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INTERNET PARSHA SHEET ON TOLDOS - 5771

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Chief Rabbi Lord Jonathan Sacks Covenant & Conversation » 5770 Toldot 5770

Around the gaps, silences and seeming repetitions of the biblical text, Midrash weaves its interpretations, enriching the written word with oral elaboration, giving the text new resonances of meaning. Often, to the untutored ear, midrash sounds fanciful, far removed from the plain sense of the verse. But once we have learned the language and sensibility of midrash, we begin to realise how deep are its spiritual and moral insights.

One example was prompted by the opening verse of today's sedra:

"And these are the generations of Isaac, son of Abraham: Abraham begat Isaac."

The problem is obvious. The first half of the sentence tells us that Isaac was the son of Abraham. Why does the text repeat, "Abraham begat Isaac"? Listening to apparent redundancy of the text in the context of the whole Abraham-Isaac narrative, the sages offered the following interpretation: The cynics of the time were saying, "Sarah became pregnant through Abimelech. See how many years she lived with Abraham without being able to have a child by him." What did the Holy One blessed be He do? He made Isaac's facial features exactly resemble those of Abraham, so that everyone had to admit that Abraham beget Isaac. This is what is meant by the words, "Abraham begat Isaac", namely that there was clear evidence that Abraham was Isaac's father. (Rashi to Gen. 25: 1, on the basis of Baba Metzia 87a)

This is an ingenious reading. The opening of Genesis 21 speaks of the birth of Isaac to Sarah. Immediately prior to this - in Genesis 20 - we read of how Sarah was taken into the harem of Abimelech, king of Gerar. Hence the speculation of the sages, that gossips were suggesting that Abraham was infertile, and Abimelech was Isaac's father. Thus the double emphasis: not only in fact was Abraham Isaac's father, but also everyone could see this because father and son looked exactly alike.

But there is a deeper point at stake. To understand it we need to turn to another midrash, this time on the opening verse of Genesis 24: And Abraham was old, well advanced in years: and the Lord had blessed Abraham in all things. Again there is a problem of an apparent superfluous phrase. If Abraham was old, why does the verse need to add that he was well advanced in years? The rabbis noticed something else, that Abraham (and Sarah) are the first people in the Torah described as being old - despite the fact that many previously mentioned biblical characters lived to a much greater age. Putting these two facts together

with the tradition that Abraham and Isaac looked identical, they arrived at the following interpretation:

Until Abraham, people did not grow old. However [because Abraham and Isaac looked alike] people who saw Abraham said, "That is Isaac", and people who saw Isaac said, "That is Abraham." Abraham then prayed to grow old, and this is the meaning [of the phrase] "And Abraham was old." (Sanhedrin 103b).

The close physical resemblance between Abraham and Isaac created unexpected difficulties. Both father and son suffered a loss of individuality. Nor is this pure speculation. Examine Genesis carefully, and we see that Isaac is the least individuated of the patriarchs. His life reads like a replay of his father's. He too is forced by famine to go to the land of the Philistines. He too encounters Abimelech. He too feels impelled to say that his wife is his sister (Gen. 26). He re-digs the wells his father dug. Isaac seems to do little that is distinctively his own.

Sensitive to this, the rabbis told a profound psychological story. Parents are not their children. Children are not replicas of their parents. We are each unique and have a unique purpose. That is why Abraham prayed to G-d that there be some clear and recognizable difference between father and son.

Does this have any contemporary relevance? I think it does: in relation to a new medical technology, eugenic or reproductive cloning. Cloning - the method of nuclear cell transfer pioneered by Dr Ian Wilmut in the experiment that created Dolly the sheep in 1997 - raises profound issues of medical ethics, especially in relation to humans.

It is far from certain that it ever will be. Animal experiments have shown that it involves a high degree of risk, and may always do so. Cloning apparently disturbs the normal process of "genomic imprinting" by which the genes on the chromosomes from one of the parents are switched on or off. Many scientists are convinced that mammalian cloning is an intrinsically flawed process, too unsafe ever to be used in human reproduction.

However, cloning is not just another technology. It raises issues not posed by other forms of assisted reproduction such as artificial insemination or in vitro fertilisation. Nuclear cell transfer is a form of asexual reproduction. We do not know why it is that large, long-living creatures reproduce sexually. From an evolutionary point of view, asexual reproduction would have been much simpler. Yet none of the higher mammals reproduce asexually. Is this because only by the unpredictable combination of genetic endowments of parents and grandparents can a species generate the variety it needs to survive? The history of the human presence on earth is marked by a destruction of bio-diversity on a massive scale. To take risks with our own genetic future would be irresponsible in the extreme.

There is another objection to cloning, namely the threat to the integrity of children so conceived. To be sure, genetically identical persons already exist in the case of identical twins. It is one thing, though, for this to happen, quite another deliberately to bring it about. Identical twins do not come into being so that one may serve as a substitute or replacement for the other. Cloning represents an ethical danger in a way that naturally occurring phenomena do not. It treats persons as means rather than as ends in themselves. It risks the commoditisation of human life. It cannot but transform some of the most basic features of our humanity.

Every child born of the genetic mix between two parents is unpredictable, like yet unlike those who have brought it into the world. That mix of kinship and difference is an essential feature of human relationships. It is the basis of a key belief of Judaism, that each individual is unique, non-substitutable, and irreplaceable. In a famous Mishnah the sages taught: "When a human being makes many coins in a single mint, they all come out the same. G-d makes every human being in the same image, His image, yet they all emerge different."

The glory of creation is that unity in heaven creates diversity on earth. G-d wants every human life to be unique. As Harvard philosopher Hilary Putnam put it: "Every child has the right to be a complete surprise to its parents" - which means the right to be no-one else's clone. What would become of love if we knew that if we lost our beloved we could create a replica? What would happen to our sense of self if we discovered that we were manufactured to order?

The midrash about Abraham and Isaac does not bear directly on cloning. Even if it did, it would be problematic to infer halakhah from aggadah, legal conclusions from a non-legal source. Yet the story is not without its ethical undertones. At first Isaac looked like a clone of his father. Eventually Abraham had to pray for the deed to be undone.

If there is a mystery at the heart of the human condition it is otherness: the otherness of man and woman, parent and child. It is the space we make for otherness that makes love something other than narcissism and parenthood something greater than self-replication. It is this that gives every human child the right to be themselves, to know they are not reproductions of someone else, constructed according to a pre-planned genetic template. Without this, would childhood be bearable? Would love survive? Would a world of clones still be a human world? We are each in G-d's image but no one else's.

Sometimes The Cure Lies Within Us

BBC Radio 4 – Thought for the Day 20 June 2008 What an extraordinary story that was yesterday, about how scientists in Seattle seem to have cured a patient suffering from severe melanoma, by the cloning some of his own immune cells and putting them back. The result was that in essence his own body was able to defeat the cancer that had until then been threatening his life.

It was a miracle of science, but a reminder also of the astonishing powers of recovery nature contains, if only we knew where to look for them and how to harness them.

And it's not only the human body. Do you remember the great hurricane that hit southeast England in 1987, blowing down 15 millions trees and devastating whole regions? 10 years later somebody made a documentary and discovered that not only had the replanted areas recovered, but so too had those left untended.

And not only nature recovers. So too does language. Linguists made a fascinating discovery when they studied pidgin English, originally used by slaves. Pidgin – me tarzan you jane – has words but no grammar. What the linguists discovered is that the children of pidgin speakers had created their own new language, called a creole, which is pidgin plus grammar. Their parents had been robbed of a language, but they, without even knowing what they were doing, had simply invented one. Somehow there are within us and within nature astonishing powers to heal what's been harmed, and they're embedded within life itself. Perhaps that's an obvious scientific fact: nature favours species able to recover. But it's not just a scientific fact. For me it's also confirmation of the hope I find in God the creator, who endowed life itself with endless creativity and self renewal.

Some time ago, I had to have a medical checkup. The doctor put me on a treadmill. What are you measuring I asked him. How fast I can go or how long? Neither, he replied. What I want to see is, when you get off the machine, how long it takes your pulse to return to normal. That's when I realised that health isn't never being ill; it's the ability to recover.

Hope, like faith, is often a self fulfilling prophecy. It's the hope of a cure that leads doctors to search for it; hope of peace that makes politicians strive for it. Pessimism offers only the empty consolation of being right. Yesterday's story of success in Seattle tells us that sometimes the cure lies within ourselves, if only we know where to look.

From: "TorahWeb.org" <torahweb@torahweb.org>
Date: Fri, 9 Nov 2007 08:44:22 To: weeklydt@torahweb2.org
Subject: **Rabbi Yonason Sacks** - Selling the Bechora: How and Why

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Rabbi Yonason Sacks Selling the Bechora: How and Why
At first glance, Esav HaRasha's sale of the bechora to Yaakov Avinu presents numerous challenges, in both Halachah and Hashkafa. From a Halachic perspective, how could Esav sell an intangible bechora which promised entitlements that would only materialize in the future? Was this sale not a violation of the principle codified by the Rambam (Hilchos Mechira 22:1) in accordance with the view of the Chachamim: "ain adam makneh davar she'lo bah l'olam" - a person cannot sell or purchase that which has not yet come to fruition? How could Yaakov possibly buy rights such as "Pi Sh'nayim" (the double inheritance of the firstborn) which were entirely intangible and undeveloped?

Rivash (Shu"t Rivash 328) quotes the Rosh who suggests that although the bechorah does indeed constitute a "davar she'lo bah l'olam," Yaakov was nonetheless able to purchase it because he insisted that Esav swear to consummate the sale ("Hishav'a Li...Vayishava Lo"). While a "davar she'lo bah l'olam" is usually not subject to sale, if accompanied by an oath, even such an item may be sold. Rivash, however, disputes this principle, maintaining that even when accompanied by an oath, a "davar she'lo bah l'olam" may not be sold. Rather, he explains the Parsha's transaction by noting that the entire episode occurred prior to the giving of the Torah. As such, conundrums based on normative Halachah are entirely irrelevant.

We are thus presented with two possible explanations for Yaakov Avinu's ability to purchase the bechora, a "davar she'lo bah l'olam." Either, as the Rosh maintains, a "davar she'lo bah l'olam" may be purchased when accompanied by an oath; or, as Rivash maintains, the entire episode occurred before the laws of "kinyanim" were given to Bnai Yisrael. What underlies the dispute between Rivash and the Rosh?

Perhaps this issue may depend on why it is that we assume that a person may not sell or purchase a "davar she'lo bah l'olam." Perhaps this limitation is a function of the lack of an object or "cheftza" - that is, in order for a "kinyan" to take effect, there must be something tangible for it to latch on to. Because a "davar she'lo bah l'olam" is entirely intangible, there can be no "chalos" (taking effect) of the kinyan. Indeed, Kiryas Sefer (Hilchos Mechira, 22) seems to subscribe to such a possibility. Alternatively, however, one can understand the deficiency of a "davar she'lo bah l'olam" as lying in the realm of "semichus da'as." A kinyan requires a certain level of intent and awareness. If something has not yet come to fruition, however; if it is merely a "possibility" as opposed to an "actuality," perhaps the seller or buyer is not wholeheartedly committing to the terms of the deal. Such a possibility is suggested by Rabeinu Tam (Sefer HaYashar, 592) and Tosafos HaRosh (brought in Shita Mekubetzes, Bava Basra 142b).

If we are to assume that the deficiency of a kinyan on a "Davar she'lo bah l'olam" lies in the absence of any "cheftza," then whether or not Esav took an oath should bear little relevance on the effectiveness of the kinyan, as Rivash seems to maintain. If, however, the deficiency of "Davar she'lo bah l'olam" lies in the concern that the parties involved may not have a completely committed mindset, perhaps the imposition of an oath, which manifests complete and premeditated awareness and commitment, may solve the problem, as the Rosh maintains. According to such an explanation, when Yaakov Avinu asked Esav to swear, he essentially proved that Esav was completely aware of the ramifications of his actions, and a kinyan could thus take effect even on a "davar she'lo bah l'olam."

Sforno suggests a further possibility to explain the sale of the bechora. Perhaps the "nezid adashim" (lentil soup) served as an object for a "kinyan chalipin," by which Esav relinquished any claim to the bechora. This explanation avoids the problem of "davar she'lo bah l'olam" in light of a comment of the Ra'avad (T'mim De'im, 160) who maintains that a kinyan chalipin can work even on a "davar she'lo bah l'olam" (Perhaps the Ra'avad's rationale may stem from his understanding that chalipin exists as a fundamentally different type of kinyan than other conventional methods. While other conventions serve as a "hachnasah l'reshus," drawing the object physically into the domain of the purchaser, chalipin may serve more as a manifestation of "gemirus da'as" - complete awareness of the individual).

Yet a fourth possible explanation for Yaakov Avinu's ability to purchase the bechora is suggested by the Rashbam, who applies the concept of "simtuta." "Simtuta" refers to a kinyan which is not one of the classically listed means of acquisition, but rather an adopted human convention that signifies agreement of transfer. A classic example of a simtuta might be a handshake. Rashbam suggests that perhaps breaking bread and eating lentil soup may have served as a form of simtuta. If this is the case, Yaakov's purchase can be understood by the Mordechai's comment (Shabbos 471) that simtuta can effect acquisition even on a "Davar she'lo bah l'olam."

On a Hashkafic level, perhaps the sale of a "davar she'lo bah l'olam" highlights the essence of Esav's willingness to give up so much for so little. While the bechora entitles its possessor to various different privileges and entitlements, the common thread that links all of these rights is the fact that here and now, they meant absolutely nothing. They are the quintessential "davar she'lo bah l'olam." In Esav's eyes, the privileges of the bechora constituted, at best, a long-term investment which would not come to fruition without the passage of a great deal of time. To Yaakov, however, these privileges represented life's ultimate goal. Yaakov was the "ish tam yosheiv ohalim" who invested years upon years in the Beis Medrash; the devoted shepherd who faithfully tended to and nurtured his flock, year in and year out. Through his life experiences, he recognized that greatness can only come with great investment. Esav, however, looked for immediate returns and instant gratification. As an "Ish Yodeiah Tzayid," an impetuous hunter who seeks immediate profit with every kill, Esav could not possibly look beyond the immediate present to a grander future. The sale of the bechora thus underscores the primacy of the Jew's consistent efforts and long-term vision in his service of HaKadosh Baruch Hu. The absence of immediate returns should never deter us from life's ultimate goals.

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Shiurim by Menachem Leibtag

In memory of Rabbi Abraham Leibtag

PARSHAT TOLDOT - shiur #2

What mitzvot did the Avot keep? Rashi, commenting on a pasuk in this week's Parsha, claims that the Avot kept the entire Torah - even the Oral Law and later Rabbinic prohibitions. Most other commentators disagree.

In Part One, we discuss this pasuk by delving into a little 'parshanut appreciation'. In Part Two, we'll take the Sforno's commentary on this pasuk as a point of departure to discuss the significance of 'digging wells' in life of the Avot.

INTRODUCTION

Recall that during a time of famine, God had instructed Yitzchak to stay in Eretz Canaan (rather than leaving to Egypt / see 26:1-5). At that time, God also affirmed His promise that Yitzchak would be the 'chosen son of Avraham ["bechira"]', and then concluded His remarks with a brief explanation concerning why Avraham was

chosen. Let's take a look at this closing pasuk, noting God's lengthy description of Avraham Avinu's obedience:

"ekev asher shama Avraham b'koli... - because Avraham had listened to Me, and he kept: MISHMARTI, MITZVOTEI, CHUKOTEI, v'TORATEI." (see 26:5)

When reading this pasuk, the obvious question arises: What is the precise meaning of each of these words (that describe how Avraham obeyed God)? I.e. what is the specific meaning of:

- SHAMA B'KOLI
- MISHMERETI
- MITZVAH
- CHUKAH
- TORAH

As we should expect, each of the classical commentators contemplates this question, but to our surprise, each commentator presents a very different answer. Hence, an analysis of the various commentaries to this pasuk will provide us with an excellent opportunity for an insight into the exegetical approach of each commentator.

As usual, before we turn to the commentaries, let's first consider what we should expect to find.

THREE APPROACHES

To identify the meaning of these five words (in the above pasuk), one can take one of three basic approaches:

1) One to one correspondence – a 'word match'

This is the simplest approach. We simply assume that each of these words relates to a specific act of Avraham Avinu. To determine what each word means, we look for that specific word within the story of Avraham Avinu in Chumash.

2) One to correspondence – a match by 'topic'

This is a similar approach, but instead of looking for the specific word in the life of Avraham, we first define the concept behind that word based on its usage elsewhere in all of Chumash. Based on that understanding of the word, we then look for an act of Avraham Avinu that fits within the category of that concept.

3) Generalization

In this approach, we don't expect that each word necessarily relates to a specific act. Instead, we understand this pasuk as a general description of Avraham's entire way of life.

WOULDN'T IT BE NICE...

Ideally, if we could find an example of each one of these words in the Torah's description of Avraham's life from Parshat Lech L'cha through Chaya Sarah, then the first approach would work best.

However, a comprehensive search only provides us with specific examples for the first three of these words, i.e. "shama b'kol", "mishmeret", and "mitzvah"; but not for the last two words: "chukah" and "torah".

Hence, to explain this pasuk, we have one of two options:

We can either employ the 'word match' for the first three words, and then the 'topic match' approach to explain "chukah" and "torah". Alternately, we can assume that if the 'word match' approach doesn't work for each word, then we must use 'topic match' approach for the entire pasuk.

With this in mind, let's take a look at what each of the "parshanim" have to say.

RASHBAM - 'simple' pshat

Rashbam presents what we refer to as 'simple' pshat. As we explained above, his approach will be to search for each word within the Torah's presentation of the story of Avraham Avinu.

For the first three words, Rashbam is quite 'successful', for we find a precise 'match' for each word:

- SHAMA B'KOL - at the Akeyda
"...EKEV asher shamata b'koli" (see 22:18)
- MISHMERET - to perform BRIT MILAH
"v'ata et briti TISHMOR... himol kol zachar" (see 17:9)
- MITZVAH - The BRIT MILAH of Yitzchak on the EIGHTH day
"And Avraham circumcised Yitzchak his son when he was eight days old - ka'asher TZIVAH OTO ELOKIM" (see 21:4)

However, for the last two words - CHUKAH & TORAH he is less successful, for there is no 'exact match'. Therefore, Rashbam employs a more general definition for "chukah" and "torah", understanding that they refer to all of the 'ethical' mitzvot that Avraham most certainly have kept. Even though God did not command these mitzvot explicitly, it is quite implicit from Chumash that God expected Avraham (and all mankind) to act in an ethical manner (see Breishit 18:18-19!).

Let's quote the Rashbam, noting how he defined this as "ikar pshuto shel mikra":

"CHUKOTEI v'TORATEI: According to IKAR PSHUTO [simple pshat], all of the 'obvious mitzvot' [i.e. ethical laws] like stealing, adultery, coveting, justice,

and welcoming guests; these applied BEFORE Matan Torah, but were renewed and expounded in the covenant [of Matan Torah]." (Rashbam)

Note how Rashbam understands CHUKIM & TORAH as general categories for the ethical mitzvot, without providing a more precise definition. However, because according to 'pshat' CHUKIM & TORAH must include specific mitzvot that AVRAHAM himself had kept - Rashbam is 'forced' into this more general definition.

[Note however that each of his examples of ethical mitzvot actually relates to a specific event in the life of Avraham: stealing - 'asher GAZLU avdei Avimelech (see 21:25!!)

adultery & coveting / Pharaoh & Avimelech taking Sarah justice - w/ Melech Sdom & Shalem, after war of 5 kings welcoming guests - the 3 angels & story of Lot & Sdom!]

CHIZKUNI - even 'better' than Rashbam

As we noted above, in his attempt to find a specific example for each word, Rashbam is only '3' for '5'. However, Chizkuni doesn't give up so quickly, and attempts to identify '5' for '5'!

After quoting the same first three examples as Rashbam, Chizkuni also finds specific examples for CHOK & TORAH as well, but to do so, he must employ some 'textual' assistance from Sefer Tehillim. In other words, he will identify a commandment that Avraham Avinu fulfills, that is later referred to as either a CHOK or TORAH in Sefer Tehillim. Let's take a look:

In regard to CHUKAH (d), Chizkuni claims that this refers to keeping BRIT MILAH for all future generations, based on 'word match' with a pasuk in Tehillim:

"zachar Y'OLAM BRITO... asher karat et Avraham... v'yamideha l'Yaakov I'CHOK, l'Yisrael BRIT OLAM..." (see 105:8-10 /or "hoynu" in Psukei d'zinrah!)

Considering that at Brit Milah, Avraham is commanded: "v'hayta briti b'vsarchem l'BRIT OLAM" (see 17:13), Chizkuni concludes that "chukotei" in 26:5 refers to yet another aspect of "brit milah".

In regard to TORAH (e), Chizkuni claims that this refers to God's opening commandment to Avraham of "lech l'cha". Once again, Chizkuni bases his conclusion on a 'word match' with a pasuk in Tehillim: "askilcha v'ORECHA b'derech zu TAYLECH" (see Tehillim 32:8). In that pasuk we find the verb "orecha" which stems for the same root as "Torah", and the word "telech" which stems from the same root as "lech l'cha"!

This attempt by Chizkuni to identify a specific 'word match' for each word is simply ingenious, however he himself admits that he is 'stretching' pshat a bit too much (by going to Tehillim to find the match). Therefore, he concludes his commentary by suggesting that a more simple "pshat" for "mitzvotai chukotei v'toratei" would be to include the seven laws given to the children of Noach, which Avraham himself also kept.

[How these seven mitzvot break down according to these three categories of "mitzvot", "chukim", and "torot" will be discussed by Radak & Ramban.]

IBN EZRA - a different brand of 'pshat'

Ibn Ezra, himself a strict follower of "pshat", takes a very different approach. Unlike Rashbam & Chizkuni, he makes no attempt to find a specific example to match each of the five words. Instead, Ibn Ezra follows the generalization approach, explaining that MISHMERETI is a general category that includes three sub-categories of MITZVOTEI CHUKOTEI and TORATEI; and they themselves can also be understood as general categories (that he will explain their nature later on in his pirush of Chumash).

In closing, Ibn Ezra 'admits' that it may be possible to identify a specific example in Avraham's life for each of these sub-categories:

- c) MITZVAH = "Lech l'cha..." i.e. Avraham's ALIYA
- d) CHUKAH = Avraham's 'way of life' (engraved in his heart)
- e) TORAH = Fulfilling the mitzvah of Brit MILAH

Note that Ibn Ezra makes no attempt to find a 'word match' for each word in this pasuk. This is quite typical of his approach to "pshat", as he often takes into consideration the 'bigger picture'.

RADAK - 'widening the pool'

Radak's approach is quite similar to Ibn Ezra's, for he also understands each of these words as general categories. However, Ibn Ezra seems to limit his examples to those mitzvot that Avraham himself was commanded, while Radak 'widens the pool' by including ALL of the mitzvot of Bnei Noach (assuming that Avraham was commanded to keep them). Then, within this pool of mitzvot, Radak differentiates between "mitzvot", and "chukim" etc. based on the definition of these categories later on in Chumash (e.g. "mitzvotai" refers to the "mitzvot sichliyot" [the laws that man can arrive at using his own intellect - like stealing and killing etc.].

RASHI - The Midrashic approach

Next, read Rashi, noting how he employs the second approach, but in a very special way. Not only does Rashi define each word based on its usage later on in Chumash, he also claims that these words refer to those very same mitzvot. Therefore,

Rashi concludes (from this pasuk) that Avraham have kept all of the mitzvot of the entire Torah (even though it had not been given yet)!

Hence, Rashi categorizes these different words based on their definition later on in Chumash, and cites an example for each word from the entire spectrum of Halacha, from the Written Law, to the Oral Law, and even to later Rabbinic ordinations.

- a) SHAMA B'KOL - when I tested him (at the Akeyda/ 22:18)
 - b) MISHMERET - Rabbinic laws that protect the Torah laws
 - c) MITZVAH - the 'logical' and ethical laws of the Torah
 - d) CHUKOT - the Torah laws that have no apparent reason
 - e) TOROT - the Oral law, and "halacha l'Moshe m'Sinai
- [Rashi can explain in this manner, for he maintains that the Avot kept the entire Torah.]

One could suggest a reason in "pshat" why Rashi may prefer this more "midrashic" type approach. The fact remains that we find in this pasuk specific categories of mitzvot that are never mentioned in Sefer Breishit (such as CHUKIM & TOROT), yet are found after Matan Torah! This leads Rashi to assume that these two words must refer to mitzvot that Chumash itself later describes as "chukim" & "torot" after Matan Torah. [See Yomah 67b & 28b.] [This is typical of Rashi's approach, quoting a Midrash that itself is based on a solution to a problem that arises in pshat.]

RAMBAN

As usual, Ramban begins his pirush by taking issue with Rashi. Realizing that Rashi's interpretation implies that the Avot kept the entire Torah, Ramban begins by questioning this very assumption. After all, if the Avot kept the entire Torah, how did Yaakov marry two sisters, and erect a MATZEYVA, etc.?

Ramban first attempts to 'patch' Rashi's interpretation, by explaining that when Chazal say that the Avot kept the entire Torah, they refer merely to the fact that the Avot kept SHABBAT. [This is based on another Midrashic statement that the mitzvah of Shabbat is equal in value to keeping all the mitzvot of the Torah.]

Hence, Avraham kept the mitzvah of shabbat as well as the seven mitzvot of Bnei Noach. From this 'pool' of Avraham's mitzvot, Ramban goes on to explain how each word in the pasuk relates to a category of mitzvot within this pool.

Note that Ramban also follows the second approach, understanding each word as a topic, as will be defined later on in Chumash. He simply identifies them from a wider pool of examples including the seven Noachide laws, and not only from God's special commandments to Avraham Avinu.

[Afterward, Ramban returns to Rashi's Midrashic interpretation [adding his usual dose of 'zionism']. He resolves the original problem that he raised, explaining the Avot's obligation to follow the (future) laws of the Torah applied ONLY in Eretz Yisrael.]

Ramban concludes his pirush employing once again the second approach, but this time bringing examples only from Avraham's own life. As God is speaking to Yitzchak, explaining to him why his father was chosen, it would make more sense that each word would relate to Avraham's special 'way of life' or to a specific event during his lifetime, i.e.:

- b) MISHMERETI - Preaching and teaching his belief in God [including "likro b'shem Hashem"].
- c) MITZVOTEI - every specific commandment by God e.g. "Lech l'cha", the Akeyda, sending Hagar away...
- d) CHUKOTEI - acting in God's way, being merciful & just
- e) TOROTEI - actual mitzvot, e.g. Brit Milah & Noachide laws

Note how Ramban's approach is most comprehensive, attempting to tackle pshat, while taking serious consideration of the Midrash, and looking for overall thematic significance.

SEFORNO

We conclude our shiur with Seforno, as his approach is quite unique, and it also will serve as an introduction to Part Two.

Seforno, like Ramban & Radak, understands these words as general categories relating to the "seven mitzvot of Bnei Noach". However, Seforno adds that not only did Avraham keep these laws, he also taught them to others. God is not proud of Avraham for any specific mitzvah, but rather praises him for his daily 'way of life'! Why does Seforno take this approach?

Seforno, unlike the other commentators thus far, takes into consideration the primary theme of Sefer Breishit, as well as the local context of this pasuk, i.e. the story that follows! Let's explain how.

Note how our pasuk (i.e. 26:5) does not conclude a 'parshia'; rather, it introduces a set of stories in which Yitzchak must deal with Avimelech (see 26:6-33/ note how 26:1-33 is all ONE 'parshia', thus implying a thematic connection between all of its psukim).

Seforno understands that this pasuk serves as a bit of "musar" [rebuke/ or at least encouragement] to Yitzchak. God explains to Yitzchak that being blessed with the "bechira" is a two-way street. After Avraham was chosen, he spent his entire life

preaching and teaching God's laws - calling out in God's Name, and setting a personal example by pursuing "tzedeq u'mishpat". [See also Ramban & Seforno on 12:8!]

However, up until this point in Chumash, Yitzchak himself had not yet done so. However, God now expects that he should take an example from his father, and begin to become a bit more 'active'!

In this manner, Seforno explains why Yitzchak suffered so much strife with Avimelech and his servants in the story that follows (i.e. the arguments at "esek" & "sitnah"). However, later in this same 'parshia', we find that Yitzchak himself finally "calls out in God's Name" (see 26:25-29). From that time on, Yitzchak becomes successful, and develops a positive relationship with his neighbors. God is finally with him, but only after he fulfills his responsibilities.

As usual, Seforno's pirush is the thematically significant, as it focuses both on overall thematic "pshat" as well as the "musar" that we can learn from.

With this in mind, we continue in Part Two with a discussion of that confrontation between Yitzchak & Avimelech.

PART TWO - WHAT'S IN A WELL

Before we begin, a short explanation of the difference between a "bor" (pit or cistern) and "be'er" (well) which will help us understand the story of Yitzchak and the Plishtim.

There are two basic methods of water storage in ancient times:

I. THE "BOR"

The most simple method was to dig a "bor" - a cistern - into the bedrock to collect the rain water as it falls (or flows in from the surrounding hills). To increase its efficiency, the "bor" must be covered with "sid" [plaster] to stop the water from seeping out.

II. THE "BE"ER:

A "be'er" (a well) is quite different, for instead of collecting rainwater (from above), it taps the underground water table (from below). To reach that level [better known as an aquifer] one must dig a hole into the ground to reach it. Once opened, the well will supply water as long as water remains in the aquifer. [The aquifer receives its water from accumulative rainfall that seeps through the ground until it reaches a non-porous rock level.]

So what does any of this have to do with Torah?

AN ANCIENT 'WATER FIGHT'

This background explains the quarrel between Yitzchak and the Plishtim over the "be'erot" (see 26:17-26). Since ancient times there have always been disputes concerning the rights to the underground water table. For example, Avraham dug wells and thus staked his claim to their water supply. After his death, the Plishtim plugged those wells and opened their own tap to that same water supply (see 26:18). Yitzchak attempted to re-open the same wells that his father had dug. Upon doing so, the Plishtim protested claiming that the water belonged to them (26:20-21). [See Ramban 26:17-18!]

[Btw, this argument continues until this very day. According to the Oslo accords, a special committee is set up to reach an agreement over conflicting claims to the rights to the valuable water table that stretches under most of Yehuda & Shomron.]

Instead of fighting, Yitzchak tries again and again until he finally opens a well that no one else has a claim to - naming it "Rechovot" (see 26:22).

So why does the Torah discuss such mundane issues?

PEACE & THE MIKDASH

Ramban on 26:20-22 asks this very same question! He claims that if we follow only the "pshat" of these stories, they appear to carry very little significance. Instead, Ramban claims that this story represents FUTURE events of Am Yisrael's history in regard to the first, second, and third Temples. ["maase Avot siman l'banim/ see Ramban inside.]

One could suggest that the story that follows provides additional support for Ramban's approach.

Note that immediately after this incident, Yitzchak ascends to Be'er Sheva, God appears unto him, and once again promises him that he will continue the blessing of Avraham (see 26:23-24), but again for the 'sake of Avraham'. In response to this "hitgalut", Yitzchak builds a MIZBAYACH and CALLS OUT in God's Name (compare with similar act by Avraham in 12:8, 13:4 at Bet-el and 21:33 at Be'er Sheva).

Recall our explanation in Parshat Lech L'cha how 'calling out' in God's Name reflected the ultimate purpose for God's choice of Avraham Avinu [note "ba'avur Avraham avdi" in 26:24!]. Now, for the first time, Yitzchak himself accomplishes this goal in a manner very similar to Avraham Avinu.

What took Yitzchak so long to act in a manner similar to Avraham? As we mentioned above, Seforno explains that once Yitzchak 'called out in God's Name', the Plishtim no longer quarreled with him (see Seforno on 26:25). In fact, immediately after Yitzchak builds his mizbayach, another well is dug without a quarrel (26:25), and

afterward Avimelech himself offers to enter a covenant with Yitzchak, thus ending all future quarrels.

According to Seforno, by fulfilling his divine purpose, Yitzchak reached a level of 'peace and security' with his neighbors. The first two disputes began because Yitzchak had not done so earlier! [See also Seforno 26:5]

[There remains however a small problem with Seforno's pirush. The first time Yitzchak achieves peace is when he digs the well of RECHOVOT - which took place BEFORE he calls out in God's Name. According to Seforno, must we understand this 'pre-mature' success simply an act of God's "chessed" that Yitzchak may not really have deserved!]

WHAT COMES FIRST?

One could suggest a slightly different reason why Yitzchak did not 'call out in God's Name' until after digging his third well. Recall, that even before the incidents with the wells the Plishtim and Yitzchak did not get along so well. [See 26:6-14, especially 26:14 - they became jealous of Yitzchak and his wealth.]

Because the first two wells led to serious disputes, under those conditions, Yitzchak was not able to 'call out in God's Name', for most likely - no one would listen! It is only after Yitzchak digs a third well, and this time without any dispute with his neighbors, does he ascend to Be'er Sheva to build a mizbayach and follow his father's legacy of 'calling out in God's Name' to those who surround him.

We can infer from these events that before Am Yisrael can fulfill its ultimate goal of building a Mikdash open for all mankind, it must first attain a certain level of stability and normalized relations with its neighbors. This 'prerequisite' can be inferred as well from the Torah's commandment to build the Bet Ha'mikdash as described in Sefer Devarim:

"... and you shall cross the Jordan and settle the land... and He will grant you safety from your enemies and you will live in security, THEN you shall bring everything I command you to HAMAKOM ASHER YIVCHAR HASHEM - the place that God will choose to establish His NAME [i.e. the Bet ha'Mikdash]"

(See Devarim 12:8-11)

This prerequisite is actually quite logical. If one of the purposes of the Mikdash is to provide a vehicle by which all nations can find God (see I Melachim 8:41-43!), then it should only be built once we achieve the status of a nation that other nations look up to. [See also Devarim 4:5-8!]

[Of course, Bnei Yisrael need to have a MISHKAN - for their own connection with God - immediately after Matan Torah. However, the move from a Mishkan to a Mikdash only takes place once Am Yisrael is ready to fulfill that role.]

In the history of Bayit Rishon [the first Temple], this is exactly the sequence of events. From the time of Yehoshua until King David, there is only a Mishkan, for during this time period, Am Yisrael never achieved peace with their enemies, nor did they establish a prosperous state that other nations could look up to. Only in the time of David did Am Yisrael reach this level of prosperity, peace, and security - and this is exactly when David ha'melech asks to build the Mikdash. God answers that indeed there is an improvement, but Am Yisrael must wait one more generation until a fuller level of peace and stability is reached - only once Shlomo becomes king and both internal and external peace is achieved. [Read carefully II Shmuel 7:1-15, especially 7:1-2 - "acharei asher haniyach Hashem m'kol oyveyhem m'saviv".]

[The popular reason given for why David could not build the Temple - because he had 'blood on his hands' - is not found in Sefer Shmuel, rather in Divrei Ha'yamim in David's conversation with Shlomo - but this is a topic for a later shiur. That reason also reflects a certain lack of stability in David's time, due to both the civil wars and external wars. See I Divrei Ha'yamim 17:1-20, & 22:2-15!]

In summary, we have shown how the sequence of events between Yitzchak and the neighboring Plishtim may not only 'predict' what will happen in Am Yisrael's history, but can also serve as guide for us to understand how to prioritize our goals.

shabbat

shalom

menachem

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

From Destiny Foundation/Rabbi Berel Wein

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Subject Weekly Parsha from Rabbi Berel Wein

Jerusalem Post :: Friday, November 5, 2010

THE STRUGGLE CONTINUES :: Rabbi Berel Wein

The Torah reading tells us of the birth of twin sons to Yitzchak and

Rivka. The elder son, Eisav, comes forth fully formed, ruddy and strong. The younger twin is named Yaakov. The Torah tells us that he is holding on to Eisav's heel. In effect he is holding Eisav back from accomplishing his desires.

The Hebrew word for heel – aikev – is embedded into the name of Yaakov. It is as though his destiny in all of history is to hold Eisav back, to be his moral conscience, to be the silent disapproving witness to all of the excesses of behavior and violence that so characterize Eisav.

Yaakov is always younger, smaller and weaker than Eisav. But try as he does, Eisav cannot shake free from Yaakov's hold on his heel.

Christianity and Islam over all of the centuries of their existence have attempted to humiliate, persecute and even eliminate Yaakov from their societies and from the world generally. They have never completely succeeded but they keep on trying.

Yaakov is the thorn in the side of Eisav, the denier of his beliefs and goals, the one who holds on to the heel and psychologically and emotionally impedes his desired hegemony over others. The Catholic Church currently has regressed once more into its traditional anti-Jewish, anti-Israel stance and policies.

Pope John Paul II had elevated Judaism to being the "elder brother" of the Church. But now we are back again to being the young brother holding on to the heel of the Church, the silent disapproving witness to its problems, venality and malevolence. It is therefore no surprise that a leading Catholic prelate, Cardinal Oscar Andres Rodriguez Meridiaga of Honduras, categorically states that the Jews are the cause of the current sexual scandals rocking the Catholic Church worldwide. Or that Cardinal Joseph Glemp of Poland (which is pretty well cleansed of Jews generally) regularly preaches anti-Semitism as part of his spiritual teachings.

The Church cannot let go of its poisonous past relationship to Jews and Judaism since, in turn, Yaakov has not loosed his grip on the heel of Eisav. Judaism's crime is that it exists through the Jewish people and that the Jewish people have had the temerity to build and defend successfully their own independent state in the Holy Land. This only adds insult to the Church's paranoid injury.

Islam is also aggrieved by Yaakov's hold on its heel. To many in the Moslem world and to its immans and leaders, the existence of a Jewish state in territories that the Moslems feel is theirs - a wakf given to them by Allah himself – is a theological impossibility. If Yaakov's hand cannot be loosed from their heel then that hand – like the hand of a thief under Sharia law – is to be severed.

This stark fact lies at the root of the so-called Arab-Israeli dispute. It is not territory, borders, water rights and the other issues that we are allegedly negotiating over that are the main issues. It is now and has been for over a century the mere existence of a Jewish state in the midst of the Middle East that is the issue. And this issue is then enlarged into a question as to whether Jews or Judaism itself should be allowed to exist. You will note that the Yemeni Islamist terrorists sent their bomb laden packages to Jewish synagogues and institutions in Chicago, not to Tel Aviv. Islam wishes to be freed of Yaakov's hold on its heel so then it can turn its full attention to Christianity and the West. There are many in the Jewish world who are befuddled, misguided and frightened of their own identity when looking at themselves in the mirror of Jewish history, who therefore also resent their fate at having to hold on to Eisav's heel.

So, they assuage themselves with high-sounding phrases of goodness, peace and compassion for others coupled with disdain and even hatred for their own kind and people. Jews fool themselves bitterly if they think that Eisav differentiates between Haaretz and Arutz Sheva. The continuing existence of Jews means that, wish it or not, we are all still engaged in holding on to the heel of Eisav.

Judaism does not desire triumph or rule over others. It is more than satisfied in maintaining itself as a necessary moral force in the world,

and the survival and well being of the Jewish people and its state. This struggle, millennia old, continues in full force today. Recognizing this truth will strengthen our hand and spirit in this struggle. Shabat shalom.

From Destiny Foundation/Rabbi Berel Wein

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Subject Weekly Parsha from Rabbi Berel Wein

Weekly Parsha :: TOLDOT :: Rabbi Berel Wein

The Torah emphasizes to us the importance of the continuity of generations in this week's parsha. The name alone by which the parsha is called – "toldot" – generations, testifies to the stress that the Torah places on this vision in Jewish life. My wise old Talmud teacher said to his class: "Boys, if your grandparents and your grandchildren are both proud of you and your achievements, then probably Heaven is also satisfied with you."

Sixty years later I fully comprehend at last the import of his words. Midrash teaches us that Abraham died earlier than the destined amount of the years of his life so that he would not have to witness the betrayal of his life style and value system by his grandson Esau.

I believe that there is nothing more shattering to family life and personal serenity than the fracturing of familial tradition. Jewish life always prided itself on the continuity of generations. It was the cement that bound the small, persecuted people of Israel together in all of the lands of its dispersion. It also was, and is, its dissolution that heralded the breakup of the Jewish home and the wave of assimilation and intermarriage that has now engulfed much of Jewish society.

The pressures of modern life, of mobility and geographical distance have contributed to this fraying of generational continuity. Basically, it is the weakening of individual commitment to family and generational continuity that has contributed to this situation. Family generational continuity somehow is no longer the priority that it once was in many Jewish homes and societies.

Our mother Rebecca recognized that her eldest son Esau was a danger to the generational continuity which is the foundation upon which a Jewish nation is founded. Unfortunately, as every school teacher can testify, the survival of educational progress relies on a system of triage. Not everyone can and should be entitled to attend graduate school or become a brain surgeon.

The same is true in the spiritual world. Not everyone is entitled to proclaim one's self a kabbalist, a halachic decisor, or a holy person. Not everyone is cut out to spend an entire day studying Talmud, as admirable and necessary as such an occupation is. Because Joseph was so beloved by their father, the brothers feared that the disagreement with Joseph, which was based on the triage that eliminated Yishmael and Esau from Abraham's and Isaac's family, would also eliminate them.

They were well aware of the process of triage that seemingly dominates Jewish generational continuity. Perhaps this is one of the causes of the low numbers in the Jewish population. And, therefore, the problem of generational continuity is a touchy, delicate and mostly painful process. And it changes from place to place, time to time, and generation to generation.

That is why the Torah always portrays our future as an uncertain one – with barren mothers, fathers threatened by outside enemies who covet their wives and assets, and the difficulties of raising children in an unwholesome environment. And that is why "toldot" somehow remains the key to Jewish survival and success.

Shabat shalom.

From Shema Yisrael Torah Network <shemalist@shemayisrael.com>
To Peninim <peninim@shemayisrael.com>
Subject Peninim on the Torah by Rabbi A. Leib Scheinbaum

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

And she went to inquire of Hashem. (25:22)

Rivkah Imeinu went to the bais ha'medrash of Shem, who was a navi, prophet, to inquire of Hashem the reason for - meaning of - the travail she was undergoing. Clearly, Shem was a great man, a spiritual giant who headed a yeshivah which catered to the people of that era who were actively seeking the word of G-d. Among the distinguished alumni of this yeshivah was none other than Yitzchak Avinu. Targum Yonasan teaches that, following the Akeidah, the Heavenly angels took Yitzchak to Shem's bais ha'medrash, where he studied for three years. After Shem, Ever, his grandson, assumed leadership of the yeshivah. Among his distinguished students was Yaakov Avinu. At the age of sixty-three, after leaving home with Eisav in pursuit, Yaakov went to Ever's yeshivah and spent fourteen years there studying diligently. The mere fact that the "institution" was referred to as the bais ha'medrash of Shem and Ever indicates that it was probably the preeminent makom Torah at the time. If so, we wonder what happened to the members of its student body? They did not all die out. They could not all have disappeared. Why did the Torah teachings of Shem and Ever not endure?

The answer may be found in the word, bais ha'medrash, in contrast to the word, yeshivah. The latter implies something of an organized nature, an institution with an established framework, in which the mentor and the student each accepts responsibility toward the other. A student in a yeshivah conforms to the policies of the institution. Thus, he develops a reciprocal relationship with his mentors. One does not simply visit a yeshivah, popping in and out. Enrolling in a yeshivah is a commitment; it creates an everlasting bond between student and mentor, and vice versa. In a bais ha'medrash, the mentor teaches; those who attend his lectures will listen; those who do not care to listen, will simply leave. No commitment - no relationship. Not so with a rosh yeshivah, whose relationship is so powerful that he becomes like a father to the student. Shem and Ever were great men who taught many things to a pagan world. Because they made no demands, however, they had few adherents. Those, like the Avos, Patriarchs, who committed themselves to them and their teachings, developed spiritually through teachings that endured. A rebbe who is not like a parent is not really a rebbe. The bond has just not been established.

Horav Simchah Wasserman, zl, the quintessential rosh yeshivah, once pointed out this idea to a secular professor - who considered himself to be a successful mentor until he met Rav Simchah. The man had been head of the history department in a large American university for fifty years. Visiting the yeshivah one day to recite Kaddish, he began to talk to Rav Simchah. This was a common occurrence, due to the rosh yeshivah's warm personality and happy countenance. "Rabbi, I am a lonely man at this point in my life."

Rav Simchah was surprised, "Why?" he asked. "How many students did you teach in your life?"

After a short accounting, the man replied, "About 30,000."

The rosh yeshivah asked him, "Out of those 30,000 students, how many invited you to their weddings?"

The professor responded. "None - not a single one."

Imagine asking this question of a rosh yeshivah. Probably not a single student would ever think of getting married without inviting his rosh yeshivah, his rebbe, to the wedding. The thought of not inviting one's rebbe is absurd! This is because Torah is taught with love. A rebbe is like a father, and the love he should manifest towards his student is similar to the love a father shows his son. Only Torah creates such a relationship. This is precisely what was lacking in Shem and Ever's yeshivah: relationships.

And Eisav became one who knows hunting, a man of the field; but Yaakov was a wholesome man, abiding in tents. (25:27)

One would think that, given the vast difference between Yaakov Avinu and Eisav, the Torah would have elaborated more in characterizing them. The Torah should have described Eisav as evil incarnate. Yaakov was a righteous, saintly person. Surely, the Torah could have said more than that he was "a wholesome man, abiding in tents." Targum Yonasan ben Uziel writes tova ulpan, "He sought Torah study." Yaakov just wanted to learn. He had no other interests. His raison d'être was Torah study. Yaakov had the koach ha'mevakesh, the quality of being a seeker. He thirsted for Torah.

Horav Yeruchem Levovitz, zl, posits that everything which Yaakov achieved in life, that which characterized him best, which defined the origins of his distinction, was tova ulpan. Yaakov Avinu's exceptional ability to focus his

entire being on one specific goal, studying Torah, was the reason that he became the Patriarch who built Klal Yisrael. He was the consummate mevakeish.

In a similar vein, the Torah characterizes Eisav as g'var nachshirchan, which Rashi translates to mean adam bateil, a man who is idle. Eisav sat around doing very little, with a desire to do even less. He wanted to be idle, vacant, with nothing to do. Eisav lived by inertia, without focus, without goals, without purpose. He just did not want to do anything. Thus, his miscreant behavior, every act of evil that he carried out, was the result of this idleness. His actions were all consequences of his koach ha'batalah, ability to waste time, to do nothing. Time is Hashem's greatest gift to mankind To waste it is beyond foolish; it is evil. Rav Yeruchem emphasizes the importance of considering the sibah, cause, origin, of every action. What we ultimately do has roots much earlier. Who we are and what we have become do not just happen. There are sibos, causes, moments traceable to our earlier life, activities, and friends, which all impacted our future. The ben sorer u'morer, wayward and rebellious son, is nidon al shem sofo, judged based on his end, on what he will ultimately do. What the ben sorer becomes is what he is now. The here and now is the sibah; the end is the consequence of the sibah. Both Eisav and Yaakov manifested distinct characteristics as youths. Over the years, these characteristics determined their future personalities.

Horav Shimshon Pincus, zl, expands on this idea. One does not necessarily have to devote his entire life to idleness to become an ish ha'sadeh, man of the field. It depends on how he apportions his time, how he spends his daily endeavor. A man arrives home after a difficult day at work; he is tired and yearns for a rest. At that moment, he is an ish sadeh. He has free time and can spend it in a number of ways. How he spends his time determines whether he is an ish sadeh or a tam yosheiv ohalim. Should he go to the bais ha'medrash, join a shiur, study with a chavrusa, study partner, or waste his time pursuing the American way of life? His decision indicates his intrinsic values.

What was the reason for the difference in personality between Yaakov and Eisav? Why was Yaakov a mevakeish, while Eisav viewed himself as a complete person, needing no more perfection? He was it! Veritably, it is all in the names. Eisav implies asui, made/complete/finished. Eisav perceived nothing deficient in himself. From a spiritual standpoint, he had all that he needed. From a material standpoint, however, there was no end to what he sought. Wealth, power, fulfillment of his physical desires - these were areas in which he could pursue more "completion."

The name Yaakov implies anavah: modest, meek, deficient. As the Shem Mi'Shmuel explains, Yaakov is derived from ekev, the heel, reflecting lowliness, always seeking to find yet another way to plumb the depths of Torah, to elevate himself in his relationship with Hashem. These two brothers were different in nature; hence, they displayed disparate attitudes toward life.

The Yehudi Hakadosh of Peshicha earned his name as a reflection of the fact that he viewed himself as daily becoming a Jew over again; every day he approached his avodas Hashem, service to the Almighty, with a renewed vigor, as if yesterday he had been a gentile. "Yesterday" compared to "today" was, in his mind, analogous to a goy compared to a Yid. Hashem wants us to strive for completion, and, as soon as we achieve a new spiritual plateau, we continue onto the next rung of the spiritual ladder.

The need and desire to develop oneself, to seek greater spiritual ascendancy to a point of greater consciousness and sensitivity, is a defining character trait. The Alter, zl, m'Kelm, states that the discrepancy in personality between Yaakov and Eisav determined their futures. The Alter draws an analogy to a baby calf, who is able to stand on its wobbly legs hours after its birth. Shortly thereafter, it begins to walk and run. A human infant is helpless at birth and develops very slowly, beginning to walk almost a year after he takes his first breath. The question is: Why did Hashem create such a disparity between human and animal? Man is the crown of creation; yet, he is born helpless. Without constant help, he cannot make it through infancy. Horav Yaakov Beifus, Shlita, explains that herein lies man's distinction. From his weakness, we are able to discern his greatness.

Man is to strive for greatness in ruchniyos, to develop his spiritual dimension. In order to achieve his objective he must study from others, following in the footsteps of those more advanced than he. In order to make it, he requires assistance. By relying on the help of others as an infant, he becomes accustomed to this phenomenon. Indeed, an infant learns more in his first two years of life than he does during the rest of his life. To master walking, talking, and eating is no small feat. The ability for a human being to learn from others is rooted in the fact that from birth he realizes that he is incomplete; he needs help.

Eisav was born complete. Hence, he saw no need to learn more, to develop himself further. He had arrived! He lived a life of complete abandon. Yaakov Avinu viewed himself as a Jew should see himself: incomplete, with a long way to go. Historically, this was always the case. The Jew was observant, meticulous in his mitzvah observance, careful to execute Hashem's command to the finest

detail. The idea of a secular Jew was an anathema. It did not exist. One hundred and fifty years ago, the scourge of the Haskalah, Enlightenment, began to infiltrate the hearts and minds of Jewish men and women, first in Western Europe, then spreading to Eastern Europe. It was a disease like no other before it, claiming the finest young people as its victims. How did it occur? How was it nourished?

In his Chovas HaTalmidim, the Piaszesner Rebbe, zl, lays the blame on the Eisavian philosophy addressed above. The root of the evil reared its ugly head when the promoters of the Haskalah reached out to the youth, and, with great temerity, informed them of their new-found freedom: no more oppression; no more living as second-class citizens; no more religion. The filters that restrained them from living "life" like the rest of the world were removed. No longer would they have to seek their parents' guidance or approval. Bnei Yaakov were transformed overnight into Bnei Eisav. They were perfect! They needed nothing from anyone. The arrogance that accompanied the attitude of yesterday's youth has continued on this path to this very day.

Klal Yisrael has successfully reared generation after generation, founded in an adherence to the mesores ha'avos, traditions handed down from its elders. We display respect, admiration, and esteem for our forebears. It is what dignifies us and distinguishes us from the masses which comprise contemporary society.

The voice is Yaakov's voice, but the hands are Eisav's hands. (27:22)

The commentators feel that within the above statement of Yitzchak Avinu lies much of the attitude a Jew should manifest toward Torah. It defines what the Torah is to us. Yaakov Avinu's power is in his voice, his prayer, the sound of his Torah study. These are his weapons. This is his area of expertise. Eisav lives by the sword so, invariably, this is his strength. "Voice" is just not his "cup of tea." Chazal teach: "When the voice of Yaakov sounds in the batei knesios and batei medrashos, then the hands of Eisav do not reign over them. Eisav's strength is nurtured by our weakness. When our commitment to Torah wanes, Eisav becomes stronger. This would imply that as long as Yaakov's voice is strong, Eisav's hands will be powerless. The two do not coincide. It is either one or the other. The pasuk, however, does not seem to agree with this perspective, since it states that the voice is Yaakov's voice and the hands are Eisav's hands. It would seem that they are both "working" simultaneously. The Gaon, zl, m'Vilna, explains this pasuk based upon the fact that the spelling of hakol, the voice, is missing the vav, making it appear as heikal, which, loosely translated, means the easing of (the voice of Yaakov). Thus, the Gaon interprets the pasuk: When the voice of Yaakov eases/wanes, the hands of Eisav become revealed. Eisav derives his strength from Yaakov's weakness. When Yaakov's voice reverberates from within the bais ha'medrash, when the shuls are filled with sounds of prayer, Eisav will not reign over us.

Horav Yerachmiel Kromm, Shlita, posits that this idea explains the disparate approaches utilized by Chizkiyahu Hamelech and Rabbi Yochanan ben Zakai, when they were each challenged with an extreme crisis five hundred years apart. At the end of Sefer Melachim I, the Navi details how Sancheirav, the King of Ashur, was poised to attack the Jewish People with an army of over one hundred and eighty thousand men. Chizkiyahu was "encouraged" to submit to the general's demands and not be obstinate. The Jewish king was resolute; he was not prepared to capitulate. He prayed for a miracle, and Hashem answered his prayers. Sancheirav returned home a broken person with no army to support him. In a similar situation, five hundred years later, during the siege of Yerushalayim under Vespasian, there were those individuals who refused to bend. They were prepared to fight unto the end. People were starving. The city was about to fall. Rabbi Yochanan snuck out of the city and presented himself to Vespasian. He begged for Yavne v'chachamecha, the city of Yavne and its Torah scholars. Why did Rabbi Yochanan not follow the same course for which Chizkiyahu Hamelech had opted?

The distinction, explains Rav Kromm, is that while Rabbi Yochanan was acutely aware that one can aspire for supernatural salvation, as in the case with Chizkiyahu, he understood that the circumstances were different. Chizkiyahu's generation was a generation that excelled in Torah scholarship. Proficiency in Torah was commonplace. The common Jew was an erudite scholar. A generation in which the Kol Yaakov is so prevalent has the power to quell any efforts of Eisav's minions. Rabbi Yochanan's generation was not as fortunate. He understood that the sorry spiritual state of affairs that defined his generation would not engender a miracle. They simply did not warrant supernatural intervention. The kol Yaakov was barely a whisper.

Perhaps we may add a thought to the Kol Yaakov concept. I remember hearing Horav Mordechai Gifter, zl, defining kol, voice, as an expression which is not accompanied by a reason or a command. For instance, a father states, "I am thirsty." The son immediately should understand that he has an obligation to fetch his father a drink. The father has neither issued a command nor given a

rationale as to why he needs something. He has simply stated that he is in need of a drink.

Kol Yaakov is the response Yaakov gives to Hashem's mitzvah of limud haTorah, Torah study. Yaakov replies with a kol, a voice that does not make demands or excuses. He does not justify why he is learning; or what he is gaining by learning. He learns because it is the tzivui Hashem, Almighty's command. His learning is unequivocal, unambiguous, with no strings attached. It is a labor of love, a commitment for life, unaltered by life's tribulations. It is a "kol."

If that "kol" weakens - not necessarily in actual study, but in respect to its total conformity to Hashem's Will; if one's deference to Torah is not absolute, if it is not part of his life, then Eisav takes over the reins of leadership. One does not explain why he breathes. Otherwise, he will die! One does not have to justify learning Torah. Otherwise, he will also die!

Let me add that how one learns has a similarly powerful impact. When Yaakov and Eisav were yet in their mother's womb, they fought to leave that pristine environment. Yaakov wanted to leave when his mother walked by a yeshivah. Eisav felt the need to exit when Rivkah walked in the proximity of an idol. Why would Yaakov want to leave? We are taught that while the infant is in his mother's womb, he studies Torah with an angel. What could be more enriching than such Torah study?

Horav Betzalel Zolty, zl, comments that Yaakov sought ameilus baTorah, toil in Torah study. Sitting back comfortably and having the perfect mentor is wonderful, but it is not ameilus, toil. Horav Chaim Shmulevitz, zl, comments that it is for this same reason, a lack of ameilus, that one is not obligated to rise out of respect for a pregnant woman. She is carrying a child that is fluent in kol haTorah kulah, the entire Torah. The child is potentially the gadol ha'dor, preeminent Torah scholar of the generation. He explains that Torah studied without ameilus does not make one a gadol, nor does it engender such reverence. One who studies Torah with ameilus acquires the Torah as his very own. He retains it within him to the point that it becomes a part of his personal DNA. Torah studied with ameilus is Torah studied with love. The Klausenberger Rebbe, zl, personified ameilus baTorah. Although blessed with an exceptional mind, his overwhelming love for Torah engendered within him such a sense of devotion to it that he wanted to toil, to labor to his last ounce of strength to study Torah. The Rebbe once quipped to his shamas, aide, that, during his earlier years, he did not sleep in a bed for twenty-five consecutive years. He sat by his Talmud until he fell asleep and, immediately upon rising, would wash his hands and continue. He lived for Torah study.

The idea of learning Torah with ameilus goes even beyond life itself. Horav Yitzchak Zilberstein, Shlita, quotes the Talmud Taanis 25a, which relates that when Rabbi Shimon ben Chalafta had no provisions for Shabbos, he prayed to Hashem. A miracle occurred and a precious stone descended from Heaven, so that he would now have the necessary funds to purchase food for Shabbos. His wife, however, refused to have anything to do with the miraculous gift, claiming that it would "deduct" from their Heavenly reward in Olam Habba, World to Come. Rabbi Shimon countered that Rabbi Yehudah HaNasi, his revered Rebbe, said that if it was deducted, he would repay them from his own portion in Olam Habba. Once again, his wife stood resolute. She contravened that they would not meet one another in the World to Come.

How did she know this? What made her so certain that they would not meet Rabbi Yehudah HaNasi? Rav Zilberstein comments that there is a special place in Gan Eden designated for those who study Torah amid privation. The toil that they expend in this world is rewarded in the next. Rabbi Yehudah HaNasi was the Torah scholar par-excellence, codifier of the Mishnah, and leader of the generation. Yet, he was the Nasi, Prince, wealthy beyond anyone's imagination. Studying Torah under such circumstances warranted him a reward in a different section of the World of Truth.

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Subject Rabbi Frand on Parsha

Rabbi Yissocher Frand - Parshas Toldos

**Yitzchak Prayed...For She Was Barren: Baal HaTurim Notes
Inverted Structure**

At the end of Parshas Chayei Sarah, the Torah mentions the descendants of Eisav and concludes with the words "These were the years of Ishmael's life: a hundred years and thirty years and seven years, and he expired and he died, and he was brought in to his people. They dwelt from Havilah to Shur - which is near Egypt - toward Assyria;

over all his brothers he lay (al penai kol echav nafal)" [Bereshis 25:17-18].

Literally, the word "nafal" in the concluding expression "al penai kol echav nafal" means "he fell over all his brothers". Rashi interprets the word "nafal" to mean "shachan" – he dwelt.

The Baal HaTurim is bothered by this strange usage. The Baal HaTurim comments that there is a message in the juxtaposition of the last words of Chayei Sarah (al penai kol echav nafal) and the first words of Parshas Toldos: "These are the generations of Yitzchak; Avraham bore Yitzchak..." The Baal HaTurim explains that the proximity of the two expressions teach us that when Yishmael will fall and be finally defeated in the end of days, then the Moshiach [Messiah] – the descendant of Yishai who is himself a descendant of Yitzchak (Toldos Yitzchak ben Avraham) – will come.

Even in the most terrifying of times, we are comforted by the fact that eventually, with the ultimate downfall of the descendants of Yishmael, we will merit the final redemption by our righteous Moshiach. Yishmael typifies the power of prayer. He himself was born out of the power of the prayer of his mother Hagar. To this very day, the Arabs excel in prayer, which occupies a significant place in their daily ritual. In order to counteract the power of their prayer, we need to improve the concentration and intensity of our own prayers.

The words of Rabbeinu Bechaye in this week's parsha are particularly important in this regard. On the pasuk "Yitzchak entreated Hashem opposite his wife, because she was barren" [Bereshis 25:21] Rabbeinu Bechaye notes that the pasuk is inverted. It should read "Rivka was barren and could not have children, therefore Yitzchak prayed for her." Rabbeinu Bechaye explains that the intent of the particular structure of that pasuk is to teach us that the prayer was the cause of the barrenness. In other words, G-d caused Rivka to be unable to conceive so that the two of them would find it necessary to pray to Hashem to request a cure.

The simple reading of the pasuk is that the "Cause" of the prayer was the fact that Rivka could not have children and the "Effect" was the prayer itself. Rabbeinu Bechaye says that the truth is the exact opposite. G-d wanted Yitzchak to pray – that was the main "Cause". The "Effect" of this "cause" was that Hashem gave Yitzchak a motivation to pray, namely the fact that he and his wife were childless.

The Almighty wants us to daven because He wants to have a relationship with us. This is what prayer is about – establishing a relationship with Hashem. Unfortunately, most of us are not motivated enough to pursue that relationship unless we have an incentive. Therefore, G-d set up the world so that man should pray for his needs. However, sometimes He sees that this arrangement is not enough to solicit sincere prayer, so G-d gives us "special needs" and "special reasons" to motivate our intense prayer.

The main focus of this pasuk is that Yitzchak needed to pray; his wife was only barren because the Almighty desires the prayers of the righteous.

The Talmud states [Brachos 10a] "Even if a sharp sword is placed against the neck of a person, he should not abandon hope for mercy." Even in such a crisis, a person should not give up hope, but should pray to the Almighty. The Talmud proves this idea by citing the fact that when Dovid HaMelech [King David] came onto the location that was supposed to be his future capital (Yerushalayim) and saw the image of an angel there with an outstretched sword, he could have come to the conclusion that the situation was hopeless. Nevertheless, he prayed.

So often, we encounter situations in life that we feel to be hopeless. But if we bear in mind that the impending catastrophe we are facing is not there because the Master of the Universe wants to cut off our necks, Heaven forbid; on the contrary, we may have reason for hope. The catastrophe is only there because He wants to hear our prayers. That is why we should never give up. If the whole reason the sword is there is

to get us to pray, then when we start praying in earnest the sword will be removed.

The idea that G-d wants a relationship with us and that is the cause for Him giving us a "motivation to pray" should give us new hope for the effectiveness of our prayers.

Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD
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Rav Kook List

Rav Kook on the Torah Portion

Toldot: Abraham Kept Mitzvot

Why are practical mitzvot so central to Judaism? Why is it not enough just to believe in the Torah's central tenets and teachings?

When famine struck, Isaac considered leaving the Land of Israel. But God commanded Isaac to remain in Israel. He allayed his fears, promising him:

"I will make your descendants as numerous as the stars of the sky, and grant them all these lands... Because Abraham obeyed My voice, and kept My charge, My commandments, My decrees, and My laws." (Gen. 26:4-5)

Abraham kept God's commandments?

Indeed, the Sages interpreted this verse literally. They wrote that the Patriarchs fulfilled the precepts of the Torah, even before their revelation at Sinai centuries later.

Fifth-century scholar Rav Ashi made an even more audacious claim. He asserted that Abraham even observed the mitzvah of eiruv tavshilin - a rabbinically-ordained ritual that enables one to prepare for the Sabbath when a holiday falls out on a Friday (Yoma 28b).

Observing Eiruv Tavshilin

A scholar once commented to Rav Kook that this Talmudic statement clearly cannot be taken at face value. How could Abraham know what the rabbinical courts would decree a thousand years in the future? The Sages must have intended to convey a subtler message: Abraham's philosophical mastery of the Torah was so complete, his grasp of the Torah's theoretical underpinnings so comprehensive, that it encompassed even the underlying rationales for future decrees. Rav Kook, however, was not taken with this explanation. In his response, Rav Kook emphasized that the Torah's theoretical foundations cannot be safeguarded without practical mitzvot. It is impossible to truly internalize the Torah's philosophical teachings without concrete actions. This is the fundamental weakness of religions that rely on faith alone. Without an emphasis on deeds, such religions retreat to the realm of the philosophical and the abstract. They abandon the material world, leaving it unredeemed. The Torah's focus on detailed mitzvot, on the other hand, reflects its intense involvement with the physical world.

Levels of Holiness

Rather, Rav Kook elucidated this Talmudic tradition in a slightly different vein. While Abraham did not literally perform the ritual of eiruv tavshilin as we do today, he was able to apply the essential concept of this ceremony to his day-to-day life. This was not just some abstract theory, but practical knowledge that guided him in his actions.

What is the essence of eiruv tavshilin? The Sages wrote in Beitzah 15b that this ceremony helps one fulfill the Biblical injunction to "Remember the Sabbath day to keep it holy." The Sabbath could be

forgotten or neglected due to the holiday preceding it. In what way might one forget the sanctity of Shabbat?

The holiness of Shabbat is greater than the holiness of the holidays. But when Shabbat immediately follows a holiday, a person could mistakenly equate the two. One might desecrate the Sabbath by performing activities that are permitted on holidays, such as cooking. Just as we need to distinguish between the holy and the profane, so too we need to distinguish between different degrees of holiness. This is the underlying purpose of eiruv tavshilin - to remind us of the higher sanctity of the Sabbath.

Abraham, who kept the entire Torah, also made this fine distinction - in his life and actions. Abraham differentiated not only between the sacred and the profane, but also between kodesh le-kodesh, between different levels of holiness.

(Adapted from Igrat HaRe'iyah vol. I, p. 135 (1908); vol. III, p. 92 (1917))
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The Mitzvah of Separating Challah * Part 1

Shulchan Aruch cites challah-baking for Shabbos and Yom Tov as a mitzvah¹ and a worthy practice “that should not be abandoned.”² Indeed, it is a time-honored custom for women to bake challah loaves for Shabbos and Yom Tov,³ both because it enhances kavod Shabbos and kavod Yom Tov⁴ and because it is an opportunity for them – by fulfilling the mitzvah of hafrashas challah – to set aright Chavah’s sin on the first erev Shabbos of Creation.⁵ For this reason, it is halachically preferable that a woman be the one who separates the challah rather than a man.⁶

Challah separation: The procedure

* Those who usually recite l’shem yichud before performing a mitzvah should do so before performing this mitzvah as well.⁷

* The woman should stand while the challah is being separated and the blessing recited.⁸ If she did so while sitting, however, the challah separation is still valid.⁹

* The proper time to separate challah is before baking the dough. If, however, she forgot to separate challah before baking the dough, she must do so after the dough has been baked.¹⁰

* A small piece of dough is removed from the mass. Preferably, the designated piece should be at least a k’zayis (approx. 1 fl. oz.).¹¹

* The designated piece of dough should be held with the right hand. A left-handed person should hold it in her left hand.¹²

* Immediately before¹³ the separation of the designated piece – with no talking in between – the blessing should be recited. The following is the correct text:

Some follow the custom of adding two words to the end of the blessing: One who does not have this tradition should not add these two words.¹⁴

* After the separation of the challah, it is proper to recite (in any language): This piece is [separated for] challah.¹⁵

Challah separation: quantity of flour¹⁶

Dough which contains more than 3 lb. and 11 oz. (approximately 14 cups)¹⁷ of flour requires separation of challah with a blessing. Some poskim do not permit a blessing to be recited unless at least 4 lb. and 15 oz. (approximately 19 cups) of flour are used.¹⁸

Dough which contains more than 2 lb. and 10 oz. (approximately 10 cups) of flour requires separation of challah, but no blessing is recited. Any lesser amount of flour is exempt from challah separation altogether.

It is possible that dough which was originally kneaded with less than the prescribed amount of flour would ultimately require separation of challah: If several smaller pieces of dough are combined, they are halachically considered as one. In the following three cases the doughs may be considered as one dough:¹⁹

1. If the doughs are [or were previously] pressed together tightly enough so that when they are separated they will stick to one another, they are considered as one dough and challah must be separated from one of them.

2. Even if the doughs are not [or were not] pressed together but are placed in one deep utensil²⁰ and are touching each other,²¹ they require hafrashas challah and challah must be separated from one of them. Note that even if the doughs have been baked into bread or cakes and then placed together in one utensil, they will require hafrashas challah at that point. [An oven, a refrigerator or a freezer is not considered a utensil which combines small doughs or baked goods into one big unit, particularly if the items are individually wrapped.²²]

3. Even if the doughs are not [or were not] pressed together and are not [or were not] placed in one utensil, but are lying on a counter or on a table and are touching each other and are completely wrapped up in a cloth, they are considered as one dough and challah must be separated from one of them.²³ Note that even if the doughs have been baked into bread or cakes and then wrapped together, they will require hafrashas challah at that point.

The following exception to the above rule applies: If there are two batters which have different sets of ingredients and thus taste different from each other, or even if they taste the same but were made by two different people, or even if they were made by one person but she does not want to mix them or combine them, or even if she does not care whether they are mixed but the flours are from grain grown in two separate years – then they are not considered as one dough, even if they are pressed together or touching each other in the same utensil.

This information is useful for women who are baking several doughs, each of which contains less than the minimum amount of flour. Women who would like to incur the obligation and fulfill the mitzvah of challah have one of the following three options, which are all l’chatchilah:

1. They can firmly press the doughs together.

2. They can place the doughs, while touching each other, in one deep utensil.

3. They can leave the doughs on the counter or table and completely enwrap them in a towel or sheet.

After any one of these options is followed, challah may be separated as described above.

1 Rama, O.C. 529:1.

2 Rama, O.C. 242:1 and Beur Halachah (s.v. ve’hu).

3 While some women find it difficult to adhere to this custom regularly, many still make a point of baking challos for the Shabbos after Pesach, for it is a tradition that baking challos on that Shabbos is a segulah for livelihood. Many follow the additional custom of baking challah in the form of a key or pressing a key into the dough (schlissel challah) to symbolize “the key of pamasah. See Ta’amei ha-Minbagim 596-597 for the origin of this custom.

4 Rama, O.C. 242:1; 529:1.

5 Mishnah Berurah 242:6.

6 Kitzur Shulchan Aruch 38:8. See another reason in Bartenura, Shabbos 2:6.

7 Kaf ha-Chayim, O.C. 457:12. The appropriate nusach is quoted there. Some women have a custom to give charity before performing this mitzvah, as they do before lighting candles; Ben Ish Chai (Lech Lecha, 6).

8 Piskei Teshuvah, Y.D. 328:2; Aruch ha-Shulchan 328:5.

9 Mishnah Berurah 8:2. See Magen Avraham 8:1 and Shulchan Aruch ha-Rav 8:3, who allow separating challah and reciting the blessing while sitting.

10 Mishnah Berurah 457:5.

11 Rama, Y.D. 322:5.

12 Mishnah Berurah 206:18.

13 Rambam, Hilchos Bikurim 5:11; Chochmas Adam (Sha’arei Tzedek 14:32); Kitzur Shulchan Aruch 35:1; Mikdash Me’at 328:1. Some have a custom to separate challah while reciting the blessing, while others separate challah after reciting the blessing; see Piskei Teshuvos 457, note 3. See Mikraei Kodesh, Pesach, vol. 2, pgs. 73-74, for an explanation of this issue.

14 Kaf ha-Chayim 457:10.

15 Rav Akiva Eiger, Y.D. 328:1; Chochmas Adam (Sha’arei Tzedek 14:32). Many women, however, do not recite this statement; Ha’amek Sha’eilah 73:3. When challah is being separated without a blessing, this declaration is even more significant; see Imrei Shalom 3:60.

16 Water and other ingredients are not included in the minimum amount.

17 Our measurements are based on Gold Medal’s estimate that a 5 lb. bag of flour will fill about 19 cups, or about 3.75 cups per pound. Bear in mind, however, that there is no precise conversion between the weight and volume of flour. The temperature, methods of storage, type of flour, how one fills the measuring cup and whether it is sifted, can all impact on this amount.

18 See the various opinions in Shemiras Shabbos K’hilchasah 42:9 and Challah K’hilchasah 5:2.

19 Based on Mishnah Berurah 457:7 and Beur Halachah.

20 The utensil must be sufficiently deep so that no dough [or baked item] will protrude from it.

21 Minchas Yitzchak 8:109 maintains that even if the doughs are in individual pans or bags and the pans are touching each other [and they are placed in one big deep utensil], the doughs are considered combined. Rav S.Z. Auerbach (Shemiras Shabbos K’hilchasah 42, note 39) disagrees.

22 See Beur ha-Gra, Y.D. 325:3 (concerning an oven). See also Machazeh Elyahu 111 and Shemiras Shabbos K’hilchasah 42, note 39.

23 Beur Halachah 457:1.

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Yated

Nu, so, what is new?

By Rabbi Yirmiyohu Kaganoff

Question #1:

"When I was young, I do not think I ever heard about a prohibition called chodosh, or that something was yoshon. Now I am constantly hearing these terms. Do we now have a new mitzvah?"

Question #2:

"We have decided to stay permanently in Eretz Yisrael, but we visit the United States a few times a year. Do we need to be concerned about chodosh when we visit?"

The Basics

Around this time of the year, those concerned about chodosh begin checking packing dates on packaging. Before addressing the issue underlying the above questions, which is whether the prohibition of chodosh applies outside Eretz Yisrael, we must first study some essential details of the mitzvah. The Torah teaches:

"Bread, sweet flour made from toasted kernels, or the toasted kernels themselves, may not be eaten until that very day – until you bring the offering to your G-d. This is a law that you must always observe throughout your generations in all your dwelling places" (Vayikra 23:14). "That very day" refers to the second day of Pesach, the day that the korban omer, the "offering" mentioned in the pasuk, is brought. (This is the same day that we begin counting the omer, a practice we continue until Shavuot.)

The Mishnah (Menachos 70a) explains that this mitzvah applies only to the five species that we usually categorize as grain, which Rashi (Pesachim 35a) defines as wheat, barley, spelt, oats and rye. The Gemara (Menachos 70b) demonstrates that the laws of chodosh apply to the same varieties of grain that can become chometz.

What permits the new grain?

We should note that the Torah mentions two different factors that permit the new grain – it "may not be eaten until that very day – until you bring the offering to your G-d." This seems to be a bit contradictory. What permits the new grain, the day or the offering that transpires in the course of the day?

The New Korban

The Gemara (Menachos 68a) concludes that it depends on whether a korban omer will be offered that particular year. Until the Beis Hamikdash was destroyed, a korban omer was brought annually, and offering this korban permitted the new grain, thereby fulfilling "may not be eaten... until you bring the offering to your G-d." After the Beis Hamikdash was destroyed, it is the day that permits the new grain.

There is a further question, when the day is what permits the new grain, is it the beginning of the day or its end?

The Gemara quotes a dispute about this fact, but concludes that even those who permit the new grain at the beginning of the day, this is only *min haTorah*, but they agree that *miderabbanan* the new grain is not permitted until the day ends (Sukkah 41b).

"New" Grain versus "Old" Grain

This new grain is called chodosh, literally, new. Once Pesach passes, the grain is called yoshon, old, even though it may have been planted only a few days before. The promotion from chodosh to yoshon transpires automatically on the second day of Pesach – all the existing chodosh becomes yoshon grain on that day, even that which is still growing. The only requirement is that by then the grain has taken root. Thus, designating the grain as "old" does not mean that it is either wizened or rancid. Grain planted in the late winter or early spring often becomes permitted well before it even completed growing. On the other hand, grain that took root after the second day of Pesach is categorized as "new" grain that may not be eaten until the second day of the next Pesach.

How do we know that it is newly rooted?

Since most of us spend little time subterraneanly, how are we to know when the newly planted seeds decided to take root? This question is already debated by the Tannaim. The halachic authorities dispute whether we assume that seeds take root three days after planting or not until fourteen days after planting. If we assume that they take root in only three days, then grain planted on the thirteenth of Nisan is permitted, whereas that planted on the fourteenth, Erev Pesach, is forbidden. This is because the remaining part of the thirteenth day counts as the first day, and the fifteenth day of Nisan (the first day of Pesach) is the third day and we therefore assume that the new grain rooted early enough to become permitted (Terumas Hadeshen #151; Pischei Teshuvah, Yoreh Deah 293:4, 5; Aruch Hashulchan).

According to those who conclude that it takes fourteen days to take root, this grain does not become permitted until the next year. In addition, any grain planted on the third of Nisan or afterwards will not be permitted until the coming year, whereas that planted on the second of Nisan becomes permitted. We count the second of Nisan as the first day, which makes the fifteenth of Nisan the

fourteenth day, and the grain took root early enough so that the sixteenth of Nisan permits it (Nekudos Hakesef; Dagul Meirevavah; Shu"t Noda Biyehudah 2:Orach Chayim:84).

What's New in Chutz La'aretz?

Now that we understand some basic information about chodosh, we can discuss whether this mitzvah applies to grain growing outside Eretz Yisrael. Following the general rule that agricultural mitzvos, mitzvos hateluyos ba'aretz, apply only in Eretz Yisrael, we should assume that this mitzvah does not apply to grain that grew in chutz la'aretz. Indeed, this is the position of the Tanna Rabbi Yishmael (Kiddushin 37a). However, Rabbi Eliezer disagrees, contending that the mitzvah applies also in chutz la'aretz.

This dispute is based on differing interpretations of an unusual verse. When closing its instructions concerning the mitzvah of chodosh, the Torah concludes: "This is a law that you must always observe throughout your generations in all your dwelling places." Why did the Torah add the last words, "in all your dwelling places"? Would we think that a mitzvah applies only in some dwellings and not in others?

The Tannaim mentioned above dispute how we are to understand these unusual words. Rabbi Eliezer explains that "in all your dwelling places" teaches that this prohibition, chodosh, is an exception to the rule of mitzvos hateluyos ba'aretz and applies to all your dwelling places – even those outside Eretz Yisrael. Thus, although we have a usual rule that mitzvos hateluyos ba'aretz apply only in Eretz Yisrael, the Torah itself taught that chodosh is an exception and applies even in chutz la'aretz.

Rabbi Yishmael explains the words "in all your dwelling places" in a different way and as a result, he contends that chodosh indeed follows the general rule of agricultural mitzvos and applies only in Eretz Yisrael.

The New Planting

When a farmer plants his crops depends on many factors, including what variety or strain he is planting, climate and weather conditions, and even perhaps his own personal schedule. At times in history, even non-Jewish religious observances were considerations, as we see from the following incident:

The Rosh reports that, in his day, whether most of the new grain was chodosh or yoshon depended on when the gentiles' religious seasons fell out. Apparently in his day the gentiles did not plant crops during Lent. In some years the gentiles planted well before Pesach, and in those years there was no chodosh concern, since the new grain became permitted while it was still growing. However, there were years in which the gentiles refrained from planting until much later and in those years the new grain was chodosh (Shu"t HaRosh 2:1). We therefore find the rather anomalous situation in which the Rosh needed to find out exactly when the gentiles observed Lent in order to ascertain whether the grain was chodosh or yoshon.

What is New in Agriculture?

But one minute — the Rosh lived in Europe, first in Germany and then in Spain. Why was he concerned about chodosh? Should this not be an agricultural mitzvah that does not apply to produce grown outside of Eretz Yisrael? From the case above, we see that the Rosh ruled that chodosh is prohibited even in chutz la'aretz. The Rosh is not alone. Indeed, most, but not all, of the Rishonim and poskim conclude that chodosh applies to all grain regardless of where it grows, since we see from the Gemara that chodosh was practiced in Bavel, even though it is outside Eretz Yisrael (Menachos 68b). However, notwithstanding that the Rosh, the Tur and the Shulchan Aruch all prohibit chodosh grown in chutz la'aretz, the traditional approach among Ashkenazic Jewry was to permit the use of new grain. Why were they lenient when most authorities rule like Rabbi Eliezer that chodosh is prohibited even outside Eretz Yisrael?

Later authorities suggest several reasons to permit consuming the new grain.

Doubly Doubtful

Many authorities permitted the new grain because the new crop may have been planted early enough to be permitted, and, in addition, the possibility exists that the available grain is from a previous crop year, which is certainly permitted. This approach accepts that chodosh applies equally in chutz la'aretz as it does in Eretz Yisrael, but contends that when one is uncertain whether the grain available is chodosh or yoshon, one can rely that it is yoshon and consume it. Because of this double doubt, called a *sefek sefeika*, many major authorities permitted people to consume the available grain (Rama, Yoreh Deah 293). However, we should note that this heter is dependent on available information, and these authorities agree that when one knows that the grain being used is chodosh one may not consume it.

The Rosh accepted this approach, and was careful to monitor the planting seasons so as to ascertain each year whether it was true. In years that there was a chodosh problem, he refrained from eating the new grain – however, it is interesting to note, that he was extremely careful not to point out his concerns to others. He further notes that his rebbe, the Maharam, followed the same practice,

but said nothing about this to others. Thus, we see that some early gedolim were strict about observing chodosh but said nothing to others out of concern that they would be unable to observe chodosh. This practice was followed in the contemporary world by such great luminaries as Rav Yaakov Kaminitzsky, who was personally stringent not to eat chodosh, but was careful not to tell anyone who followed the lenient approaches that I will soon share.

Another Heter

Other authorities permitted the chutz la'aretz grain, relying on the minority of early poskim who treat chodosh as a mitzvah that applies only in Eretz Yisrael (Taz; Aruch Hashulchan). This is based on a Gemara that states that when something has not been ruled definitively, one may rely on a minority opinion under extenuating circumstances (Niddah 9b).

This dispute then embroils one in a different issue: When the Gemara rules that under extenuating circumstances one may rely on a minority opinion, is this true only when dealing with a rabbinic prohibition, or may one do so even when dealing with a potential Torah prohibition. The Taz and Aruch Hashulchan who permitted chodosh for this reason conclude that one may follow a minority opinion even when dealing with a potential Torah prohibition. The Shach rejects this approach, and concludes that one must be stringent when one knows that the grain is chodosh (Nekudos Hakesef. See also his Pilpul Behanhagos Horaah, located after Yoreh Deah 242; cf. the Bach's essay on the same topic, published in the back of the Tur Yoreh Deah, where he rules leniently on this issue.)

The Bach's Heter

Another halachic basis to permit use of the new grain is that chodosh applies only to grain that grows in a field owned by a Jew, and not to grain grown in a field owned by a non-Jew. Since most fields are owned by gentiles, one can be lenient when one does not know the origin of the grain and assume that it was grown in a gentile's field, and it is therefore exempt from chodosh laws. This last approach, often referred to simply as "the Bach's heter," is the basis upon which most Ashkenazic Jewry relied.

We may note that the Rosh, quoted above, rejected this heter, and that Tosafos (Kiddushin 37a end of s.v. kol), the Tur and the Shulchan Aruch also reject this approach. Similarly, the above-quoted responsum from the Rosh explicitly rejects this logic and contends that chodosh applies to grain grown in a gentile's field.

Nevertheless, common custom accepted this as the main opinion in observing chodosh, even by many gedolei Yisroel. The Bach notes that many of the greatest luminaries of early Ashkenazic Jewry, including Rav Shachna and the Maharshah, were lenient regarding chodosh use in their native Europe. He shares that as a young man he advanced his theory that chodosh does not exist in a field owned by a gentile to the greatest scholars of that generation, all of whom accepted it.

The Bach himself further contends that although the Rosh in his responsum rejected this approach, the Rosh subsequently changed his mind and in his halachic code, which was written after his responsa (see Tur, Choshen Mishpat, end of Chapter 72, he omits mention that the prohibition of chodosh applies to gentile-grown grain.

Thus, those residing in chutz la'aretz have a right to follow the accepted practice, as indeed many, if not most, of the gedolei Yisrael practiced. However, others, such as the Mishnah Berurah, ruled strictly about this issue (see also Beis Hillel, Yoreh Deah).

Until fairly recently, many rabbonim felt that those who are strict about the prohibition should observe the law very discreetly. Some contended that one should do so because they feel that observing chodosh has the status of chumrah, and the underlying principle when observing any chumrah is hatznei'ah leches – they should be observed modestly. (See Michtav Mei'elياهو Volume 3, page 294.) Others feel that the practice of being lenient was based on an extenuating circumstance that is no longer valid since yoshon is fairly available in most large Jewish communities, and that, on the contrary, we should let people be aware how easy the mitzvah is to observe.

North American Hechsherim

The assumption of virtually all hechsherim is that unless mentioned otherwise, they rely on the halachic opinion of the Bach. Many decades ago, Rav Aharon Soloveichik pioneered his own personal hechsher that did not follow either the heter of the Bach or that of the Taz and Aruch Hashulchan. He further insisted that the yeshivos that he served as Rosh Yeshivah serve exclusively food that did not rely on these heterim. Today, there are a few other hechsherim that follow this approach, whereas the majority of hechsherim accept the heter of the Bach. With this background, we can now address the first question that began our article. "When I was young, I do not think I ever heard about a prohibition called chodosh, or that something was yoshon. Now I am constantly hearing the term. Do we now have a new mitzvah?"

The answer is that the mitzvah is not new. When you were young, most halachic authorities either felt that one could rely on the opinion of the Bach, or felt that one should keep the topic quiet. Today many feel that one may advertize the availability of yoshon products.

In addition, there is interesting agricultural background to this question. At one point in history, the flour commonly sold in the United States was from the previous year's crop and always yoshon. Rav Yaakov used to monitor the situation and when the United States no longer followed this practice, he began to freeze flour so that he would have a supply during the winter and spring months when chodosh is a concern. Usually, the earliest chodosh products begin coming to market midsummer, and some products do not appear until the fall.

Visitors from Abroad

At this point, we can begin to answer the last question: "We have decided to stay permanently in Eretz Yisrael, but we visit the States a few times a year. Do we need to be concerned about chodosh when we visit?"

As I mentioned above, someone who lives in chutz la'aretz has the halachic right not to be concerned about observing chodosh on grain that grows in chutz la'aretz. The question is whether someone who has moved to Eretz Yisrael where the prevailing custom is to be stringent, and is now visiting chutz la'aretz has the same right. This matter is disputed, and I refer an individual to ask his rav what to do.

In Conclusion

In explaining the reason for this mitzvah, Rav Hirsch notes that one of man's greatest enemies is success, for at that moment man easily forgets his Creator and views himself as master of his own success and his own destiny. For this reason, the Torah created several mitzvos whose goal is to remind and discipline us to always recognize Hashem's role. Among these is the mitzvah of chodosh, wherein we are forbidden from consuming the new grain until the offering of the korban omer, which thereby reminds us that this year's crop is all only because of Hashem (Horeb, Section 2 Chapter 42). Whether one follows the Bach's approach to the chodosh laws or not, one should make note every time he sees a reference to yoshon and chodosh to recognize that success is our enemy, and humility is our savior.