

INTERNET PARSHA SHEET
ON TOLDOS - 5758

B'S'D'

I now have capability to send this formatted document via e-mail. So please send your e-mail addresses to crshulman@aol.com.

For instructions and listing of Torah e-mail lists and web sites see <http://members.aol.com/crshulman/torah.html>

*TORAH WEEKLY * Highlights of the Weekly Torah Portion Parshas Toldos <http://www.ohr.org.il> ... Insights

The Secret Of Well-being

"Yitzchak's servants dug in the valley and found there a well of fresh water. The herdsmen of Gerar quarreled with Yitzchak's herdsmen saying, 'The water is ours,' so he called the name of that well Esek, because they involved themselves with him. Then they dug another well, and they quarreled over that also; so he called it Sitnah. He relocated from there and dug another well..." (26:19-22) It's tough being fabulously wealthy. It takes so much time and worry and effort to protect and embellish your riches. You have to inspect your factories, lunch with lawyers, account with accountants. The Internal Revenue Service has you in its sights. You hardly have time to put out the cat. By our standards, the Avos -- Avraham, Yitzchak and Yaakov -- were multi-billionaires. A tycoon's portfolio would pale in comparison. And yet, in spite of all their wealth, they never lost sight for a moment of the purpose of their wealth. Oil may be called "black gold," but when you live in the desert your entire wherewithal is dependent on "white gold" -- Water. Without water, you have nothing. When there was an argument over water rights, did Yitzchak become litigious? No. He let it go. He walked away and dug another well.

Whenever there's a fight over something, it's going to eat up my time and peace of mind. What will I gain? Money? Status? Is it really worth it? It's going to knock me off the spiritual path, so I walk away. Nothing is equal to the worth of my spirituality. That is my only lasting possession. Yitzchak dug another well, "Sitnah," whose name is derived from the word "to oppose." If the Philistines are trying to oppose my spirituality, to try to drag me down, I walk away. I build another well. In the secular world they say that time is money. We say "Money is time." All you ever have in life is time. You can spend your life with your lawyers, or you can spend it talking and listening to your Creator. It's up to you.

A Tender Trap "And Yitzchak love Esav, for trapping was in his mouth, but Rivka loved Yaakov." (24:28) In the celestial courtroom drama which will take place at the end of history, Hashem will turn to each of the Avos and say "Your sons have sinned." Avraham and Yaakov will say to Hashem that if their offspring have sinned, they should be brought to punishment, for Hashem's name is sanctified when those who sin are punished. Yitzchak, however, will defend his children claiming that their sins were petty and insignificant. He will do his best to get them "off the hook." Why, specifically, should it be Yitzchak who will go to greater lengths than the other Avos to seek clemency and leniency for his children? Especially as he himself is the embodiment of the fear of Heaven and its awe. Yitzchak had a winning claim against Hashem. He could say to Hashem: "I also had a son who sinned -- Esav. And in spite of my being only flesh and blood, I loved him and forgave and pardoned him." "You, Master of the Universe, You who are the essence of forgiveness, how much more so should You exonerate and forgive Your children, even though they have sinned against You!" It turns out therefore, that through Yitzchak's love for Esav, he had a substantial and well-founded defense for the Jewish People. This is what the above verse means when it says that Yitzchak loved Esav "because trapping was in his mouth." Yitzchak loved Esav so that when Hashem would accuse the Jewish People, Yitzchak would have a ready-made defense to, as it were, "trap" Hashem into forgiving them.

Sons and Fathers "And these are the offspring of Yitzchak the son of Avraham -- Avraham begot Yitzchak." (25:19) Yitzchak always

considered that his only merit was that he was "the son of Avraham," and Avraham thought that his only merit was that he "begot Yitzchak." That is the way of the righteous: They never see themselves as sufficient in their own eyes; rather they see their only merit as being the son or the father of a righteous person.

The Voice "The voice is the voice of Yaakov, and the hands are the hands of Esav" (26:22) The Voice is given to Yaakov. And the Hands, to Esav. The Voice is the internal power which emanates from the heart. The Hands are the external power of action. But these Hands, the hands of Esav, are not satisfied just to dominate the physical world. They strive constantly to subjugate the Voice. The hands of Esav thrust themselves deep into the insides of Yaakov; coarse Hands delving into the depths of the soul; setting up an idol in the inner sanctuary of the Jewish soul; superficiality swelling up and suffusing the innermost chambers of the heart.

The Hands strangling the Voice; the Voice of prayer without the feeling of the heart; a mitzvah done mechanically -- the Hands are working. And the Voice grows quieter and quieter. But in spite of this, the Voice is the voice of Yaakov; destined to rise up, to dominate and elevate the Hands, to purify them and make them holy. When Yitzchak said that the voice was "the voice of Yaakov and the hands, the hands of Esav" he thought that it was Esav who was in front of him and that Esav had acquired the voice of Yaakov -- that the Voice had sanctified and elevated Esav. The truth of the matter was that Esav had remained unchanged in his evil, while it was Yaakov who stood before him, garbed in the goatskin hides of Esav. For the Voice -- the voice of Yaakov -- will ultimately permeate to the outermost layer of the skin, even to the very end of the material world.

Sources: o The Secret of Well-being - Rabbi Avraham ben HaRambam as heard from Rabbi Moshe Zauderer. o A Tender Trap - Shelah HaKadosh in Mayana Shel Torah o Sons and Fathers - Admor Rabbi Yechiel m'Alexander in Iturei Torah o The Voice - Rabbi Shlomo Yosef Zevin in l'Torah u'l'Moadim Written and Compiled by Rabbi Yaakov Asher Sinclair General Editor: Rabbi Moshe Newman Production Design: Lev Seltzer (C) 1997 Ohr Somayach International

"RavFrاند" List - Rabbi Frاند on Parshas Toldos

Worse Than Color Blind: Seeing The Color, But Not the Soup This week's parsha, contains the famous story of the selling of the birthright. Yaakov cooks a pot of lentil soup. Eisav comes in, tired from the field, and says to his brother, "Give me this red stuff you have over here." Yaakov responds, "Sell me as this day (ka'yom) your birthright" [Bereshis 25:30-31]. Eisav was the older brother. He was in line to inherit the spiritual gifts that were passed down from Avrohom through Yitzchak. Yaakov asks Eisav to sell him these rights "ka'yom" (as this day). The Sforno is bothered by the term "ka'yom". The Sforno's interpretation provides for us a very relevant message. When Yaakov saw the preoccupation that Eisav had to his mundane profession, that he was so obsessed with 'his own thing' that he couldn't even identify the soup that was being prepared, except by its color, he knew that Eisav had no need for the Bechora (First Born status).

If a person can work to the extent that he comes home so hungry that unlike any normal human being, he can only say about the soup "Give me the red stuff" then he is a person for whom the only thing that matters is 'Today' (ka'yom). He is so preoccupied with his activities that he can't even recognize a bowl of soup! If that is how involved he is in the work of today, he has no need or interest in the Service of G-d, which is inherent in the rights of the First Born. This is what Yaakov meant. "If Today (ka'yom) is so important to you then you can't be the Bechor. You can't expect to serve G-d the way the Master of the World has in mind." What the Sforno is saying is that there is a basic dichotomy between that which is spiritual and that which is temporal. A person can get so involved in his work, in his career, that nothing else matters besides 'Today'. When 'making partner' becomes the top priority, when being successful in one's profession is all that matters, one only has 'Today'. Family loses its importance, spirituality loses its importance, the relationship with everything that is of lasting and eternal value is severed. A life of 'Today' precludes a life of holiness. Eisav was the ultimate 'career person', the ultimate 'workaholic'.

He came back from his work so consumed, so obsessed, that he could not

even recognize a bowl of soup. Yaakov recognized that Eisav had no connection to the Tent of Spirituality and no need for the Bechora.

Yitzchak Foregoes the Well to Preserve His Spiritual Well Being
Later in the parsha, Yitzchak had an incident with the wells. "And Yitzchak returned and redug the wells that were dug in the days of Avraham which had been filled up by the Philistines after the death of Avraham... And the herdsman of Gerar argued with Yitzchak's herdsman saying 'The water is ours', so he called the name of the well 'Esek' because they had this involvement (hisaku) with him. Then they dug another well..." [Bereshis 26:18-21]. Rav Avrohom the son of the Ramba"m says: "The acts of the fathers are signposts - provide an indication for - the children." Why did the Torah have to tell us that the well was called Esek? Is it so significant to the history of the Jewish people what this well was called? Who cares? Rav Avrohom ben Ha-Rambam answers that 'Esek' means an involvement. The Patriarchs, with their great wealth and abundance of property, were not 'involved' in business matters. It did not make a difference to them if their investments were prospering or not. If it was a 'hassle' for them, they didn't want it. Their real 'involvement' - the area where they truly expended effort - was strictly in spiritual matters. When a dispute arose concerning this well, when the well involved going to court and getting involved in the 'nitty-gritty' of financial matters, Yitzchak called it 'Esek'. The name means, "It's a hassle." Yitzchak said, I want nothing to do with such things; I don't have time for such matters. This is not what my life is about. Let's go find another well! This is the 'Act of the Fathers' which should be an indication and a guide for the actions of the descendants.

When One's Presence Is the Greatest Mussar Schmooze
The regular Haftorah for Parshas Toldos (which we will not read in 5758 because Toldos is Mochor Chodesh) is from the prophet Malachi. Malachi chastises the Jews in general and the Kohanim in particular for treating the Temple Service in a less than an honorable fashion. That, in fact, is the connection between the Haftorah and the Parsha. The Haftorah begins "Is not Esav a brother to Yaakov..." [Malachi 1:2]. "Why out of the twin brothers," G-d says, "did I pick Yaakov and reject Eisav?" As we said earlier, Yaakov was a person of spirituality and Eisav was a person of physicality. "That", says G-d, "is why I picked you, Klal Yisroel." That is why it is all the more disgraceful when Israel's own Kohanim, the people who are supposed to represent spirituality, do not do their Service properly. They have become in effect Eisav and not Yaakov." The prophet goes on to give chastisement to these Kohanim whose actions were less than appropriate. He concludes by describing what a true Kohain should be: "The teaching of truth was in his mouth and no obscenity (avlah) was found on his lips; he walked with Me in peace and fairness, and he turned many away from sin" [2:6]. Everything fits nicely in this verse with the exception of four words. Among the list of wonderful praises described here is the expression "and no obscenity (avlah) was found on his lips". This seems a bit out of place. This is how we describe the quintessential Kohain? Does the prophet have nothing better to say about him than he doesn't speak obscenities? I once heard from Rav Nissan Alpert, zt"l, the following thought which he said at the eulogy of his Rebbe, Rav Moshe Feinstein, zt"l: There are some people who don't have to give mussar. Every community has to have a person who gives them mussar. How is mussar given? The person who is giving mussar goes ahead and bawls out the members of the community: "You shouldn't do this, you shouldn't do that, etc." There is however, a type of individual who doesn't have to say a word of mussar. His essence, his being, is the greatest mussar schmooze. To be within his four cubits is the lecture of chastisement. To see a person such as Rav Moshe Feinstein, to see his humility, to see his refinement (ehrllichkeit), to see the Fear of Heaven, to see the Love of Israel -- not a word had to be spoken! This is what the prophet means. The Kohain described was 'ehrllichkeit' personified. And even when he had to give mussar, there was no need to have to say an 'avlah', to issue harsh reprimands. To be in this man's presence was the ultimate mussar schmooze. That is the Kohain and the spiritual leader that the prophet describes -- one who does not need to utter a word of admonishment. His presence was the biggest inspiration

for one to better oneself.

Sources and Personalities Sforno -- Rav Ovadiah Sforno (1470-1550); Bible Commentary. Rome and Bologna, Italy. Rav Avraham ben HaRambam -- (1186-1237) Successor to his father, Rav Moshe ben Maimon (Ramba"m) as Naggid and Chief Rabbi of Egyptian Jewry. Rav Nissan Alpert -- Maggid Shiur at Yeshivas Rabbeinu Yitzchak Elchanan; Disciple and neighbor of Rav Moshe Feinstein; Died shortly after Rav Moshe. Authored Limudei Nissan (Bible Commentary). Rav Moshe Feinstein -- (1895-1986); Rosh Yeshiva of Mesivta Tifereth Jerusalem, New York; Authored Igros Moshe (Responsa), Dibros Moshe (Talmud Commentary), and Darash Moshe (Bible Commentary). Transcribed by David Twersky; Seattle, Washington twersky@aol.com Technical Assistance by Dovid Hoffman; Balt., MD dhoffman@clark.net RavFrاند, Copyright (c) 1997 by Rabbi Y. Frاند and Project Genesis, Inc. Project Genesis: Torah on the Information Superhighway 6810 Park Heights Ave. Baltimore, MD 21215

WEEKLY-HALACHA SELECTED HALACHOS RELATING TO PARSHAS TOLDOS By Rabbi Doniel Neustadt A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

The voice is Yaakov's voice (27:22)

AMPLIFIED SOUND WAVES

QUESTION: Can one fulfill a mitzvah in which is incumbent upon him, e.g., listening to havdalah or to the reading of Megilas Esther, by listening to the words recited over a microphone or a telephone?

DISCUSSION: There are two basic issues, one scientific, the other halachic, that need to be clarified in order to answer this question. The scientific point to be determined is the status of the sound waves emitted when speaking into a microphone, concerning which there are two theories: 1) The sound which is heard is an extension of the speaker's voice; it is merely being amplified and carried a greater distance; 2) The sound is completely detached from the speaker, since the microphone "creates" new sound waves which are then transmitted to the listening audience. The halachic issue that must be clarified is whether the mitzvah in question can only be fulfilled with the authentic, original voice of the speaker, or can one discharge his obligation by means of an electrical impulse heard simultaneously with the original sound. Some earlier authorities(1) were of the opinion that the sound heard over the microphone, etc., is the original speaker's voice. It is permitted, therefore, in their opinion(2) to listen to the megillah over a microphone or to havdalah over the telephone.

Other authorities(3) maintained that both the scientific and halachic questions are difficult to resolve and cannot be clearly decided. Thus in their opinion it remains questionable if mitzvos can be performed by means of a microphone or telephone. It follows, therefore, that only under extenuating circumstances - when no other possibility exists - is it permitted to fulfill a mitzvah by means of a microphone or telephone(4). But the majority of the authorities(5) who have studied this issue, including Harav S.Z. Auerbach(6) who has researched it extensively with the aid of a team of technical experts(7), have ruled conclusively that the sound waves emitted by a microphone or telephone are definitely not the speaker's original, authentic voice. In addition, they rule unequivocally that one's obligation cannot be discharged unless the original speaker's voice is heard, even if an electrical impulse is heard simultaneously with the original sound. Accordingly, one cannot - under any circumstances(8) - fulfill a mitzvah by listening to sound waves from a microphone or a telephone(9). In practice, therefore, it is clear that when another possibility exists, mechanical voice amplifiers should not be used to fulfill a mitzvah. For example, a woman who is home alone and has no one to make havdalah for her, should rather recite havdalah herself(10) than listen to it being recited by someone else over the telephone. Even if she cannot or will not drink wine, grape juice or beer, it is better for her to recite havdalah over coffee(11), tea [with or without milk](12) or milk alone(13) [and - according to some poskim(14) - grapefruit, orange or apple juice] than to listen to havdalah recited over the phone(15). If, however, one finds himself in a situation where otherwise he cannot recite havdalah or hear the megillah at all, e.g. in a hospital, one would have to rely on the poskim who permit listening to blessings etc., over the telephone(16).

A related issue is whether or not it is permitted to answer amen to a blessing or kaddish heard over a microphone, telephone or during a live telecast transmitted by satellite. Some poskim(17) permit this since they

remain undecided about the halachic status of amplified sound waves, as explained above. In addition, some poskim(18) permit it based on the ancient precedent set in the great synagogue in Alexandria(19), where most people did not hear the blessings being recited because of its vast size, but were nevertheless permitted to answer amen when signaled to do so by a flag waving.

Harav Auerbach, though, rejects this comparison and rules clearly that it is prohibited to answer amen upon hearing a blessing in this manner. He agrees, however, that one who is in the vicinity of the speaker, even though he only hears the speaker's voice over a microphone, etc., is permitted to answer amen, as was the case in Alexandria where everyone was inside the shul and part of the tzibbur that was davening.

FOOTNOTES: 1 Minchas Elazer 2:72; Minchas Aharon 18 (quoted in Tzitz Eliezer 8:11); Chazon Ish is quoted in Minchas Shelomo 9 as having agreed orally with this view as well. 2 Their argument is partially based on the fact that sound waves - even without being transmitted by a microphone - are carried through the air before they are heard by the listener. The fact that the microphone amplifies those sounds and furthers their distance should not be considered halachically problematic. 3 Harav T. P. Frank (Mikraei Kodesh, Purim 11 and in Minchas Yitzchak 2:113); Igros Moshe O.C. 2:108; O.C. 4:126. [See, however, Igros Moshe E.H. 1:33 and O.C. 4:84.] Harav Y.Y. Henkin (Eidus Y'israel, pg. 122) also does not render a clear decision on this issue. 4 Tzitz Eliezer 8:11. See also Shevet ha-Levi 5:84. 5 Da'as Torah O.C. 689:2; Gilyonei ha-Shas, Berachos 25a; Eretz Tzvi 1:23; Kol Mevaser 2:25; Mishpatei Uziel 1:5; Minchas Yitzchak 1:37;3:38; Shemor Metzuyanim B'halachah 193:6; Kinyan Torah 1:75; Yechaveh Da'as 3:54; Moadim u'Zmanim 6:105. See also Teshuvos Peas Sadcha 126 who quotes such a ruling from Reb Chaim Soloveitchik. 6 Minchas Shelomo 9. 7 Harav Auerbach and Yechaveh Da'as add that those who have dissented were not familiar with the relevant technology. 8 See Hebrew Notes concerning using a microphone when the speaker's voice would be heard even without it. 9 Harav Auerbach makes clear that the same ruling applies to hearing-impaired individuals who cannot hear without a hearing aid. Igros Moshe O.C. 4:85 is hesitant if a hearing aid works exactly like a microphone. 10 Women are obligated in havdalah and may recite the havdalah themselves. Although there is a well-established custom that women do not drink the wine from the havdalah cup, this custom is disregarded when a woman needs to fulfill her obligation of havdalah - Mishnah Berurah 296:35; Aruch ha-Shulchan 296:5. 11 Instant or brewed - Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 60 note 18). 12 The tea or coffee should be cooled enough to drink at least 1.6 fl. oz. within three minutes. 13 Aruch ha-Shulchan 272:14; Igros Moshe O.C. 2:75. 14 Tzitz Eliezer 8:16; Shemiras Shabbos K'hilchasah 60:5. 15 In this situation it is permitted also for her husband (or anyone else) who already recited or heard havdalah to repeat the havdalah specifically for the woman - see Mishnah Berurah 296:36. The blessing over the candle, though, should be omitted. 16 Igros Moshe O.C. 4:91-4; Tzitz Eliezer 8:11. 17 Igros Moshe, ibid. 18 Yechaveh Da'as 3:54. 19 See Sukah 51b and Tosfos, ibid. Weekly-Halacha, Copyright (c) 1997 by Rabbi Neustadt, Dr. Jeffrey Gross and Project Genesis, Inc. The author, Rabbi Neustadt, is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. The Weekly-Halacha Series is distributed L'zchus Hayeled Doniel Meir ben Hinda. - Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. http://www.torah.org/Baltimore, MD 21215

enayim@shamash.org November 26, 1997 Yeshiva University's weekly devar Torah Enayim L'torah Parshas Toldos

Simply A Successful Successor Rabbi Baruch Simon

In this week's parasha, the Torah describes Yaakov Avinu's purchase of the birthright from Esav. The Rambam explains that although the monetary benefit of a double portion was applicable only after matan Torah, the birthright did bear some significance prior to that event, as well. Upon his father's demise, the bchor - eldest son acquires certain privileges previously afforded to his father. The Ibn Ezra comments that these included such gestures as requiring the other siblings to stand in his presence, in addition to the physical service which they must provide him. The Ran (Drasha 2) explains Yaakov Avinu's motivation to buy the birthright from Esav. The Talmud (Bava Batra 16b) relates that this transaction occurred on the same day that Avraham Avinu died. The lentil soup Yaakov was preparing constituted the seudos havra'ah - the mourner's meal - served by Yaakov to his father. The Ran explains that Esav entered the house of mourning without the appropriate reverence or sadness. Rather, his request of soup revealed his true essence as an arrogant individual interested solely in alleviating his hunger pangs. It was at this point, explains the Ran, that Yaakov realized that Esav could not possibly be a true heir to Yitzchak. The bchor achieves his status because of his similarity to his father and is therefore considered his father's successor. A son who exhibits no respect for his ancestors does not express this similarity and therefore, cannot be responsible for representing the family in the following generation. Thus, Yaakov was convinced of the immediate necessity of his

assuming this role of family representative. In this capacity, Yaakov becomes the next link in our tradition; his duty is to imbue himself with the learning and values of his forefathers and to transfer them to the succeeding generations. Yaakov's ultimate success in this task is attested to by his reaching the level of having mitaso shleimah (see Rashi on Breishis (47, 31). All his children were committed to the values and beliefs that he espoused. Like the birthright, the experience of learning Torah is essential to transmitting our tradition. The Torah of one generation imbues the generation following it with the learning and values of our forefathers. = May we be zoche to succeed in our endeavor to receive and convey the tradition of Yaakov.

... For Sponsorship information please call (212) 968-6702 or send e-mail to azriel@thepentagon.com. For subscription information please go to <http://www.yu.edu/reits/torah/enayim/subscribe.htm> To unsubscribe from this list send e-mail to: listproc@shamash.org in the body of the letter write: unsub enayim the subject line may be left blank Archives may be found on the Enayim website: <http://www.yu.edu/reits/torah/enayim>

Business-Halacha - Hilchos Choshen Mishpat Volume I : Number 30 - Week Of Parshas Toldos 5758 Your Rights In Bais Din

In recent weeks, Business-Halacha has received a number of inquiries as to the workings of a modern-day Bais Din. We are reprinting an article recently written by Rabbi Sender Goldberg (see footer) on this subject, slightly adapted to accommodate the Business-Halacha format.

Question: Reuven has been summoned to a Din Torah by his partner Shimon to resolve a business related dispute that has arisen between them. Reuven has never appeared before a Bais Din before. What are his Halachic rights and responsibilities regarding setting up a forum to have these issues resolved?

Answer: If a Jew has a grievance with another Jew which may involve monetary compensation, an enforcement order or an injunction, etc., he is required by the Torah to seek redress in Bais Din before turning to the secular courts. Since we are the "People of the Book", who scrupulously study and live according to Torah Law, turning to secular authorities for justice is considered a Chillul Hashem (desecration of G-d's name). However, a Bais Din does not handle all types of cases, and a Rabbinic Judge must grant permission before a Jew presents his case against another Jew to the secular authorities (governmental or even a professional association).

The Halacha requires that one respond promptly after receiving a Hazmana (summons) to a Bais Din. Most Batei Din employ a Mazkir (administrator) who is knowledgeable in Torah Law. His job is to listen to the basic claims of the plaintiff and the initial response of the defendant, and to write and send the Hazmana. Often the Mazkir of the Bais Din may attempt to resolve the dispute without resorting to a Din Torah. Litigants communicate only with the Mazkir, to avoid ex parte contact with the Dayanim. The Torah insists that Dayanim treat the opposing parties equally, and anything which may upset the balance, or even appear to upset the balance, such as ex parte communications, must be avoided.

If you have a grievance that cannot be resolved in an informal manner and are considering going to a Bais Din, contact the Rabbi of your Synagogue and explain your situation. Your Rabbi may suggest that you call the secretary of the local Bais Din, or he himself may decide to send a Hazmana to your opponent. If action is initiated through an established Bais Din, you will follow their procedures regarding scheduling and generally will utilize their personnel to serve as Dayanim and Mazkir. If your Rabbi issues the Hazmana, it is likely that the Bais Din will be structured as a Zablach, i.e. each of the parties will choose one Dayan that is acceptable to them, and the two Dayanim will choose a mutually acceptable third Dayan. This modality of Bais Din is the standard nowadays. [The word "Zablach" is actually an acronym for the phrase used in the Talmud to describe this type of forum. "Zeh Borer Lo Echad etc.", which literally means "This party chooses one, and this party chooses one.]

If you receive a Hazmana which has been issued by a Rav, you will select a Dayan who is willing to hear the case, and will inform the issuer of the

Hazmana of your choice. Your opponent can only disqualify your selection of Dayan on limited grounds, such as the Dayan is closely related to a party, the Dayan is an extremely close friend or bitter foe of a party, or that the Dayan has some conflict of interest. In order to disqualify a Dayan, the opponent must bring absolute proof. However, the custom is that if one of the parties absolutely objects to a particular individual serving on the case and the objection is not totally groundless, the Dayan will voluntarily withdraw. If you receive a Hazmana from an accepted Bais Din, and you accept the authority of that Bais Din, you must comply with their rules as noted above. If you object to the authority of the Bais Din or the personnel that the Bais Din empanels to judge the case, you may demand that the case be heard as a standard Zablach (see above). This is the Psak of the Shulchan Oruch. The Rema, who most Ashkenazi Jews recognize as Halachically authoritative, rules that if a Bais Din is duly established and empowered by the community, that Bais Din may impose its authority upon any local defendant. For various reasons, this ruling of the Rema is not generally applicable today, especially in societies where religious courts and religious bodies have no governmental franchise or recognition.

Nowadays, the decision of a Bais Din has enforceability because both parties sign a contract of "Binding Arbitration" prior to the hearing of the case. Thus, after a decision is rendered, should one party refuse to comply, the aggrieved party (after receiving explicit permission from the Bais Din), may seek enforcement in secular court. The secular courts will usually uphold the decision of a properly conducted Binding Arbitration proceeding without reviewing the merits of the claims and evidence. In any case, one who refuses to attend any venue of Din Torah may have sanctions imposed upon him by the community and/or the Bais Din. Furthermore, the Rabbi or Bais Din may grant the plaintiff permission to sue the obstinate party in secular court.

The ultimate purpose for any Din Torah is to restore Shalom between the disputing parties. However, it is of utmost importance that the parties realize that a properly conducted Din Torah is concluded with Divine assistance.

Regardless of who may be required to pay out money or whose claim is dismissed, by accepting and fulfilling the Psak, everyone comes out a winner. The above article was written by Rabbi Sender Goldberg, Rabbi of Congregation Nachal Chochma in Baltimore, MD. Rabbi Goldberg serves as the Sofer for the Bais Din of the Vaad HoRabbonim of Greater Washington. He is also owner of Trilogy Micro Systems, a computer sales company in Baltimore. Rabbi Goldberg can be reached at trilogymicro@juno.com for any further Halachic inquiries.

Business-Halacha, Copyright (c) 1997 by Project Genesis, Inc. This class is translated and moderated by Rabbi Aaron Tendler of Yeshivas Ner Yisroel in Baltimore. Rabbi Tendler accepts full responsibility for the accuracy of the translation and will be happy to fax originals of the articles in Hebrew to anyone interested. Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. <http://www.torah.org/> Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

mtv1@netvision.net.il (Michelet Torah Viregash)
<http://www.intournet.co.il/mtv>

PARSHAT TOLDOT I. EATING ONE'S WORDS Preface: Staking out the Issues In Gen. 25:27-28, the Torah describes the relationship between Yitzhak and his sons: (vs. 27) The boys grew up; Esav became a man who knew the hunt [YODE'A TZAYID], a man of the field, while Yaakov was a simple man who dwells in tents. (Vs. 28) Yitzhak loved Esav because prey was in his mouth [KI TZAYID BE-FIV], but Rivkah loved Yaakov. Several problems--literary and substantive--present themselves in these two verses. The first one we shall tackle is the literary one.

Part One: Ambiguous Pronoun Reference

"Reuven and Shimon got into his car." When you can't tell from the pronoun ("his") whose car they drove off in, you have a case of ambiguous pronoun reference. [If the subjects were Reuven and Rachel, however, the pronoun--being masculine--would be indicative.] QUESTION: Where is there a similar ambiguity in the verses with which we began? ANSWER: In verse 28. In whose mouth was the "prey" (TZAYID) on account of which

Yitzhak loved Esav? QUESTION: What are the possibilities? ANSWER: Either Yitzhak loved Esav because Esav placed prey in Yitzhak's mouth [i.e., he fed him], or he loved him on account of something which was in Esav's mouth. QUESTION: Which subsequent text in this Parsha upholds the first interpretation? ANSWER: Gen. 27:1-4: "As Yitzhak grew old... he summoned his son, Esav,...and said:... Now take your weapons, your quiver and bow, go out to the field and hunt me some prey (TZAYID). Prepare me the victuals I like and bring me them to eat..." QUESTION: Which possibility does RASHI (25:28) prefer? ANSWER: Actually, RASHI cites both possibilities. He treats the first possibility ("he would eat of his prey") as the "Peshat," and introduces the second one ("in Esav's mouth; he trapped and tricked him with his words") as a "Drash." In the latter case, RASHI continues the exegetical line he started in the previous verse (27) where he commented on "who knew the hunt:" To trap and trick his father with his mouth by asking, "Father, how does one tithe salt or straw?" His father imagined that he was punctilious in observing Mitzvot. [Halakhically, salt and straw are exempt from tithes.]

Part Two: What's Wrong with the Peshat? Hunting for a Clue

QUESTION: Based upon the assumption (which we stipulated in the Parsha of Bereishit) that RASHI resorts to Drash only when there is an inadequate Peshat, what deficiency in the Peshat prompts him to cite a Drash here? ANSWER: (1) In Hebrew syntax, ordinarily, pronouns refer to the nearest noun to which they correspond in number and gender. In this case, the noun nearest "his mouth" is Esav. (2) If it were Yaakov's mouth, we would have expected a transitive verb in the clause, such as: "because he placed prey in his mouth" [KI TZAYID HAVI BE-FIV].

The phrase YODE'A TZAYID recalls the earlier usage--referring to Nimrod (Gen. 10:9)--of GIBBOR TZAYID. A close look at RASHI and IBN EZRA's interpretations of these respective phrases will prove enlightening. With respect to Nimrod, RASHI says: "He trapped people's minds with his mouth," almost exactly as he interprets the phrase here regarding Esav. IBN EZRA, however, states: "He demonstrated the superiority of people over animals by being a brave hunter" (an interpretation which RAMBAN castigates as a "whitewash"). With regard to Esav, however, IBN EZRA appears to concur in the Aggadic folk wisdom, saying that to know the hunt means: "Perpetually tricky, because it takes guile to catch a wild animal." QUESTION: Why doesn't IBN EZRA treat hunting equally in both places? ANSWER: IBN EZRA's interpretation here is based upon a very close and sensitive reading of the text. Let us contrast what the Torah has to say about each of the twin brothers: Esav Yaakov 1. a man who knows the hunt 1. a simple man 2. a man of the field 2. who dwells in tents Of these two pairs, the second offers a clear contrast: the field and the tent are both places (of work or residence). The first pair, however, is problematic; what contrast is there between hunting--a profession--and simplicity--a trait of character? IBN EZRA assumes that if the Torah grouped them together then they must contrast, so he interprets hunting, too, as a trait of character ("guile").

Part Three: What Kind of Man Dwells in Tents? While "field" and "tents" are intelligible, being a man of the one or a man of the other--isn't. Since Esav was a hunter, we assume that the field refers to the location of the animals he hunted, but what is the relationship between Yaakov's simple character and tents? The Aggadah has a simple solution: Tents are places of Torah study, and the tents in which Yaakov resided were the "academies" of Shem and Ever.

QUESTION: Using the description of Yaval in Gen. 4:20 as: "the father of those who sit in tents [YOSHEV OHEL] and herd," what might the Torah be telling us about Yaakov? ANSWER: That he was a shepherd. Indeed, HIZKUNI notes: "According to the Peshat these are tents of shepherds... Since the Torah will subsequently narrate that he tended Lavan's sheep, it advanced [perhaps: foreshadowed] the explanation that he was a professional shepherd."

QUESTION: If Yaakov was a shepherd, and Esav was "a man of the field;" and if, further, a field is usually synonymous with agriculture--might Esav have been a farmer? ANSWER: Since the Torah explicitly designates

him as a hunter that is unlikely. However, if he were a farmer, we would have a remarkable reprise of the relationship (and conflict) between Cain and Abel. Moreover, just as the shepherd came off best in that earlier encounter, so does the shepherd outdo the farmer in this contest, too. [Is God encouraging us to pursue shepherding rather than agriculture? Bear in mind that the early Israelites had a pronounced tendency towards shepherding: Jacob-Israel is a shepherd, Joseph introduces his brothers to Pharaoh as shepherds, and Moshe and David are shepherds. On the other hand, Noah is introduced as "a man of the soil" [ISH HA'ADAMAH] as the prelude to his intoxication, the Egyptians consider shepherding an abomination, and both Egypt and Canaan are primarily agrarian societies.]

Part Four: Relatively Speaking Whenever the Torah uses an appositive phrase [a construction in which a noun or noun phrase is placed with another as an explanatory equivalent], two questions occur: 1: Was it necessary to use the appositive as well as the proper noun? 2: In light of the appositive, was it necessary to use the proper noun, too?

Two verses in this week's Parsha employ appositives for Rivkah: (1) "Yitzhak was forty years old when he married Rivkah, daughter of Betuel, the Aramean, of Padan Aram, sister of Lavan, the Aramean" (25:20); (2) "Yitzhak dispatched Yaakov who went to Padan Aram, to Lavan, son of Betuel, the Aramean, brother of Rivkah, mother of Yaakov and Esav" (28:5). [EXTRA: Additional examples of appositives in Genesis include: "The woman, whom you placed with me" (3:12); "Lot, who accompanied Avraham" (13:5); Rachel, your younger daughter" (29:18); "Your brother, Esav" (32:7).]

QUESTION: Considering all the attention the Torah lavished on Rivkah and her family in last week's Parsha, why is it necessary to reiterate her relationship to Betuel? ANSWER: The first verse in the Parsha (25:19) gives us a clue. It states: "This is the story of Yitzhak, son of Avraham, Avraham fathered Yitzhak." Why the redundancy? To emphasize Yitzhak's role as Avraham's successor, thereby fulfilling an earlier prophecy (21:12): "For through Yitzhak will your descendants be continued." Reference to Yitzhak's patriarchal lineage justifies Rivkah's. QUESTION: Why is Rivkah's relationship to Yaakov and Esav repeated at the end of the Parsha?

ANSWER: Throughout most of the Parsha she appears to have been the mother of Yaakov alone. She favors him (25:28), conspires with him (27:6), and accepts full responsibility should his masquerade be revealed (27:13). Only when Esav's anger becomes a palpable threat to Yaakov does she realize how her one-sidedness has jeopardized them both does she acknowledge her love for them both: "Why should I be bereft of you both at the same time?" (27:45).

Having restored some measure of maternal equilibrium she can now, for the first time since their conception, be called: "mother of Yaakov and Esav."

EXTRA: Look at the commentary of RASHI to 28:5. On the words: "Rivkah, mother of Yaakov and Esav," he states: "I don't know what this teaches us." QUESTION: If he knows of no purpose, why not simply be silent? Why advertise what he doesn't know?

Moshe Sokolow

II. "YAAKOV SAID..." The style of the Torah's dialogue is often such that there is a series of short statements that alternate between two people. After introducing the two speakers in the dialogue, there is no further need to mention either person's name, or even a specific pronoun, as the Torah very often uses the verb "VAYOMER-He said" to indicate that the other person is now speaking. Thus, the dialogue is conducted through alternating statements of "VAYOMER... VAYOMER... VAYOMER..." Therefore, if in the middle of such an exchange, there suddenly appears the name of one of the speakers (whom we already know is speaking), then the Torah must be trying to indicate to us something special or unusual. Two examples of this linguistic phenomenon are found in Sefer Beraishit, concerning conversations between fathers and sons.

In our Parsha, when Yaakov comes before Yitzchak posing as Eisav, the Torah records the following brief dialogue: "And he came to his father, and said, My father; and he said, Here am I; who are you, my son? And JACOB SAID to his father, I am Esau your firstborn" (Genesis 27:18-19). It is quite clear that through the alternating statements, the last statement

is spoken by Yaakov. Why, then, did the Torah suddenly introduce Yaakov's name once again before Yaakov's words? Surely it is redundant. Nehama explains that this insertion of the (unneeded) name shows deliberation and hesitation on the part of the speaker. In the rest of the dialogue, Yaakov could respond to Yitzchak quite easily. But now, Yaakov was asked THE question by Yitzchak: "MI ATA-Who are you?" Yaakov knew that he would now, for the first time, have to tell an untruth to his father. Therefore, he hesitated before answering with the words "I am Esau your firstborn." All this is indicated in the Torah by re-introducing the name of Yaakov ("And Jacob said to his father") when it was extraneous and already understood.

A similar pattern takes place in the dialogue on Mount Moriah between Avraham and his son Yitzchak. The Torah says: "And Isaac spoke to Abraham his father, and said, My father; and he said, Here am I, my son. And he said, Behold the fire and the wood; but where is the lamb for a burnt offering? And ABRAHAM SAID, My son, God will provide himself a lamb for a burnt offering; so they went both of them together" (Genesis 22:7-8). The extra word "And Abraham said" rather than "He said" once again demonstrates Avraham's hesitation before answering the question. Avraham was just asked THE question by Yitzchak: where is the lamb for the sacrifice? Avraham would now have to tell Yitzchak, through his answer, that it was Yitzchak himself who would be sacrificed. The Torah shows us this deliberation and hesitation by Avraham before he answered, by inserting the extra word "Abraham," unneeded because it is already understood.

N. A.

III. WHAT AND WHY YITZCHAK COULD NOT SEE The Torah in our Parsha records the following verse: "And it came to pass, that when Isaac was old, and his eyes were dim, so that he could not see, he called Esau his eldest son, and said to him, My son; and he said to him, Behold, here am I." (Genesis 27:1). Rashi offers three different explanations for Yitzchak's blindness: 1) Yitzchak was blind due to the smoke that came from the (non-Jewish) sacrifices of Eisav, 2) Yitzchak was blind because of the Akeida, when the angels cried into his eyes and 3) God caused Yitzchak to be blind, so that this would cause the entire episode where the blessings will be given to Yaakov instead of Eisav. We will analyze the three approaches in these three answers, and try to find why Rashi brought all three. First, however, we must ask the basic question we ask on every comment of Rashi: what was bothering Rashi in the verse that he felt the need to comment? It is clear that he was trying to connect the concept of old age and dim eyes in our verse, with the events and blessings in the rest of the chapter. Alternatively (or in addition), Rashi is attempting to connect the statement about old age and dim eyes with the PREVIOUS verses. On the surface there does not seem to be any connection, and, thus, Rashi is forced to comment and find that connection.

We may understand Rashi's comments and explanations on a deeper level. The first explanation does not only signify that the smoke from Eisav's sacrifice made Yitzchak physically blind. This would not help us understand the connection to the following blessings intended for Eisav. On a deeper level, Rashi is saying that Yitzchak did not WANT to see the reality of that smoke: the idol worship of Eisav that produced that smoke disqualified Eisav from receiving Yitzchak's blessings. Yitzchak chose to "turn a blind eye" and, therefore, decided as a result of being "blind," to give Eisav the blessings. The second explanation, on a deeper level, does not signify that Yitzchak was actually made blind by the Akaida and the weeping angels. It signifies that Yitzchak, who experienced the very high spiritual level of the Akaida, could no longer "see" or understand someone who was not on such a high spiritual level. He could not imagine that anyone was committing the underhanded and unspiritual acts that Eisav was purported to have done. Thus, Yitzchak was "blind" to Eisav because of the Akaida experience. Rashi's third explanation indicates that since God wanted Yaakov to receive the Blessings, He caused Yitzchak not to see, which led to the chain of events described in the ensuing verses. In this case, it was actual blindness, caused by God, which brought about the Blessings.

When Rashi brings more than one explanation to answer a difficulty (and specifically says "DAVAR ACHAIR-Another explanation," and NOT

"VERABOTAINU DARSHU-Our Rabbis explained," which indicates a different TYPE of explanation), it also signifies that no one explanation was satisfactory to Rashi, and there are always inherent weaknesses in each explanation. That is why Rashi felt it necessary to bring two explanations. Quite often, as it is in our case, the advantage or strength of one explanation is the disadvantage or weakness of the second explanation.

QUESTION: What are the advantages (strengths) and disadvantages (weaknesses) of each explanation of Rashi in our verse? ANSWER: The first explanation (Yitzchak's blindness due to the smoke of Eisav's idol worship) has the advantage that it directly connects this verse with the previous verses, where Eisav is described as intermarrying and going away from Judaism (Genesis 26:34-35). The weakness of this explanation is that only Isaac suffers "blindness" due to the smoke. Since the previous verse states "And they made life bitter for Isaac and for Rebecca," then Rivka should also have been "blinded" by the smoke of the sacrifices of Eisav. On the other hand, the second explanation (that Yitzchak became "blinded" by the Akaida) does indeed explain why the blindness was unique to Yitzchak, and not Rivka. However, the weakness of this explanation is that it does not help us understand why Yitzchak became blind NOW, 43 years after the Akaida. The third explanation has none of the disadvantages of the first two, but does not really explain at all WHY Yitzchak became blind now (what led to Yitzchak's blindness), but, rather, only the PURPOSE of the blindness.

N.A.

DRASHA PARSHAS TOLDOS -- WITH DEATH DO US PART

After a debilitating stroke, Rabbi Chaim Shmuelevitz, the Rosh Yeshiva of the Mirrer Yeshiva in Jerusalem, continued to say a weekly mussar shmues (ethical sermon) at the yeshiva. Hundreds of students strained to hear the brilliant words of wisdom that were peppered with anecdotes and aphorisms that shed new light on the age-old words of sages of yore. But one Parshas Toldos, the Rosh Yeshiva stunned his audience as he opened his remarks. "Ich gai shtarben!" (I am going to die!) he announced. In a raspy voice, he repeated the words over and over again. "Ich gai shtarben!" The students' faces turned ashen. They were not sure whether or not to summon ambulances and medical teams when he suddenly stopped, smiled, and finished his thought, "that is exactly what Esav (Esau) told his brother Yaakov (Jacob) in this week's portion!" Indeed, the transaction in which Esau gives up his birthright for a bowl of lentil soup was preceded by those very words. "Behold I am going to die," cried Esav, "so why do I need my birthright?" (Genesis 25:30) The thought of death was a catalyst in Esav's decision to rid himself of the birthright and its responsibilities. But why? Everyone dies. However, what did the ultimate end have to do with Esav's decision? Why did it play a role in deciding whether or not to trade in the birthright for a cup of lentil soup? Could Esav not just as easily responded to Jacob's offer in the following manner: "Behold, the birthright carries too much responsibility. What do I need it for?" What, however, does the concept of death have to do with it?

A student of the Telshe Yeshiva once related the following story: An airplane carrying Dovid, a Telshe Yeshiva student, back to Cleveland began experiencing severe turbulence. The young man became quite nervous, but after seeing that his own Rosh Yeshiva, Rabbi Mordechai Gifter, was sitting in front of him, he felt secure. "After all," thought the young man, "with such a tzadik (righteous man) on board, what possibly could go wrong?" Suddenly the captain's voice was heard over the intercom. "We are experiencing some difficulty with the plane's hydraulic system and may be forced to make an emergency landing. Everyone please return to your seats, fasten your seatbelts, and follow the instructions given by your flight attendants." Dovid quickly leaned forward toward his Rebbe. "Perhaps we are in danger. I have a Tehillim in my carry-on luggage. Are there any particular Psalms or prayers should I recite?" Quickly, Rav Gifter reassured the young man, and suggested to him a few appropriate Psalms. Then he urged him to quickly buckle up and prepare for landing. His advice was interrupted by shouts coming from a frantic passenger who sat next to

Dovid. "Stewardess, quick! Get over here! Make me a double scotch on the rocks. Make it Johnny Walker Blue Label! Better make it fast, and better make it good, 'cause it may be my last drink before I die!"

The Chofetz Chaim, Rabbi Yisrael Meir Kagan of Radin, explains that the Mishnah in Pirkei Avos tells us do repent one day before our death. (Avos 2:15). Obviously, those of us who do not know when that day is to arrive must reflect and ask pardon daily. But the catalyst of serious reflection and sobriety is the very thought of the final moment - death. Its approach should shake us if not wake us into teshuvah. Esav's approach is disturbingly different: I will cast away any vestige of responsibility or spirituality, because, after all, tomorrow I may die. His catalyst of Epicureanism is our cause for stoic concern. And so for a bowl of lentil soup, a cocktail of craving gulped down in a moment of passion, Esav abandons his world of eternity. And the motivating factor behind his faux pas should have inspired him to seek the meaning of life. A question that we must all ask our selves, when we stare at the prospect of gloom or wait for its imminent arrival, do we drink or do we think? Good Shabbos! Dedicated by Yitz & Gilla Stern to commemorate the Yahrzeit of Reb Azriel ben Reb Eliyahu Stern A"H 7 Kislev (C) 1997 Rabbi Mordechai Kamenetzky Mordechai Kamenetzky - Yeshiva of South Shore <http://www.yoss.org/> - rmk@torah.org 516-328-2490 Fax 516-328-2553 Drasha, Copyright (c) 1997 by Rabbi M. Kamenetzky and Project Genesis, Inc. Rabbi Mordechai Kamenetzky is the Rosh Mesivta at Mesivta Ateres Yaakov, the High School Division of Yeshiva of South Shore, <http://www.yoss.org/> Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. <http://www.torah.org/> Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

Hamaayan / The Torah Spring Edited by Shlomo Katz Toldot ...

"If you do evil with us . . . ! Just as we have not molested you, and just as we have done with you only good and have sent you a way in peace - Now, you, O blessed of Hashem." (26:29) Throughout the Torah, the word "only" signifies a limitation. Thus, the midrash comments on the above verse that the good which the Plishtim did with Yitzchak was only a partial good. How so? R' Shlomo Kluger z"l (19th century) explains as follows: The gemara (Berachot 64a - tomorrow's daf yomi) states that one who parts from another should say, "Go to peace," and should not say, "Go in peace." The gemara demonstrates that those who were sent "to peace" succeeded thereafter, while those who were sent "in peace" did not. Thus, the Plishtim who sent Yitzchak "in peace," as our verse states, did him only a partial good. (Imrei Shefer)

Why is it harmful to say, "Go in shalom," rather than, "Go to shalom"? R' Avraham Yitzchak Hakohen Kook z"l (20th century) explains: When one says, "Go in . . .," one gives his friend the illusion that the road before him will be easy. This is not the case, as life is full of spiritual and material stumbling blocks. A person who incorrectly believes that the road will be easy will be unprepared and will come to harm. Rather, one should say, "Go to . . ." Shalom can be attained eventually, but it is far off. Only at a funeral do we say, "Go in . . .," for the deceased can have shalom. (Ain Ayah, Berachot 64a)

Copyright (c) 1997 by Shlomo Katz and Project Genesis, Inc. Posted by Alan Broder, ajb@torah.org <http://www.acoast.com/~sehch/hamaayan/> . Donations to HaMaayan are tax-deductible. Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave <http://www.torah.org/> Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

The Weekly Daf #198 Berachos 58-64 Week of 24 Cheshvan -1 Kislev 5758 (Parshas Toldos) By Rabbi Mendel Weinbach, Dean, Ohr Somayach Institutions <http://www.ohr.org.il>

The Dangerous Fox When Rabbi Akiva defied the Roman ban on Torah study by publicly teaching Torah he was challenged by Popus ben Yehuda who exhorted him to exercise caution. "Let me draw you a parable," answered Rabbi Akiva. "A fox once passed a river where he observed the fish frantically swimming to and fro. To his query about their rushing from place to place the fish replied that they were fleeing the nets which men were spreading in the water to catch them. When the fox suggested that they could find safety by coming out of the water to live alongside him on dry land the fish scorned his advice. 'You are supposed to be the cleverest of animals,' they said, 'but you speak like a fool. If we have so much to fear in our natural habitat -- the water -- how much more will we be in danger in a surrounding where we cannot survive!'" "To

us Jews," concluded Rabbi Akiva. "Torah is our life, just as water is for the fish. If we are in danger while in our natural habitat, how much greater will our danger be if we abandon it!" Rabbi Akiva's view of the fox as the symbol of all the compromisers in Jewish history who preached abandonment of Torah study and observance as a way of gaining acceptance by non-Jews is echoed in the famous story recorded at the end of Mesechta Makkos. When the leading sages of the generation following the destruction of the Beis Hamikdash saw a fox coming out of the place where the Holy of Holies once stood all of them wept while Rabbi Akiva laughed. His explanation was that the Prophet Yishayahu links the prophecy of destruction about the Temple Mount turning into a jungle with the prophecy of redemption. Seeing the fox was proof that destruction had reached its climax and redemption was beginning. But why did he alone see this in the appearance of the fox? One approach is that the other sages assumed that the appearance of lions and bears would constitute a jungle, not the tiny fox. Rabbi Akiva, however, saw the fox as a more formidable threat to his people because of his preaching assimilation, and he therefore laughed with joy that destruction would now give way to redemption. Berachos 61b

Written and Compiled by Rabbi Mendel Weinbach General Editor: Rabbi Moshe Newman
Production Design: Lev Seltzer Prepared by the Jewish Learning Exchange of Ohr Somayach International

INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Har Nof Rosh
Kollel: Rabbi Mordecai Kornfeld

BERACHOS 60 - has been dedicated by an anonymous donor to the memory of the late ha'Rav Shmuel (ben Aharon) Grunfeld of Efrat/Jerusalem, a truly great Torah scholar, whose tragic death left all who knew him with an insupportable sense of loss. The Kollel needs your help in order to continue its work. Pledge a Daf dedication now! DAF: \$250; WEEK: \$1,250; MONTH: \$5,000. For more information write to: daf@shemayisrael.co.il

Berachos 56b 2) THE RIVER, THE BIRD, AND THE KETTLE QUESTION: Why are these three objects symbols of peace? ANSWER: These are three symbols of peace because they represent three possible levels of human peaceful relationships. (a) Peace in its lowest form means the absence of conflict, or peace in a purely negative sense. The symbol for this type of peace is a river. A river is the classic vehicle of commerce between two cities. It represents a state of communication which exists between two separate entities connected only by their mutual benefit. (b) The second degree of peace exists where two people or groups or people join together to reach a common goal which neither alone would be able to achieve. This type of peace is symbolized by a kettle. A kettle is designed to prepare food by utilizing the combined talents of water and fire. Water alone would ruin the food through soaking; fire alone would burn it. But through the mediatory effect of the kettle, an environment proper for cooking is created. The kettle has thus made possible a productive peace between fire and water. (c) The third and final level of peace is the peace of the bird. A bird has two disparate talents: the ability to survive on earth as well as to fly in the heavens. These talents are not separate skills which exist side by side. Rather, they are details of a single organism which operates in these two realms. A bird, therefore, represents an embodiment of a peace where two natures and two entities have merged into one unit. (Harav Aharon Feldman, Shlita, in "The River the Kettle and the Bird," distributed by Feldheim Publishers, 1987)

Berachos 59 2) HALACHAH: THE BLESSINGS FOR LIGHTNING AND THUNDER The Gemara concludes that for lightning and thunder, one recites either blessing, "Oseh Ma'aseh Bereishis" or "she'Kocho u'Gevuraso Malei Olam." (a) The MISHNAH BERURAH (OC 227:5) writes that the common practice is to recite "Oseh Ma'aseh Bereishis" on lightning, and "she'Kocho u'Gevuraso" on thunder, even though both blessings are applicable to both phenomena, as our Gemara concludes. However, because both blessings are applicable to both, if one sees lightning and hears thunder at the same moment*, he recites only one blessing -- "Oseh Ma'aseh Bereishis" (if he recited "she'Kocho u'Gevuraso," he has also fulfilled his obligation). (b) If one saw lightning but did not hear thunder, or heard thunder but did not see lightning, the Mishnah Berurah maintains that their respective blessings may still be recited (although there are various customs as to how to conduct oneself). (c) One must recite the blessing within "Toch Kedai Dibur" (about two seconds) of seeing the lightning or hearing the thunder. If one delayed, then one may not recite the blessing until he sees lightning or hears thunder again. (Mishnah Berurah 227:12) (d) If the storm clears up completely so that there are no clouds remaining in the sky, and then another storm comes, one recites the blessings again upon seeing lightning or hearing thunder, even on the same day (Mishnah Berurah 227:8). If the storm did not clear up completely, then one may not recite the blessing when seeing lightning or hearing thunder again on the same day; on a different day, though, he may recite the blessings.

Berachos 60 1) SEEING A DOCTOR OPINIONS: Is it preferable for a sick person to rely exclusively on Hashem for his healing, or to seek the help of a doctor? (a) Abaye teaches that a person should not say that it is not good to go to doctors and one should only pray to Hashem. Rather, Hashem wants us to go to doctors, and therefore He gave them permission to heal, as the Beraisa says. (b) THE RAMBAN (Vayikra 26:11) writes that in the time of the Beis ha'Mikdash, it was looked down upon to go to a doctor. That is why the verse speaks negatively about Asa for going to a doctor (Divrei Ha'Yamim II 16:12). This is also what the Gemara means on 64a when it says that Rav Yosef, who was very righteous, never called a doctor to his house -- he did not see doctors (Rashi there gives an entirely different explanation: out of his humility, "he" went to the doctor and did not require that the doctor come to him). The RAMBAN concludes that this is the way it should be, and that a person on a high enough level will not turn to doctors. It is only because we are not on such a high level, that we are not able to rely exclusively on Hashem, but we have to turn to doctors for help. QUESTION: How did the Ramban learn our Gemara that says that we *are* supposed to go to doctors? ANSWER: Apparently, the Ramban's Gemara had the text of the Paris Manuscript, in which Rav Acha's statement ends at "Rofeh Ne'emam Atah," and then Abaye's statement is interjected, followed by the words, "L'fi sh'E'in Darkan... Ela she'Nahagu." Consequently, it is Rav Acha who implies that it is good to go to a doctor, and Abaye who is saying that it is *not good* to go to a doctor, because it is only *permitted* for a doctor to heal, but not obligatory for a person to go to one. On the contrary, it is best to put one's faith only in Hashem. (See Insights 10:2)

Berachos 61 1) TWO THAT ARE ONE QUESTION: What does it mean that Hashem

originally wanted to create two humans, then made only one, and then He made the one into two? How can we say that Hashem changed His mind? (a) The RASHBA (TESHUVOS HA'RASHBA 1:60) explains that when the Gemara says that Hashem "thought about creating two" and then created one, it means that He carefully planned out whether to create them as one or as two. It does not mean that He changed His mind, but rather, that His creation was done with foreplanning and thorough consideration. 1. Why, then, did He later end up making two humans? The two that were eventually created were not the same two of His original plan. Originally, Hashem considered the implications of creating man and woman as two completely *separate species* that could not propagate together, nor would they serve as counterparts to each other. Hashem decided not to create two types of humans and instead He created one being, meaning one species of human beings, which included both man and woman. 2. Alternatively, Hashem originally considered creating man and woman *from the start* as two individual entities (albeit of the same species), but in the end He decided that both man and woman should come from one body in the start. The reason for this decision was so that man and woman would feel eternally bonded to each other. Again, Hashem never changed His mind, so to speak. Rather, His infinite wisdom pondered all of the possible ways of creating the human being before deciding to do it one way. (b) The VILNA GA'ON explains that when the Gemara says that Hashem initially "thought to create two," it means that when He created one, He already had in mind to eventually make two out of that one. The end goal and final purpose of Hashem's creation is always the first and the beginning of His thoughts. "Hashem thought about creating one" means that His original thought was actualized later when He took two out of one. ("b'Machshavah" refers to the ultimate purpose of Creation, for "Sof Ma'aseh, b'Machshavah Techilah"). If man and woman were created as one, it would not have been possible for a person to fulfill his ultimate purpose of immersion in Hashem's Torah and service of Hashem, because his responsibilities would be too great. Therefore, Hashem created man and woman separately so that they could share the responsibilities and enable each other to accomplish their respective goals. The creation of one in the middle was just a step to get to the final two (for the reason given by the Rashba, a:2).

62b 2) COUNTING THE JEWISH PEOPLE QUESTION: David ha'Melech was punished since he attempted, at one point, to count the Jewish people directly (II Shmuel ch. 24). How could David ha'Melech make such a mistake, violating a clear prohibition from the Torah (Shemot 30:12) and facing the Torah's threat of a punishing plague? ANSWERS: (a) THE RAMBAN (Shemot 30:12) explains that David ha'Melech thought that only in the Sinai desert was it necessary to give coins for the count, since there was a need for the coins (in order to make the Adanim for the Mishkan out of the coins). He did not realize that it was a commandment that was binding for all future generations. (b) THE MIZRACHI (ibid.) explains that David ha'Melech thought that the coins were not given as a means *by which* to count the Jewish people. David ha'Melech thought that a regular census could indeed be conducted, *after* which a Machatzis ha'Shekel had to be given as Kofer Nefesh in order to avoid the plague that would otherwise follow due to Ayin Hara. (c) THE BE'ER SHEVA (in Tamid) explains that David ha'Melech actually was caused by Hashem to make this mistake as a punishment for something else that he did. As the Gemara tells us, "[Hashem told David,] 'You said that I "persuade" people to sin? I will punish you by having you forget something that even children know...'" There was a Divine decree for David to forget the verse this one time.

Berachos 63 1) THE BLESSINGS IN THE BEIS HA'MIKDASH QUESTION: The Gemara says that in the Beis ha'Mikdash, the person reciting the blessings would conclude the blessing with the words, "Baruch Hashem Elokei Yisrael Min ha'Olam v'Ad ha'Olam..." The people would respond, "Baruch Shem Kevod Malchuso..." after the blessing. The Gemara explains that the reason was because "we do not respond 'Amen' in the Beis ha'Mikdash." Why did they recite a different Chasimah to blessings, and give a different response to blessings, in the Beis ha'Mikdash? ANSWER: THE MAHARSHA in Sotah (40b) explains that only in this world do we pronounce the name of Hashem with the name of "Adnus." In Olam ha'Ba, Hashem's name will be pronounced the way it is written (Pesachim 50a). In the Beis ha'Mikdash, they said "Ad ha'Olam" (lit. "until the world") to show that only until the end of this world will we use the name "Adnus" to refer to Hashem. After this world, the Name will be revealed in its entirety. That is why in the Beis ha'Mikdash "Baruch Shem Kevod... *le'Olam va'Ed*" ("*forever*") is the refrain. Since in the blessings uttered in the Beis ha'Mikdash we allude to the Tetragrammaton as it is *spelled*, we proclaim that it is *this name that will be used "for eternity," i.e. in Olam ha'Ba. The Maharsha continues that we say "Amen" after blessings because the word "Amen" alludes to both names of Hashem -- the way that it is written (which has a Gematria value of 26), and the way that it is pronounced (which has a Gematria of 65) -- which have a combined value of 91 (the same value as "Amen"). We do not say "Amen" in the Beis ha'Mikdash because we want to emphasize the eternity of the ineffable Name and we do not want to allude to the finite quality of this world (which is represented by the Holy Name as it is pronounced). We therefore say instead, "Baruch Shem Kevod... le'Olam va'Ed" (which alludes only to the Holy Name as it is spelled). (MAHARSHA, Sotah 40b, DH Minayin sh'E'in) RAV YITZCHAK HUTNER zt"l (Pachas Yitzchak, Yom Kippur) adds that it is for the same reason that we say "Baruch Shem Kevod Malchuso..." after the verse "Shema Yisrael..." Normally, we only have in mind the concept of Hashem's Adnus, His sovereignty, when we mention the name of Hashem in a blessing our in our prayers (see OC 5). When we say Shema, though, we must also have in mind the ineffable Name, as it is written (Vilna Gaon, ibid.). Since we allude to the spelling of that name, we say immediately afterwards, "Baruch Shem Kevod... le'Olam va'Ed," -- that is, "this is the name that will last forever!"

INTRODUCTION TO MASECHES BERACHOS (a) Berachos is by far the longest Maseches in Shas. Although Bava Basra is many Dafim longer, that is mostly because of the length of the commentaries printed on the side of the Daf. In a manuscript edition without commentaries, Berachos is %11 longer (40 pages as compared to 36). DAFYOMI STUDY SHEETS BROUGHT TO YOU BY KOLLEL IYUN HADAF, PRODUCERS OF THE *D*AFYOMI *A*DVANCEMENT *F*ORUM (ARCHIVES: <http://www.shemayisrael.co.il/dafyomi2>)

If you would like to sponsor an issue or otherwise help the Kollel continue its work, please contact us directly: daf@shemayisrael.co.il

Mordecai Kornfeld |Email: kornfeld@virtual.co.il| Tl/Fx(02)6522633 6/12 Katzenelbogen St. | kornfeld@netvision.net.il| US:(718)520-0210 Har Nof, Jerusalem, ISRAEL| kornfeld@shemayisrael.co.il| POB:43087, Jrslm

[Didn't make it into any distributions:]

mj-ravtorah@shamash.org Shiur HaRav Soloveichik ZTL on Parshas Toldos toldos.97 (Shiur date: 11/11/75)

The Haftorah for Parshas Toldos at first glance appears to have a limited connection to the Parsha itself in that the first 5 verses contrast the relationship between Hashem and Jacob and Hashem and Esau. The prophet then rebukes the Kohanim and all those that bring sacrifices that are not the best and most attractive, Lechem Megoal. (The Rav noted that there is a rule in Hilchos Kodshim that a sacrifice must be brought from the best, (Min Hameula). This is a separate Halacha from the prohibition against offering a Baal Mum, an animal with a deformity.) The prophet continues to discuss the Kohen Gadol and Hashem's covenant for life and peace with him. This is a reference to Aharon Hakohen.

The Rav asked what is the connection between the beginning of the Haftorah and its subsequent portions? One might suggest that indeed there is no connection between the beginning of the Haftorah and the remainder. There is a requirement that a Haftorah be a minimum of 21 verses, this Haftorah has 21 verses. However, the Gemara says that if the Haftorah that we read is a complete topic, even though it is less than 21 verses, we may read it even if it is less than 21 verses. In fact we read several Haftorot that are fewer than 21 verses. Since we read more than the few verses that appear to be connected to the Parsha that would form a complete unit on their own, we deduce that Chazal noted some connection between the rest of the Haftorah and the Parsha.

The Rav explained: Jacob purchased the birthright from Esau. Having the Bechora meant having the responsibility to be the Kohen. Indeed, prior to the sin of the golden calf, the first born were designated to perform the ritual service in the Beis Hamikdash. After the sin of the golden calf, the obligation of the first born to serve in the temple was given to Shevet Levi. Hence, in the home of Isaac, it was Esau who was the Kohen until it was purchased by Jacob.

The Yalkut Shimoni quotes a Midrash Avkir that when Jacob was wounded by the angel Michael [note: this Midrash says that Michael was the angel who battled Jacob, in order to show him that if he is capable of battling an angel to a standstill, he need not fear Esau. The Yalkut also brings another Midrash that it was the angel of Esau] Hashem said "you are causing My priest to be deformed", and Michael asked Rephael to help him heal Jacob. Michael, who is called the Kohen Shel Maalah, the priest upon high, is sent to heal the Kohen Shel Matah, the human priest, Jacob.

Rashi comments on the verse where Jacob says to Esau that he should sell his birthright to Jacob "Michrah Kayom Es B'chorascha Li": Jacob said that the first born is obligated to offer sacrifices and serve as a Kohen. Rashi comments on the verse Hinei Anochi Holech Lamus that Esau asked what benefit may one derive from this service. Jacob responded that [quite the opposite] this service has many restrictions and prohibitions that carry severe penalties, including death, for transgressions like performing the Avodah in a drunken state. Esau responded, if that is the case, he will surely die because of this service, he has no use for it and he rejects it and gives it to Jacob. The concept of Kehuna, serving Hashem in the Temple, is emphasized in the Parsha in this story of Jacob and Esau.

To understand the Haftorah vis a vis the Parsha, we must understand the concept of Kehuna. The tribe of Levi was divided into 24 shifts of priests. Each of these shifts consisted of 7 Batei Avos. This setup applied to Shevet Levi as well as the Kohanim. This meant that the Kohanim worked only 2 times a year. What did the Kohanim do the rest of the year to deserve the Matnos Kehuna that they were granted?

The primary task of Shevet Levi is to teach Torah to Bnai Yisrael. The Torah tells us "Yoru Mishpatecha Lyaakov, Vtorascha L'Yisrael", they will teach Your laws to Jacob and Your Torah to Israel. Only after that comes the obligation of "Yasimu Ketorah B'apectha Vkhali al Mizbechecha", they shall place incense and sacrifices on Your altar. The Torah refers to the Sanhedrin and Chazal as Kohanim, for example, it says "Uvasa El Hakohen Asher

Yihye Bayamim Hahem", and you shall approach the Kohen that will live at that time, where Kohen means the Chachamim of the generation. Another example is the obligation of the king to write a Sefer Torah based on the guidance of the Kohanim and Leviim, again indicating Chachamim. The Sanhedrin was to have Kohanim as members.

The prophet describes the role of the Kohen (Malachi 2:6-7) as the teacher of the people, the one who helps the people return from sin, and the one whose Torah knowledge is sought after. The prophet is rebuking the Kohanim for not behaving properly. They did not guard the Shulchan Hashem correctly, allowing it to become a Shulchan Megoal, a corrupt, dirty altar. The job of being a teacher of Torah goes beyond giving lectures. It includes the obligation to practice Chesed, to help people with acts of kindness, to help the people steeped in sin to return to Hashem. Of the Kohen acts improperly regarding the Korbanos Hashem, he can cause a Chilul Hashem, a desecration of the name of Hashem. The Kohen must teach the people the art of Hakravas Korban: how they are to prepare for and experience the obligation to offer themselves as personal Korbanos to Hashem, by teaching the people how to follow the ways of Hashem. The Ramban interprets Korban to mean self sacrifice, that each Jew should attempt to recreate Akeidas Yitzchak. For example we say in our Tefilos on Yomim Noraim that Hashem should look at the Afaro Shel Yitzchak, the ashes of Yitzchak. How could this be: Yitzchak was not sacrificed on the altar. Why don't we say that Hashem should look at the ashes of the ram that was brought in his place? The answer is that since Yitzchak was prepared to offer himself he achieved the level of Korban. We ask Hashem to view the ashes as if they were from Yitzchak himself.

Why is this Haftorah relevant to Parshas Toldos? This Haftorah would appear to be more relevant to Parshas Emor. The Rav said that this Parsha is where the concept of Kehuna vis a vis Bnai Yisrael begins. The Haftorah sets forth the program of Kehuna.

Just as Shevet Levi are the Kohanim to Klal Yisrael, the Jewish people are the Kohanim for the whole world, as our mission is to be a Mamlachas Kohanim V'goy Kadosh. We are obligated to set an example of sanctity for the rest of the world to follow. The individual Kohen must teach the people the path of Torah and Chesed. Likewise, Knesses Yisrael (Chazal often refer to Knesses Yisrael as a single entity) has an obligation to teach the rest of the world the ways of Hashem. Chilul Hashem results when the Kohen defiles the Shulchan Hashem which results in driving people away from Hashem. When Yaakov bought the Kehuna, he bought it for the individual Kohanim vis a vis the Avodah for Bnai Yisrael, and for Knesses Yisrael relative to the rest of the world.

The prophet says (Malachi 1:4) "And your eyes shall see and you shall exclaim let the glory of Hashem overflow the boundaries of Israel". The ultimate goal and hope of the Jewish People is that the name of Hashem be recognized by all creation as the King of the universe. Knesses Yisrael can accomplish this. The prophet is saying that if the Kohanim do not set the proper example and standard for Klal Yisrael, then the ultimate goal of spreading Hashem's name to all creation cannot happen. The prophet rebukes the Kohanim saying that their ultimate goal should be that Kedushas Hashem should be evident and acknowledged from one end of the world to the other. Yet, the prophet continues, you, the Kohanim, act in counter productive ways and defile My name by your actions. The ultimate greatness of the name of Hashem can only be recognized by all if you set the appropriate example. The Jew prays that Muktar Mugash Lishmi, offerings should be made to Hashem from everywhere. It is the job of the Jew to sanctify the name of Hashem so this can happen. However if you defile the name of Hashem this can't happen. The realization of Malchus Hashem over the entire world depends on the ability of the Jewish People to act appropriately and to set an example of Chesed and Rachamim. The prophet (Malachi 2:4) emphasizes that the covenant was given to Levi, where Levi represents the entire Jewish nation. Knesses Yisrael was entrusted with the Torah and Mitzvos in order that they may be the priests to the world and glorify the name of Hashem.

The theme of Parshas Toldos is Kehuna. Abraham was not granted

Kehuna, as Malki Tzedek was the Kohen of his generation. Isaac received the gift of Kehuna through the Akeidah. Jacob purchased the rights to the Kehuna from his brother Esau. The Parsha tells us that the Kehuna passed from Isaac to Jacob, that it was a Kehuna that carries with it a history of suffering, loneliness and sanctifying the name of Hashem. The Haftorah tells us the program that the Kohanim must follow.

This summary is copyright 1997 by Dr. Israel Rivkin and Josh Rapps, Edison, N.J. Permission to distribute this summary, with this notice is granted. To receive these summaries via email send mail to listproc@shamash.org with the following message: subscribe mj-ravtorah
firstname lastname
