

Rabbi Wein's Weekly Blog
VAYEITZEI

Our father Jacob was a very strong and physically powerful person. We read of his physical prowess in his previous encounter with the shepherds of Haran and later of his wrestling match with the angel of Esav, at the river of Yaabok. His sons, though young in years, are also very powerful and strong physically and filled with self-confidence, without fear of confronting dangerous enemies. We will see that his two sons, Shimon and Levi, destroy the city of Shechem in their rage and sense of justified revenge for the behavior against their sister Dena. And according to Jewish legend, as quoted by Ramban in his commentary, Jacob engaged in many battles against hostile tribes after entering the Land of Israel.

And yet the overall picture of our father Jacob that emerges from the narrative recorded in the Torah is one of appeasement and an avoidance of confrontation at almost all costs. He allows both Lavan and Esav to threaten him and, in effect, he chooses to buy them off with words and gifts. There is little evidence of the true strength and power of Jacob in the Torah narrative itself. It is obvious that there is a dual nature present in the portrait that the Torah describes regarding our father Jacob. And there is a profound lesson present in that purposeful presentation that the Torah has made for us to learn and follow.

We are all aware that the narrative regarding the lives and experiences of our patriarchs and matriarchs is meant to be instructive, as are all the events in Jewish history. During first and second Temple times, when the Jewish people had national sovereignty, they engaged in many wars and battles and were well known throughout the area as a fierce foe. As a matter of fact, Josephus records that the wars of the Jews were the most fearsome in the history of the Roman Legions.

However, after the destruction of the second Temple and the rise of Christianity and later Islam, the Jews became a persecuted minority and almost powerless in terms of physical strength. The entire history of the exile is how the Jewish people lived by their wits, with low profiles and with appeasement of their enemies. Since the exile has lasted for such a long time, this attitude and self-assessment became ingrained in the Jewish psyche. It is only when the nadir of the Jewish exile was reached through the Holocaust that the situation of Jewish self assessment and self assertion began to change.

The creation of the State of Israel is undoubtedly the catalyst for this change. The success of the Jewish State, far beyond even the wildest hopes of previous generations, has emboldened Jewish life throughout the world. It has enabled Jews to become publically Jewish and observant even while holding high office in non-Jewish societies and countries. It is the time of the children of Jacob reasserting themselves in pride and strength. May it continue to embed itself in the brains and hearts of Jews.

Shabbat Shalom
Rabbi Berel Wein

When the "I" is Silent (Vayetse 5779)
Covenant & Conversation Judaism & Torah

This week's parsha relates a powerful, primal vision of prayer: Jacob, alone and far from home, lies down for the night, with only stones for a pillow, and dreams of a ladder, with angels ascending and descending. This is the initial encounter with the "house of God" that would one day become the synagogue, the first dream of a "gate of heaven" that would

allow access to a God that stands above, letting us know finally that "God is truly in this place."

There is, though, one nuance in the text that is lost in translation, and it took the Hassidic masters to remind us of it. Hebrew verbs carry with them, in their declensions, an indication of their subject. Thus the word yadati means "I knew," and lo yadati, "I did not know." When Jacob wakes from his sleep, however, he says, "Surely the Lord is in this place ve'anokhi lo yadati." Anokhi means "I," which in this sentence is superfluous. To translate it literally we would have to say, "And I, I knew it not." Why the double "I"?

To this, Rabbi Pinchas Horowitz (Panim Yafot) gave a magnificent answer. How, he asks, do we come to know that "God is in this place"? "By ve'anokhi lo yadati – not knowing the I." We know God when we forget the self. We sense the "Thou" of the Divine Presence when we move beyond the "I" of egocentricity. Only when we stop thinking about ourselves do we become truly open to the world and the Creator. In this insight lies an answer to some of the great questions about prayer: What difference does it make? Does it really change God? Surely God does not change. Besides which, does not prayer contradict the most fundamental principle of faith, which is that we are called on to do God's will rather than ask God to do ours? What really happens when we pray?

Prayer has two dimensions, one mysterious, the other not. There are simply too many cases of prayers being answered for us to deny that it makes a difference to our fate. It does. I once heard the following story. A man in a Nazi concentration camp lost the will to live – and in the death camps, if you lost the will to live, you died. That night he poured out his heart in prayer. The next morning, he was transferred to work in the camp kitchen. There he was able, when the guards were not looking, to steal some potato peelings. It was these peelings that kept him alive. I heard this story from his son.

Perhaps each of us has some such story. In times of crisis we cry out from the depths of our soul, and something happens. Sometimes we only realise it later, looking back. Prayer makes a difference to the world – but how it does so is mysterious.

There is, however, a second dimension which is non-mysterious. Less than prayer changes the world, it changes us. The Hebrew verb lehitpalel, meaning "to pray," is reflexive, implying an action done to one-self. Literally, it means "to judge oneself." It means, to escape from the prison of the self and see the world, including ourselves, from the outside. Prayer is where the relentless first person singular, the "I," falls silent for a moment and we become aware that we are not the centre of the universe. There is a reality outside. That is a moment of transformation.

If we could only stop asking the question, "How does this affect me?" we would see that we are surrounded by miracles. There is the almost infinite complexity and beauty of the natural world. There is the divine word, our greatest legacy as Jews, the library of books we call the Bible. And there is the unparalleled drama, spreading over forty centuries, of the tragedies and triumphs that have befallen the Jewish people. Respectively, these represent the three dimensions of our knowledge of God: creation (God in nature), revelation (God in holy words) and redemption (God in history).

Sometimes it takes a great crisis to make us realise how self-centred we have been. The only question strong enough to endow existence with meaning is not, "What do I need from life?" but "What does life need from me?" That is the question we hear when we truly pray. More than

an act of speaking, prayer is an act of listening – to what God wants from us, here, now. What we discover – if we are able to create that silence in the soul – is that we are not alone. We are here because someone, the One, wanted us to be, and He has set us a task only we can do. We emerge strengthened, transformed.

More than prayer changes God, it changes us. It lets us see, feel, know that “God is in this place.” How do we reach that awareness? By moving beyond the first person singular, so that for a moment, like Jacob, we can say, “I know not the I.” In the silence of the “I,” we meet the “Thou” of God.

Shabbat shalom

Rabbi Jonathan Sacks

RAV KOOK TORAH

Prayer: Free Expression of the Inner Soul

Lengthy Prayers

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

The Sages appear to give contradictory counsel. On the one hand, Rabbi Chanina taught that a lengthy prayer will not go unheeded. He learned this from Moses’ extraordinarily long prayer - forty days and forty nights - after the sin of the golden calf. This impassioned plea achieved its goal: “And [God] listened to me also that time” (Deut. 10:11).

Rabbi Yochanan, however, taught the exact opposite! A person who prays at length and “looks into his prayer” - such a person will be disappointed and heartbroken. As it says, “Deferred hope makes the heart sick” (Proverbs 13:12).

The Talmud (Berachot 32b) called attention to this discrepancy. It noted that Rabbi Yochanan specifically spoke of one who “looks into his prayer” - *me'ayein bah*. What does this mean?

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

A Time for Prayer and a Time for Inquiry

Rav Kook suggested a different interpretation to this Talmudic passage. He explained the phrase *me'ayein bah* literally - that it refers to those who examine and analyze their prayers. During prayer, some people reflect on the mechanics of prayer and its deeper function in the universe. While there is nothing wrong with such intellectual inquiries, it creates a serious problem when it takes place during prayer itself.

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

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

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

Preparation for Prayer

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

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

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

(Adapted from *Olat Re'iyah* vol. I, introduction p. 22; *Ein Eyah* vol. I, p. 150 on *Berachot* 32b)

Insights Parshas Vayeitzei - Kislev 5779

Yeshiva Beis Moshe Chaim/Talmudic University

Based on the Torah of our Rosh HaYeshiva HaRav Yochanan Zweig

This week’s Insights is sponsored in memory of Malka bas Yosef, Malka Levine. “May her Neshama have an Aliya!”

Night and Day

And Yaakov departed from Be'er Sheva and went to Charan. He encountered the place and spent the night there because the sun had set... (28:10-11).

This week’s parsha opens with Yaakov Avinu traveling to Charan to find a wife, following the behest of his parents Yitzchak and Rifkah. The Torah relates how he passed by the future home of the Beis Hamikdash on Mount Moriah (see Rashi ad loc). According to Rashi, Yaakov felt it would be inappropriate to pass up the opportunity to pray at the same place his father and grandfather had prayed. Therefore, he returned to the place and instituted the evening prayer known as *ma'ariv* (see Rashi 28:17 and 28:11).

Chazal teach us that the three prayer services (*shacharis*, *mincha*, and *ma'ariv*) were established by the three forefathers: Avraham Avinu instituted *shacharis*, Yitzchak Avinu instituted *mincha*, and Yaakov Avinu instituted *ma'ariv*.

Yet this seems a little odd. We know that every day begins with the onset of the prior evening. That is, Monday begins at sunset on Sunday. Thus, the first prayer that we pray each day is *ma'ariv*. Wouldn't it be more logical for Avraham, being the first of the forefathers, to have instituted the first prayer service of *ma'ariv*? Why is it that Avraham instituted *shacharis*, the second prayer service, instead?

People often look at prayers solely as something that we do out of an obligation towards the Almighty. In other words, Hashem created man and prayers are what we do for him. While it is true that davening has a component of devotional service, the first time the Torah refers to the purpose of prayer it is in an entirely different context.

We find regarding the creation of the world: "These are the products of the heavens and earth when they were created on the day of Hashem's, God's, making of the earth and heavens. At this time there was no tree yet on earth and no herb of the field had yet sprouted for Hashem had not sent rain upon the earth and there was no man to work the soil" (2:4-5). Rashi (ad loc) explains that Hashem did not make it rain until man arrived and recognized what the world was lacking and he prayed for rain. At that point, everything began to grow. Hence, man's participation is required to make this world operate as it should.

From here, we find a critical aspect of man's responsibility in the world: as a partner to Hashem in creating a functional world. Prior to Adam's sin, man's contribution to the world was through his relationship to the Almighty and expressed through davening. This is how man fulfilled his responsibility to build and accomplish. Thus, we see that a very basic component of davening is an expression of what we contribute to the world as Hashem's partner.

There are two distinct components to every twenty-four hour period: day and night. They are not merely differentiated by whether or not the sun is above or below the horizon. Rather, they have completely different

functions. Daytime is the period in which mankind goes out and contributes to the functionality of the world, while nighttime is the period when man feels connected to it.

In Hebrew, the word "yom - day" is masculine and "leila - night" is feminine. Day is the time for people to do and night is the time to connect. This also explains why when a woman tries to express an issue to a man he focuses on trying to solve it (the do/give aspect) even though she really just wants him to listen (the connect aspect).

Avraham Avinu is the av of chessed - which is the attribute emblematic of giving. This is why he was the proper forefather to institute shacharis, the daytime service that defines all prayers. This is also why every regular siddur (as opposed to a Machzor, etc.) begins with shacharis and not ma'ariv.

Family not Friends

And it was when Lavan heard the news that Yaakov, his sister's son (had arrived), he ran toward him and he embraced and kissed him and brought him to his house...Lavan said to him, "But you are my flesh and bone," and he stayed with him a month of days (29:13-14).

In this week's parsha we find a remarkable, if not outright shocking, distinction between when Eliezer the servant of Avraham Avinu went to visit Charan and the events that unfolded when Yaakov visited Charan.

When Eliezer arrived in Charan charged with a mission to find a wife for Yitzchak, he was greeted by Lavan who made an extraordinary statement: "Come, O' blessed of Hashem! Why should you stand outside when I have cleared the house and a place for the camels?" (24:31).

Rashi (ad loc) explains what Lavan meant by "clearing the house": Lavan was informing him that he had cleared out all the idols from the house. Meaning, Lavan knew that any servant of Avraham would find it abhorrent and downright repugnant to accept lodging in a home filled with idols.

Yet somehow, Yaakov, the greatest of our forefathers and grandson of Avraham, had no objection to staying in Lavan's home, which we know was replete with idols (Rachel takes some when they beat a hasty escape some twenty years later).

How is it possible that Yaakov was agreeable to staying in such a home? Perhaps even more peculiar, what was so obvious to Lavan that he knew that he had to clear out the house for Eliezer but not for Yaakov?

The difference between these stories is also relevant to our generation and the challenges that many families currently face.

A person who is shomer shabbos should feel very uncomfortable in a non-shabbos environment, such as being in a room where many people are watching television or talking on their telephones. Therefore, one should try to do whatever can be done to avoid those types of situations. But one of the outcomes of the Bal Teshuvah movement is that these newly observant Jews are now thrust into family situations where many or even most of their nuclear families do not keep shabbos or kosher. Consequently, their homes on shabbos exude very little of a true shabbos atmosphere. What are they to do? Should they return to their parents' house for a simcha such as a nephew's bar mitzvah even though their shabbos atmosphere would clearly be adversely affected?

The answer is a resounding yes. When it comes to family we must avoid breaking any Torah or Rabbinic laws, but we must do everything in our power to maintain a close family relationship at the same time, even if participation makes us uncomfortable. This is because a connection to one's family is paramount to one's wellbeing.

This is the difference between the two stories. Eliezer is merely a servant seeking a wife for his master's son; he has no familial responsibility to stay connected to Lavan and his family. On the other hand, Yaakov was arriving in his uncle's home and hoping to marry one of his cousins. His obligations to tolerate being uncomfortable far exceeded that of Eliezer. This was obvious to Lavan who knew that Yaakov was hoping to become his son in law. This is why he felt no obligation to remove the idols from his home.

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Rav Shlomo Aviner Shlit"ta

Q & A Attack on Israel from Gaza

Hamas as Agent of Hashem

Q: Is Hamas an agent of Hashem, causing us to atone for our transgressions? And if not, why doesn't Hashem destroy them and make it easier for Am Yisrael?

A: For the same reason that since the time of Kayin there are evil people and murderers in the world (see Ha-Rav's book "Ve-Gavar Yisrael" which discusses the problem of evil in the world and why bad things happen to good people).

Missile Fire

Q: Does one who goes out of his house during missile fire, violate "Guard your soul very carefully" (Devarim 4:10).

A: One is always obligated to follow directives of the Home Front Command and not try to outsmart them.

Warning Siren in the Middle of Shemoneh Esrei

Q: What should a person do if he is in the middle of the Shemoneh Esrei and hears a warning siren for an incoming missile?

A: He should run to the bomb shelter and continue to Daven the Shemoneh Esrei there. This is based on two factors: 1. It is a case of a life-threatening situation. 2. Walking in the middle of the Shemoneh Esrei without speaking is not considered an interruption. For example, if I am Davening the Shemoneh Esrei and a child is bothering me to the point that I cannot concentrate, I can move to another place. Or if I am Davening by heart and I cannot remember "Ya'ale Ve-Yavo," I can go and get a Siddur. Speaking is forbidden, but there is no problem of moving if there is a need (Mishnah Berurah 104:2). Therefore, if I am in the middle of the Shemoneh Esrei and I hear a warning siren for an incoming missile, I should go to the bomb shelter without talking and continue to Daven where I left off (Piskei Teshuvot, Orach Chaim 104. Shut Be'er Moshe 3:13. Nes Lehitnos by Ha-Rav Yoel Schwartz at the end, in the Q&A of Ha-Rav Yitzchak Zilberstein during the Gulf War #39).

Missiles Will Not Fall on the City of...

Q: A Rabbi said that missiles will not fall in a particular city. Is it permissible to rely on him and not enter the bomb shelter?

A: In general, one should obey the directives of the Home Front Command. But you should ask the Rabbi directly (These were the words of Ha-Rav Chaim Kanievsky regarding Bnei Brak, based on the promise of the Chazon Ish. However, I heard that Rav Kanievsky said that one should go into the bomb shelter in order to feel distress with the rest of Am Yisrael.. See Rashi on Shemot 17:12).

Torah Learning for Protection

Q: If I learn Torah in order to protect myself from the missiles, is it considered a violation of "One who makes unworthy use of the crown [of Torah] shall pass away" (Pirkei Avot 1:13)?

A: No. It is considered learning Torah not for its own sake (see Nefesh Ha-Chaim, Sha'ar #4. Shut Yechaveh Daat 3:73).

Feelings during Times of Distress

Q: During this time, should we be frightened, recite Tehillim and Daven, based on the idea that we should cry out to Hashem during a time of distress, or should we not get excited and continue in our routine in order to show that we will not bow to terror and will not be scare us?

A: Continue on with strength and courage during our state of war, which began with the establishment of the State of Israel. But a courageous person also Davens to Hashem, as we see with Yaakov Avinu before his meeting with Esav: He sent gifts, Davened and prepared for war (Rashi on Bereshit 32:9).

Helping Tzahal

Q: What can I do in order to help Tzahal be victorious?

A: Repent, Daven and give Tzedakah. It is already certain, however, that Tzahal will be victorious, but you can help make the process faster and less costly.

Sleeping in a Bomb Shelter

Q: It is permissible for me to sleep in a bomb shelter with my husband if other men are also there?

A: Yes, in a corner.

Adding to the Prayers

Q: In light of the situation, should we add prayers to the Davening?

A: There is no need. This is the normal state of war with our enemies, which has been going on since the establishment of the State of Israel.

Wedding in Ashdod

Q: Is it permissible to travel to a wedding in Ashdod (in Southern Israel) which is in range of the Kassam and Grad rockets or is it forbidden based on the commandment of "You shall surely safeguard your soul" (Devarim 4:15, 23:11)?

A: It is permissible. There is a clear distinction in Halachah between a high-probability danger and a low-probability danger. If this were not the case, we would not be able to travel in a car since every year, to our great distress, six hundred people are killed in car accidents in Israel. Many more people have been killed in car accidents since the establishment of the State of Israel than all of the Kassam rockets and all of the terrorist attacks and all of the wars, even when they are added together. We nonetheless travel in cars, obviously with the required cautions, since this is called "a non-frequent damage" in Halachah (Pesachim 8b). In our time there are statistical tools to verify the frequency of a danger. There is a halachic responsum on this subject by Ha-Gaon Ha-Rav Yitzchak Zilberstein, Rabbi of "Ramat Elchanan" (neighborhood in Bnei Brak). A student was learning in a yeshiva in "Yesha" (Yehudah, Shomron or Gush Katif) and his parents were concerned about the danger. Rav Zilberstein proves that "a frequent damage" is five percent. This means that if – G-d forbid – five percent of the students of the yeshiva were murdered, it would be forbidden to learn in that yeshiva. This is obviously far from reality - Baruch Hashem - since the Kassam and Grad rockets are not killing five percent of the population. In fact, Ha-Gaon Ha-Rav Yitzchak Isaac Herzog in Shut Heichal Yitzchak proves based on Shut Rabbi Akiva Eiger (#60) that a frequent danger is not five percent, but one in a thousand, but - Baruch Hashem - Kassam and Grad rockets are not killing one in a thousand people either.

Furthermore, it is permissible to take a "small risk" for the sake of a Mitzvah and bringing joy to a groom and bride is a Mitzvah. The Tiferet Yisrael discusses this principle on the Mishnah in Massechet Berachot at the end of chapter one. There is a story about Rabbi Tarfon who said the Shema at night while reclining according to the view of Beit Shammai. He endangered himself while doing so and the Sages admonished him for following the view of Beit Shammai instead of Beit Hillel. But the question remains: Why did Rabbi Tarfon endanger himself, since reciting the Shema is not in the category of "Be killed and do not transgress," i.e. requiring one to sacrifice his life for its fulfillment? The Tiferet Yisrael explains that it was permissible since there was only a small risk of danger. There is an additional proof from when Rabbi Akiva was in jail, and he used the water he received for "Netilat Yadayim" (ritually washing his hands) instead of for drinking. The halachic authorities ask: How could Rabbi Akiva endanger his life for this practice? The answer is that Rabbi Akiva understood that he would obtain more water, the danger he was taking was extremely minute and it is permissible to take a small risk for a Mitzvah. This is also the ruling found in "Pitchei Teshuvah" (Shulchan Aruch, Yoreh De'ah 157).

In conclusion:

a. A non-frequent danger is not considered a danger according to Halachah and the danger in Ashdod is a non-frequent one.

b. It is permissible to take a minimal risk for a Mitzvah and bringing joy to a groom and bride is a Mitzvah.

Hilchos Shabbos

8115. Circumventing A Borer Problem - Silverware or Chess"

The three Conditions under which Borer is permitted (By Hand, Good from Bad, Immediate Use) do not always provide a practical solution for every Borer problem. For example, a woman wishes to make place settings on the Shabbos table (or put the silverware away in their individual drawer compartments). However, the silverware is mixed together and must be sorted. Using the 3 conditions permitting Borer will only allow her to set the table just before the meal, but she wants to set the table and then go to shul to daven.

8116. The solution is to un-mix the mixture, thus avoid the question of Borer entirely. One may take a few of the mixed pieces of silverware at a time, and spread them out on the table so that they are not on top of one another and no longer closely positioned in between one another. Since the melocho of Borer is only applicable to mixed items, sorting or selecting would then be permitted regardless of what is being removed or how far in advance the sorting is being done.

8117. (One could use the same method to avoid the problem of Borer when sorting chess pieces. That is; spread the pieces out on the table so that they are no longer mixed, and then one would be permitted to remove the white or black pieces from the table since they are no longer "mixed").

Igros Moshe OC:4:74:11, Sefer 39 Melochos

Follow the Ladder

By Rabbi Yirmiyohu Kaganoff

Question #1: Ladders

"May I use a ladder on Yom Tov?"

Question #2: Maris ayin

"What is the 'maris ayin conundrum'?"

Question #3 Chutes

"Is there a traditional source for the modern Hebrew word magleisha, which means a sliding board or a chute, or the word miglashayim, which means skis?"

Introduction

Since Yaakov Avinu witnessed the angels going up and down a ladder, it seems an appropriate week to discuss halachos germane to ladders. To begin, let us analyze a passage of Gemara that discusses ladders.

The ladder carrier

In our day of refrigeration and freezers, it is unusual for someone to shecht meat on Yom Tov. However, since the halacha is that one may prepare food on Yom Tov, this law permits not only kneading dough, chopping up vegetables, turning up a fire and cooking, but permits also shechting on Yom Tov. After all, freezing meat is only the second best way of keeping it fresh from spoilage. The best method is to keep the bird or animal alive, and this was common practice in the time of the Mishnah and Gemara. It was also the reason that, until the modern era, ships at sea kept a herd of livestock on board, to make sure that the crew did not starve on the high seas. (The British were also noted for keeping a supply of limes on board, but that was for a reason beyond the discussion of our current article.)

In this context, we find the following Mishnah (Beitzah 9a) regarding someone who is interested in preparing doves for his Yom Tov seudah: "Beis Shammai says that you may not move a ladder from one dovecote to another, but it is permitted to lean it from one window to another, and Beis Hillel permits (moving the ladder)."

What is wrong with moving a ladder on Yom Tov? After all, one is permitted to carry on Yom Tov, and one is permitted to shecht the birds

for a Yom Tov seudah. So, why can't I carry the ladder to get the birds down?

The Gemara cites several approaches to explain the dispute between Beis Shammai and Beis Hillel. Two of these approaches, which we will call "approach #1" and "approach #2," understand that the dispute involves the principle called maris ayin, the requirement to avoid raising suspicion that one is doing wrong. Beis Shammai is concerned that a person observing someone carrying a ladder on Yom Tov may think that the latter is taking his ladder to repair his roof, which is, of course, forbidden on Yom Tov.

The Gemara explains that everyone agrees that one may not carry a large ladder which would ordinarily be used for roof repair. Carrying such a ladder would entail maris ayin. The dispute between Beis Shammai and Beis Hillel concerns whether one may carry a small ladder, more likely used for getting doves than for roof work. Approach #1 contends that Beis Hillel permits carrying a small ladder in a private place, but not in public, whereas Beis Shammai prohibits carrying the small ladder even in private. This opinion understands that Beis Shammai and Beis Hillel disagree about the following principle: Is maris ayin prohibited only in a public place, where there is a greater likelihood that someone will misinterpret the action, or even in a private place, notwithstanding that it is unlikely that someone will see this action and will think that the carrier is planning to violate halacha (see Ran, Shabbos 146b; note that the Mishnah Berurah 301:165 appears to have understood this dispute in a different way)? Beis Shammai contends that maris ayin is prohibited, even when the act is performed in a private area, completely out of view. The Gemara calls such a private area, bechadrei chadarim, in the innermost room.

Approach #2 understands that the dispute between Beis Hillel and Beis Shammai concerns whether carrying a small ladder in public violates maris ayin. Beis Hillel permits carrying a small ladder even in public, whereas Beis Shammai prohibits it. Both permit carrying the small ladder in private. According to this approach, Beis Shammai rejects the principle that maris ayin is prohibited bechadrei chadarim, since they rule that the ladder may be carried in private, although it is prohibited in public. This approach does not preclude that Beis Hillel may accept the principle that maris ayin is prohibited bechadrei chadarim. This question appears in other places as a dispute among tanna'im (see Shabbos 146b; Tosefta Shabbos 17:16).

Some rishonim draw a distinction between a situation in which an observer might think that someone is violating a Torah law, as opposed to one in which the action being done in private would violate only a rabbinic injunction, in which case one does not need to be concerned (Tosafos, Kesubos 60a s.v. Mema'achan; Tosafos, Moed Katan 8b s.v. Umenasran). However, other rishonim do not draw this distinction (Rashba, Ran, Beitzah ad loc.). The accepted halachic authorities appear to follow the lenient approach, meaning that if the violation is only rabbinic one does not need to be concerned (Shulchan Aruch, Orach Chayim 336:9; Taz, Orach Chayim 243:3, 301:28, 336:9; Magen Avraham 301:56; Mishnah Berurah 301:165; Biur Halacha ad locum s.v. Bechadrei. See also Rema, Yoreh Deah 87:3,4; Pri Chodosh ad locum; cf. Rambam, Hilchos Shemitah veYoveil 2:1; Shach, Yoreh Deah 87:6,8).

Maris ayin conundrum

I want to call attention to the fact that the concept of maris ayin is a fascinating curiosity, because it contradicts another important Torah mitzvah – to judge people favorably. This mitzvah requires us to judge a Torah Jew favorably when we see him act in a questionable way. (For further information on the mitzvah of judging people favorably, see Shaarei Teshuvah of Rabbeinu Yonah, 3:218.) If everyone judges others favorably at all times, there should be no reason for the law of maris ayin. Yet, we see that the Torah is concerned that someone may judge a person unfavorably and suspect him of violating a mitzvah. Indeed, a person's actions must be above suspicion; at the same time, people who observe him act suspiciously are required to judge him favorably.

Tall ladders

At this point, we can now answer our opening question: "May I use a ladder on Yom Tov?" The answer is that I may not use a large ladder that is used primarily for climbing onto a roof, even if I have a reason to use it on Yom Tov that would, otherwise, be acceptable. It is unclear from the Mishnah and Gemara whether or not I may use a smaller ladder.

Chutes and ladders

At this point, let us address a different one of our opening questions:

"Is there a traditional source for the modern Hebrew word magleisha, which means a sliding board or a chute, or the word miglashayim, which means skis?"

The word magleisha in modern Hebrew, which means a chute or slide, is based on a posuk in Shir Hashirim (4:1), where we find the following accolade: "Your hair is like a flock of goats that descend (Hebrew, golshu) from Mount Gilead." The book of Shir Hashirim is full of allegories that are to be understood on many levels. Often they express, poetically, the bond between Hashem and the Jewish people and also can be explained on a literal level, as depictive of the relationship between a man and a woman.

Har Gilad, or Mount Gilead, is today in northwestern Jordan on the eastern side of the Jordan River, but was part of Eretz Yisroel at the time when Shlomoh Hamelech wrote Shir Hashirim. Of course, the obvious question in understanding this posuk is - why are we complimenting someone for hair that appears like descending goats? According to Rashi, the accolade is as follows: Your hair has a beautiful sheen to it, similar to the white sheen that one sees from a great distance when observing a flock of white goats descend the mountain.

Seforno interprets the idea of the posuk in a way similar to what Rashi wrote, but there is a difference in nuance between their two interpretations. Seforno writes: "Your hair is fine as the cashmere on the back of the heads of the goats of Gilead." In his opinion, there is no reference in this posuk at all to descent, gliding, or sliding. Similarly, ibn Ezra understands that the word golshu means "as they appear on Har Gilad."

According to Rashi, the word golshu carries the connotation of "descent," whereas according to ibn Ezra and Seforno, it does not. Thus, according to Seforno, there is no basis to explain the root גלג as having anything to do with descending, sliding or skiing. Even according to Rashi's interpretation which provides a source that the root golshu means to descend, there is still quite a stretch to get the word to mean slide, glide, ski, or chute. However, as any linguist can attest, Modern Hebrew has taken many Hebrew, Aramaic or even English and Arabic words and given them meanings quite distant from their origins. However, the root גלג has been used for all of these meanings, and we are therefore left with Modern Hebrew terms such as magleisha, sliding board or chute, miglashayim, skis, and various other similar words. Do they have a traditional source? According to Rashi, perhaps; according to ibn Ezra and Seforno, they do not.

Conclusion

The gematria of the word sulam, Hebrew for ladder, is 136, which is the same gematria as that of the words tzom (fast), kol, and mammon. This certainly brings to mind the piyut, Unesaneh Tokef, that we recite on Rosh Hashanah and Yom Kippur, in which these three words are inserted in small letters in the machzor above the words teshuvah, tefillah and tzedakah, when we declare that they protect against harsh decrees. Teshuvah, tefillah and tzedakah demonstrate different steps a person must take to bring himself closer to Hashem. This is symbolized by the ladder, as we ascend one step at a time to bring ourselves closer to serving Hashem.

*Ohr Somayach :: Torah Weekly :: Parshat Vayeitzei
For the week ending 17 November 2018 / 9 Kislev 5779
Rabbi Yaakov Asher Sinclair - www.seasonofthemoon.com*

Insights

Heaven's Gate

"This is none other than the abode of G-d, and this is the gate of the Heavens." (28:17)

As far as architecture is concerned, the Western Wall cannot compete with the Taj Mahal, or the Sistine Chapel or any number of Far Eastern places of worship.

Yet, that row of enigmatic stone blocks and what lies beyond them has an unparalleled draw on the hearts and minds of man.

The Muslims may look to Mecca and Medina, but they would like nothing better than to bury their leaders on that hill. The Catholic Church may have its seat of power in the Vatican, but their eye is constantly on Jerusalem.

Why?

On that small hill called Har HaMoriah, the central events of world history have been played out: On that hill lies the stone that was the first physical existence that G-d created. It is called the "Foundation Stone." From that stone, G-d extruded the entire creation. That stone is the bridge between this reality and the reality beyond.

On that same hill, Avraham brought Yitzchak up as an offering in the ultimate test of his faithfulness to G-d.

And, in this week's Torah portion, Yaakov saw a vision of the ladder with its feet planted on the ground and its head reaching to the Heavens. That place has always been, and is to this day, the gate of Heaven.

On that hill stood the two Holy Temples and, very soon, the third one will stand there again. Subconsciously, the world understands this, but it cannot verbalize that knowledge. That intuitive feeling manifests itself as a stream of resolutions in the United Nations about the necessity to preserve the international nature of the city of Jerusalem.

In this week's Torah portion, Yaakov prayed at Har Moriah. After completing his prayer, Yaakov suddenly heard the voices of angels saying, "Yaakov has arrived, the great Yaakov who casts light on the world like the sun!" Yaakov understood that he was overhearing a conversation in Heaven. From Yaakov's words, "The Shechina (Divine Presence) rests in this place," we learn that the Shechina rests on Har HaMoriah forever. Not only did it rest there when the two Holy Temples were standing, but it is still there to this very day.

When you stand at that Wall, you are standing at the gateway of Heaven. If Yaakov could hear what they were saying in Heaven, surely in Heaven can be heard what we are saying in this world. When you pray at the Wall, it is as if you are praying in front of the Kisei HaKavod, the Heavenly Throne. This is Heaven's gate, the gate that is open to all prayers.

No wonder then that the eyes of the world are constantly on the Wall.

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Rav Yissocher Frand - Parshas Vayeitzei

Yaakov Ish Tam is Lavan's Equal In Trickery

The Gemara [Bava Basra 123a] says that when Yaakov asked Rochel to marry him, she responded in the affirmative, but she warned that her father was a swindler and that he would not allow Yaakov to marry her before her older sister Leah was first married. According to the Gemara, Yaakov's response was "I am his brother (i.e., his equal) when it comes to trickery!" This is how the Gemara interprets the pasuk "And Yaakov told Rochel that he was her father's brother" (ki achi aviha hu) [Bereshis 29:12]. At face value, the pasuk is difficult because Lavan was actually Yaakov's uncle, not his brother. The Gemara thus interprets that Yaakov meant, "I can take him on as an equal when it comes to practicing trickery."

An obvious question needs to be asked here. In last week's parsha we learned: "And Yaakov was a simple man (ish tam) who dwelt in tents." [Bereshis 25:27] Rashi interprets the words "ish tam" as follows: "Someone who is not 'sharp' to engage in deceit is called 'tam.'" In other words, a person unwise in the ways of trickery, conniving, and of making "fast deals" is called a 'tam.'

What happened between last week's parsha when the Torah referred to Yaakov as an 'ish tam' and this week's parsha when Yaakov suddenly became Lavan's "brother in trickery?"

By way of introduction to answer this question, consider the following: When we speak about someone who is a 'mensch,' we use the expression "This person is a Baal Midos." The term Baal normally means a person is a master (e.g., baal ha'sadeh [master of the field]; baal ha'bayis [master of the house]). The terminology Baal Midos can thus mean that such a person is the master over his midos [character traits]. With some people, their character traits control them. A Baal Midos is just the opposite – he controls himself; he rules over his character traits. Such a person can employ different – even opposite – character traits when differing situations call for the use of differing midos.

Having introduced this principle, we can now cite the following incident:

A Jew came to the Rebbe, Reb Bunim. His problem was that he was too generous. How can anyone be "too generous?" The answer is that whenever anyone came to him with a charity request, he literally gave them the shirt off his back. This person did not have a life. He did not have money, a shirt, or shoes. Every time someone came to him with a sob story he gave them whatever he had.

The Rebbe Reb Bunim related to him in the name of the Chozeh m'Lublin the very question we asked before: In Parshas Toldos, Yaakov is referred to as "ish tam, yoshev ohalim" [a simple man who dwelt in tents] and in Parshas Vayeitzei Yaakov claims he is the equal to Rochel's father when it comes to trickery. The Chozeh m'Lublin answered this question. It does not say in Parshas Toldos that "Yaakov tam" [Yaakov was simple] it says he was an "ISH tam" – he was a MAN who had control over his midos [character traits] and control over his Temimus [manifestation of simplicity]. Yaakov's default manifestation was perhaps the character trait of simplicity, but he was not a simple man. He was an ISH tam! He was in charge and by default he acted as a tam; but he was nobody's fool and if necessary could act with shrewdness, and even trickery.

That is what the Rebbe Reb Bunim told this Jew: You cannot always give away the shirt off your back. All that says about you is that you are not in control of your dispensation of charity. It is very noble and nice to act this way. It is better to be overly generous than to be overly stingy. However, someone who is not able to take care of himself and is not able to control his giving is not in charge. At the end of the day, we need to be in charge of ourselves.

This person had a great affliction – he was a Rachaman [merciful by nature]. However, just like the Gemara says that when someone is a Rachaman towards cruel people (having compassion when it is inappropriate) it leads to very negative results, so too here. To some extent, this was the error of Shaul HaMelech (who listened to the people and disregarded the words of Shmuel HaNavi). Shaul should have been more assertive. He should have said "No. I do not care what the people say." He was very humble, but sometimes too much humility is also not good.

This can help us resolve a contradiction of the Mishna in Pirkei Avos: In the second chapter of Pirkei Avos [2:5] we learn "The Bayshan [one embarrassed to ask questions] cannot learn." A person cannot be timid in class, but must have the courage to raise his hand and tell the teacher "I do not understand. What does this mean?" On the other hand, in the fifth chapter of Avos [5:20] we learn "A brazen person goes to Gehinnom and a person who is easily shamed (boshes panim) goes to Gan Eden." Do these two Mishnaic statements not conflict with one another? Furthermore, is not that the attribute of being a "bayshan" one of the three praiseworthy midos which uniquely define the Jewish people (Rachmanim, Bayshanim, and Gomlei Chasadim – Merciful, Bashful, and Purveyors of Kindness [Yevamos 79a])?

The resolution to this contradiction is as follows: A "Bayshan" (as referenced in Chapter 2 of Pirkei Avos) is a person who is defined by his bashfulness. He cannot escape it. Boshes Panim (as referenced in Chapter 5 of Pirkei Avos) means the shame shows up on his face, but that is only one aspect of his personality. This one aspect does not

control the person — it does not totally encompass him. If someone's attribute of busha so controls him that he cannot even ask a question, it is not a good attribute to have, because he is not in charge of himself. He is not a "Baal Midos." On the other hand, "Boshes Panim" — when only the face reflects embarrassment, can be positive.

With this preface, we can appreciate a beautiful interpretation of a pasuk in Megilas Esther. Mordechai tells Esther, "If you keep silent at this time, salvation will rise up for the Jews from another place, but you and your father's house will be destroyed." [Esther 4:14]. Mordechai is saying "Listen, this is your moment in history, Esther. You will either seize the moment and save the Jews, or everything is going to be lost." Why, however, was it necessary to emphasize "If you keep silent at this time?" The answer is that the Medrash says that Esther came from a long lineage of people who kept silent. She descended from Rochel, Binyomin, and Shaul — each of whom manifested the attribute of silence during key moments of their lives. Rochel kept quiet and did not ruin her father's scheme to switch her sister at the wedding. Binyomin was quiet and didn't tell his father that Yosef was sold by his brothers. Shaul kept quiet. Normally, this is a good attribute and Esther inherited that character trait. Mordechai therefore had to emphasize to her..."Fine, you have a wonderful character trait — that of staying silent. But now is not the time for this. If you stay silent now, calamity will befall your entire father's household!" "B'Es haZos" — At this moment, you have to put the attribute of silence away.

Finally, Chazal say that in the Choshen Mishpat, where there was a stone for each of the Shevatim [Tribes], the stone of the Tribe of Binyomin was "Yashfay." Chazal say that this is an allusion (remez) to the words "Yesh Peh" [there is a mouth]. This means that Binyomin had a mouth, but he kept quiet. When did he keep quiet? He was sworn not to tell his father that the brothers sold Yosef and that Yosef might still be alive.

The Chidushei HaRim asks based on this allusion, the stone of Binyomin should not be "Yesh Peh" [there is a mouth], but rather it should be "Ayn Peh" [there is not a mouth]. He answers beautifully. "Yesh Peh" — he did have a mouth — he was very capable of speaking. But he chose not to. He found himself in a situation in which it was necessary to stay silent, and he was able to overcome his natural tendency to speak and instead, not utilize his mouth. This was his praiseworthy characteristic. Yesh Peh — but when the situation demands silence, I am silent.

On the other hand, Esther also came from a lineage of silent people. It was very natural for her to remain silent "Esther did not reveal her background" [Esther 2:10]. However now, if you will be silent b'Es haZos — that will be very problematic. Now is not the time to keep quiet. Now is the time to go to Achashverosh and to rescue the Jewish people.

The true Baal Midos is not controlled by his Midos, but rather he is in charge of them — he knows where and when to use each of his personality traits appropriately.

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Rabbi Hershel Schachter

Rachel's Longing for Children

There is famous brief Hebrew poem composed by one of the Jewish philosophers of the middle ages that runs as follows, "he'avar ayin, he'asid adayin, he'oveh k'heref ayin, da'aga minyain? - The past is gone already; the future is not yet here; the present is merely the span of the blink of an eye; so there is no room to worry about anything." Rav Soloveitchik in several of his published essays[1] wrote that the idea expressed in the poem is not in accordance with Jewish thought. Our lives are so short; how long does one live? If we don't live in the past as well as in the future, in addition to living in the brief moment of the present, then we have not lived. A religious Jew lives along with many of the tzaddikim of the past; Avrohom, Yitzchok, and Yaakov; Moshe

Rabbeinu; Rabbi Akiva and Rabbi Shimon bar Yochoi; Abayai and Rova; the Shach and the Vilna Gaon, etc. and we live with Eliyahu Hanavi.

One of the anti-religious Israeli "thinkers" was widely quoted as having expressed the sentiment, "Enough living in the past, and always speaking of the Avos, Yitzias Mitzrayim, Maimid Har Sinai etc; and enough speaking about the future - the coming of Moshiach etc. I want to live in the present and enjoy myself!"

This is the attitude of a rosho who is only interested in the moment of the present. This is why even during his lifetime the rosho is considered as if he were dead. A religious Jew who connects with the tzaddikim of the former generations, and thereby joins Klal Yisroel, lives, in addition to the split second of the present, in the past and future as well, since Klal Yisroel includes the Jews of all the generations, past, present and future.

In the parsha we read (Breishis 30:1) the way Rachel was so upset that she had not yet had any children. She cried out to her husband that if she won't have any children she will consider herself as if she were dead and as if she had accomplished nothing in her lifetime. Even though such an individual identifies with the past, that is not sufficient; one must have children to be able to link up with the future as well. A rosho has a very brief life indeed, considering that he lives only in the very brief moment of the present.

[1] See *Divrei Hagos V'ha'aracha* p. 237; *Lonely Man of Faith* pp.69 - 73

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Vayeitzei - Where Are You Headed?

Rabbi Eliakim Koenigsberg

At the beginning of Parshas Vayeitzei (28:12), Yaakov Avinu dreams of a ladder with angels going up and down. Rashi explains that the angels of Eretz Yisrael were ascending the ladder, while the angels of Chutz L'Aretz were coming down to accompany Yaakov on his journey to Charan. Similarly, at the end of the parsha, on his way back from Charan, Yaakov Avinu meets two camps of angels (machanayim) - angels of Eretz Yisrael coming to greet him and angels of Chutz L'Aretz leaving him. Why is it that at the beginning of the parsha, Yaakov Avinu is still in Eretz Yisrael - he is in Beit El - when angels of Chutz L'Aretz come to greet him, while at the end of the parsha, angels of Eretz Yisrael come to greet him although he is still in Chutz L'Aretz?

Perhaps the answer is that a person is defined not by his physical location but by his mindset. Although Yaakov Avinu was still in Eretz Yisrael at the beginning of the parsha, he was already thinking of Chutz L'Aretz. He was contemplating the long journey ahead and the challenges he would experience in the house of Lavan. He may have still been in Eretz Yisrael physically, but emotionally and mentally he was already in Chutz L'Aretz. That is why angels of Chutz L'Aretz come to greet him. But at the end of the parsha, Yaakov Avinu was still in Chutz L'Aretz, but he was thinking of Eretz Yisrael. He was dreaming of his parents' home. He was excited that his long, difficult journey was nearly over. And that is why angels of Eretz Yisrael come to greet him.

We find a similar idea in the realm of halacha as well. In the morning we recite a birchas haTorah, we learn a little bit, and then we become involved in different activities throughout the day. And yet when we engage in Torah study later in the day, we do not recite another bracha. The rishonim are troubled by this halacha. Why is Talmud Torah different than other mitzvos? If a person recites a bracha of leisheiv b'sukka when eating in a sukkah in the morning, and then he becomes involved in other activities and returns to the sukkah later in the day, he must recite another bracha of leisheiv b'sukka. Why is the halacha different for Talmud Torah?

The Rosh (Brachos 1:13) answers that no new bracha is necessary when returning to the study of Torah because ideally a person should always be looking forward to resuming his Torah learning after he finishes his other activities. Certainly if one is working for an employer, he must

concentrate fully on his job when he is at the office. But subconsciously, one should always be thinking of his Torah studies. So his involvement in other activities during the day does not constitute a hefsek, an interruption, in his learning. That is why there is no need to recite another brachawhen returning to one's Torah studies.

This idea that a person is defined by his mindset also relates to tefillah. The Gemara (Brachos 30a) says, "One who is davening outside of Eretz Yisrael should 'direct his heart' toward Eretz Yisrael...One who is in Eretz Yisrael should direct his heart toward Yerushalayim...One who is in Yerushalayim should direct his heart toward the Beis HaMikdash...What emerges is that one who is standing east of Eretz Yisrael turns toward the west and one who is standing west of Eretz Yisrael turns toward the east."

Why should one davening outside Eretz Yisrael have to face Eretz Yisrael if he is already directing his heart toward Eretz Yisrael? Apparently, Chazal wanted a person to have a mindset of standing in the Beis HaMikdash when davening, no matter where he is located. That is why they required him to direct his heart toward Eretz Yisrael, Yerushalayim and the Beis HaMikdash, and for the same reason, Chazal said that when davening, a person should even face Eretz Yisrael because that makes it easier for him to focus on the Beis HaMikdash.

While Chazal applied the concept of a spiritual mindset to Torah and tefillah, the idea is relevant to life in general. A person is not defined by his physical location, but rather by his dreams and aspirations. No matter where a person finds himself in life, no matter what situation he is in, it is his mindset that determines the kind of a person he really is.

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Ben-Tzion Spitz

Vayetze: Real Resurrection

A lawyer's dream of heaven; every man reclaimed his property at the resurrection, and each tried to recover it from all his forefathers. — Samuel Butler

I have a theory as to one of the (likely many) divine purposes of technological developments (and to some extent science fiction and futuristic imaginings). It is to understand better how God might work.

We live in an era of disbelief in anything that is not scientifically provable, repeatable, explainable. What mankind in the past accepted as a matter of faith is today dismissed as the purview of the naïve, gullible and feeble-minded.

Technological advancement may come to show that what was previously in the realm of the miraculous or impossible can become commonplace. For a small device the size of your hand to allow you to see and talk to someone on the other side of the planet was inconceivable just a few decades ago. For the same device to guide you as to the best possible driving route in real-time, taking into account construction, accidents and traffic, is now taken for granted. For a heartless machine to be able to predict and complete with unerring accuracy your next typed words wasn't even dreamt of by science fiction authors. These modern miracles and technological imaginings are opening our eyes and changing our minds as to what we define as possible and impossible.

Perhaps the last scientific frontier and perhaps not coincidentally the last and least discussed article of Jewish faith of Maimonides' 13 Principles of Faith is the belief in the Resurrection: "I believe with complete faith that there will be a resurrection of the dead at the time that will be pleasing before the Creator, blessed be His name, and the remembrance of Him will be exalted forever and for all eternity."

The Berdichever in his analysis of the account of Jacob's dream at Bet-El, zooms in on the seemingly extraneous detail that the city was previously called "Luz." He explains that Luz is also the name of a part of the human body (I've heard some say it's the vertebrae under the skull) that will be the physical seed of the regeneration and resurrection

of the bodies that will merit to be reunited with their souls at some future date. Jacob's encounter with God at Bet-El/Luz hints at that predicted resurrection.

The explanation brought to my mind the scene from Jurassic Park where they bring back the dinosaurs just from a preserved drop of dinosaur DNA. This concept has been known to scientists for some time now, that every molecule of our body, of DNA, has the complete instruction set for the re-creation of an entire body.

While those who have complete faith may not need scientific support, it may make it easier for the remainder of an unbelieving humanity to have assistance in imagining the possibility that nothing is beyond God and that ultimately there is nothing to "scientifically" prevent God from resurrecting the dead as promised.

Shabbat Shalom

Dedication - To the memory of my dear friend and one of my earliest mentors, Carlos Antonio Alarcon of Caracas, Venezuela.

Shabbat Shalom

Shema Yisrael Torah Network

Peninim on the Torah - Parshas Vayeitzei

פרשת ויצא תשע"ט

Rabbi A. Leib Scheinbaum - Hebrew Academy Of Cleveland

ויצא יעקב מבאר שבע

Yaakov departed from Beer Sheva. (28:10)

Chazal (Talmud Megillah 17a) deduce that Yaakov Avinu was sixty-three years old when he left his parents' home. Fourteen years later, when Yaakov was seventy-seven, Yosef was born. When Yosef stood before Pharaoh, he was thirty years old – making Yaakov one hundred and seven years old. We add to this seven years of plenty and two years of famine to reach a sum total of one hundred sixteen, which should have been Yaakov's age when meeting Pharaoh. When Yaakov stood before Pharaoh, however, he stated his age as one hundred and thirty – leaving us with a discrepancy of fourteen years. *Chazal* derive from this that Yaakov Avinu stopped at the Yeshivah of Shem and Ever for fourteen years of Torah study before moving on to the home of Lavan. These years were not included in the calculation. Why are the fourteen years spent in the *yeshivah* not mentioned in the Torah? One would think that these years would have been quite significant in the life of the Patriarch.

We find a similar query with regard to a statement that *Chazal* make in the *Talmud Yoma* (28b), *Avraham zakein v'yosheiv b'yeshivah hayah*, "Our Patriarch Avraham was an elder sitting in the *yeshivah*." In fact, *Chazal* go on to state that all of the Patriarchs spent their time studying Torah in *yeshivah* and disseminating it to the public. Would this not be of interest to those who study Torah? Should it not have been written explicitly in the Torah? Apparently, the Torah finds it of greater significance to devote space to the actions and good deeds of the *Avos*, Patriarchs, rather than their Torah study.

Horav Yaakov Yitzchak Ruderman, zl, asks these questions and explains that the good deeds performed by the *Avos* resulted from their Torah study. Thus, the Torah mentions the primary consequence, the purpose of their Torah learning. He explains this based upon a question posed to *Chazal (Talmud Kiddushin 40b)*, "What is more important, the study of Torah or the performance of *mitzvos*?" Rabbi Tarfon replied that *mitzvah* performance has greater significance. Rabbi Akiva contended that Torah study is more important. The *Tananim* that were present all spoke up and said, "The study of Torah is more important, because the study of Torah brings one to the performance of *mitzvos*." In other words, the result of Torah study is that it provides the benefit of both: study and performance. Without knowledge, man cannot properly perform the *mitzvos*. Once he has completed his studies (not that one ever completes studying Torah), he should engage in good deeds. (One option cited by *Tosfos*.)

We derive from here that the advantage/benefit of Torah study is that it incurs *mitzvah/maasim tovim* performance: *Talmud meiivi l'yidei maaseh*; "Study brings about action." *Rambam (Hilchos Talmud Torah 3:5)* asserts, "There is no *mitzvah* among all of the *mitzvos* that

equals Torah study. *Talmud Torah* stands opposite all of the *mitzvos* because it catalyzes deed, i.e. *mitzvah* performance.

Thus, explains the *Rosh Yeshivah*, our Torah addresses that which is important. The deeds of the Patriarchs were the fruit of their devotion to Torah study. The Torah focuses on the product, the finished fruit, but, without Torah, there can be no fruit.

The *ben sorer u'moreh*, wayward and rebellious son, is executed before he has committed a capital crime. *Chazal* (*Sanhedrin* 72a) say, *Yamus zakai v'al yamus chayav*; "Let him die while he is still innocent and let him not die guilty of a capital crime." *Chazal* explain that his present actions bespeak a boy out of control, one who will do anything – even commit murder – in order to satisfy his desires. The *Talmud Yerushalmi* reiterates the same fear for the boy's future, adding one more "ultimate" digression from the Torah way: "In the end, he will forget his learning." It would appear from the *Yerushalmi* that even worse than wanton murder to satisfy his needs, is the *ben sorer u'moreh's* divesting himself of his relationship with Torah. Is this true?

Rav Ruderman explains that as long as the boy (or anyone for that matter) has not severed his relationship with the Torah, hope remains that he could one day return to an ethical and moral path. Once Torah is completely out of his life, he has no spiritual anchor; it is over. No resources are accessible to bring him to the source of hope and return.

ויעבד יעקב ברחל שבע שנים והיו בעיניו כימים אחדים באהבתו אותה
So Yaakov worked seven years for Rachel, and they seemed to him a few days because of his love for her. (29:20)

For some people life is far from a bed of roses. Yet, they persevere and forge ahead, often joyfully. Why? They believe that achieving their intended goal far outweighs any form of hardship they have been forced to endure. Pain is relative. If the goal means enough to the person, the pain, discomfort, anxiety are all worth it. *Yaakov Avinu* was an extraordinary *masmid*, diligent student of Torah. He did not waste a minute from Torah learning. During the fourteen years that he studied in the *yeshivah* of Shem and Ever, he did not lay down to sleep, so great was his desire to study Torah. Yet, he was prepared to accept backbreaking labor upon himself so that he could earn the right to marry Rachel *Imeinu*. He himself described the labor the burning sun beating down on him; the biting cold slicing through him for seven long years. Certainly, this took a toll on his Torah study. What justified his experiencing seven years removed from Torah learning, seven years of pain and deprivation? Could he assure himself that, when he would return to his *Gemorah*, he would be the same person? Could he be certain that the seven years would not take their toll on him?

The *Riva* (*Baalei Tosfos*, as cited by *Horav A. Henoch Leibowitz, zl.*) explains that *Yaakov's* every minute was filled with joy, in the knowledge that his efforts would catalyze his marriage to Rachel. He was overwhelmed with joy at the opportunity to marry such a unique, righteous, selfless woman, whose virtue was without peer, a woman with whom he would be able to establish the foundation for the future of *Klal Yisrael*. While it was true that he was sacrificing much for this unprecedented opportunity, it would be well worth it to him.

The *Rosh Yeshivah* derives from here that we must serve Hashem with abiding love and effusive joy, even when we are experiencing extreme pain and are compelled to toil incessantly. We do not realize the incredible spiritual plateau that we achieve and the outstanding and spiritual treasures that we unlock when we merit to overcome and triumph over our challenges. We suffer -- and some of us suffer so much – but when we realize the phenomenal spiritual benefits which we accrue, it is well worth it.

Rabbi Akiva suffered a most brutal and painful death. *Moshe Rabbeinu* and the ministering angels had difficulty coping with Rabbi Akiva's horrible murder at the hands of the Romans. Rabbi Akiva, however, was filled with joy at having the opportunity for which he waited a "lifetime" to experience. Giving up his life to sanctify Hashem's Name amid such excruciating pain was an unparalleled

experience for him for which the spiritual reward and benefits far outweighed anything that he had yet experienced.

There is a cliché in the secular world, "No pain, no gain." This means that one must put forth effort in order to see noticeable results. Perhaps the spiritual cliché should be, "With gain, there is no pain."

ויהי בערב ויקח את לאה בתו ויבא אתה אליו
And it was in the evening that he took Leah, his daughter, and brought her to him. (29:23)

True to his reputation as a swindler, Lavan did not keep his word to give Rachel *Imeinu* to *Yaakov Avinu*. He substituted Leah *Imeinu* for Rachel. This ruse would not have worked had Rachel not given over to her sister the designated signs that *Yaakov* had arranged with her. The Patriarch knew what kind of thief his prospective father-in-law was. He did not, however, count on the extraordinary love that Rachel harbored for Leah. The relationship between siblings should serve as a paradigm for the relationship between friends. When we speak of a relationship between two friends, the friendship between *Dovid Hamelech* and *Yehonasan ben Shaul Hamelech* comes to mind. *Yehonasan* was acutely aware that his friendship with *David* meant forfeiting his right to the throne. Nonetheless, he said to *David*, *V'atah timloch al Yisrael v'anochi eheyeh lecha l'mishnah*, "You will become the king over *Yisrael*, and I will be your second man" (*Shmuel I* 23:17). *Yehonasan* relinquished the throne as a result of his love for *David*.

From whom/where did *Yehonasan* derive this extreme level of love and devotion? The *Rema m'Panu* (cited by *Horav Elimelech Biderman, Shlita*) teaches that he gleaned this from the actions of Rachel *Imeinu* and Leah *Imeinu*. He saw the love that permeated the relationship between these two Matriarchs, their devotion to one another to the point of self-sacrifice, and he was determined to emulate them and act accordingly.

Indeed, when *David Hamelech* eulogized his best friend, *Yehonasan*, he declared, "*Nifleisah ahavascha li mei'ahavas nashim*, which translates as, "Your love to me is greater than the love of women" (*Shmuel II* 1:26). The *Rema m'Panu* explains this *pasuk* quite differently than its loose translation, "Your wonderful love to me – you learned to have it – *mei ahavas nashim* – from the love (manifest) by the two women (sisters), Rachel and Leah." From them, from their devotion to one another, you derived how one should love his/her fellow.

Yet, we find family members who sever ties with one another (usually) over the most infantile and inane issues. Siblings have a connection to one another that is unlike any other bond. They are two (or more) parts of a whole. The *Arizal* writes that the older sibling is a link in the connection to the souls of their parents and, through them, to Hashem. Thus, we have the obligation to respect our older siblings. When a family connection is severed, we become shaken to the core, leaving a void in our lives, because our siblings are a part of our identity, a part of us.

No one purposely, maliciously, seeks to create disunity within a family. It is usually the result of petty jealousy, which is either the result of – or leads to – insecurity and low self-esteem. What comes first depends on the individual situation and family dynamic. One thing is for certain: One who views life through the lens of envy has a distorted perspective and has lost a sense of reality. As a noted psychologist observed, "There are three sides to every story: the two who are in disagreement – and the truth." Sadly, time inevitably solves the discord when one's time is up, and there is no longer anyone with whom to quarrel.

ויזכור אלקים את רחל וישמע אליה ויפתח את רחמה
Hashem remembered Rachel; Hashem hearkened to her, and He opened her womb. (30:22)

Hashem remembered the extraordinary empathy that Rachel *Imeinu* manifested for her sister's plight. Lest she be discovered as Leah, Rachel gave her the pre-designated signs that *Yaakov Avinu* (sensing that Lavan would pull off such a stunt) had originally given to her. *Rashi* explains that now that she was aware that she was barren, Rachel feared

that Yaakov would divorce her, and she would be compelled to marry Eisav. (This is based upon the commentary that quoted people as saying that Lavan had two daughters, and his sister Rivkah *Imeinu* had two sons; the older son (Eisav) would marry the older daughter [Leah] and the younger son [Yaakov] would marry the younger daughter [Rachel]. Since Leah was married, however, if Rachel were to find herself divorced, she would have to marry Eisav. Furthermore, Rachel prayed that she be able to participate in the creation of *Am Yisrael*. Finally, after much fervent prayer, Hashem's desire for the prayers of the righteous was satisfied and Rachel was able to conceive. Indeed, when Eisav heard that Rachel was barren, he had anticipated that Yaakov would divorce her and he could "gallantly" step in.

At this point, Leah and her *shfachos*, maidservants, had given birth to ten sons. The *Shivtei Kah*, Tribes of Hashem, the foundation of the future *Klal Yisrael*, was almost complete. Imagine Rachel's anxiety. With each new birth in the family of Yaakov, the chances of Rachel becoming a Matriarch in *Klal Yisrael* was reduced. It was almost over. At the last moment, Hashem "remembered." What was it that He remembered? It was the *simanim*, signs, that Rachel gave Leah, the very same signs that enabled Leah to become a Matriarch and to be progenitress to six of the *shevatim*, tribes.

Let us go back in time and play out the scenario without Rachel's empathy for her sister. Leah would have gone to the *chupah* and, sometime later when Yaakov would have asked for the *simanim*, Leah would have been unable to produce them, Yaakov would have become quite upset and Leah would have been mortified. Yaakov would have made a ruckus and he would have married Rachel.

Rachel, however (as *Horav Yitzchak Zilberstein, Shlita*, observes), would have been barren, since the only reason that she became pregnant with Yosef and Binyamin was the merit of conceding the *simanim*. Otherwise, Rachel would have continued to be barren.

Rachel's act of selflessness, her empathy and love for her sister, not only earned her a place in the creation of *Klal Yisrael* as one of its Matriarchs, but we also find in the *Midrash* that it was specifically because of this *z'chus*, merit, that Hashem allowed *Klal Yisrael* to return to the Holy Land after the destruction of the *Bais Hamikdash*. *Yitzchak Avinu* prayed and beseeched Hashem to employ his willingness to be sacrificed as a *z'chus* for *Klal Yisrael*. Hashem said it was not sufficient. Then Rachel came forward and asked that He might accept the *z'chus* of her *vitur*, concession, giving up everything, her entire future for which she had passionately prayed – just so that her sister would not be humiliated. Can you imagine the awesomeness of this *z'chus*?

Horav Chaim Kanievsky, Shlita, derives from here that *vitur* – the ability to concede to another, to dash one's hopes of becoming a mother in *Klal Yisrael*, to transcend one's inner feelings, just so that her sister not become humiliated – is even greater than the *Akeidas Yitzchak*!

After all, what greater act of sacrifice exists than the ability to renounce one's future so that her sister not be shamed? Giving up that for which one has waited a lifetime is a greater act of devotion than relinquishing one's life.

יען לבן ויאמר אל יעקב הבנות בנותי והבנים בני... וכל אשר אתה ראה לי הוא
Then Lavan spoke up and said to Yaakov... "The daughters are my daughters, the children are my children...And all that you see is mine." (31:43)

With an arrogance that is simultaneously astounding and becoming, Lavan lashes into Yaakov *Avinu* with a diatribe, asserting himself to be the victim and Yaakov to be the aggressor. We are accustomed to it. Throughout the generations, we have contributed to the success of our host nations and, at the end of the day, not only did we not receive our due, but we were also blamed for attempting to undermine them.

In *Maamar Yechezkel*, authored by *Horav Yechezkel, zl*, *m'Kuzmir*, he cites his father, *Horav Tzvi Hirsch, zl*, who explains the word *roeh* (*v'chol asher atah roeh*, "All that you see") as denoting a positive outlook, similar to *Roeh ani es divrei admon*, "The words of *Admon* appear correct to me" (*Kesubos* 108b). The meaning of this

pasuk is: "All that you see/appears good in your eyes, is mine." A person performs *mitzvos*, carries out acts of lovingkindness, and he is pleased with himself – i.e. he feels he did a splendid job, acted in a manner that will please Hashem; but, ultimately, he allows the *mitzvah* performance to play into his ego, thereby diminishing the spiritual commitment for the sake of Hashem. No longer is the *mitzvah* completely *l'shem Shomayim*, for the sake of Heaven, but, instead, it is self-aggrandizing. Such a *mitzvah* is *li hu*, it is mine, it belongs to the *yetzer hora*, evil inclination. The *yetzer hora* has just stolen the *mitzvah* from us. What had begun as a wonderful spiritual endeavor fell into the trap of ego which was set by the *yetzer hora*. The evil inclination says, "You did not serve Hashem. Your *frumkeit* is mine, because you belong to me."

How often do we fall victim to this *yetzer hora*? We become involved in a project, an endeavor, an organization for which we think – or at least we have convinced ourselves to believe – that we are acting *l'shem Shomayim*, for the sake of Heaven, when, in fact, we are doing this for personal aggrandizement or to assuage our guilt. As such, we play right into the hands of the *yetzer hora*. Although it is true that the people whom we seek to help will definitely receive the benefits of our efforts, we wonder whether we will receive the merit that we think we deserve. When we "arrive" at our final destination and expect to employ all the merits which we assume that we have earned, the *yetzer hora* will greet us with, *V'chol asher atah roeh – sheli hu*, "It is all mine," because our motives have lacked complete sincerity.

Horav Baruch Ber Leibowitz, zl, the legendary *Rosh Yeshivah* of Kamenitz, related the following story. He prefaced his words with a question (quoted by *Horav Mordechai Schwab, zl*, in *Maamar Mordechai*), "How is it possible for the *yetzer hora* to enter into the mind of the *Rosh Yeshivah* to tell him not to learn, to instruct him, 'Do not fear Hashem'?" Impossible. It simply is not possible for the *yetzer hora* to have such a hold. True. Nonetheless, the *yetzer hora* does affect everyone. The answer is: With *frumkeit*." The *yetzer hora* drives a wedge between the person and his motivation to do the right thing, to be observant, righteous, virtuous. By convincing a person that he has failed, that his religious observance is lacking, missing its mark, the *yetzer hora* succeeds in depressing a person, causing him to question himself, his learning, his *mitzvah* observance.

Rav Baruch Ber gave a first person account about how this form of guile affected him. Following World War I, the *Rosh Yeshivah* was in Vilna. It was there that his father, *Horav Shmuel David, zl*, became ill. Due to his meticulous adherence to the *mitzvah* of *Kibbud av*, honoring his father, *Rav Baruch Ber* did not leave his father's bedside all night. He refused to allow anyone – not even a family member – to take his place. It was his responsibility, and he would not shirk his responsibility. Indeed, it reached the point that it was affecting the health of the *Rosh Yeshivah*. One night, the family was finally able to convince him to take a break. They asked one of his older students from the *yeshivah* to sit with the *Rosh Yeshivah's* father. That was the night that *Rav Shmuel David* returned his saintly soul to his Creator.

Rav Baruch Ber was beside himself, blaming his father's passing on his personal deficiency in observing the *mitzvah* of *Kibbud av*. He fell into a deep melancholy, to the point that he felt he could not say *shmur*, render his daily Torah lecture. [The *Rosh Yeshivah's* depression was rooted in the perceived notion that he failed to execute a *mitzvah* properly.] At that point, the *Chafetz Chaim, zl* (who had somehow heard of *Rav Baruch Ber's* situation), sent a message asking *Rav Baruch Ber* to come visit him. When the *Chafetz Chaim* called, one immediately responded. *Rav Baruch Ber* left for Radin. When he arrived, the *Chafetz Chaim* greeted him and went right to the point. The *Chafetz Chaim* held *Rav Baruch Ber's* hand for half an hour, during which he explained to him the essence of *teshuvah*, repentance/ return. He repeated a number of times that *teshuvah* does not simply atone for one's sin; it is much more powerful than that. *Teshuvah* transforms the penitent into a totally new person – who had never sinned! The *Chafetz Chaim* sufficiently reiterated this idea until *Rav Baruch Ber* accepted it.

Rav Baruch Ber taught a powerful lesson. The *yetzer hora* can enter into the mind of an unsuspecting soul, such as a *ben Torah*, who otherwise would never encounter this abomination. The tactics must change. Rather than enticing a person to sin, the *yetzer hora* convinces a person that his *frumkeit*, religious observance, is lacking, that he failed to execute a *mitzvah* properly. Such feelings of guilt can gnaw at a serious minded person whose love for Hashem is so absolute that anything which impugns the integrity of his observance will immediately dishearten him.

Having said this, we must ask ourselves: As observant Jews who, for the most part, will not allow the *yetzer hora* to manipulate us to overt transgression, are we certain that it cannot contravene our *mitzvos*? To distance oneself from sin is obvious, but to avoid partnering with the *yetzer hora* in our *mitzvah* performance is perhaps not as conclusive.
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Ohr Somayach :: Insights Into Halacha :: Parshas
For the week ending 23 November 2013 / 20 Kislev 5774
All About Honor in Halacha
Rabbi Yehuda Spitz

As we study the weekly Parshiyos in Sefer Bereishis, we encounter stories and lessons from our towering patriarchs, Avraham, Yitzchak and Yaakov. The Ramban expresses great interest in every detail related by the Torah, and introduces us to the fundamental concept of “Maaseh Avos Siman LaBonim”[1]. This refers to the idea that the actions of our forefathers created a spiritual reality which was symbolic for their descendents. In other words, the challenges met by our great patriarchs transmitted to their children a unique form of spiritual DNA[2], whereby the potential was created for their descendants to emulate their deeds. Thus, it is incumbent upon us to explore the deeper concepts found in these familiar stories and comprehend their relevance today. Indeed, in the footsteps of Avraham Avinu, we find that one of the hallmarks of the Jewish nation is Chessed[3]. Consequently, the refined manner in which he served his guests turns out to be of Halachic interest to us[4].

Who’s Coming to Dinner?

For example, in a complicated kashrus question, there are times when halacha may dictate that only in extenuating circumstances such as *hefeseh merubah*, *l’tzorech Shabbos*, or if guests are coming, one may be lenient[5]. There is debate in the Acharonim which type of guests would qualify for this halachic dispensation. The *Tosafos Yom Tov* rules that only important guests that one would want to impress would qualify; conversely, poor charity cases would not make the grade. However, the *Minchas Yaakov*[6] argues that we see that Avraham Avinu welcomed guests whom he thought were ‘three simple wandering pauper Arabs’ and accorded them highest honors. Certainly, he maintains, leniencies involving *Hachnosas Orchim* would apply to downtrodden Jews as well. Most authorities, including the *Chofetz Chaim*, actually conclude that one who invites in such *Yidden* not only fulfills the *Mitzva* of *Tzadaka*, but *Hachnosas Orchim* as well[7].

Chaticha HaReuyah L’Hischabed

Yet, the flip side of Honoring Guests is not a dispensation, but rather a halachic stringency. Generally, if a piece of non-kosher food is mixed in with two or more identical pieces of kosher food, it is *battel b’rov* - it becomes nullified within the majority. However, if the non-kosher food is a *Chaticha HaReuyah LeHischabed*, an honorable piece that is fit to be served to an important guest[8], it is not *battel* (nullified). Regardless of how many pieces are involved, whether three or three thousand, the entire mixture is forbidden, and none of the pieces may be eaten[9].

Size Matters

Still, the exact parameters of this designation are debated. For example, the *Shulchan Aruch* maintains that a *Chaticha HaReuyah LeHischabed* refers exclusively to a respectable portion that is cooked and ready to be served. All others, even a desirable and expensive cut of meat, would not meet this criterion, as one would presumably not honor a

distinguished guest with a raw steak, and can be nullified. However, according to the *Rema*, whom Ashkenazic practice follows, even large pieces of raw meat (i.e. steak, cutlets, brisket etc.) would fall into the category of *Chaticha HaReuyah LeHischabed*. He avers that once the meat is of an respectable size, which then can potentially be carved up, cooked and served to an important guest, it is still considered fit for honoring a guest.

Based on the above, if a non-kosher raw steak is accidentally mixed up with five hundred kosher steaks, the basic halacha would depend on this dispute. According to the *Shulchan Aruch*, since the steak is raw, it is not fit for guests, and can be nullified. However, according to the *Rema*, generally speaking they would all be prohibited.

Although there are Ashkenazic authorities who maintain that in a case of extenuating circumstances or great loss one may rely on the *Shulchan Aruch*’s opinion, others only allow use of this rationale as an additional factor to permit leniency, but not on this basis alone. On the other hand, many other decisors disagree entirely[10]. As with all halachic issues, if such a situation arises the question should be referred to a knowledgeable halachic authority.

Non Deplumed

One situation all agree on is that a raw chicken still in feathers cannot qualify as a *Chaticha HaReuyah LeHischabed* and can be nullified. The same would apply to a side of beef that has not yet been skinned. At that stage it would be too much of a jump in logic to consider honoring someone with it. Even though nowadays, with the advent of modern technology, de-feathering chickens is no longer a time consuming and arduous task, it still would not change that chicken’s inability to be considered honorable at that stage in its life, err... death[11]. [12]

Shwarma Surprise

Another interesting issue that arises is whether a portion of food can claim to be a *Chaticha HaReuyah LeHischabed*. For example, can a plate of shwarma be nullified? It itself would be considered an honorable meal, especially in the Middle East, but it is not one *Chaticha*. If someone accidentally mixed several strips of non-kosher shwarma amid many other kosher ones, what is the shwarma’s status?

The answer to this question is based on a comment of the *Rema*, regarding or *shuman avaz*, fried goose skin. Apparently, back in those days this was quite a popular delicacy, and the *Rema* ruled that it is considered a *Chaticha HaReuyah LeHischabed*[13]. Yet, the *Taz* points out that the most respectable method of preparing this delectable dish is by cutting it into small strips and frying it. Therefore, he posits, since a plate of small strips of fried goose skin would be served to a guest, a single piece of it could also be considered a *Chaticha HaReuyah LeHischabed*, even though no one would think of serving a single small strip! Based on this understanding, the same would apply to our shwarma. If even a single non-kosher shwarma strip would get mixed in with kosher shwarma, the entire mixture would be prohibited.

Yet, there is still hope for shwarma lovers. The vast majority of authorities strongly disagree with the *Taz*’s logic and maintain that in order to designate an item as a *Chaticha HaReuyah LeHischabed*, it primarily must be a solitary *Chaticha* that one would want to use to honor a guest. Since no one would serve a single piece of this fried skin to a guest, rather it is exclusively served with many strips together as a dish, it cannot be considered a true *Chaticha HaReuyah LeHischabed*[14]. The same would apply to our shwarma. Delicious as it might be, one small strip just would not cut it, and can still be nullified[15].

It would certainly behoove us to emulate our esteemed forefathers and the lessons they have imparted to us. As my namesake, the renowned *Maharal M’Prague*[16] explains, the three pillars holding up the world[17] are actually exemplified by our esteemed *Avos* and their unique *middos*. Our *Avos* teach us so much, both by their actions which we aspire to emulate, and by the details of their conduct, which reverberate and result in the nuances of *psak halacha*, from ancient times to modern times.

*Footnotes available on online version; see
www.shemayisrael.com/parsha/peninim/index.htm*

Torah.org.

Weekly Halacha :: Parshas Vayeitzei

Rabbi Doniel Neustadt

Overnight Mail On Friday For Shabbos

Question: Is it permissible to send a letter or a package on Friday with specific instructions to deliver it on Shabbos?

Discussion: Amiraḥ l'akum, giving instructions to a non-Jew to perform a Shabbos Labor which would be forbidden for a Jew to do on Shabbos, is prohibited[1]. It makes no difference whether the Jew's command is given on Shabbos or before Shabbos[2]. Accordingly, it should be forbidden to instruct a non-Jew on Friday to deliver an overnight package on Shabbos, since there are several prohibitions involved in delivering mail on Shabbos[3].

When necessary, however, there is room for leniency. There are some poskim[4] who hold that only a direct command to a non-Jew is forbidden; instructing a non-Jew to instruct another non-Jew —amiraḥ l'amiraḥ—is permitted. Not all poskim agree with this leniency. Mishnah Berurah[5] rules that one can rely on this view only to avoid a major financial loss (hefsed gadol). Other poskim rule that one may rely on this view only in a case of great need (tzorech gadol)[6]. It follows, therefore, that one is permitted to send an overnight letter to be delivered on Shabbos in case of great loss or great need, since the command to deliver the item is not given directly to the delivery man but rather to another non-Jew[7].

There are several other arguments for permitting one to have a letter delivered on Shabbos:

- Firstly, the Chasam Sofer[8] rules that even those who prohibit instructing a non-Jew to instruct another non-Jew would permit it if the Jew's instructions to the first non-Jew were given before Shabbos[9].
- Secondly, some poskim hold that if the second non-Jew is not aware that he is doing a melachah for a Jew, then it is clearly permitted for the Jew to instruct a non-Jew to tell another non-Jew to do a melachah[10].
- Thirdly, some poskim[11] argue that mailmen do not work for the sender but rather for the government Postal Service (or a private company), which has an interest in mail being delivered. They are not delivering the mail because the Jew asked them to do so, but because they are employees of the Service. They are not considered, therefore, as doing something for the Jew. Mail delivery is similar to garbage collection in which the garbage men are not working for the homeowner but rather for the city government[12]. All these reasons are sufficient to permit a letter to be sent with instructions to deliver it on Shabbos, even when the situation is not necessarily one of averting a major loss or filling a great need. Obviously, if there is no need or urgency, one should not rely on the above arguments[13].

Question: What may the recipient do when an overnight letter arrives on Shabbos?

Discussion: Most of the time a letter sent overnight will contain one or several muktzeh items, such as money, bills, important documents related to business activity, etc. It is, therefore, forbidden to take the letter directly out of the hands of the delivery person. But even in the event that the recipient knows that there are no muktzeh items in the package, it is still debatable whether or not the recipient is permitted to take the letter directly out of the delivery man's hands, and it is strongly recommended that one not do so, for the following reasons:

- Several poskim are of the opinion that a sealed envelope which cannot be opened on Shabbos is muktzeh, since it is not a utensil and it has no other use[14]. A minority opinion holds that it is not muktzeh since it can be used as a bookmark[15].
- An overnight letter that was delivered on Shabbos was probably outside of the techum Shabbos before the onset of Shabbos. Some poskim hold that a letter that originated from outside the techum Shabbos is muktzeh. Other poskim disagree[16].
- When any letter arrives on Shabbos, the recipient should not take it directly from the mailman's hands. Rather, he should allow the mailman to place the letter in the mailbox or in the house. The reason for this is that we do not want the Jew to inadvertently carry the letter into the house, an act which may be Biblically forbidden[17]. Possibly, however, if there is an eiruv, one may take the letter directly from the mailman's hands[18].
 1. This is a Rabbinic prohibition. According to a minority opinion, it is considered a Biblical prohibition; see *Sha'ar ha-Tziyun* 243:7.
 2. O.C. 307:2.
 3. See *Chelkas Yaakov* 1:65.
 4. *Chavos Yair* 53.
 5. 307:24, quoting the *Sefer ha-Chayim*.
 6. *Maharsham* 2:136, quoting the *Shvus Yaakov* 2:42.
 7. *Maharsham* 2:136, and in *Da'as Torah* 247:1; *Az Nidberu* 3:36.
 8. O.C. 60.
 9. See *Beur Halachah* 307:2, who quotes this *Chasam Sofer* and comments that from the *Rashba* it seems that this is not so, that amiraḥ l'amiraḥ is forbidden even during the week. But see *Zichron Yosef* 97 (quoted in *Machazeh Eliyahu* 37) who explains that there is no contradiction between the *Rashba* and the ruling of the *Chasam Sofer*, and that amiraḥ l'amiraḥ before the onset of Shabbos is permitted.
 10. *Mishneh Sachir* 77 quoting *Maharshag*. See also *Chasam Sofer*, C.M. 185.
 11. *Peri Megadim* 247:3 according to the explanation of *Machazeh Eliyahu* 37.
 12. Possibly, this argument could be advanced to include employees of a private company as well.
 13. See *Minchas Yitzchak* 6:18, who is hesitant about permitting this, although he concedes that many people are lenient.
 14. *Igros Moshe*, O.C. 5:21-5; 22:5; *Rav Y.S. Elyashiv* (see *Shalmei Yehudah* 12, note 21). See *Hebrew Notes*, pg. 570-571, for further elaboration.
 15. *Rav S.Z. Auerbach* (*Shulchan Shelomo* 308:4-3).
 16. See *Mishnah Berurah* 307:56 for the various views. *Igros Moshe*, O.C. 5:21-5; 22-5, rules stringently.
 17. *Mishnah Berurah* 307:56.
 18. See *Sha'ar ha-Tziyun* 307:66.

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לע"נ

שרה משא בת ר' יעקב אליעזר ע"ה