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INTERNET PARSHA SHEET ON VAYECHI - 5762

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From: RABBI YISSOCHAR FRAND ryfrand@torah.org
"RavFrاند" List - Rabbi Frاند on Parshas VaYechi -
Kindness Towards The Dead: The Kindness of Truth
Yaakov asked his son Yosef to "do for me a kindness and a truth. Do not bury me in Egypt." [Bereshis 47: 29]. Rash"i on this verse cites a very famous statement of our Sages: "Kindness that is done with the deceased is called 'a kindness of truth,' because one clearly does not look for a return of the favor from the deceased." All other acts of kindness can always be viewed as somewhat tainted by ulterior motives, but, apparently, this kindness cannot.

Rav Yaakov Neiman asks a question on this Rash"i (in his work *Darkei Mussar*) from the Talmud. The Gemara states "The one who eulogizes, will be eulogized; the one who buries will be buried" [Kesuvos 72a]. This seems to indicate that one can expect something back when occupying himself with the dead. This contradicts the above quoted statement of the Sages.

Therefore, Rav Yaakov Neiman offers a new twist on this concept. When our Sages say that one does not expect payment for his participation with the dead, it does not mean that payment will not be forthcoming. It means that the person does not care if he will be paid back or not. When a person occupies himself with the dead, he gains a different perspective on life.

In other words, a person does not act the same upon returning from a funeral. Think about it. When a person attends a tragic funeral and returns home, the person is not the same -- even if only for 15 minutes or a half an hour or an hour. Attending a funeral causes us to look at life differently. Often, that which had previously seemed to be very important, now takes on its true perspective. Honor and recognition become meaningless.

That is the meaning of the statement of our Sages. Performing kindness for the dead -- be it doing a 'Taharah' (final preparation of the body before burial), being a 'Shomer' (watching the body continuously before burial) or attending a funeral -- puts a person in a totally different frame of mind than when performing any other type of kindness. Under such circumstances, a person is not looking for a "return on his investment". He is not thinking "Will they say such nice eulogies about me?" Who could think about such a trivial matter? A person does not look for payment - because he does not care about payment anymore. Psychologically, such payment becomes petty and meaningless.

Performing kindness for the dead is called a Kindness of Truth because it gives a person a true picture of what is important and what is trivial in life, albeit, perhaps unfortunately, only for a short time.

The Tranquility Of Hard Labor

When Yaakov Avinu blessed his son Yissocher he said, "He saw tranquility that it was good, and the land that it was pleasant, yet he bent his shoulder to bear, and became an indentured laborer" [49:15]. On a simple level, this pasuk [verse] makes no sense at all. Why would the fact that Yissocher "saw that Menucha [tranquility] was good" cause him to "bend his shoulder to bear"? On the contrary, if tranquility was so good, he should not want to bend his shoulder and become a laborer! This is equivalent to saying, "Joe saw that vacations were

good, therefore he started working 365 days a year".

What is the meaning of this verse? Rav Nissan Alpert suggested that the problem is that we do not understand the meaning of the word 'Menucha'.

There are two types of 'Menucha' in this world. One type of 'Menucha' is as follows: A person is on vacation, sitting under a palm tree, with a breeze wafting over him. He is sipping a drink and everything is beautiful. This is one type of 'Menucha'. This 'Menucha' may be good for a week, two weeks, or a month. However, after a while, a person will realize that this type of 'Menucha' does not provide peace of mind.

That is a myth of our society - work until age 65. Then, no more! So what does a person do when he is 65? He reads the paper once. He reads the paper twice. He needs to find things to do. This type of 'Menucha' does not satisfy a soul.

However, Yissocher saw the other type of 'Menucha'. Yissocher saw the serenity and the peace of mind that comes with accomplishment, with realizing one's potential and trying to reach that potential. That is serenity. Think about it. When do we really feel good? Clearly we feel good when we feel that we have done something that has 'made a dent' and made a difference. 'Menucha' in this pasuk refers to that kind of inner serenity. People are not designed to feel content from sitting under palm trees.

Dr. Abraham Twerski from Pittsburgh once commented about a ludicrous commercial that revealed the thinking on Madison Avenue. The commercial promoted "milk from contented cows". What is a "contented cow"? A "contented cow" is a cow that goes out in the morning into the pasture and finds plenty of grass and eats and then eats more. Then the cow comes home at night. This is a "contented cow". Cows are supposed to be content.

People are not supposed to be content. Human beings are supposed to have battles. There is supposed to be turmoil within a human being -- the constant tension of "am I doing what I am supposed to be doing -- am I accomplishing or am I not accomplishing?" That is what a human being is supposed to be all about. The idea that a human being is supposed to be 'content' is a myth.

The 'Menucha' that Yissocher saw as wonderful was the 'Menucha' that can come from the sense that "I am using my strengths to accomplish that which I am supposed to be accomplishing." Yissocher's reaction to that 'Menucha' was "Let me bend down my shoulders and accept the yoke" - to achieve even more. In that way, a person achieves the true tranquility that can only be achieved by realizing the vast potential that G-d has given to all of us.

Transcribed by David Twerski; Seattle, WA DavidATwerski@aol.com Technical Assistance by Dovid Hoffman; Baltimore, MD dhoffman@torah.org

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 311, Funerals In Halacha. Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. Torah.org: The Judaism Site <http://www.torah.org/> 17 Warren Road, Suite 2B learn@torah.org Baltimore, MD 21208 (410) 602-1350 FAX: 510-1053

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THE PRACTICAL TORAH

BY RABBI MICHAEL TAUBES

Parshas VaYechi: LIVING IN ERETZ YISRAEL

No definitive Halacha LeMa'aseh conclusions should be applied to practical situations based on any of these Shiurim.

When Yosef tells the Egyptian leaders of his father Yaakov's wishes to be buried in Eretz Canaan, he explains that his father had asked him to swear that he would fulfill this request, and he describes Yaakov as having identified the place of burial as the grave "which I dug for myself in the land of Canaan" (Bereishis 50:5). The commentators are troubled by the word "karisi," "I dug," used here, presumably because Yaakov did not in fact dig the grave where he was to be buried. Rashi (Ibid.) consequently quotes other interpretations for this word, one of which is that Yaakov made a keri, a pile, of the gold

and silver that he had accumulated while living with Lavan. Prior to resettling in Eretz Yisrael, Yaakov gave this pile to Eisav in exchange for the rights to the burial plot in Me'oras HaMachpeilah; it is that transaction that is being referred to by the word "karisi" here. Rashi explains elsewhere (Bereishis 46:6) that Yaakov gave Eisav specifically the gold and silver he had earned while with Lavan because he felt that "my possessions from outside the land have no value to me" indicating that when entering into Eretz Yisrael, he wanted no part of any wealth he had acquired when living outside of Eretz Yisrael.

The Avnei Neizer (Sheilos U'Teshuvos Avnei Nezer Chelek Yoreh Deah Siman 454) uses this notion to support an interesting insight regarding the Mitzvah of living in Eretz Yisrael. He first documents that it is in fact a Mitzvah from the Torah for a Jew to reside in Eretz Yisrael. He further claims that this Mitzvah is certainly applicable today, even according to the Rambam, who others claim does not hold this way (See Hasagas HaRamban to Sefer HaMitzvos Hashmatas Ha'asin Mitzvah 4 and Ibid. Megillas Esther). He explains the Rambam's striking omission of this Mitzvah from his list of the Taryag (613) Mitzvos in the following manner. In the first part of his Sefer HaMitzvos, the Rambam outlines the principles which he uses to determine whether or not a particular Mitzvah ought to be enumerated as one of the Taryag. One of his rules is that whenever the Torah presents two Mitzvos where one is intended to facilitate the performance of the other, he lists only the first of the two and regards listing the second as unnecessary (See Sefer HaMitzvos Shores 9). For example, the purpose of building the Mishkan in the desert was to have a place for the Aron which contained the Luchos. The Rambam thus lists the Mitzvah to build the Mishkan (Ibid, Mitzvas Aseh 20), but does not find it necessary to list the Mitzvah to build the Aron. The Avnei Neizer (Ibid.) suggests similarly that there is a Mitzvah of "Hachareim Tacharimeim" which enjoins us to destroy the nations who occupy Eretz Yisrael, as presented later in the Torah (Devarim 20:13). The purpose of that Mitzvah is obviously not in order that the land should be unpopulated, but rather so that the Jews should be able to enter and inhabit it. Having enumerated this Mitzvah of Hachareim Tacharimeim (Ibid Mitzvah Aseh 187), the Rambam did not find it necessary to count independently the Mitzvah of settling in Eretz Yisrael. But he certainly considers Yishuv Ha'aretz, settling the land, a Mitzvah from the Torah. It should be noted that the Chazon Ish (Kovetz Iggaros L'HaChazon Ish Chelek 1, Iggeres 175) agrees that this Mitzvah is MideOraisa even according to the Rambam; this may also be deduced from statements of the Rambam himself in his Mishneh Torah (Hilchos Shabbos Perek 6 Halachah 11, and Hilchos Ishus Perek 3, Halacha 19-20).

The Avnei Neizer (Ibid.) is troubled, however, by the question of why, if this is indeed a Mitzvah, so many Jews, including Rabbonim and Gedolim, do not live in Eretz Yisrael. After dismissing the answers of earlier Poskim which focus on traveling dangers and economic and other hardships as no longer being applicable today, (See Tosofos Kesuvos 110b s.v. Hu Omer, and Sefer Terumas HaDeshen, Pisakim U'Kisavim Siman 88) he suggests that the Mitzvah of Yishuv Ha'aretz is not fulfilled merely by physically residing in Eretz Yisrael. Rather, one must live on, and benefit directly from the land, so that one's primary livelihood comes from the land. If a person's income is provided mainly from abroad, he perhaps does not fulfill the Mitzvah, even though he may physically live in Eretz Yisrael. For this reason, the Avnei Neizer (Ibid.) suggests, many Rabbonim and Gedolim did not, and do not move to Eretz Yisrael, because they know that they would have to be supported by funds sent from outside the land and thus would not be fulfilling the Mitzvah properly anyway. A similar idea is suggested in a completely different context by the Chasam Sofer, in his commentary on the Torah entitled "Toras Moshe" (Parshas Shoftim, Devarim 20:5-6, s.v. Mi Ha'Ish-HaRishon), where he writes that the Mitzvah of Yishuv Ha'aretz implies a requirement to work on and contribute to the economic development of the land.

To bolster this view, the Avnei Neizer (Ibid.) explains that Yaakov sought to dispose of the wealth he had garnered in Lavan's house, outside of Eretz Yisrael, so that when he would reenter Eretz Yisrael, he would live off of the land. In suggesting that one does not fulfill the

Mitzvah of Yishuv Ha'aretz when most of one's money is sent from outside the land, the Avnei Neizer (Ibid.) apparently feels, as he suggests Yaakov did, that the main goal of living in Eretz Yisrael is to benefit from Hashem's direct Hashgachah over the land (See Devarim 11:12). It is noteworthy that the Pischei Teshuvah (Even Ha'Ezer Siman 75 Sif Katan 6) quotes another authority who also discusses the Mitzvah of Yishuv Ha'aretz at some length, and who concludes in a somewhat similar vein that the Mitzvah to live in Eretz Yisrael applies only if one can go there and have the ability to make a decent living, and not have to live off of Tzedakah or with undue hardship

From: listmaster@shemayisrael.com

MIDEI SHABBOS BY RABBI ELIEZER CHRYSLER

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Parshas Vayechi

More Haste ...

When, after the death of Rachel, Reuvcien impulsively switched Bilhah's bed for his mother Le'ah's, he did not stop to think about the ramifications of his actions. Had he done so he would have realized that he was interfering, not only with his father Ya'akov, who was himself an outstanding Tzadik, but also in the affairs of the Shechinah, who would regularly appear on Ya'akov's bed.

That is why he lost the Bechorah, the Malchus and the Kehunah. And that explains why the Torah writes 1. "Pachaz ka'mayim, al tosar"; 2. "ki oliso mishkevei ovicho"; 3. "oz chilalto yetzu'i oloh" (29:4, see Rashi).

The Oznayim la'Torah explains that, because he was hasty like water, he lost the extra portion (the birthright). Because he did not honor his father's marital integrity (his position as master of the family) he lost his right to inherit the sovereignty after him (like we find by Avshalom, whom David rejected as his successor, because he followed the advice of Achitofel and lay with his father's concubines). And because he desecrated his father's bed, he himself became desecrated from the Kehunah.

Furthermore, he explains, his three losses are hinted in the word "Pachaz", which is the acronym of the first letters of 'Poshut' (the opposite of 'bechor'), 'Chosuch' (the opposite of king - see Mishlei 22) and 'Zar' (the opposite of Kohen).

The Or ha'Chayim asks how Ya'akov could possibly deprive Reuven of the birthright and give it to Yosef, in light of the Pasuk in Ki Seitzei, which specifically forbids giving the Bechorah to one of the other sons. And what's more, the Gemara in Bava Basra rules that if someone attempts to do so, his actions are not valid (even if it is from a bad son to a good son). See also Torah Temimah Ki Seitzei 100, from d.h. 'Omnam'.

The Ramban comments on Ya'akov's statement to Yosef (48:22) "And I have given you an extra portion over your brothers" (which he connects with the Pasuk currently under discussion). He explains that, on the one hand, Ya'akov wanted to reward Yosef with a special gift, to demonstrate his love towards him (see also Rashi there), whereas on the other, he did not wish to deprive any of his sons of what was rightfully their's. So what did he do? He gave him the one thing that was his to give away - the extra portion of the birthright which he captured from the Emori with his sword and bow.

This implies that, at that time, the birthright did not automatically belong to the firstborn (but was negotiable - and who should know that better than Ya'akov). We hope to elaborate on the Ramban's explanation next week.

The Kur Zahav however (cited in the footnotes) poses the same Kashya as the Or ha'Chayim. And he answers that, based on the principle of 'Hefker Beis-Din, Hefker' (the Beis-din's right to declare someone's property Hefker, should they see fit), Ya'akov had the right to penalize Reuven for his sin, and to deprive him of his Bechorah. In other words, when Ya'akov took away the Bechorah from Reuven, it was in his capacity as the Gadol ha'Dor punishing a malcreant, rather

than as a father depriving his son.

And this answer is even more apt, bearing in mind that, in any event, all the Mitzvos performed by the Avos, were 'Eino Metzuvah ve'Oseh' (voluntary), as the Ramban explains in Parshas Toldos.

The Or ha'Chayim bases his answer to the above Kashya on his proposal, that, as B'nei No'ach, the Avos were obligated to keep the seven Mitzvos of the Noachide code, but no more. And he queries the Ramban, who maintains that they strictly adhered to the entire Torah as long as they lived in Eretz Yisrael. He agrees that, based on their love of G-d, the Avos did on principle observe the entire Torah. However, because they were no under no obligation to do so, they discarded whatever they felt would impede their spiritual growth, even in Eretz Yisrael. That is why Ya'akov married two sisters, Levi married his aunt and that is why Ya'akov had no trouble in depriving Reuven of the birthright.

He then goes one step further. He suggests that Ya'akov's punishing of Reuven was Divinely ordained, and that Ya'akov was merely obeying G-d's instructions. For, based on Eliyahu at Har ha'Karmel, who permitted sacrifices outside the Beis-Hamikdash, Chazal have taught that a Navi has the authority to ordain something that contravenes Torah, as long as he does not dissolve the law altogether.

And this explanation would be valid even in Eretz Yisrael, or even if the Avos had been commanded to keep the whole Torah outside Eretz Yisrael, too. Interestingly, the Or ha'Chayim's second explanation differs little from that of the Kur Zahav that we cited earlier. As we hinted earlier though, there is not the least indication that the Ramban (or Rabeinu Bachye, who follows in his footsteps), even agrees with the Kur Zahav's question, let alone his answer.

And the Or ha'Chayim quoting the Zohar, also explains why Ya'akov gave the birthright specifically to Yosef, and not to Yehudah or one of the older brothers. It is, he says, due to the fact that when Ya'akov had his first relationship with Le'ah, he had Rachel in mind, and, because of the significance of 'Machshavah' in the upper worlds, the true Bechor was therefore the first son to be born to Rachel.

Rashi in the Parshah gives a more down to earth answer. He explains that Yosef received the Bechorah as an advance payment for his services in arranging and organizing Ya'akov's burial in Canaan.

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From: Kerem B'Yavneh Online[SMTP:feedback@kby.org] Subject: Gather and Listen, O Sons of Yaakov

Vayechi Gather and Listen, O Sons of Yaakov Rosh Hayeshiva HARAV MORDECHAI GREENBERG, shlita

"Yosef harnessed his chariot, and went up to meet Yisrael, his father, to Goshen. He appeared before him, fell on his neck, and he wept on his neck excessively." (Bereishit 46:29) Yaakov, however, neither fell on Yosef's neck nor kissed him. Our Rabbis explain that [this was because] he was reciting K'riat Shema. (Rashi, ibid.)

The Ba'alei Mussar ask, what led Yaakov to recite K'riat Shema specifically at this emotional moment? They explain that he used this opportunity to collect the intense feelings of love that he felt toward Yosef at that moment, and to sanctify them towards the love of the Creator.

There is, however, an additional, deeper meaning. To Yaakov, Yosef's disappearance was more than the loss of a beloved son. To him, the fate of the entire family and nation was at stake. In each one of the Avot there existed a flaw, which found expression in one of his sons, resulting in the separation of that son from the sanctity of Israel, and his choice of a different path. Avraham produced Yishmael, and Yitzchak produced Esav. The question that tormented Yaakov was whether the struggle between Yosef and his brothers was a continuation of this pattern of struggle between brothers, which would result in division and rift? Or, was this struggle the expression of different positions and approaches within one nation, as a body comprised of many limbs, as Chazal state, "Yaakov bed was complete, with no flaw?"

A hint at Yaakov's fear is found in the Midrash pertaining to

Yaakov's exile to Charan (Bereishit Rabbah 68:13):

"He took from the stones of the place." (Bereishit 28:11) Rabbi Yehuda says: Yaakov took twelve stones, saying, "Hakadosh Baruch Hu has decreed that He will establish twelve tribes. Avraham did not establish them. Yitzchak did not establish them. I, if these stones connect to each other, I know that I will establish them . . . The Rabbis say: . . . [Yaakov took two stones and said], "Avraham produced Yishma'el and all the sons of Ketura. Yitzchak produced Esav and all his chiefs. I, if these two stones unite, I know that no flaw will come from me."

For twenty-two years, Yaakov lived with the fear that perhaps he too was flawed, and would be subject to the same fate as his fathers. Now, however, with the reconciliation of his sons, it became clear that there would be no further rift within Am Yisrael. The twelve tribes are certainly separate limbs, but together comprise one whole body, and thus go to Egypt "beshiv'im nefesh" ["nefesh" is singular], as seventy people with one, united soul.

In the future, the prophet Yechezkel is commanded, "Take for yourself one piece of wood and write upon it, 'For Yehuda'; . . . and take one piece of wood and write upon it, 'For Yosef' . . . Then bring them close to yourself, one to the other, like one piece of wood, and they will become united in your hands." (Yechezkel 37:16-17) When Yaakov observes the reconciliation and unity of Yosef and his brothers, similar to the prophetic vision of the future, he expresses himself by reciting K'riat Shema, the declaration of the Unity of G-d.

This theme is repeated when Yaakov blesses his sons, as related in Pesachim (56a):

Yaakov desired to reveal the end of days to his sons, but the Divine Presence was removed from him. He said, "Perhaps there is some flaw in me, like Avraham, who produced Yishmael, or my father, Yitzchak, who produced Esav." His sons responded by declaring, "Shema Yisrael' . . . Just as in your heart there is only One, so too in ours there is only One ("echad")."

The Maharal explains that the word "echad" hints at the variety and unity found simultaneously within the tribes. Alef [one] refers to Yaakov; Chet [eight] to the sons of the mothers, Rachel and Leah; and Dalet [four] to the sons of the maidservants, Bilha and Zilpa. Together they are "echad," one unit comprised of diverse forces and approaches.

It is impossible to expect redemption without unity. This was Yaakov's testament to his sons, "Hei'asfu - Assemble yourselves!" (49:1) Chazal interpret this in reference to internal conflict. Yaakov commanded his sons to be united, and thus prepared for the redemption. Alternatively, "hei'asfu" is a term for death. Yaakov told his sons that there must be no conflict, for that would lead to the spilling of blood, as Chazal have said "A synagogue or house in which there is conflict is destined to be destroyed."

"Gather yourselves and listen, O sons of Yaakov." (49:2) Although I do not know when the ultimate day of judgment will be, I will tell you that when you assemble and gather together, you shall be redeemed. (Agadat Bereishit)

From: Ohr Somayach[SMTP:ohr@ohr.edu]
Subject: Torah Weekly - Vayechi * TORAH WEEKLY * Highlights of the Weekly Torah Portion Parshat Vayechi
L'CHAIM! TO LIVES!

"And Yaakov lived..." (47:28)

If ever there was a Jew who was the epitome of empathy, it was Reb Baruch of Mezebez, the grandson of the saintly Baal Shem Tov. Reb Baruch took up the burden of his fellow man as though it were his own. When news of trouble or sorrow reached his ears, his face would turn pale, his shoulders would droop and his eyes would fill with tears.

To any unknowing observer, Reb Baruch seemed as though the tragedy had actually struck him.

It was just as well then that Reb Baruch had a shammes (personal assistant) whose spirit was as light as a balloon. Reb Herschele Ostropoler was a man who radiated optimism like a summer's day.

His light touch and sense of humor raised the Rebbe's spirits and stopped him from becoming overly grieved by this world.

Once it happened that a terrible plague hit the city of Mezebez. The plague was swift and incurable. With monotonous regularity, the unmistakable sounds of a horse-drawn hearse would pass the window of the Rebbe. He would look up and see the cortege pass his window and collapse into uncontrollable tears. "Reb Herschele! Jews are dying! Jews are dying!" After a week of the plague scything through the population of Mezebez, the Rebbe was on the verge of a breakdown.

Reb Herschele realized that drastic measures were called for. He knocked on the door of the Rebbe's study. A barely audible voice emerged from behind the door "Come in." Reb Herschele opened the door, entered the room and announced with great joy.

"Rebbe. The plague is over! The plague is over!"

The Rebbe was hunched over his desk, his arms covering his head. Slowly he brought himself up to a sitting position. His eyes met Reb Herschele's. "The plague is over? It's really over?"

"Yes!" exclaimed Reb Herschele. His eyes wide and bright! "The plague is over."

Like the easing of the rain at the height of a storm, the Rebbe's countenance brightened the tiniest fraction.

"It's over," the Rebbe said more to himself than to Reb Herschele.

Silence filled the room like an hour glass. Then out of the silence, there came a sound. At first it was possible to dismiss its import, but with every second it became more inevitable. It was the sound of another hearse.

The Rebbe looked at Reb Herschele. Their eyes locked.

"Herschele!" said the Rebbe "Herschele. You said the plague was over. I can hear another hearse on its way to the graveyard!"

"No Rebbe. They're not taking them to the graveyard anymore. They're bringing them back!"

The name of this week's Torah portion is Vayechi, which means "And Yaakov lived." The title seems a bit ironic, because it is in this week's portion that Yaakov dies. (The same irony occurs in the weekly portion entitled "The Life of Sara," in which Sara, mother of the Jewish People, dies.)

However limited is one's knowledge of Hebrew, I'll bet there's one word known to almost everyone who's ever raised a glass or two in a toast: "L'Chaim!" L'Chaim is usually translated as "To life." More accurately it means "To lives."

The word for life in Hebrew is plural. It's not by coincidence. There are two lives. The life we live in this world, and the life that we live in the next world. This life is like a factory. It has only one purpose: To produce. To produce the next life. The biggest mistake one can make in this life is to mistake the factory for the product.

The fact that the deaths of Yaakov and Sarah are found in Torah portions whose titles mention "life" teaches us a lesson. It teaches us that a righteous person is alive and well even in death.

That even when the hearse seems to be going to the graveyard - it's really coming back from there.

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From: Kol Torah[SMTP:koltorah@hotmail.com] To: koltorah@hotmail.com Subject: Parshat Vayigash
KOL TORAH Parshat Vayigash
RELIGIOUS INFERTILITY
BY RABBI HOWARD JACHTER

This week we shall address a very delicate and sensitive topic. This essay will discuss the difficulty that a small percentage of observant couples experience in having children because of Halachic restrictions. Many fertility specialists in both this country and Israel are familiar with this problem and have even given it a name: "Religious Infertility." The problem arises because the wife ovulates before she is

able to visit the Mikvah. In this essay, we will discuss how the Halachic authorities of the past fifty years have grappled with this issue. We also seek to provide some direction for couples that are experiencing this problem.

The Problem

We will begin by outlining an extremely limited sketch of the status of Niddah and Zavah. The Kehati Mishnayot series presents a full introduction to this issue in many places, including Arachin 2:1. The Torah (Vayikra 15:19) states that if a woman becomes a Niddah at an expected time she is Tameiah for only seven days. If, however, this experience happens at an unexpected time, then she must count seven days after the bleeding has stopped before she may visit the Mikvah (Vayikra 15:25-28). One who experiences this unexpected event is referred to as a Zavah.

The Gemara in numerous places (such as Berachot 31a) records that Jewish women have accepted upon themselves to always consider themselves a Zavah whenever they see blood. Hence, they always count "seven clean days" after seeing blood. The Gemara in Berachot presents this Halacha as an example of "Halacha Pesukah," a straightforward rule. The reason women accepted this stringency upon themselves (see Rambam Hilchot Issurei Biah 11:1-4) is to avoid confusion in determining what constitutes an expected event and an unexpected event. Thus, Jewish women decided to "play it safe" to avoid violating this extremely serious Torah prohibition and always count seven clean days.

The Ramban (in his summary of Hilchot Nidda 1:19) writes, "This stringency that Jewish women have adopted was approved by Chazal and they accorded it the status of 'Halacha Pesukah' in all locales. Therefore, it is never permitted to be lenient about this matter." The Meiri adopts a similar approach in his commentary to Berachot 31a. The Shach (Yoreh Deah 183:4) similarly writes, "Chazal always required the counting of the seven clean days."

This situation usually works out nicely as the night of immersion will often be ideal for conception. However, for a small percentage of couples, ovulation occurs before the night of immersion. The Poskim of the past few decades have addressed the question of whether the requirement of the seven clean days might be waived to permit immersion before ovulation.

Response of the Twentieth Century Poskim

Halachic authorities have unanimously responded that it is forbidden to be lenient.

Rav Yosef Dov Soloveitchik (as reported by Rav Aharon Lichtenstein and Rav Yosef Adler), Rav Ovadia Yosef (Taharat Habayit 1:27-30), and Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 2:70:1) all cite the Ramban that we may never waive the requirement for the seven clean days. They believe that the Ramban applies even in case of "religious infertility."

One may ask, however, why doesn't the Torah obligation of Peru Urevu (the obligation to have children) override the rabbinic requirement for seven clean days, in a case where we are certain that she is not a Zavah? In fact, the Gemara (Gittin 41) records the Halacha that the obligation of Peru Urevu overrides the Torah prohibition against freeing a Canaanite slave.

Rav Moshe Feinstein (Teshuvot Igrot Moshe Y.D. 1:93) responds that there is no general Halachic principle that permits violation of a rabbinic prohibition to fulfill a Torah prohibition. The Gemara (Shabbat 130b) teaches that we may not carry a Milah knife on Shabbat even in an area that is only forbidden to carry in on a rabbinic level, in order to perform a Brit Milah. One may not violate the rabbinical prohibition against sprinkling someone who is Tamei Mait with "Parah Aduma waters" on Shabbat to facilitate fulfillment of the Mitzvah of Korban Pesach (Pesachim 92a and see Rambam Hilchot Korban Pesach 6:6). Rav Feinstein asserts that in most cases Chazal did not condone violation of a rabbinical prohibition to fulfill a biblical obligation.

Rav Ovadia Yosef cites Tosafot (Gittin 41a s.v. Lisa) who ask why Chazal (Gittin 41) forced the part owner of a partially emancipated slave to relinquish ownership of the slave. Chazal ruled thusly because a partially emancipated slave is forbidden to marry either a female slave or a free woman. Tosafot ask why the Mishna states that

the half slave does not have the option of marrying a Jewish woman. Tosafot wonders why the obligation of Peru Urevu does not override the prohibition for a partially freed slave to marry free woman. Tosafot answer that we do not waive the prohibition against his marrying a freed woman since there is available option to accomplish the goal and violate only a less serious prohibition - freeing a Canaanite slave. Rav Ovadia Yosef argues that similarly we do not sanction the violation of the seven clean days requirement since there are Halachic and medical options that facilitate the couple fulfilling the Mitzvah of Peru Urevu without violating the obligation of the seven clean days. Another answer of Tosafot is relevant to our issue as well. Tosafot explain that since the woman is not obligated in the Mitzvah of Peru Urevu (Yevamot 65b), there is no override of her prohibition against marrying a slave. Similarly, since the woman is not obligated in Peru Urevu, there is no override of her obligation to count seven clean days.

Halachic and Medical Options

Many Halachic authorities permit an early Heseik Tahara (before five days have passed since the bleeding began) in such circumstances. These authorities include Rav Yosef Dov Soloveitchik (reported by Rav Yosef Adler), Rav Moshe Feinstein (Teshuvot Igrat Moshe Y.D. 4:17:22), and Rav Ovadia Yosef (Taharat Habayit 2:416). These authorities believe that the custom to wait five days (or four days for Sephardim) from the start of the bleeding before beginning to count the seven clean days may be waived (under certain conditions) in order to fulfill the Mitzvah of Peru Urevu. We treat a custom with significantly less stringency than a rabbinical prohibition. This approach helps solve the problem in some cases.

Many Poskim also permit artificial insemination using the husband's genetic material before the wife has immersed in the Mikvah. These authorities include Rav Ovadia Yosef (Taharat Habayit 1:29), Rav Moshe Feinstein (Teshuvot Igrat Moshe Even Haezer 2:18), and Rav Zvi Pesach Frank (an oral tradition reported by Rav Ovadia Yosef ibid). Rav Ovadia and Rav Moshe write that the child will not bear the stigma of a Ben Niddah if it is conceived in this manner. It is important to note that many Poskim strongly urge that this process be performed under strict rabbinical supervision to insure that no tampering or mistakes are made in the process.

Another option might be for an especially competent doctor to prescribe medicine that will adjust her cycle to avoid this problem. Care must be taken to insure that this process does not impinge on the wife's health.

It is important to note that the problem might be a result of the wife thinking that she is a Niddah when, in fact, she is not. Rav Binyamin Forst (The Laws of Niddah p.34) writes, "Many women do not suddenly stop staining on the fifth day. It is very common to find a stain on the Hefseik Tahara cloth." Some women think that every one of these are prohibited stains and thus do not begin the seven clean days when they are in fact permitted to do so. A couple should consult with a competent Halachic advisor regarding this issue. This might be the reason why the couple is not having children.

Home Remedies

Various sources have reported some success in solving this problem using home remedies. Dr. Mordechai Halperin of Jerusalem once stated in a public lecture that he has experienced successful resolution of this problem, in some cases, simply by instructing the wife to eat breakfast. In fact, I recommended this course of action to a woman who approached me with this problem and a few months later, she reported that she conceived soon after she initiated a daily routine of eating a proper breakfast.

Interestingly, the Gemara (Bava Kama 92b) and Shulchan Aruch (Orach Chaim 155:2) urge us to eat breakfast. The Gemara quotes a folk saying, "sixty people run, but they cannot keep up with one who ate breakfast." Furthermore, the Gemara (Bava Metzia 107b) states that eighty-three sicknesses are related to malfunctioning of the gallbladder, and eating breakfast can cure all of them. Rav Menachem Burstein (the head of the prestigious Machon Puah in Jerusalem) suggested (in a conversation with me) that a nutritional imbalance might cause an imbalance in the cycle, and this might account for the success of this approach in some cases.

Other home remedy suggestions include eating estrogen rich food such as sweet potatoes or taking Vitamin K. Rav Burstein told me that he has heard reports of limited success with these approaches. However, Rav Burstein counseled that I should only advise the home remedy course to very young wives, because these home remedies offer only limited success and often take considerable time to take effect. He urged counseling wives to ask their gynecologists to prescribe medicine that will adjust their cycles. One should consult with competent medical professionals regarding their matters.

Conclusion

I have generally shied away from discussing Hilchot Niddah in Kol Torah. However, I have discovered that there is widespread ignorance of this problem and its potential solutions. Since Rabbis and doctors have told me that appropriate Halachic and medical advice can help resolve this problem in almost all cases thus it is imperative that this matter be discussed in this forum, to shed some light on this important subject.

Postscript - Machon Puah

Moreover, it is very important to bring to the community's attention a most wonderful resource for the Jewish People throughout the world. Machon Puah in Jerusalem provides Halachic guidance to couples that are experiencing difficulties conceiving a child. Currently, they employ six rabbis who are available full-time to respond to questions regarding the interface of Halacha and fertility. Moreover, they are at the forefront of offering rabbinical supervision of fertility procedures. It is highly worthwhile for rabbis and laypeople to consult with Machon Puah in case of need. One may contact them by e-mail at machonpuah@hotmail.com and pouah@zahav.net.il.

<http://www.koltorah.org>

From: National Council of Young Israel YI_Torah@lb.bcentral.com
14 Tevet 5762 December 29, 2001 Daf Yomi: Baba Metzia 37
Guest Rabbi: RABBI FABIAN SCHONFELD Young Israel of Kew Gardens Hills, NY

This weeks Parsha begins by telling us that Yaakov lived in Egypt for 17 years. The Gerer Rebbe, Sfat Emet, is surprised that the Torah would tell us that Yaakov actually LIVED in Egypt. After all, how can it be said to live in the land of Egypt? We would expect another verb such as Vayeshev which would mean 'he stayed.' A man like Yaakov could not find a proper mode of life in a pagan land such as was Egypt. To live implies a useful and fruitful life which certainly would be difficult in Egypt of that day. (It is not better today.)

The Sfat Emet answers the question by saying that indeed Yaakov did actually live in Egypt and the Torah uses the verb to live to teach us that in all circumstances and all conditions Jews have to attempt to live a useful and productive Torah life. In fact the Jewish people learned the lesson and we built Synagogues, Yeshivot and other vital institutions throughout the ages in the Diaspora.

There is, it seems to me, another important point to be made. In the Parsha some weeks ago Yaakov also is said to live in a certain place yet the term used is ^Vayeshev Yaakov', Yaakov dwelled in the land of his fathers. The difference being that ^Vayeshev' implies a settling down, a permanent dwelling in a certain place. Rashi describes it as Layshev Bshalom which means to settle down in comfort. Even though Yaakov was not granted an undisturbed and peaceful life after his return from Lavan still that was his intention. The lesson here was that in Eretz Yisrael we are in a state of Vayeshev, dwelling securely, whereas in the Diaspora it can only be Vayechi to live rather than to dwell securely.

Like Yaakov, however, it has not yet been granted to us to be in a state of Vayeshev but that is the ultimate purpose and aim of our people when we speak of residing and being in Israel.

We are now unfortunately witness to the truth and distinction between Vayeshev and Vayechi. Jewish history teaches us that whenever we believe to be in a Vayeshev mode we suffer a rude awakening. In the Diaspora outside of Eretz Yisrael we are in a state of Vayechi as opposed to Vayeshev. American Jews especially have a reason to be proud of their accomplishments in every sphere of Torah

activity and we are grateful to be living in these free United States of America. Yet, we do declare three times a day [^]Vtechezenu Aynenu Bshuvchu Ltzion. [^]May our eyes behold when You HaShem return to Zion in Mercy. In Eretz Yisrael, despite the present anxious situation, we are a people that is basically in a Vayeshev state; Israel is as the late Menachem Begin pointed out [^]Hatachanah HaSofit[^], the final terminal.

Let us hope that day may come as soon as possible.

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From: Jeffrey Gross[SMTP:jgross@torah.org] neustadt@torah.org
To: weekly-halacha@torah.org Subject: Weekly Halacha - Parshas Vayechi By RABBI DONIEL NEUSTADT Rav of Young Israel of Cleveland Heights A discussion of Halachic topics. For final rulings, consult your Rav.

BEIS DIN AND SECULAR COURT? Part 1

Whole portions of the Torah deal with financial issues and with monetary disputes that may arise between Jews. The Torah states specifically that all such altercations must be decided in accordance with Jewish law, which means that a dispute between Jews must be presented to a Jewish court, a beis din, who will adjudicate the matter in accordance with the rulings of the Shulchan Aruch and Jewish tradition.(1)

It is, therefore, a strict Torah prohibition for a Jew to use the secular(2) court system(3) in order to resolve a dispute with ANOTHER JEW.(4) To do so is a chillul Hashem, a desecration of G-d's Name, because it is tantamount to declaring publicly that their system of justice is preferable to that of the Torah.(5) Shulchan Aruch uses extremely harsh language about a person who brings his case before a secular court: he is called a rasha; it is considered as if he has blasphemed and cursed; it is as if he has "raised a hand" against the Torah of Moshe Rabbeinu.(6)

Unfortunately, many people are ignorant of the prohibition against resorting to secular courts. Some justify their laxity with the claim that there is no point in going to beis din since only secular courts have the power to enforce their judgments, or that secular courts are fairer and more efficient. Bypassing the beis din and using the secular system to adjudicate disputes between Jews is prohibited under all circumstances, EXCEPT in some of the cases listed below.

Accordingly, any monies gained by a judgment from a secular court which would not have been won under Torah law are considered stolen monies which must be returned to their owner.(7)

It is the responsibility of each Jewish community to have a functioning beis din which is available to adjudicate all matters of dispute. It is also the responsibility of the Jewish community to uphold the power of beis din and enable it to enforce its judgments. And while the executive power of beis din is, admittedly, limited so long as we remain in exile, still there are quite a few ways to make it effective even nowadays.

A possible tool that beis din can use to force an individual to appear before it is the ksav seiruv, which is a document issued by beis din stating that the individual disregarded this or any other legitimate beis din's summons(8). It is then the community's responsibility to bar such a person from religious communal life; e.g., to deny his right to be a member of any congregation, to be called to the Torah for an aliyah, to be a sheliach tzibbur, etc.(9)

Some additional points concerning the prohibition of bringing one's case before a secular court: The prohibition against using a secular court is in effect even if both sides in the dispute agree to present their case to a secular court and abide by its ruling.(10) The prohibition against using a secular court remains in effect even if the parties agreed(11) in advance that all potential disputes between them will be adjudicated by a secular court.(12) The prohibition against using a secular court applies even for the purpose of using the court to force the defendant to place himself under the jurisdiction of beis din.(13) The prohibition against using a secular court applies to the claimant as well as to the lawyer or anyone else who represents or encourages

him.(14) A claimant who prosecuted another Jew in court and lost his case may not appeal to beis din.(15) But if the defendant knows or suspects that according to Torah law he is guilty, he is obligated to pay the claimant his money.(16) Many industries have in-house arbitration panels which -based on the arbitrators' common sense and customary practice within that trade -resolve internal disputes. These panels are not considered "secular courts" and are permitted to be used.(17) Next week: When is it permitted to go to a secular court?

FOOTNOTES: 1 Talmud, Gittin 88b. 2 It makes no difference if the secular court system is administered by non-Jews or by Jews who do not rule in accordance with Torah law and tradition, such as the secular Israeli court system; Chazon Ish, Sanhedrin 15:4; Harav T. P. Frank (written responsum quoted in Tzitz Eliezer 12:82); Yechaveh Da'as 4:65. 3 Even if the secular court intends to rule according to Torah law as its basis for judgment, it is still strictly prohibited; C.M. 26:1. 4 When redressing a dispute with a non-Jew, it is permissible to use a non-Jewish court only if the non-Jew will not accept the authority of beis din. If the non-Jew is willing to go to beis din and abide by its ruling, it is Biblically prohibited to seek judgment in a non-Jewish court; Tashbatz, vol. 4, Tur Hashlishi 6, based on Tanchuma, Shoftim 1, quoted in Divrei Geonim 52:15 and Minchas Yitzchak 9:155. 5 Rashi, Mishpatim 21:1. See also Rabbeinu Bechayei's commentary. 6 C.M. 26:1, based on Rambam, Sanhedrin 26:7. 7 Rabbi Akiva Eiger, C.M. 26:1. 8 A ksav seiruv cannot be served if the defendant rejects a particular beis din's summons with the claim that he wants the case to be presented to another beis din, even if the alternate beis din is lesser in stature or is in another city; Nesivos C.M. 26:13. For more information about this issue, see Teshuvos V'hanhagos 3:437 and Divrei Mishpat, vol. 1, pgs. 203-211. 9 See Darkei Moshe C.M. 19:1 who writes that a seiruv can go as far as to ostracize the individual so that "people should not daven with him, they should not circumcise his son, the should not bury his dead, they should remove his children from school and his wife from shul." See, however, Yam Shel Shelomo, Bava Kamma 10:13, who feels that the wife and children should not be made to suffer pain and shame on account of their husband or father. 10 C.M. 26:1, based on Ramban, Mishpatim 21:1. But it is permissible for the litigants to present their case to beis din and ask it to rule in accordance with secular laws; Divrei Chayim 2:30, quoted in Minchas Yitzchak 9:112.

11 Either verbally or contractually; either with a binding kinyan or without; C.M. 26:3-4. Even if he swore to do so, he still may not bring his case to court; Aruch ha-Shulchan 26:4. 12 C.M. 126:3. Several details concerning this issue are discussed in Teshuvos V'hanhagos 3:441 and 3:443. 13 Rama C.M. 26:1. Possibly, bringing the case to court merely to intimidate the defendant - without any intention of actually prosecuting him there - is also prohibited; see Divrei Mishpat, vol. 3, pgs. 195-197. 14 Rama C.M. 26:1. See Yechaveh Da'as 4:65. 15 Rama C.M. 26:1. 16 Nesivos C.M. 26:2; Aruch ha-Shulchan C.M. 26:1. 17 See Minchas Pittim, Sheyarei Minchah 68; Tzitz Eliezer 11:93; Divrei Mishpat, vol. 3, pgs. 187-188. Weekly-Halacha, Copyright 1 2001 by Rabbi Neustadt, Dr. Jeffrey Gross and Torah.org. The author, Rabbi Neustadt, is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. The Weekly-Halacha Series is distributed L'zchus Doniel Meir ben Hinda. Weekly sponsorships are available - please mail to jgross@torah.org. Torah.org: The Judaism Site <http://www.torah.org/> 17 Warren Road, Suite 2B learn@torah.org Baltimore, MD 21208

From: RABBI JONATHAN SCHWARTZ jschwartz@yml.yu.edu
Subject: internet Chaburah -- Parshas VaYigash/Vayechi

Prologue: Death is a personal experience. It affects the departed and at the same time leaves no one unaffected. All the survivors, friends, relatives and even listeners to the eulogies are often changed and challenged by the affects of death. Sometimes, the death of a loved one brings quarrel and challenge among the survivors as to who was responsible for death and who is aggrieved more. Yaakov prevents the challenge to death prior to speaking to Yosef. He notes that on the road to Efrat, Rachel died on him. Sforno notes that yaakov was merely trying to explain why he did not bring her into Chevron. Sforno explains that the spontaneity of Rachel's death shocked Yaakov and he buried her immediately. But the Shai L'Torah offers a potentially different answer. He notes that Yaakov feared that Yosef would be hurt by the fact that his mother was not buried properly. Yaakov pre-empted the claim by noting that he too, loved Rachel, even more than Yosef (See Sanhedrin 22a that Ein Isha Meisa Ela L'Baala). Despite this he still buried her outside of the land of Israel. Yosef should not be aggrieved by the action, it was not meant to be a sign of lack of love.

Scared Stiff: TRUTH TELLING TO PATIENTS
(With special thanks to Hagaon Harav Yaakov Neuberger Shlita for clarifying most of the Shiur's Mareh Mikomos)

The Talmud (Moed Katan 26b) notes that if a sick person loses a relative, he should not be informed. The Gemara explains the reason is that we don't want the patient to lose his mind over the death. The Gemara goes so far as to silence the women who wail when they are in front of the Choleh, lest they tip him off to the death.

This opinion is quoted by the Michaber (Y.D. 337) who adds that we do not cry in front of a patient either, lest he lose hope. In commenting to the Shulchan Aruch, the Shach (337:2) explains that one cannot eulogize a non-relative of a patient in front of him lest he be too shaken from the trauma of death and scared himself (see also Pinenei Rabbeinu of Hagaonb Harav Hershel Schachter who explains a similar story with the Rov and Rav Moshe Feinstein). A similar fear of "going crazy" exists in the process of preparing Harugei Bet Din for execution. There, we are to begin the Vidui recitation early enough that the condemned not be too scared when he see the place of execution and be unable to speak the Vidui (see Rambam, Pirush Hamishnah, Sanhedrin 43b).

Of course this raises an important question of when Vidui should be recited with the sick patient. On the one hand, it is important to have one recite Vidui prior to death (Shabbos 32a) while on the other, there is this fear of "driving them crazy?" The Gemara seems to suggest using softer language and reassuring the patient that many have recited Vidui and lived. Ramban (Toras Haadam) suggests even telling him that in the merit of the Vidui, he should be saved.

But should he be informed of his chances for survival given his condition? In this matter the Poskim seem to be concerned with Chalishas Hadaas. R. Betzalel Stern (Shut B'Zel Hachochma II:53) noted that even in the most dire cases, the power of prayer is strong. Hence, offering weak chances for a patient could jeopardize his ability to "defeat the odds" because he could throw in the towel. In fact, we go to extremes even with Bikur Cholim in order not to cause others to give up on him. The Talmud (Nedarim 40a) tells us not to visit a Choleh in the first three hours of the day as the poor condition he is often in at those times might cause the visitor to fail to pray for his wellbeing (See Rosh there).

Rambam (cited in Enayim L'Mishpat to Nedarim 49b) adds that one should only tell happy things to a Choleh in order to bring up his spirit and allow him the spirit to battle the disease he has. Aruch Hashulchan (Y.D. 337:2) notes the importance of not causing pain and making a patient happy. Rav Moshe takes this idea to an extreme. He notes (Techumin V, p. 215) that even if palliative care has been extended to a patient and preventive care being given to another, one may not favor the preventive patient openly in front of the palliative one (as by moving the palliative patient out of a private room). For in doing so, the palliative patient can become aware of his condition and come to giving up hope on himself.

From: Rabbi Riskin's Shabbat Shalom List arsha@ohrtorahstone.org.il To: Shabbat_Shalom@ohrtorahstone.org.il Shabbat Shalom: Parshat Vayechi by RABBI SHLOMO RISKIN Shabbat Shalom: Parshat Vayechi (Genesis 47:28-50:26)

Efrat, Israel - The midrash calls Jacob our father the "most special of the Patriarchs" (hab'khir sheb'avot). Why does he, more than Abraham and Isaac, merit this unique appellation? And, indeed, it is Jacob-Israel who has the great distinction of parenting the twelve tribes, and it is after his name Israel that the Jewish people as well as the Jewish homeland, the nation of Israel and the land of Israel, are called. What outstanding characteristic of Jacob, apparently lacking in the personalities of Abraham and Isaac, is responsible for his singular place even among the patriarchs?

We can begin to answer this question by querying another curiosity which disturbs us throughout the Joseph stories: Why doesn't Joseph contact his old father, especially during the later years of his Egyptian sojourn as Grand Vizier? Certainly he could have - and should have - at least sent a messenger informing his loving, doting and certainly worried father that he was alive and well, and asking after the patriarch's welfare? The response to this query, suggested in a fascinating article by Rav Yoel Bin Nun, is that Joseph may very well

have believed that Jacob had been involved in his banishment from his ancestral home and sale into Egypt. After all, logically reasoned the first-born of Rachel, Jacob was a wealthy, prominent and respected leader who enjoyed many contacts throughout the Middle East. Why had his father not come to look for him, not rescued him from his Egyptian servitude? And when he remembered his father's public repudiation of his Egypt oriented and cosmos oriented dreams (After all, the Bible records: "And his father rebuked him, saying to him, 'What is this dream which you have dreamt? Shall I and your mother and your brothers bow down to the earth before you' "- (Genesis 37:10) - and when he thought of how both Esau and Yishmael had been outcast first-born sons by their respective fathers before him, he most probably came to the difficult conclusion that Jacob had joined in the conspiracy with his brothers to exclude him from the Abrahamic heritage and remove him from the scene by selling him to Egypt.

Now we the Biblical readers know very well that Joseph's probable hypothesis could not have been farther from the truth. So why didn't father Jacob attempt to rescue Joseph? Perhaps it was because he actually believed the brother's claim that Joseph had been torn by a wild beast; but if we bear in mind that, even after his heartfelt meeting with Joseph after 22 years of separation, Jacob never confronted his sons to question them as to what really took place in Dotan, another scenario seems far more likely: Jacob suspected some degree of foul play on the part of his jealous sons, but opted to remain silent until the anticipated time when all of his children would stand united and together. In effect, Jacob allowed the sibling rivalry to play itself out without confronting his sons because from his perspective, nothing could be allowed to stand in the way of family unity. He had ultimate faith that his sons would all stand together someday; despite his verbal admonition, he believed in Joseph's dreams: "His brothers were jealous of him (because of his dreams), but his father guarded (and anxiously anticipated) the matter" (Genesis 37:11).

Jacob's commitment to family unity is also evidenced in his treatment of Reuven, his and Leah's eldest son. Despite the heinous crime committed by Reuven - at the very least, he interfered with his father's personal life by moving his father's bed from Bilhah's tent to Leah's tent after the death of Rachel - Jacob again chose to remain silent, so that "the sons of Jacob remained twelve" (Genesis 35:22).

Yes, Jacob believed in family unity - but not in family uniformity. He understood, and apparently respected, the unique characteristics of each of his sons, and endeavored to utilize these various differences to create the combined strength of the nation Israel. Hence Shimon and Levi may be castigated for their zealous anger, but they remain the parents of the priests of the Temple and educators of the children; if indeed they are to be "separated within Jacob and scattered within Israel," it is because a concentration of zealots in one place is liable to wreak havoc whereas a sprinkling of Jewish pride and righteous indignation - a little bit of Shimon and Levi dwelling amongst all of the various tribes - is a crucial ingredient for the confirmation of our future and the development of Jewish leadership (Genesis 49:7). Zevulun is the master merchant and Yessakhar the diligent Torah scholar, Dan the super warrior and Naftali the swift messenger. Yosef reflects economic success, lush agriculture, and technological acumen whereas Yehudah is the charismatic leader whose spiritual message will bring ethical monotheism to the world at large.

Jacob stands alone after his father and grandfather as the one patriarch who rejected none of his children, who united all twelve together as the tribes of Israel. At the same time he understands that his goal is not to cook up a melting pot - not even a melting pot of cholent - but rather to blend and synthesize a magnificent symphony, in which each plays his own individual instrument as best as he can but understands the need to fashion and incorporate his music to harmonize with the other players. The Jacob-Israel who bestows the blessings emerges as the virtuoso orchestra leader who succeeds in producing harmonious music by everyone working in concert. "Such a symphony of Israel" - unity without uniformity - is the outstanding creation of Jacob and is the most necessary condition for redemption.

Shabbat Shalom. You can find Rabbi Riskin's parshiot on the web at: <http://www.ohrtorahstone.org.il/parsha/index.htm>

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From: listmaster@shemayisrael.com Subject: PENINIM ON THE TORAH BY RABBI A. LEIB SCHEINBAUM

Then Yisrael saw Yosef's sons and he said, "Who are these?" And Yosef said to his father, "They are my sons whom G-d has given me here" (48:8,9)

The Commentators question Yaakov Avinu's inability to recognize his own grandsons. He had been living in Egypt for seventeen years. Surely, he knew who his grandsons were. Citing the Midrash, Rashi explains that as Yaakov was about to bless his grandsons, the Divine Spirit departed from him because Yaakov foresaw that evil kings would descend from Menashe and Ephraim: Yoravam and Achav from Ephraim, and Yehu and his sons from Menashe. Shocked, he asked Yosef, "Who are these?" In other words, where did these sons, who are apparently not deserving of a blessing, come from? Yosef reassured him that Menashe and Ephraim were both the products of a marriage founded and maintained in holiness and purity. Despite the fact that, unlike Yaakov's other sons, they were to be the ancestors of certain wicked descendants, they were still worthy of blessing.

Horav Eliyahu Schlesinger, Shlita, extends this idea a bit further. There is a great difference between Yaakov's sons and his grandsons, Menashe and Ephraim. The Shivtei Kah, holy Tribes, lived their entire lives in a matzav, situation, of running from evil, constantly vigilant to maintain their spiritual status-quo. They were born in the home of their grandfather, the evil Lavan, the swindler. They quickly learned that the place in which they lived, Lavan's home, was replete with idols and other such forms of spiritual pollution. They had to be on guard as long as they were in his presence. Afterwards, they confronted Eisav, who wanted to accompany Yaakov. Their "running" continued, as they distanced themselves from this new source of contamination. The incident with Dinah and the Shechemites followed on the heels of Eisav. When they went down to Egypt, once again they sought a place that was unpopulated, far away, where there could be alone. Always running, closing the door, separating themselves from their environment - that was the lifestyle of Yaakov's sons. It was good for them. It strengthened their resolve and raised their level of conviction. In the merit of their guardedness, they would be able to withstand the various trials and tribulations to which they would be subjected over time.

What about Menashe and Ephraim? Their upbringing was entirely different. They were never taught to run, because they did not have to do so. They lacked nothing. They were born in Egypt, a country known for its moral and spiritual depravity. Yet, it did not touch them, because their father was the king. They must have been in a good place; otherwise, why would their father be the country's Viceroy? Being raised with a silver spoon in the hierarchy of Egyptian society will do that to you. They never felt they needed to distance themselves, to run away, because they never had reason to believe that they were in the presence of evil. Perhaps, this is why their descendants ended up the way they did. When a family feels that Egypt is "it," it is no wonder that in the future a Yoravam ben Nevat will emerge. When Yaakov imagined his future descendants, he thought along the lines explained above. Thus, he turned to Yosef and asked, "Mi eilah," "Who are these that are not suitable for blessing?" Yosef responded to his father saying, "Logically, you might be correct. Despite the fact, however, that my children were raised in the palace amid wealth and security, we, their parents, have taught them that it is all a gift from the Almighty. They have been inculcated with the exact same chinuch, education, I received from you." When Yaakov heard this, he agreed to bless Yosef's sons.

Horav Yaakov Kamenetsky, zl, posits that Yaakov's sons were acutely aware of the fact that Yosef's children, having been raised in the moral filth of Egypt, would need an extra blessing. They neither saw the beauty nor experienced the holiness and purity that permeated Yaakov's home. This is suggested by the fact that no one seemed

concerned when Yaakov singled out Yosef's sons for blessing, something he had not done for any of his other grandchildren.

With this in mind, we understand why Yaakov mentioned Ephraim's name before that of Menashe. Ephraim needed the blessing more. Menashe was born first. At that time Yosef still remembered his father's home. It still exercised a strong effect on him. Indeed, the name Menashe implies, "It made me forget." In other words, when Menashe was born, the memories of home, although bittersweet, were still present. When Ephraim was born, however, Yosef viewed himself to be more of a citizen of Egypt. He was already moving in the circles of power. Indeed, as Rav Yaakov notes, the average Egyptian name was usually comprised of the letters, Pei, Reish, Ayin, which were the letters of Pharaoh's name. Ephraim's name was comprised of these same letters, indicating a greater affinity to Egyptian society and its way of life. Perhaps this is why Ephraim studied with Yaakov, more than Menashe, since Menashe knew the Hebrew language, while Ephraim might not have been as fluent. In essence, since Menashe and Ephraim were born and raised in Egypt, they needed extra spiritual care. Everyone acknowledged this perspective.

Although you intended me harm, G-d intended it for good. (50:20)

Years of ambiguity and question had come to an end when Yosef and his brothers finally confronted each other. The truth was revealed: it was all part of a Divine plan. The dreams foretold it. Yosef sensed it. Time proved that Hashem had desired a plan for Klal Yisrael to go down to Egypt to begin the Egyptian exile. Life is filled with such occurrences, episodes that "seem" isolated, but in reality are intrinsically connected to a Divine plan. Some people are perceptive, sensing that they are part of a greater plan. Others at least look back and realize how Hashem's plan has unfolded. Yet others are regrettably plagued with myopia, even in hindsight. They refuse to see the apparent Hand of Hashem throughout the course of events. There are thousands of recorded episodes that demonstrate this idea. I recently came across a story of Divine Providence that was particularly moving.

The story is about Jerry, a young Jewish American idealist, who left this country and went to Eretz Yisrael. After a brief stint in the U.S. army, shocked by the not so subtle forms of anti-semitism that he had encountered so soon after World War II, he felt it would be best if he went to Eretz Yisrael and try his luck there. Together with other adventurers, he came to a land filled with immigrants and survivors, all trying to make a new life for themselves. He worked on a kibbutz together with many other foreigners, all volunteers. It was there that he met Yehudah, a Holocaust survivor. They were quite different; Jerry was a happy-go-lucky, talkative American while Yehudah, was a close-mouthed, morose European. Realizing that Yehudah must be concealing a lot of emotional baggage, Jerry avoided the subject of the Holocaust.

One hot summer day, they were both working under the blazing sun, when Jerry noticed the numbers tattooed on Yehudah's forearm. When the numbers registered in his mind, he could not help but emit an audible gasp.

"What is the matter, Jerry?" Yehudah asked. "I am sorry, Yehudah. I could not help but notice the numbers on your arm." "Surely, you have seen such numbers on other survivors before?" Yehudah curtly rejoined. "True, I did. It is just that it is odd that the last four digits 7-4-1-6 are the same numbers as the last four digits of my social security number." "Such a meaningless coincidence, and you're excited!" scoffed Yehudah, as he continued with his work. The ice was broken, and Jerry could no longer contain himself. He asked, "Listen, Yehudah, I want to be your friend. I care very deeply about you and your past. Perhaps you would like to talk about it.?"

Finally, Yehudah responded, "Maybe you are right. Maybe I should not keep everything bottled up inside me. Perhaps we have an obligation to serve as witnesses to the German atrocities and tell the world." The two sat down, and Yehudah began to tell his story. It was a familiar story, one of tragedy and survival. An hour later, Yehudah concluded, "We stood in line at selection - my brothers, my sisters, my parents and I - and we were branded with these numbers, all in

numerical order. I was next to the last, followed by my brother. Afterward, we were split up, and I never saw any of them again. I was the only one of my family to survive the war." Jerry remained silent as he listened to Yehudah recount the sad story of his life. He now understood why so many of the survivors were loathe to tell their story. It hurt too much.

Years went by, and Jerry left the kibbutz and began to work as a tour guide for wealthy Americans who chose to be chaperoned around Eretz Yisrael in a comfortable limousine. For the most part, it was a soft, well-paying job. Every so often he might get a difficult customer, but he could learn to live with it. One day, he picked up a new client whose attitude was downright insufferable. He was obnoxious, rude and domineering. He always had to be in control. He shouted orders at Jerry as if he was some lowly slave. Jerry made a superhuman effort to remain polite. Finally, as Jerry's patience was about to burst, the man suddenly shouted, "Pull over to the side of the road" "What?!" Jerry asked, confused, "What is wrong? What did I do?"

"I said to pull to the side of the road," the man practically screamed. Stunned, Jerry followed orders and pulled over. He turned around to face his abusive client. Before he could speak, the man looked him in the eyes and said, "I know you don't like me very much." Jerry did not respond. After all, what should he say? It was obvious that he was not the kind of person who was used to being a punching bag for someone's idiosyncrasies. He continued his silence as the passenger began to speak.

"I know that at times my behavior can be obnoxious and offensive. Truthfully, I am surprised at what has happened to me. I'm sorry. It is just that I cannot control my emotions. I am all alone in the world, after having suffered so much. There are nights that I shake and cry myself to sleep." After making this opening statement, the man broke down and began to weep uncontrollably. "You think I am nothing more than an arrogant, pompous wealthy American businessman. You think I have no regard for anyone's feelings but my own. It is not true. I have suffered. I am a Holocaust survivor." As he made this pronouncement, he slowly rolled up his sleeve to reveal his numbers: 7-4-1-7.

The last four digits of Jerry's social security number were 7-4-1-6. Suddenly, the memory of a conversation held many years earlier came to mind. He recalled Yehudah relating the last time his family was together by the infamous seleksta: "We were branded in numerical orderBI was next to the last."

Jerry's reverie was broken by the tortured sobs coming from the back of the limousine. "I lost my entire family in the Holocaust. I may have money but I have no family. I have no one in the world," he cried.

Hearing this, Jerry turned around and looked at the American and said, "My friend, you are wrong. You are not alone in the world. Come with me, and I will show you that number 7-4-1-6 is very much alive. I happen to know where he can be found."

So many stories demonstrate Hashem's Hashgachah, Divine Providence. Regrettably, for some of us they remain exactly that - nice stories. We should strive to perceive Hashem's Providence over every aspect of our daily lives. We will then have a greater appreciation of the "stories."

From: Aish.com[SMTP:newsletterServer@aish.com] Subject: Appel's Parsha - Vayechi
<http://www.aish.com/torahportion/appel/showArticle.asp>
Parsha: Vayechi (Genesis 47:28-50:26)
RESPECT FOR THE DEAD
BY: RABBI YEHUDA APPEL

It has been said that one can measure how civilized a culture is by the way its dead are treated. One rabbi I know has found a novel way to give his congregants a greater appreciation of Jewish tradition: He takes them on a tour of a secular funeral home, followed by a visit to a Jewish funeral home, where the body is cared for by the "Chevra Kadisha," the Jewish burial society.

On the first stop, among many other troubling things, the congregants witness undertakers working with a cadaver as rock music

blares in the background. The visit with the Chevra Kadisha is quite different. There it is explained how, according to Jewish law, the body is gently cleansed as a preparation for burial. Prayers are recited, and a "shomer" (guardian) stays with the deceased throughout the process. The difference between the two funeral homes is striking and has a marked effect on the congregants' view of Judaism.

A major theme in this week's Torah portion, Vayechi, concerns the funeral plans Jacob made for himself before his death. Jacob was the first Jew to arrange to have his body brought from the Diaspora to Israel for burial - a custom which has been repeated by thousands of his descendants.

Worried that his body will be worshipped by the Egyptians if he is buried by the Nile, and very much wanting to be laid to rest next to the graves of his wife and ancestors, Jacob implores his son Joseph to see to it that he is buried in Hebron.

Joseph agrees, and when the time comes that Jacob dies, Joseph leads a great procession accompanying his father's body from Egypt to Israel.

Jewish tradition places great importance on the "Levaya," the act of accompanying the dead body to the grave. Rashi presents an interesting rationale for this practice, declaring it beyond simply showing respect for the deceased. Rashi writes that inasmuch as one who is kind to the poor is looked upon as being a partner with the Almighty, it follows that someone who shows kindness to the dead (who are "poorer" than any living person), will certainly have gained this relationship with G-d.

At Jacob's funeral, the eulogy given was described as being "great and heavy." The commentaries explain that the eulogy "weighed heavy" on the hearts of the mourners. In fact, Judaism says the essential purpose of a eulogy is to move people to a greater appreciation of the deceased, and deepen their recognition for what they once had - and have now lost.

"Shiva," the seven-day period of mourning following a relative's burial, was instituted at this time by Jacob's family. Common sense (and modern psychology) supports this notion of devoting seven days to deep mourning after a great personal loss. Surprisingly, however, Jewish tradition does not see the mourners as the sole beneficiaries of the Shiva period. Instead, the Talmud explains how the soul of the deceased hovers over the body for seven days, and the specter of people mourning over the body that the soul formerly inhabited helps to ease the soul's pain.

Despite all the great changes that have occurred in the world since the time of Jacob, Jewish mourning practices have remained remarkably consistent.

May we all live and be well.

Rabbi Yehuda Appel studied and taught Torah for many years in Jerusalem, and is now Executive Director of Aish HaTorah in Cleveland. You can contact him directly at: YAppel@aish.com

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From: RABBI MORDECHAI KAMENETZKY
[SMTP:rmk@torah.org]

Drasha Parshas Vayechi - Supply Side Diplomats
After Yaakov's passing the brothers were worried. After all, Yoseph was the ruler of Egypt and their father Yaakov was now gone. And so the Torah tells us at the end of this week's portion, "Yoseph's brothers perceived that their father was dead, and they said, 'Perhaps Joseph will nurse hatred against us and then he will surely repay us all the evil that we did him.' So they instructed that Joseph be told, 'Your father gave orders before his death, saying: 'Thus shall you say to Joseph - 'O please, kindly forgive the spiteful deed of your brothers and their sin for they have done you evil; so now, please forgive the spiteful deed of the servants of your father's G-d.'"

The Torah continues by telling us that "Yoseph wept when they spoke to him. His brothers themselves also went and flung themselves before him and said, "We are ready to be your slaves. But Joseph said

to them, "Fear not, for am I instead of G-d? Although you intended me harm, G-d intended it for good - in order to accomplish -- it is as clear as this day -- which a vast people be kept alive. So now, fear not -- I will sustain you and your young ones." Thus he comforted them and spoke to their heart." (See Genesis 50 15-21)

Yoseph seems very benevolent. He committed himself to sustain his brothers, despite their having sold him into a life of slavery. Yet, maybe they truly wanted some form of retribution. After all it is quite hard to bear the burden of guilt for the rest of your life, and if that is the case, perhaps Yoseph's benevolence may have defeated the purpose of their request.

An old yarn that I heard as I was still unmarried has the wealthy father of the prospective bride interviewing her suitors before they got a chance to meet her.

Each one of the young men who discussed their anticipated financial plans was rebuffed.

One said that he would be going to medical school another was going to law school, and yet a third was waiting for an inheritance that would come any day. Each eager beau was barraged with a series of questions about the details of his future life and none had the proper answer.

Finally, a young Yeshiva fellow came to see the tycoon's daughter. After talking to the young man for twenty minutes, the man was beaming. He proudly introduced the prospective groom to his daughter with the highest recommendation.

His wife and assistants were all astounded. What had this young man said that the others had not?

The man was still beaming when he repeated the conversation. "When I asked him where he plans to live when he first gets married he replied, 'G-d will provide!' When I asked him how he plans to feed a family if he is sitting and studying he looked at me and declared, 'G-d will provide!' When I asked when there are children, how does he plan to pay for their education and welfare, he beamed once again and exclaimed, 'G-d will provide!'"

The man's entire household was baffled. "Why do those responses please you so much?"

The man smiled as he puffed out his chest, "He thinks I'm G-d!"

It is said that Yoseph Dov HaLevi Soleveitchik of Brisk once remarked in wit that Yoseph was telling the brothers, "If you are afraid of retribution, I will provide you with the sweetest revenge. I will be your sole source of support and you will have to rely upon me for your sustenance."

The Talmud in Beitzah 32 states, "R. Natan ben Abba also said in the name of Rav: If someone is dependent on someone else's table, the world looks dark to him, for it says, "He wanders about for food-where is it?- he realizes that the day of darkness is ready, at hand" (Job 15:23). The Rabbis taught: One of three whose life is no life, is a person who is dependent on someone else for his meals."

And so, Yoseph was telling his brothers, perhaps I will not employ physical retribution but perhaps your greatest punishment will be that your livelihood will be dependent on the little brother you thought was only worthy of a place in a pit. In the Grace After Meals we beseech the Almighty, "Please do have us rely upon the gifts of flesh and blood, but rather sustain us from Your hand." To live a life dependent upon others is no blessing. So according to this insight, Yoseph gave them something the brothers may really have asked for - the sweetest and most benevolent punishment they could have desired.

Good Shabbos

Rabbi Mordechai Kamenetzky

Dedicated in memory of Joseph Miller z"l HY"D by his children Mr and Mrs. Geoffrey Miller

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