 63a). R' Eliezer, based on a verse in Tehillim, maintains that it is viewed as an ornament to which the Sages reply that it is a disgrace (genai), and this is why all forms of war and weaponry will be nullified in the Days of Mashiach. R' Eliezer seems to view killing the enemy in war time as something positive as any other mitzvah would be viewed. Those who would harm and destroy the Jewish people should be destroyed; this is a source of pride not shame.[4] Chachamim seem to hold otherwise. True, destroying the enemies of Israel is a mitzvah, but it is not a source of pride; we would rather not have to do so. My Rebbe, Rav Hershel Schachter shlit"a often taught, "War is a mitzvah, but like maror not matza!">[5]

Perhaps we can offer an additional explanation to Yaakov's distress. The commentaries note that Shmuel HaKatan was the one chosen to author the blessing of VeLamashanim in the Amida since he taught in Pirkei Avos (4:19), "Binfol oyivcha al tismach - When your enemy falls do not rejoice." Consequently, he would write this blessing not with a sense of personal

vengeance against the wicked for harm caused to him but would concentrate on the destruction of the wicked as a means of eliminating those who were preventing Hashem's master-plan for the world from coming to fruition. In other words, he would write the blessing l'sheim shamayim and not for personal, vindictive reasons. Based on this idea, Rav A. Y. HaKohen Kook zt"l explained why once Shmuel HaKatan, as sh'liach tzbur, paused in reciting the blessing (Berachos 28b). Could the author himself have temporarily forgotten his own blessing?! Rather, he was then feeling personal anger toward the wicked; he therefore waited until he could recite the blessing with concentration totally for the sake of Heaven.

Rashi (32:22) quotes from the Midrash that the absence of Dina from the procession bowing to Eisav indicates that Yaakov placed her in a box and locked it so that Eisav should not see her and desire to marry her. Because of this, Yaakov was punished by having to undergo the anguish of her being attacked later by Shechem. Rav C. Y. Goldwicht zt"l, founding Rosh HaYeshiva of Yeshivat Kerem B'Yavneh, questioned why Yaakov was not justified in not wanting to risk his daughter marrying a rasha. Whereas she might have transformed him for the good, there was certainly a risk that he might transform her toward evil! Rav Goldwicht taught that the answer lies in the extra phrase, "and he locked it". By doing so and not sufficing with just closing the box, Yaakov Avinu acted reflecting a bit of personal enmity toward Eisav and was not acting totally l'sheim shamayim. Since HKB"H is very meticulous with tzaddikim, Yaakov was punished for this lapse.

Based on this idea, perhaps that is the reason for Yaakov's distress. He was afraid that even if he would kill Eisav in self defense, there would be some personal enmity injected into the act, and it would not be done solely l'sheim shamayim.

The Jewish people are commanded by the Nosein HaTorah to engage in a broad range of commandments in His service. Some are intuitive, even second nature; others challenge us to submit to the Divine will even against our nature. Following the directives of the Torah even if against popular societal notions or norms is always inherently morally correct. Nevertheless, the sensitivity that our Sages have expressed regarding the loss of any innocent life or even the need to take a life reflects a holistic, moral value system filled with nuance conveyed to us by our Creator.

[1] Many more sources are relevant to this broad topic. Here, we quote some of them emphasizing the commentaries on our parasha. Also see Megilla (16a). [2] See Mizrachi for a distinction discussed and debated at length by the acharonim that to defend oneself, there is no need to attempt to disable the attacker; deadly force can always be used. See Rav Rosen, Techumin (10:pp. 76 ff.). [3] This perhaps is relevant to the taking of civilian lives in war time. Even though this is justified if necessary to achieve the military directives (see Gur Aryeh to 34:13), it might still require kappara. V'tzarich iyun. [4] See Malbim to Tehillim (149:9) who expresses a similar thought. Also compare Sha'ul HaMelech's misguided argumentation in sparing King Agag and the cattle of Amaleik and Chazal's rebuke of his logic (Yoma 22b). [5] I hope I have presented his view accurately. However, see Igros Moshe (Orach Chaim 4:81) where Rav Moshe Feinstein zt"l explains that in the view of the Chachamim, the disgrace is not the need to kill the enemy but the fact that our sins caused the murderous enemy to arise in the first place. Copyright © 2016 by TorahWeb.org

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ravkooktorah.org Rav Kook Torah VaYishlach: The Prohibition of Gid Ha-Nasheh

Jacob was limping, but he had survived the nighttime struggle at Peniel. Nervously awaiting a confrontation with his estranged brother Esau, Jacob was attacked by a mysterious opponent. With the approach of dawn, the

stranger dislocated Jacob's thigh. "Therefore the Israelites do not eat the displaced nerve ("gid ha-nasheh") on the hip joint to this very day, because he touched Jacob's thigh on the displaced nerve." (Gen. 32:33) What is the significance of this prohibition? Do we refrain from eating the sciatic nerve only to commemorate a mysterious wrestling match that took place thousands of years ago? A Vision of Violence At first glance, the prohibition of gid ha-nasheh appears to be yet another limitation that the Torah places on eating meat. While the Torah permits the consumption of meat, it instituted a number of restrictions, such as which animals may be eaten, how they are to be slaughtered, how their blood should be handled, and so on. These regulations indicate that we may not deal with animals as we wish, without regard for their welfare. On the contrary, we have moral obligations and responsibilities towards animals. The prohibition of gid ha-nasheh, however, is meant to project a broader ethical aspiration, beyond the issue of how we should treat animals. According to tradition, the stranger who fought Jacob that night was the guardian angel of Esau. Jacob's opponent symbolized the lifestyle of the hunter, a man of violence and conquest whose prophetic blessing was that he would live by his sword. This nighttime struggle was not a private experience, a personal event in Jacob's life. It was a vision for all times. It epitomizes our constant battle against belligerent foes who claim the right to subjugate others by virtue of their physical strength and military prowess. This struggle appeared to Jacob in its most unadorned fashion, without any pretense of gallantry and shining swords to mask its visceral violence and naked aggression. For the truth is that all wars, no matter how 'civilized,' are nothing more than a brutal struggle to subdue and conquer. If there is one area in which the human race is continually advancing, it is the art of war. Methods and tools of combat constantly grow ever more sophisticated. We have progressed from primitive spears and swords to guns and canons, and onwards to modern warfare with armored tanks, fighter jets, and nuclear bombs. And yet the essence of war remains the same: one-on-one combat between two opponents. All warfare boils down to the violent struggle to overcome and subdue, where victory is achieved by felling one's adversary. **Protesting Aggression** By not eating the gid ha-nasheh, we demonstrate our revulsion at unprovoked aggression and violence. Just as Jacob fought Esau's angel that night, we also oppose the cynical belief in 'the right of might.' There is no legal or moral right to terrorize and subjugate those who are weaker. While nationalism provides many benefits, in its extreme form it can descend into imperialism and fascism. As Rav Kook wrote in *Olat Re'iyah* (vol. I, p. 234): "Nationalism is a lofty emotion in its natural, pristine state. But if it is not directed towards the highest goal — the aspiration of universal happiness and perfection — it will end up crossing the boundaries of morality." We may need a strong army to defend ourselves, and we may need to slaughter animals to provide for our physical needs. But by refraining from eating the gid ha-nasheh, we demonstrate that our goal is not to subjugate others, whether man or beast. Even as we eat the meat of animals, we avoid the sciatic nerve that allows the body to stand upright. This is a moral sensitivity which should govern every form of interpersonal interaction, enabling all to benefit from a Divine-spirited and harmonious existence. (*Sapphire from the Land of Israel. Adapted from Oztrot HaRe'iyah vol. II, p. 507*)
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Ohr Somayach :: Insights into Halacha For the week ending 28 November 2015 / 16 Kislev 5776 The Gid Hanasheh Incongruity Rabbi Yehuda Spitz

In Parshas Vayishlach, after Yaakov Avinu's epic battle with Eisav's guardian angel[1], where he got injured in his hip socket[2], we are given a Biblical commandment, the third and last of the whole sefer Bereishis, that Bnei Yisrael may not partake of the Gid Hanasheh, the sciatic nerve, of any animal. Additionally, there is a Rabbinic prohibition on eating from the outer sinew of the animal's thigh tendon[3]. The Sefer HaChinuch[4] writes that

this mitzvah actually serves as a constant reminder that eventually we will be redeemed from this protracted exile.

To fulfill this mitzvah properly, every last trace of said nerves and the fat covering the sciatic nerve must be removed as well. This act is called nikkur, a.k.a. treibbering, deveining, or porging the forbidden nerves and fats, and it takes an expert to do it properly[5]. Trouble was the Traveling Treibberer

One of the most outstanding experts in hilchos nikkur known was Rav Yonason Eibeshutz zt"l (1690 - 1764), one of the greatest Torah giants of his period and famed author of 89(!) works[6], including the renowned Yaaros Devash, Urim V'Tumim, and Kreisi U'Pleisi. In the latter sefer, in his commentary to the laws of Gid Hanasheh[7], Rav Yonason recorded a fascinating historical incident, which posthumously sparked a raging halachic controversy.

He related that an expert porger came to town (Prague) claiming that the sinew that Jews have been removing for centuries was the wrong one! This treibberer alleged that a different sinew was the true Gid Hanasheh. The ramifications of his claim were gargantuan, for if it were deemed accurate, consequently all of World Jewry would have chas veshalom been eating non-kosher from time immemorial!

Rav Yonason writes that he showed this fellow the error of his ways as the sinew this porger was referring to was found exclusively in male animals, and could therefore not possibly be the correct one, for it states in the "SMAg (ostensibly the Sefer Mitzvos Hagadol, written by Rav Moshe of Coucy in the 13th century, Negative Commandment 139) that the prohibition of Gid Hanasheh applies to both males and females". With his vast knowledge and expertise, Rav Eibeshutz thus averted potential communal disaster. He concludes his passage reiterating the importance and necessity of a porger's proficiency and capability. **Kreisi Controversy**

However, as many puzzled people later pointed out, this logic seemed inherently flawed, as this quote does not actually appear in the SMAg! The SMAg in his actual quote (Mitzvos Lo Sa'aseh 139) was referring to people, not animals! In other words, he wrote that women were similarly obligated in keeping this prohibition as men do[8]. They wondered, is it possible the great Rav Eibeshutz could have made such a simple mistake? And, if so, what was it that the Kreisi U'Pleisi showed this traveling treibberer that refuted his taynos? Many scholars over the years searched for a proper solution to this perplexing conundrum.

One suggestion was that the porger was unlearned, and Rav Yonason wanted to expose his ignorance and therefore set a trap and easily refute him[9]. The issue with this is that, by Rav Yonason's own testimony, the porger was a "Talmid Chacham and expert", which would negate this solution.

The Pischei Teshuvah[10] cites the Toldos Adam, who takes a different approach and makes an example out of this story as proof that even Gedolim can err. Following this would mean that one may not partake in eating said meat without removing both sinews. Although the Toldos Adam's intent was merely to uncover the truth, he unwittingly fueled the fires of the Haskalah, as one of their primary goals was the undermining of Rabbinic authority[11]. In fact, this author personally heard noted historian Rabbi Berel Wein aver that the Haskalah used this story as propaganda to sway the masses.

On the other hand, many Rabbinic luminaries wrote responsae[12], including a tremendous pilpul by the Chasam Sofer[13], not only defending the Rav Eibeshutz's words from attack, but actually each citing different proofs and logic how his shittah is truly correct, that the Gid Hanasheh must be present in both male and female animals.

Several authorities[14] wrote that it must be a printing mistake and the correct point of reference was the S - H - G (ס"ה), referring to the Sefer Halachos Gedolos, a ninth century Halachic code which contains a section on hilchos treifos[15], who actually does imply that the Gid Hanasheh is found in both male and female animals. Others[16] feel that he meant "a sefer mitzvos gadol", meaning a big book of mitzvos, possibly referring to

the Sefer HaChinuch (Mitzva 3), who implies this as well. “VeHetzdiku es HaTzaddik”

However, the whole truth did not actually come out until 1930, when a rabbi in Los Angeles, Rabbi Shlomo Michael Neches, wrote in the Shaarei Tzion Torah Journal[17] that he had in his possession an original manuscript of the Kreisi U’Pleisi, and the words SMAG were crossed out by Rav Yonason Eibeshutz himself, and written on top of them were the letters S - H - N (ס"ה, which stood for Seder Hilchos Nikkur, referring to the Seder HaNikkur of the Baal Hatur[18]. There it was written explicitly that the Gid Ganasheh that both men and women are forbidden from consuming is found in both male and female animals. Finally and justly, a Gadol Hador was vindicated - 165 years after his death[19]!

Although we had to wait over a century and a half to attain clarity on this halachic mystery, it is imperative that we realize that our true mesorah (in this case - all the way back to Yaakov Avinu!) is rock solid and our chachamim are given special siyatta dishmaya to arrive at the correct halachic conclusions. It might take a century or even a millennium, but in the end we clearly see why our chachamim are called “Einei HaEidah”[20].

Postscript: Interestingly, and quite apropos, this fascinating historical episode has had a recent, and equally fascinating, addendum. Apparently, Rabbi Neches’ sefarim, including his original copy of the Kreisi U’Pleisi, were donated to the UCLA Research Library. Several scholars traveled there to see Rav Eibeshutz’s original amendment and came upon an astonishing discovery. It turns out that it was not the handwritten correction of that renowned Rav Yonason Eibeshutz, but that of another, later Rav Yonason Eibeshutz, who lived at least a century after the first. This second Rav Eibeshutz, a Torah scholar of note, was the Av Beis Din of Lashitz, Poland, and author of Shu”t Tiferes Yonason. Apparently, this was his personal copy of Kreisi U’Pleisi, and he was the one who made the amendment which was later proven accurate in shedding light on the original Rav Yonason’s puzzling citation, and not the author himself[21]. Either way, and whichever Rav Eibeshutz, we manifestly see the Divine orchestration involved in clearing up this complicated complexity of historical record.

This article was written l’Zechus for Shira Yaffa bas Rochel Miriam v’chol yotzei chalatzeha for a yeshua sheleimah teikif umiyad! For any questions, comments or for the full Mareh Mekomos / sources, please email the author: yspitz@ohr.edu. Rabbi Yehuda Spitz serves as the Sho’el U’ Meishiv and Rosh Chabura of the Ohr Lagolah Halacha Kollel at Yeshivas Ohr Somayach in Yerushalayim. He also currently writes a contemporary halacha column for the Ohr Somayach website titled “Insights Into Halacha”: http://ohr.edu/this_week/insights_into_halacha/.

[1] Bereishis (end of Ch. 32). This follows Rashi’s understanding (ad loc. 25, end s.v. vaye’aveik ish), based on the Midrash Rabbah (ad loc. 77: 3) and Midrash Tanchuma (ad loc. 8; who adds that the guardian angel of Eisav was Sama-el). However, there is another opinion, cited in Otzar HaMidrashim (ad loc.), that it was really the ma’alach Michael that Yaakov fought, and not Eisav’s guardian angel, in order to prove to Yaakov that he had nothing to fear from Eisav. [2] Due to the dictum of ‘Maaseh Avos Siman L’Banim’ [see recent article titled ‘Mysterious Omens and our Forefathers’] we are still feeling the repercussions of this act nowadays. See Chofetz Chaim al HaTorah to this parshah. [3] Gemara Chullin (Ch. Gid Hanasheh, 91a - 93b); Shulchan Aruch (Yoreh Deah 65, 8). [4] Sefer HaChinuch (Mitzvah 3). Several Rishonim, including the Ramban (Bereishis Ch. 32: 26), Rabbeinu Bachaya (ad loc.), Rashba (Chiddushei Agaddos, Chullin 91a), and Ra’ah (Pekudas HaLeviim, Brachos 33b), as well as the Midrash Rabba (Parshas Vayishlach 78, 5), also imply this message. See the Machon Yerushalayim version of Sefer HaChinuch (Mitzvah 3, footnote 3) at length. [5] See Shulchan Aruch and Rema (Yoreh Deah 65, 13 & 14), and their commentaries. [6] See preface to sefer ‘Chacham HaRazim - Rebbe Yonason Eibeshutz’. [7] Kreisi U’Pleisi (Yoreh Deah 65, Kreisi 16). [8] See for example, the Baruch Taam’s glosses to the Kreisi U’Pleisi ad loc. Although others, including the Tzemach Hasadeh (on Yoreh Deah 65, pg. 41), assumed he meant the SMaK, it is also not found there; neither is it in the Rambam’s Sefer HaMitzvos (Mitzvos Lo Sa’aseh 183). See also Rav Shmuel Ashkenazi’s Alpha Beta Tinyeisa D’Shmuel Ze’ira (vol. 1, pg. 195 - 196). [9] See Hegos B’Parshiyos HaTorah by Rabbi Yehuda Nachshoni, on Parshas Vayishlach, pg. 137. [10] Pischei Teshuva (Yoreh Deah 65, 2), citing the Toldos Adam (Rav Yechezkel Feivel Wolfe of Vilna; vol. 2, Ch. 15, pg. 237). [11] Paraphrase from Professor Shnayer Zalman Leiman’s excellent “Rabbi Jonathon Eibeshuetz and the Porger” (pg. 16). Thanks are due to Rabbi Eliezer Brodt, author of Bein Kesseh L’Ezor and Lekutei Eliezer, for providing me with this important source. [12] Including the Mahar”i Assad (Shu”t Yehuda Ya’aleh, Yoreh Deah 102), Rav Shlomo Kluger (Shu”t Tuv Taam V’Daas, Mahadura Kama vol. 1, 100) [neither of whom actually approved of the Chasam Sofer’s pilpul], the Butchatcher Gaon (Daas Kedoshim, Yoreh Deah 65, Hilchos Giddin HaAssurin 4; see explanation in Gidulei HaKodesh there, 1), the Ginzei Yosef (Shu”t 96, 2,

quoting the Einei Yisrael, the Mahar”i HaLevi (Shu”t vol. 1, end 36, s.v. mah shetamah), and the Arugas Habosem (Shu”t Yoreh Deah 64, 4). See also Rav Moshe Yosef Shapiro of Prague’s ‘Bris Avraham’ (Parshas Vayishlach) who, quite thoroughly argues on the whole premise of those who questioned Rav Eibeshutz, as once the Torah wrote that Bnei Yisroel may not partake of any Gid Hanasheh, it is patently obvious that it must occur in all kosher beheimos, with no differentiation between male and female. Additionally, as the Ramban writes in his preface to his Pirush HaMishnayos regarding the Torah’s ‘Pri Eitz Hadar’ being identified as the Esrog, once we have a Mesorah L’Doros dating back to Moshe Rabbeinu, all other so-called ‘proofs’ to the contrary immediately fall off. Therefore, he avers, the same would apply here as well regarding the Gid Hanasheh. [13] Shu”t Chasam Sofer (Yoreh Deah 69), cited approvingly by the Pischei Teshuva (ibid.) and Shu”t HaRava”z (Yoreh Deah 111). The Aruch Hashulchan (Yoreh Deah 65, 25, in the brackets) might be referring to this solution as well. [14] Including the Mishmeres Shalom (Yoreh Deah 65, Mishbetzos Zahav); Rav Avraham Shimon Traub, the Kaidan Gaon, in a new edition of Sefer Halachos Gedolos (pg. 296) that he published; the Ginzei Yosef (ibid.); and Rav Yosef Adler (cited in Shu”t Mishnah Halachos vol. 3, 67). The Tzitz Eliezer (Shu”t vol. 8, 25, 2 and vol. 18, 63, 6 s.v.v’ani) actually prefers this amending to the later one, opining that Rabbi Neches must not have been able to read Rav Yonason’s handwriting clearly. [15] BeHa”G (61, Hilchos Treifos pg 129a; exact location cited in Maadanei Hashulchan, Yoreh Deah 65, footnote 118). Still, others feel that the BeHa”G’s words are also not entirely clear that he was referring to female animals; see Haghos Rav Ezriel Hildesheimer to the BeHa”G (ad loc.), Chadrei De’ah (ad loc. 8), Giluy Daas (ad loc. 7), and Daas Yonason (glosses on the recent Zichron Aharon version of the Kreisi U’Pleisi 65, 16). [16] See Shu”t Mishnah Halachos (vol. 3, 68, s.v. u’mah). One can also infer this from the Minchas Chinuch’s comments (Mitzva 3, 13). [17] Shaarei Tzion Torah Journal(Choveret HaYovel 1930, 25) - under the title “VeHetzdiku es HaTzaddik” - “The Tzaddik Was Justified” (Devarim Ch. 25, verse 1); also printed in HaPardes Journal (vol. 4, Journal 1: 10 pg. 18 - 19). This important historical tidbit is found in Pardes Yosef (Parshas Vayishlach, 33 s.v. uv’kru’p), as well as in Torah Shleimah (Parshas Vayishlach, 169), and Shu”t Tzitz Eliezer (ibid.). It is also added as an important footnote in many recent editions of the Shulchan Aruch, some printed with the words “mitzvah l’farsem”. [18] Seder HaNikkur (Shaar HaRishon, Hechsher HaBassar 8b - exact location cited in Maadanei Hashulchan Yoreh Deah 65, footnote 118), also brought in the Tur (end Yoreh Deah 65), as well as in Rabbeinu Yerucham (Nesiv 15, 14, pg. 128b). According to Professor Leiman (cited above) the version Rav Eibeshutz showed the porger was the 1577 version with the glosses of Rav Tzvi Bochner, a master treibberer and contemporary of the Rema, as there are those [see Prishah (Yoreh Deah 65, 56) and Shu”t Mishnah Halachos (vol. 3, 68 s.v. bram and s.v. mevuar)] who explain that in other versions, the words “male” and “female” are actually referring to types of muscles, not the gender of the animals. [19] Also thereby proving that Rav Eibeshutz chose the right name for his sefer, Kreisi U’Pleisi - See Gemara Brachos (4a) and Rashi (ad loc. s.v. shekorsim). [20] Parshas Shelach (Bamidbar Ch. 15, verse 24). Interestingly, this author has seen it averred that history has proven that in the whole sefer Kreisi U’Pleisi on all of Yoreh Deah only one (!) actual mistake was found, but it turns out that it was clearly an error in Geometry - see Kreisi U’Pleisi (Tiferes Yisrael, Yoreh Deah 190, 14) and the Kitzur Shulchan Aruch’s Lechem V’Simlah (ad loc. Simlah 11). This will Bezr”H be addressed fully in this author’s upcoming maamar in Kovetz Eitz Chaim (vol. 25). [21] See Rabbi Yaakov Yitzchok HaKohen Miller’s maamar in Kovetz Hama’eyan (vol. 215; Tishrei 5776, pg 100 - 102), with pictures of the title page and amendment of Rabbi Neches’s copy of Kreisi U’Pleisi. Thanks are due to R’ Moshe Boruch Kaufman and R’ Dovid Wasserlauf for pointing out this startling recent development in the saga of Rav Eibeshutz and the traveling treibberer.

Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority. L’iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R’ Yechezkel Shraga, Rav Yaakov Yeshaya ben R’ Boruch Yehuda, and l’zchus for Shira Yaffa bas Rochel Miriam and her children for a yeshua teikef u’miyad! © 1995-2016 Ohr Somayach International