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**PRE-CHANUKA THOUGHTS :: Rabbi Berel Wein**

In many respects Chanuka is an enigmatic holiday. It celebrates an ephemeral and seemingly hollow triumph. The military victory of the Hasmoneans, as is the case with most military victories, proved to be temporary. The rule of the Hasmonean kings over Judea was a period laden with internal and external strife, civil war and eventual capitulation to Roman domination.

The rise of The Saducees, eventually encouraged by Alexander Yanai, the most powerful of the Hasmonean kings, undermined the peoples' faith in Torah and rabbinic tradition. So why is there such a big deal over the matter of Chanuka? It seems akin to the Japanese celebrating Pearl Harbor Day, December 7, as a national holiday today. And as far as the miraculous lights of Chanuka, the little oil that burned for eight days in the Temple, the Temple was destroyed two centuries later and with it the golden candelabra disappeared from the Jewish world.

Yet, if the rabbis of the Mishna declared Chanuka to be a holiday and it has been and remains such a holiday of family affection and meaning over all of the long years of Jewish history there is undoubtedly a deeper cause that lies behind its existence and its longevity and staying power.

The Jewish people and its rabbinic leadership are very hesitant to proclaim holidays or even days of commemoration. The recitation of the Hallel prayer on special commemorative days has remained a very touchy subject even in our present day world. Yet Chanuka merits eight full days of the recitation of the complete Hallel prayer. Why?

I think that the answer lies in the view of the rabbis and of tradition as to the true nature of the struggle that Chanuka commemorates for us. The Jews were engaged in not only a military struggle against the Syrian Greeks but, more importantly, in a cultural struggle for the hearts and minds of Jews. The Syrian Greeks attempted to impose their culture, mores, way of life and beliefs on the Jews. In this they failed.

The Jewish population had its own fifth column – the Hellenist Jews who were willing to succumb to the outward blandishments of Greek society and behavior. But the core of the Jewish people refused to be deterred from its traditions and uniquely holy value system.

In The Purim story we read that "Mordecai would not bend nor bow." Chanuka is the companion holiday to Purim and the Hasmoneans in their original mold and the Jewish people at all times would also not bend nor bow to Greek culture. Rabbi Yehuda Halevi of twelfth century Spain summed up the matter succinctly in his comment on Greek culture: "It is all beautiful flowers but produces no fruit."

The triumph of Judaism over paganism and Greek culture was lasting, at least as far as the Jewish world is concerned. Thus the lights of Chanuka are certainly justified even today. They represent the light of Torah and goodness in a world of fright and darkness.

Judaism has warred with many cultures over its long history. It struggled against Marxist atheism in this age, both in the Soviet Union and even here in the Land of Israel. Yet it has once again proven its invincibility. Jewish life in present day Russia exists and grows, ninety years after Lenin and Stalin arose to destroy it.

In fact, it is today's symbol of the living candle of Jews and Judaism that Chanuka represents and strengthens. Today's inner enemy is apathy and hedonism. Yet, here too, we can see signs of a slow return to Jewish life style and values. We praise God on Chanuka with our Hallel service in order to remind us that this struggle to remain Jewish – witness the difficulty we have to have anyone admit that we are a Jewish state – is one that we have always won.

It is a lasting triumph and the fulfillment of our destiny and mission. The rabbis stated that "a little light can push away a great amount of darkness." As we prepare ourselves to light our Chanuka lights we should remember this truism. It is no empty ritual that is being performed.

Rather it is an affirmation of faith in our better future and a measure of thankfulness for the opportunities granted to us in our time. In the darkness

of a seemingly never-ending exile, the small lights of Chanuka illuminated our way and gave us hope and warmth. They will certainly continue to do so in our time as they did in the days of the past.

Shabat shalom.

**Weekly Parsha :: VAYESHEV :: Rabbi Berel Wein**

There is a difference – to put it mildly – that is outlined clearly between Yosef and his brothers in this week's parsha. Yosef is the quintessential dreamer, his head in the stars and his youthful exuberance and certainty in the truthful outcome of his dreams becomes very irritating to his brothers. Since his head is in the clouds in a world of Eisav and Shechem the brothers feel it to be the height of impracticality, if not even irresponsibility, to be a dreamer. The brothers have their feet firmly implanted on the ground, in the reality of the world in which they exist, with clear recognition of the inherent dangers and threats inherent.

Yosef feels the brothers have been unjust for rejecting his dreams immediately and they in turn are convinced that he and his dreaming constitute a veritable danger to the unity and survival of Yaakov's family. It is not only the contents of Yosef's dreams – that he will dominate the family – that disturb the brothers. It is the very fact that he is dreaming that raises their suspicions and fuels their enmity towards him.

In the struggle between Yosef and the brothers, the conflict is between the lofty and inspirational theory of Judaism and its sometime mundane practice of hope and actual reality - of what can be achieved even though it is not exactly what one dreamt of achieving. The conflict between Yosef and his brothers is never really ended. It is compromised by both sides recognizing the validity of the position of the other and living with that reality.

The Jewish people in its long and difficult history have somehow been able to combine the spirit and dreams of Yosef with the hardheaded realism of his brothers. Both traits are necessary for our survival and accomplishments, both as individuals and as a nation. Someone without dreams and ambition, who refuses to reach heavenward and conquer the stars, will never be a truly creative or original person.

But if this drive is not tempered by a realistic sense of the situation and the society that surrounds us, then all dreams are doomed to eventually disappoint. Yosef's dreams are realized only after he has been severely chastened by his brothers' enmity, slavery and imprisonment in Egypt. Even after he seemingly has them in his grasp, it is still a contest of wills.

Again, Yosef's dreams are finally realized but only after he has been subjected to many hard years of unpleasant reality. The brothers, realists to the end, are shocked to see that the dreamer has emerged triumphant.

The dreamer saves the world from famine while the realists end up being its customers. Thus the Torah teaches us that we need both dreamers and realists within our ranks. A nation built exclusively on dreams, without practical reality intruding, will find that reality rising to foil the realization of the dream.

A nation that ceases to dream of reaching greater heights will stagnate and not survive. So, both the brothers and Yosef are "right" in their pursuit of building a nation and of spiritual growth. We need a healthy dose of both values and views in our Jewish world today as well.

Shabat shalom.

**Rabbi Yissocher Frand on Parshas VaYishev**

**The Rokeach's Enigmatic Link Between Vayeshev and Tehillim 92**

The Rokeach (in his commentary on Chumash) makes the enigmatic observation that there are 112 pasukim [verses] in Parshas Vayeshev and there are 112 words in Chapter 92 of Tehillim, Mizmor Shir LYom HaShabbos [A Psalm for the Sabbath Day]. The Rokeach does not elaborate at all as to any hidden meaning that is suggested by this

"coincidence." He is obviously trying to point out some profound link between our parsha and the Psalm of Mizmor Shir L'Yom HaShabbos, but he leaves to us the exercise of figuring out what that link might be.

Rav Matisyahu Solomon offers a very elaborate explanation of this Rokeach. The basic idea he develops is as follows:

The Book of Bereshis is the blueprint for Jewish History. It contains within it many strata of insight, all within the rubric of "Ma'aresh Avos Siman L'Banim" — the actions of the "fathers" foreshadow the events that will befall the "children." Within the parameters of this operative principle throughout the Book of Bereshis, Parshas Vayeshev represents the chapter of Divine Providence (Hashgocha Pratis). It provides the classic historical precedent for the Almighty's manipulation of events and people, actions and governments in order to bring His Master Plan to fruition.

If one looks at Parshas Vayeshev — even the beginning of the parsha — one is struck by the fundamental mistakes that the personalities therein have made. Of course, we understand that Yaakov Avinu was a wholly righteous individual — one of the spiritual pillars of the universe. Likewise, although a simplistic reading of the parsha might mislead us into believing otherwise, each of Yaakov's sons were Tzadikim [holy individuals] and spiritual giants in their own right. And yet all of these great and holy individuals seem to make very basic mistakes in their actions as portrayed by the Torah's narration in this week's parsha.

Anyone fortunate enough to have raised children realizes that the first rule of child-raising is that one must not show favoritism to one child over another. One does not need to be Shlomo HaMelech [King Solomon] to know this principle. How does Yaakov make such a mistake as to single out Yosef and give the Kesones Pasim [long-sleeved coat] to him? How did the brothers make such basic mistakes vis-a-vis their siblings — in terms of their attitudes, suspicions, and treatment of one another? If Yaakov in fact was aware of the brothers' hatred toward Yosef, why did he send Yosef alone to find them? Why were all these blunders made?

There are three words in the parsha that are almost an announcement on the part of the Torah as to what is occurring. The pasuk says "Vayishlacheyhu m'emek Chevron" [And he sent him from the Valley of Chevron] [Bereshis 37:14]. Rashi, citing Chazal [the (Talmudic) Sages], wonders about the term "Valley" of Chevron. After all, Rashi points out, Chevron is in a mountainous region. So why would the Torah use "Valley" to refer to a mountain? The homiletic interpretation, Chazal explain, is that Yaakov sent Yosef based on the "deep counsel of the righteous one buried in Chevron (i.e. – Avraham)."

In other words, "the Valley of Chevron" has nothing to do with topography or location. "Emek Chevron" is a code word to us. This act — along with the other "mistakes" made by the prime actors in this drama — are all part of playing out the scenario: "your children will be strangers in a land not their own..." [Bereshis 15:13] foretold to Avraham in the Bris Bain Habesarim [Covenant Between the Parts].

There was a Divine necessity for Yaakov Avinu and his whole family to wind up in Egypt and to remain there, enslaved, for hundreds of years. How was that going to happen? The answer is Parshas Vayeshev. All the "weird" things that happen in this parsha are in order to fulfill the "counsel" of that righteous person buried in Chevron.

Yaakov, Yosef, and the brothers were not making the decisions that appear to us to be such gross errors in judgment. They were merely puppets on the stage of Divinely directed history to enable certain scenarios to play themselves out. All the works in this parsha are the works of the Puppeteer (i.e. – the Almighty).

The same Divine manipulation is apparent in the royal intrigue that occurs years later in Pharaoh's palace. Why did the fly fall into the royal cup? Why were the Baker and the Wine Steward thrown together into the same jail as Yosef? All these little events were part of the Grand Plan being executed by the Almighty.

There are other examples in Jewish history where "mistakes" were made because the Divine Will was executing His Master Plan. One famous example: Rabbi Yochanan ben Zakkai was given the opportunity to ask for three wishes from the Roman General besieging Jerusalem. He asked that Yavneh and its wise men be spared, that the family of Rabban Gamliel be spared, and that a physician be provided to cure Rav Tzadok. [Gittin 56b]

What happened to Rabbi Yochanan ben Zakkai? Why did he blow this golden opportunity to make a historically substantive request from the future Emperor of Rome? He could have asked that the Roman army leave the country! He should have asked that the Beis HaMikdash be spared! Rabbi Yosef (others say Rabbi Akiva) applied the pasuk: "G-d turns wise men backward and makes their knowledge foolish" [Yeshaya 44:25].

In this situation, the Almighty did not let Rabbi Yochanan ben Zakkai make the right decision. The Almighty wanted the Temple destroyed! Parshas Vayeshev teaches us that G-d runs the world. All the "blunders" and the "political agendas" and "military strategies" that we see and think are the determinants of the historical drama are really not the primary causes of the events that take place. The ultimate determinant of history is the Almighty's Master Plan. This is the lesson of Parshas Vayeshev.

In light of this lesson, we can come to understand the enigmatic equation of the Rokeach between the 112 pasukim in Parshas Vayeshev and the 112 words in Mizmor Shir l'yom haShabbos.

Chazal say that the Almighty finished creating the world and took Adam into the Garden of Eden. He showed Adam each future generation and its leaders. Adam was shown the next 6000 years of history. Adam's response was "How great are Your deeds Hashem, exceedingly profound are Your thoughts" [from Tehillim Chapter 92, the chapter of Mizmor Shir l'yom haShabbos].

Adam was impressed with two things – Creation (how great are Your deeds) and History (how profound are Your thoughts). Given the knowledge of how every event led into the next event and how it would all end up, Adam was able to appreciate the depth and profundity of G-d's Master Plan. No one else can fully appreciate it, while it is in the midst of "playing itself out". It appears inexplicable to us, just like the events of Parshas Vayeshev.

That is the connection between this Parsha and the Chapter of Tehillim — how deep are Your thoughts, Hashem. Unsophisticated man will not understand this (ish ba'ar lo yeidah), and the fool will not comprehend it (u'kesil lo yavin es zos).

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

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## TORAH WEEKLY :: Parshat Vayeshev

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by Rabbi Yaakov Asher Sinclair

### OVERVIEW

Yaakov settles in the land of Canaan. His favorite son, Yosef, brings him critical reports about his brothers. Yaakov makes Yosef a fine tunic of multi-colored woolen strips. Yosef exacerbates his brothers' hatred by recounting prophetic dreams of sheaves of wheat bowing to his sheaf, and of the sun, moon and stars bowing to him, signifying that all his family will appoint him king. The brothers indict Yosef and resolve to execute him. When Yosef comes to Shechem, the brothers relent and decide, at Reuven's instigation, to throw him into a pit instead. Reuven's intent was to save Yosef. Yehuda persuades the brothers to take Yosef out of the pit and sell him to a caravan of passing Ishmaelites. Reuven returns to find the pit empty and rends his clothes. The brothers soak Yosef's tunic in goat's blood and show it to Yaakov, who assumes that Yosef has been devoured by a wild beast. Yaakov is inconsolable. Meanwhile, in Egypt, Yosef has been sold to Potiphar, Pharaoh's Chamberlain of the Butchers. In the Parsha's sub-plot, Yehuda's son Er dies as punishment for preventing his wife Tamar from becoming pregnant. Onan, Yehuda's second son, then weds Tamar by levirate marriage. He too is punished in similar circumstances. When Yehuda's wife dies, Tamar resolves to have children through Yehuda, as this union will found the Davidic line culminating in the Mashiach. Meanwhile, Yosef rises to power in the house of his Egyptian master. His extreme beauty attracts the unwanted advances of his master's wife. Enraged by his rejection, she accuses Yosef of attempting to seduce her, and he is imprisoned. In prison, Yosef successfully predicts the outcome of the dream of Pharaoh's wine steward, who is reinstated, and

the dream of Pharaoh's baker, who is hanged. In spite of his promise, the wine steward forgets to help Yosef, and Yosef languishes in prison.

## INSIGHTS

### Inclined to Recline

#### "And Yaakov dwelled."

My father, olav hashalom, always used to remark, "If you want something done, ask a busy man."

When we have little or nothing that demands our attention, merely getting out of bed may pose an existential challenge.

We are here in this world to do three things: to serve Hashem; to do the mitzvot and to cope with challenges. In fact, one way or another, everything in life is a challenge. Some challenges, however, are easier to spot than others.

For example, it's a fairly obvious challenge when you are the father of a family subsisting on food stamps to keep your fingers out of an open bag with several \$100 bills smiling at you.

Other challenges are subtler. It always amazes me how beautiful people preen themselves in the mirror - as if they had something to do with their beauty! It's not enough that G-d has given them life and all its blessings, but on top of that He has blessed them with an extra gift of good looks. Why should they pat themselves on the back because their features are symmetrical? Did they do anything? Their challenge is to see that their beauty is an extra gift from G-d.

An even more subtle challenge is success in business. It's all too easy to fall prey to the myth of the self-made man. Just as no man in the history of humanity has managed to create himself out of dust, no executive has had anything to do with his success - except for turning up for work in the morning.

Everything is from Heaven. I know some very brilliant people who are washing bottles, and some pretty dim ones who are driving Ferraris. Intelligence and success are but distant relations.

There once was a wise businessman who made a vast fortune. Someone asked him to what he attributed his success. "90% mazal (luck) and 10% seichel (intelligence), and if I'd had less seichel I'd have made a lot more money."

What other people call "luck" - Jews call "hashgacha" (Divine Providence).

Yaakov is called the "choicest" of the fathers of the Jewish People, and yet he had by far the hardest life. He grew up with a brother who wanted to kill him. Because of this he fled to his uncle who cheated him on a daily basis. On his way back home his daughter was kidnapped and violated, and when he finally arrived home he is told that his favorite son has been torn limb from limb by a wild animal.

After a life of such stress, to seek some repose, some shelter from the storm, would not seem unreasonable - and yet the Torah criticizes Yaakov for his desire for tranquility.

Why?

After all, Yaakov wasn't planning to put his feet up and watch an old movie with a cup of hot chocolate. Yaakov was the embodiment of diligent Torah study. He desired serenity only to attain a more profound depth and clarity in his Torah learning.

Sometimes we can skimp on our learning or become lax in our mitzvah observance because our lives are full of pressure.

Pressure is life's default position; that's the way things are supposed to be. Life is a battlefield, and just as a soldier needs to function under fire, so too a Jew has to perform despite life's vicissitudes - and sometimes because of them.

Rabbi Shlomo Wolbe used to comment that his most creative moments in Torah thought were when the phone was ringing off the hook, students needed his attention, and he had one foot out the door to the airport.

When we make that extra effort to function under fire, G-d gives up that little extra help that lifts our lives from prose to poetry.

The primary observance of Chanukah is with the recitation of Hallel and Hoda'ah, and the recitation of Al Hanissim (Shabbos 21b). In the latter, we recount, "when the wicked Greek kingdom rose up against Your people Israel l'hashgicham Torasecha - to make them forget Your Torah and compel them to stray from the statutes of Your will." How did the enemies of Hashem and Israel attempt to implement l'hashgicham Torasecha? The Romans knew how to cause Israel to forget its Torah. The wicked Roman regime decreed that the Jewish people should not engage in the study of Torah (Berachos 61b). Rabbi Akiva defied their edict, convening public assemblies to engage in Torah study. Rabbi Akiva was tortured to and executed by the Romans.

The Greeks, as taught in Megilas Antiochos (attributed to the elders of Hillel and Shammai), forbade the observance of Shabbos, milah, and Rosh Chodesh. We are not told that they forbade the study of Torah. Where, then, is the l'hashgicham Torasecha? The common denominator to these three mitzvos is that they are based upon kedushas Yisroel. Shabbos is not only a practical institution, a day of rest enabling man to be more productive in the forthcoming week, but rather a yom menucha u'kedusha. It enables the Jew to connect with Hashem and His Torah in a way that he cannot the rest of the week. Indeed, the Talmud Yerushalmi (Shabbos 15:3) teaches that the primary purpose of Shabbos is to connect with and learn the Torah he was unable to during the week.

A baby boy is born Jewish by virtue of his mother. Prior to the circumcision the mohel announces "bris kodesh", as the milah endows the baby with additional kedusha. This kedusha is a prerequisite for learning Torah; the Torah hakedosha can only be mastered by a person who is kadosh. The Daas Zekeinim M'Baalei Tosafos at the beginning of Parshas Mishpatim relate the story of Onkelus. Born into the royal family of Rome, he approached the rabbis and asked them to learn Torah. They responded that milah was a prerequisite to study Torah. He was circumcised and became the great Onkelus. Indeed, Rav Akiva Eiger cites in a teshuva that if for any reason the father of the baby is not present at the bris, the grandfather is next in line to recite the beracha of l'hachniso b'vriso shel Avraham Avinu - as this Beracha goes on the responsibility of the father to teach his son Torah, and interestingly, the grandfather as well ash this obligation. A Jewish man who is an orel - uncircumcised - cannot eat and partake of kodshim (offerings), as food endowed with sanctity can only be eaten by one who has additional kedusha.

Rosh Chodesh is a further representation of the ability of the Jew to sanctify. Indeed the Jewish holidays not only separate us from the non-Jewish society, but they reflect our ability to endow time with kedusha. The beracha of Kiddush on the Shalosh Regalim is "mekadaish Yisroel vehazemanim - who sanctifies Israel who in turn sanctify the holidays."

The Greeks valued wisdom and revered Socrates and Aristotle. They respected Torah as another branch on the tree of knowledge, together with all other branches. Math, science, Torah and music were all to be studied by cultured man. The Greeks could not accept, however, that a particular branch was holier and was to be treated and studied in sanctity. "A craftsman hates his fellow artisans" (Braishis Rabbah 19:4), as they represent a threat to his turf and sphere of influence. Torah as wisdom they respected, Torah as chochma Elokit - Divine knowledge - they ardently rejected.

Our Torah mandates that "Kudsha Brich Hu v'Oraya chad hu - Hashem and His Torah are on and inseparable. Thus "Kedoshim Tihyu - you shall be holy, for I am holy, says Hashem" (Vayikra 19:2). Consequently, Torah must be studied in an environment of kedusha. Hence in our prayers, "kadhseinu b'mitzvosecha - sanctify us with your mitzvos" and then "v'sein chelkeinu b'sorosecha - allow us to master our share of your Torah." Regarding the construction of the mishkan, the Torah charges, "they shall make a Sanctuary for Me, vshachanti b'socham - so that I may dwell among them." The Ohr Hachaim Hakadosh explains the sanctity of the Sanctuary is to overflow and endow holiness in each individual. We conclude every shemoneh esrei with the prayer sheyobaneh Beis Hamikdash - that the third temple speedily be rebuilt and vsain chelkeinu b'Torasecha - in the environment of greater sanctity we will merit a greater participation in Torah.

Yes, the Greeks attempted l'hashgicham Torasecha - to cause Israel to forget Your Torah. The emphasis is on the suffix of Torosecha - Your Torah. Their forbidding our observance of Smilah, Shabbos, and Rosh Chodesh was an attempt to remove kedusha from the Jewish people, ipso facto causing a breakdown in our relationship to Hashem and His Torah. We are too familiar with Peasch cleaning. Even children can relate to cleaning their room for Shabbos. But Chanukah cleaning and preparation? Yes! The Chafetz Chaim pointed out that the only time the Torah says "v'shav meiacharecha - He will turn away from you" (Devarim 23:15) is in a context of unholiness. We must create a greater environment of kedusha within our homes which is conducive to learning Torah and merit an increased Divine Presence. May this forthcoming Chanukah inspire us to merit "v'haya machanecha kadosh - so your community shall be holy."

### Rav Kook on the Torah Portion

#### Vayeshev: The Nature of Exile

"They took Joseph and threw him into the pit. The pit was empty, without water in it" [Gen. 37:24].

When the brothers threw Joseph into the pit, the exile began. Not just Joseph's personal exile from his father's house and the land of Israel. From that dark, empty pit, began the exile of the entire Jewish people to Egypt. In fact, Joseph's pit is a metaphor for Galut, for each exile of the Jewish people from their land.

#### Three Types of Pits

There are, of course, different kinds of pits. There are pits filled with water, wells that provide life to those living near them. One must be careful not to fall in and drown, but these are productive, useful pits. Then there are empty pits. They serve no purpose, and are dangerous. Nonetheless, even empty pits have a positive side to them. With energy and skill, they may be filled with water and transformed into useful pits. And there is a third type of pit. Rabbi Tanchum explained that Joseph's pit belonged to this third category. It was empty of water, but it contained other things - snakes and scorpions. Such a pit is of no use - neither actual nor potential - for humans.

Some mistake the pit of Exile for a well of water. Yes, one must be careful not to drown in it; but overall, they claim, it is a positive experience. If Jews are careful to act in a manner that will not arouse anti-Semitism, they can dwell comfortably in their foreign homes.

But the true nature of Exile is like Joseph's pit, full of snakes and scorpions. It is a dangerous and deadly place for the Jewish people. Such a pit has only one redeeming value, intrinsic to its very nature: it will never mislead the Jews into mistaking it for their permanent homeland.

#### Snakes and Scorpions

What is the difference between a snake and a scorpion? A snake bites with its head, while a scorpion stings with its tail. The snakebite is a planned and intentional act, executed by the directives of the snake's brain. A scorpion stings from its tail, naturally, instinctively, and without thought. Exile is accompanied by both of these 'blessings.' There are times of intentional and malevolent persecution, such as those perpetrated by the Crusaders, Chmielnicki's Cossacks, Nazi Germany, and other sinister snakes of history. These are dark hours for the Jewish people, but they are also times of shining heroism and self-sacrifice.

Worse than these intentional snakebites are the continual, unintentional scorpion stings which are a natural part of Exile. Cultural dissonance, intermarriage, and assimilation take their slow, unintended toll on the Jewish people and their connection to the Torah.

The afflictions of Exile are by heavenly decree, lest we confuse a temporary resting place in the Diaspora for a permanent home for the Jewish people. The only true remedy for these snakebites and scorpion-stings is to rescue the nation from the pit, and restore them to their proper homeland.

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Comments and inquiries may be sent to: RavKookList@gmail.com

### Nesivos Shalom by Rabbi Yitzchok Adlerstein

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#### Chanukah 5768

#### Rising From the Ashes<sup>1</sup>

"I know the thoughts (Yirmiyah 29:11)" – The shevatim involved themselves with the sale of Yosef. Yosef busied himself with his sackcloth and fasting. Ruvin busied himself with his sackcloth and fasting. Yaakov busied himself with his sackcloth and fasting. Yehudah was busy attempting to take a wife. HKBH involved Himself in creating the light of Mashiach. (Bereishis Rabbah 85:1)

The holy seforim emphasize that life sprouts and blossoms only after deterioration and destruction. Before a seed takes root, it rots and disintegrates, leaving behind only the smallest germ of vitality, the kusta d'chiyusa, from which life springs anew.

HKBH orchestrated the conditions that would be necessary to create the light of Mashiach, to germinate and sprout the light that would eventually illuminate the world. Here too, renewal and life had to rise from within decay and disintegration. And so it was. The thrust of the midrash is that wherever you looked at the nascent Jewish people at that point, nothing whole and together could be found. In every corner, someone was dealing with some deficiency or other<sup>2</sup>. The Klal Yisrael of the time was broken and crushed. Ironically, precisely such a sorry state provides the fertile ground for planting the tiny kernel, the kusta d'chiyusa, that Hashem planted just then, and would nurture until the coming of Mashiach.

How are we to understand this magic, vital element that survives disintegration and provides the essential vital force of future growth? We do not have to look long or hard. It was their broken-heartedness itself. Each one of those mentioned in the midrash had some past mistake or miscalculation weighing heavily upon him. It was not the activity of donning sackcloth or fasting that made them noteworthy, but the mental anguish that they evidenced. Each one carried a heavy burden that burst his heart. The kusta d'chiyusa was not their incredibly lofty achievement of other, happier times, but their dejection and downtroddenness.<sup>3</sup>

The very last verses of the Torah showcase a small handful of Moshe's most significant accomplishments. Among them is his breaking of the luchos. Now, we understand that Hashem gave His after-the-fact approval to what we could have imagined might have met with Divine wrath. How, though, can his breaking the luchos be seen as one of his crowning achievements? After the awful sin of the Golden Calf, Moshe knew that there would need be a process of tikun and rebirth. But where and how would such tikun begin? Moshe knew of but one way. The hearts of the 600,000 members of Klal Yisrael needed to burst; the rebuilding a failed nation would begin with the broken hearts of its members. He broke the luchos in their presence, the shock of which completely demoralized them. Their broken state was the kusta d'chiyusa.

We could propose an alternative to the identity of the kusta d'chiyusa. Many people are so crushed by their failures that they sink into an abyss of despair. This is not what the midrash describes. None of the figures accepts his fallen state, but does something about it. This is what they mean by busying themselves with their sackcloth and fasting. It represents a confidence that mistakes can be rectified and repaired. They did not just mourn for the past, they did something about it.

Put more simply, they refused to make peace with their deficiency. Their intransigence towards their errors, their refusal to accept – this itself is the kusta d'chiyusa.

It is in our blood as a people. We sunk to the 49th level of degradation in Egypt, but we merited redemption because we refused to accept our subordination to the Egyptians. Chazal teach that it was in the merit of our emunah, our faith, that we were redeemed. What was this faith? It was faith that we would be redeemed. What nurtured it? Chazal<sup>4</sup> speak of scrolls which they delighted in on Shabbos. These scrolls spoke of a future redemption. Flat rejection of their status quo was the kusta d'chiyusa, the kernel from which sprang the beginning of their redemption. These are the

"thoughts" that Hashem says He knows: the sackcloth and fasting are not emblematic of despair, but of the certainty of rising above it. This has played a central role in our survival as a people for the two millennia of our exile. Only through our refusal to accept galus have we survived it.

What is true of ourselves as a nation holds true of us as individuals. Each one of us must absolutely refuse to accept the position of failure. Whenever we should stumble, we must realize that Hashem is prepared to right him, to pick him up and hold him erect once more. We need just believe that it will happen, and He will do it. This is the key to our redemption, personal and collective.

This is also the theme that unites the two holidays that Chazal gave us. Chanuka and Purim both commemorate great miracles Hashem wrought for us. Their celebration provides illumination for the long path of our galus.

Both happened only because we refused to accept our failures.

At the time of Chanuka, the Jews were mired in despair. A small band of people resisted a mighty power. They did not fight because they were so desperate they had nothing to lose. To the contrary, their attitude was one of utter confidence in the impossibility of losing. They would not make peace with their situation; in that merit, Hashem assisted them miraculously. Much the same happened at Purim. There, it was a single individual who refused to resign himself to their state. Mordechai had complete confidence that "relief and deliverance will come to the Jews".<sup>5</sup> So it is with all the miracles and wondrous deeds that were shown to us. We helped bring them about by our refusal to accept our fallen state. The light of Mashiach depends on this as well. Our faith in his coming, our refusal to be without it, is the kusta d'chayusa that sustains and nourishes his long-awaited light.

1 Based on Nesivos Shalom, pg. 250-251

2 The Rebbe assumes here that each of the incidents mentioned in the midrash deals with some sort of aveirah and its aftermath.

3 As could be imagined, the Rebbe explains our avodah on Tisha B'Av in the exact same terms in his section on Bein HaMetzirim. The beginning of the rebuilding of the Bais HaMikdosh, the tikun after the churban, is in the broken-heartedness we display on Tisha B'Av.

4 Shemos Rabbah 5:18

5 Esther 4:14

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## **YatedUsa :: Parshas Vayeishev :: 20 Kislev 5768**

### **HALACHA DISCUSSION**

**by Rabbi Doniel Neustadt**

#### **The Halachic Definition of a Lie**

Yaakov Avinu was the amud ha-emes, the Pillar of Truth. Indeed, according to the Talmud,<sup>1</sup> Yaakov was very fearful of encountering a situation where he would be forced to lie. When Rivkah commanded Yaakov to falsely present himself to his blind father as Eisav, he protested, for our Sages<sup>2</sup> compare lying to idol worship. It was only when Rivkah told him that it was the will of Heaven that he be the one to receive the blessings from his father Yitzchak that Yaakov relented, and allowed his mother to disguise him to appear as Eisav.<sup>3</sup> This prompts us to try to better understand what is and what is not considered a "lie" from the point of view of Halachah. Indeed, are there ever situations when it is permitted, or even recommended, to veer from the truth?

What is the definition of lying? Rabbeinu Yonah<sup>4</sup> lists nine different categories of lies. In order of severity, they are:

1. People who cheat in business, causing others financial loss;
2. People who exploit others after gaining their trust through deception;
3. People whose lies cause others to lose out on some gain or benefit that was coming to them;
4. People who fabricate stories merely for the sake of lying;
5. People who hold out the promise of giving another person material goods while never intending to follow up on their promise;
6. People who intend to keep a promise but do not honor their commitment;

7. People who claim that they did a favor or a good deed for another when in fact they did not;
8. People who praise themselves for virtues that they do not possess;
9. People who change minor details when retelling an episode. A careful analysis of these nine categories shows that all of the lies are told either for the purpose of cheating another person, or for self-glorification. Rabbeinu Yonah, however, does not list those who lie for a "good" purpose or with a "good" intention. Indeed, throughout Talmudic literature, we find stories about our Sages who "compromised the truth" for "good" reasons.<sup>5</sup> As Chazal tell us, Hashem himself veered from the truth in order to promote marital harmony between Avraham and Sarah,<sup>6</sup> and Yosef's brothers made up a story in order to ward off Yosef's potential anger.<sup>7</sup> Obviously, however, only the poskim can draw practical conclusions from these cases, since these very episodes can be understood on various levels. Moreover, not everything quoted in the Talmud has a practical application in Halachah, as we often rule differently from an opinion stated in the Talmud.

What follows are several modern-day situations where we find rulings from contemporary poskim permitting one to veer from the truth. Obviously, every effort must be made in order to be as truthful as possible; these rulings are meant to be applied in situations when sticking to the "plain" truth is not possible or desirable.

\*To avoid dispute or to promote peace:

- \*• If, by refusing to receive Reuven (or by saying that Shimon is unavailable), Reuven's feelings will be hurt and it may strain the relationship between Reuven and Shimon, Shimon is permitted to leave instructions with another adult saying that he is not home. One should not, however, instruct a minor to lie about his parents' whereabouts, since that teaches the child to lie.<sup>8</sup>

Reuven is permitted to compliment Shimon on his purchase even if Reuven really thinks that Shimon made a bad deal or purchased an object of inferior quality. Reuven may even offer Shimon an unsolicited (untrue) compliment about his purchase.<sup>9</sup>

If, for some reason, Reuven must deny Shimon's request for a loan (of money or any other item) loan, Reuven may say to Shimon: "I don't have any money."<sup>10</sup>

\*To protect privacy or damage:

- \*• If Reuven is asked information about a matter that is supposed to remain secret, he may answer, "I don't know".<sup>11</sup> Similarly, although one is

not allowed to lie in order to avoid telling bad news,<sup>12</sup> it is permitted to say, "I don't know".<sup>13</sup>

A wealthy man is permitted to lie about his wealth if he fears "the evil eye" (ayin ha-ra) or if he does not want to arouse jealousy.<sup>14</sup>

If one fears that a package will be mishandled, it is permitted to write "glass" on it, even though it does not contain any glass.<sup>15</sup>

One may veer from the truth in order not to reveal private or embarrassing information about himself.<sup>16</sup> Nor is Reuven obligated to reveal to Shimon personal details about himself, when he feels that Shimon has no right or business to know them.<sup>17</sup>

For the purpose of protecting her tzenius, a woman may veer from the truth concerning her whereabouts.<sup>18</sup>

\*To perform a mitzvah or a chesed:

- \*• It is permitted to raise funds for hachnasas kallah even when the collection is primarily for the benefit of the groom.<sup>19</sup>

If one sees that his wife will be late for Shabbos, he is permitted to tell her that the hour is later than it really is. This is permitted only when it is clear that she is procrastinating. If, however, she is rushing and harried and telling her that the hour is later than it really is will only pressure her further, it is forbidden to do so.<sup>20</sup>

For the purpose of making sure that a procrastinator will make it on time for a flight or bus departure, it is permitted to tell him that the plane or bus is scheduled to leave earlier than the true departure time.<sup>21</sup>

When offering a ride to another person, it is permitted to tell him that you are going his way in any case, if otherwise the person will decline your offer.<sup>22</sup>

It is permitted to veer from the truth in order to spare another person from toiling on his behalf.<sup>23</sup>

\*(FOOTNOTES)

1 Makkos 24a.

2 Sanhedrin 92a.

3 See Ohr ha-Chayim, Bereishis 27:8 and Emes l'Yaakov, Bereishis 27:12.

4 Sha'arei Teshuvah 3:178-186.

5 See, for example, Berachos (43b) - episode with Rav Papa; Pesachim (112a) - attributing a statement to a fabricated source so that it will be readily accepted; Sukkah (34b) - quoting Shmuel's threat to the haddasim merchants; Bava Metzia (23b) - departing from the truth for the sake of humility, modesty or discretion; Bava Metzia (30a) - episode with Rabbi Yishmael. There are many other such examples.

6 Bava Metzia 87a. See Da'as Zekeinim, Bereishis 18:13 and Bartenura, Avos 1:12. 7 Yevamos 65b.

8 Rav S.Z. Auerbach (Shalmei Moed, pg. 531); Rav Y.S. Elyashiv (Titen Emes l'Yaakov 5:24). See similar approach in Machatzis ha-Shekel, O.C. 156. 9 Rav S.Z. Auerbach (Shalmei Moed, pg. 532); Rav Y.S. Elyashiv (Titen Emes l'Yaakov 5:46), based on Kesuvos 17a. If the item is damaged or inferior and it could be returned, one should not praise it; on the contrary, he should point out its deficiencies so that that the owner could return it. 10 Rav Y. Y. Kanievsky and Rav S.Z. Auerbach (Shalmei Moed, pg. 537). See Cheishev ha-Eifod 1:59.

11 Rav S.Z. Auerbach and Rav Y.S. Elyashiv quoted in Titen Emes l'Yaakov, 5:25 12 Y.D. 402:12.

13 Rav S.Z. Auerbach, Rav Y.Y. Fisher and Rav Y.S. Elyashiv quoted in Titen Emes l'Yaakov 5:43. See also Metzudos David, II Shemuel 18:29. 14 Rav Y.S. Elyashiv quoted in Titen Emes l'Yaakov 5:30. 15 Rav Y.S. Elyashiv, Rav Y.Y. Fisher and Rav C. Kanievsky, quoted in Titen Emes l'Yaakov 5:13.

16 Rav Y.S. Elyashiv, quoted in Titen Emes l'Yaakov 5:17. Obviously, one may not hide such information from a person whose job is to know this information, e.g., a principal or a teacher.

17 Rav S.Z. Auerbach (Shalmei Moed, pg. 539). See previous note.

18 Rav S.Z. Auerbach (Ma'adanei Shlomo, pg. 150).

19 Rav S.Z. Auerbach quoted in Titen Emes l'Yaakov 5:2.

20 Rav Y.S. Elyashiv quoted in Titen Emes l'Yaakov 5:39.

21 Rav S.Z. Auerbach (Shalmei Moed, pg. 537).

22 Rav S.Z. Auerbach (Shalmei Moed, pg. 536).

23 Rambam, Hilchos Aveida 14:13; Meiri, Bava Metzia

Although this sin is very severe, the Rambam (Hilchos Teshuvah 3:14) points out that the stated punishments only apply to those who transgress on a regular basis and to those who do not repent before their deaths. One who does proper teshuvah can gain entry into the World to Come, for "there is nothing that stands in the way of teshuvah."

\*HALBONAS PANIM

\*Although in the language of Tanach we find two synonymous words that mean embarrassment, busha and klimah, Chazal have a very descriptive term to define this situation: l'halbin pnei chaveiro, which literally means, "to whiten the face of his fellow." This expression is based on a possuk (Yeshayahu 29:22), "You will not be embarrassed now, Yaakov, and your face will not pale now." The word in the possuk, "yechevaru" is synonymous with "lehalbin," to pale or to make white (Kad Hakemach, Halbanah). Why is embarrassing someone called "halbonas panim"?

The Gemara compares embarrassing someone to bloodshed and explains that when a person is embarrassed, the face loses blood and it turns white like that of one who is dead (Bava Metzi'a 58b and Rabbeinu Chananel ad loc.). Tosafos (ad loc., s.v., d'azil sumka) points out that the reason why a person's face first turns red is because the blood first gathers in the face before draining.

Others explain the comparison between embarrassing someone and killing him by the fact that the pain of embarrassment is worse than that of death (Rabbeinu Yonah, Sha'arei Teshuvah 3:139).

It is interesting to note that although embarrassing someone is akin to murdering him, in one aspect embarrassing is more severe. As we quoted from Chazal, one who publicly embarrasses someone can lose his portion in olam haba. However, we find no such punishment for one who murders. Rabbeinu Yonah explains that the reason for this is because everyone is aware that murder is a terrible sin. Therefore when the murderer wishes to repent, he will be truly sorry for what he did. This is not the case, however, with embarrassing someone. Unfortunately, it is not viewed as such a horrible aveirah, and one who wishes to repent will not see the need to do so (Sha'arei Teshuvah 3:142).

Others explain that murder is less severe because it is a one-time act. A person only dies once. However regarding someone who has been embarrassed, he will suffer for a very long time (Pnei Yehoshua, Bava Metzi'a 58b).

\*IN THE FACE OF A MITZVAH D'RABBANAN

\*According to the Gemara, a person's honor is so great and so important it supersedes a Torah prohibition (Brachos 19b). The Gemara explains that this refers specifically to the mitzvah of "Lo sasur," "Do not deviate from the matter which they tell you, to the right or to the left" (Devorim 17:11). This is the mitzvah min HaTorah which is the basis for following all mitzvos and decrees enacted by our rabbinic leadership throughout all generations.

Chazal were so concerned that people should not undergo embarrassment that they were willing to forego mitzvos that they themselves commanded. For example:

1) According to Torah Law, it is forbidden to wear shatnez, wool and linen in the same garment. Chazal extended that prohibition to include certain situations even when they are not in the same garment, but it is impossible to remove one without taking off the other. For example: If one is wearing a wool overcoat on top of a linen suit or a woolen sweater over a linen blouse and it is impossible to remove the lower garment without first taking off the upper one, he transgresses a rabbinic prohibition of shatnez (Shulchan Aruch, Yoreh De'ah 300:5).

If one is wearing such a combination in a public place and it would be embarrassing to remove either of the garments, one need not do so because of kavod habriyos.

2) The halacha is that one may wear either a talis gadol or talis katan in a public domain on Shabbos, as long as the attached tzitzis are valid. Even though the tzitzis themselves are not a garment, they are viewed as something that enhances the beauty of the tallis and are part of it. However, if the tzitzis are invalid, wearing that tallis in a reshus harabim transgresses a Torah prohibition. (To explain why this is true is beyond the scope of this article.) Therefore if one discovers this on Shabbos while in a reshus harabim, he would have to remove the tallis. This is because the

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### HALACHA TALK

by Rabbi Avraham Rosenthal

#### Embarrassing Others

In this week's parsha, the Torah relates the incident of Yehuda and Tamar. When Yehuda is informed about Tamar's actions, he orders that she should be killed. Immediately prior to her death, Tamar sends a cryptic message to her father-in-law (Bereishis 25:35), "Please recognize to whom this signet, cloak and staff belong." Rather than stating directly that Yehuda himself is the father of her unborn children, Tamar chooses a roundabout method of informing him. She said, "If he will admit on his own, let him admit. If he does not, I will be killed and I will not embarrass him." Chazal derive from here, "It is preferable for a person to be thrown into a flaming furnace rather than publicly embarrass his fellow" (Rashi ad loc.)

Let us take this opportunity to examine some facets of the prohibition of embarrassing another person.

#### \*A MOST SEVERE AVEIRAH

\*Throughout the teachings of Chazal, we find many negative statements regarding this prohibition. For example:

1) One who publicly embarrasses his fellow, even though he has studied much Torah and has performed many good deeds, has no portion in the World to Come (Avos 3:11).

2) The Gemara (Sanhedrin 99a) includes someone who embarrasses others in the category of "Devar Hashem bazah," "he has despised the word of Hashem" (Bamidbar 15:31). Since human beings were created "b'tzelem Elokim," in Hashem's image, each person is considered a "devar Hashem." Thus, one who belittles or degrades someone else is guilty of despising Hashem (Tosafos Yom Tov, Avos 3:11, s.v., hamechalel).

tzitzis serve no function and he is considered to be carrying them. (Shulchan Aruch, Orach Chaim 13; Mishna Berurah ad loc.). On the other hand, if one discovers that his tzitzis are invalid while he is in a karmelis, an area in which one may carry according to Torah Law but is forbidden to do so mederabbanan, he is not required to remove the garment. Since it would be embarrassing for him to remove his tallis in public, Chazal allow him to carry in a karmelis because of kavod habriyos (ibid.).

#### \*THE SOURCE

\*There is a disagreement among the Rishonim regarding the source of the prohibition of embarrassing someone. Some maintain that it is derived from the same possuk as the mitzvah of rebuking a fellow Jew, as it says (Vayikra 19:17), “You shall rebuke your fellow and do not bear a sin because of him” (Sefer Hamitzvos, Lo sa’ase 303; Chinuch #240; Semag, Lavin 6). Chazal understand that the second part of the possuk is a command not to embarrass someone. They interpret the possuk to mean that when rebuking someone, one must take care not to do it in a way that will embarrass him, for if one does, he will bear a sin because of him (Toras Kohanim to Vayikra 19:17; Erchin 16b; Rambam, Hilchos Dei’os 6:8). If the Torah saw fit to forbid embarrassing someone even while performing the mitzvah of rebuking him, it is certainly forbidden to do so when not performing a mitzvah (Semag, Lavin 6; Yerei’im #195; Kiryas Sefer, Dei’os 6).

Other Rishonim contend that the prohibition of embarrassing someone is included in the issur of o’na’as devarim, which is a mitzvah not to hurt another person through speech (Chinuch #338; Shulchan Aruch HaRav, Hilchos O’na’ah #29). The issur of o’na’as devarim includes many situations, even when the victim is not embarrassed. For example, it is forbidden to enter a store with no intention of purchasing anything and asking the proprietor how much a particular item costs. Since the prohibition is not to cause someone pain through speech, and embarrassing a person will cause him pain, halbonas panim is included in o’na’as devarim (Introduction to Chofetz Chaim #14).

According to a third view, the source of the prohibition will depend upon the manner in which one embarrasses the other person. If he does so while rebuking him, he transgresses the mitzvah of “do not bear a sin because of him.” However, if he belittles or degrades another individual, he transgresses the issur of o’na’as devarim (Magen Avos [Tashbeitz] 3:15).

#### \*THE BIG THREE

\*There is a well-known concept in halacha called “yeihareig v’al ya’avor” “he should be killed and not transgress.” This refers to a situation where a non-Jew presents a Jew with the following choice: either commit one of the three cardinal sins, i.e., murder, idol worship or illicit relationships, or be put to death. Because these aveiros are considered extremely severe, the halacha is that he must give up his life rather than transgress any of them. Regarding other sins, the halacha is “ya’avor v’al yeihareig,” “he should transgress and not be killed” (Sanhedrin 74a;

Rambam, Hilchos Yesodei HaTorah 5:1; Shulchan Aruch Yoreh De’ah 157:1). There are situations where even in respect to other aveiros the halacha is yeihareig v’al ya’avor, but that is beyond the scope of this article. The question is whether yeihareig v’al ya’avor applies to the prohibition of embarrassing someone. Meaning, if someone would put a gun to a Jew’s head and instructed him to either embarrass someone or else he would be killed, should the Jew transgress the prohibition of halbonas panim in order to save himself, or since as we have seen, embarrassing someone is akin to murdering him, so he should opt for yeihareig v’al ya’avor? One source that would seem to indicate that indeed death is the preferred option is the incident with which we began this article – the story of Yehuda and Tamar. Tamar refused to openly accuse Yehuda even in the face of imminent death, for that would have embarrassed him. It was this incident that prompted Chazal to formulate the dictum: It is preferable for a person to throw himself into a fiery furnace rather than embarrass someone publicly (Brachos 43b).

Another source for this concept is where Yosef wishes to reveal his identity to his brothers and refuses to do so in the presence of others out of fear that this would embarrass his brothers. He therefore decreed, “Remove all the people from before me” (Bereishis 45:1). Chazal tell us that Yosef did this knowing that he was endangering himself because of his brothers’

extreme anger. Yet, Yosef said, “It is preferable that I be killed rather than embarrass my brothers in front of the Egyptians” (Medrash Tanchuma ad loc.).

The Rishonim dispute whether or not yeihareig v’al ya’avor applies to halbonas pnei chaveiro. Some maintain that technically speaking, it should be included along with murder, idol-worship and illicit relationships. However, since this sin is not explicitly mentioned in the Torah like the others, it is not included (Tosafos, Sotah 10b, s.v., noach). Others contend that it is no different from actual murder and it is preferable to be killed rather than to embarrass someone publicly (Rabbeinu Yonah, Sha’arei Teshuvah 3:139).

According to a third opinion, the words of Chazal that “it is preferable to throw oneself into a fiery furnace rather than embarrass someone” are not to be taken literally. Rather this is meant to impress upon us the severity of this aveirah (Meiri, Sotah 10b).

#### \*PUBLICLY OR PRIVATELY

\*We quoted Chazal earlier that one who embarrasses someone publicly loses his portion in the World to Come. Is it also forbidden to embarrass someone privately? This is a matter of dispute between the Rishonim. The Rambam (Hilchos Dai’os 6:7-8) writes that when rebuking someone, it should not be done publicly, but rather discretely. The Rambam then continues that when giving rebuke, it is forbidden to do it in such a manner that the one being chastised will be embarrassed. We thus see that it is forbidden to embarrass someone even in private.

However, other Rishonim maintain that the prohibition of embarrassing others only applies in public (Rashi, Vayikra 19:17 and Erchin 16b, s.v., panav; Sefer Hachinuch #240).

Both the Shulchan Aruch HaRav (Hilchos O’na’ah #30) and the Chofetz Chaim (Introduction to Chofetz Chaim #14) contend that this mitzvah applies even in private.

#### \*HOW MANY PEOPLE?

\*When we speak about embarrassing someone “publicly,” how many people are required that it be considered “public”? Although with regards to many halachic concepts, such as making a minyan, ten people are considered to be a significant unit, when it comes to halbonas pnei chaveiro berabim, even three people (not including the one being embarrassed) are considered to be “public” (Shu’t Binyan Tzion #172, Sefer Chofetz Chaim 2:1 in footnote).

#### \*EMBARRASSING A CHILD

\*The Rambam writes that it is forbidden to embarrass either adults or children (Hilchos Dei’os 6:8). It would seem however that the Rambam is speaking about a child who is old enough to be embarrassed. In order to understand this, a brief introduction is required.

When someone injures another person, there are five principle types of payment: 1) how much the victim’s worth depreciated because of the abuse (nezek), 2) for the pain endured (tza’ar), 3) medical bills (ripui), 4) loss of income (sheves), and 5) for any suffered humiliation (bosches) (see Shemos 21:25 and Rashi ad loc.).

In discussing the payment for bosches, the Gemara (Bava Kama 86b) concludes that sometimes a child is entitled to this payment and sometimes not. It will depend on whether the child becomes embarrassed or not. The same should apply to the prohibition of halbonas pnei chaveiro. If the child is too young to understand the concept of being embarrassed, the prohibition to embarrass him does not apply (see Shu’t Binyan Tzion #172).

#### \*THINGS NOT TO SAY

\*Although it is impossible to discuss all the various ways a person could embarrass someone else, we will quote a few examples of embarrassing statements cited in Shulchan Aruch (Choshen Mishpat 228:4-5 and 420:5). Please note that some of the following are actually examples of o’no’as devarim as well. However, as we mentioned earlier, according to some Rishonim, the prohibition of halbonas pnei chaveiro is included in that of o’no’as devarim:

- 1) One who degrades another individual by relating false information about him (motzi shem ra) is guilty of embarrassing him.

2) Also, if someone knows that his friend transgresses a particular aveirah, and he taunts him by saying, "I don't do such-and-such." Even though he does not add the words, "As you do," it is looked upon as if he did.

3) If one says, "You are pasul (invalid)," some maintain that this is an embarrassing comment. This is true even though this insult could be understood to mean that he is invalid as a witness because he is related, which is not embarrassing.

4) One should not say to a ba'al teshuvah, "Remember what you used to do." It is even forbidden to say to the offspring of a geir tzedek, "Remember what your fathers did."

Several weeks ago, the Yated printed an interview of a German geir tzedek whose grandfather was related to Hitler, ymsh"v. He related that he never saw a reason to hide his background until he released his name in a different interview and some misguided people called him "Nazi," and his children were beaten up in school. This is clearly a transgression of this aveirah.

5) One may not ask a question of a person who does not have the intelligence to answer it, as this would cause him embarrassment. Similarly, the Sefer Chasidim (#312) maintains that a host should not ask a guest to relate divrei Torah, unless he knows that the guest can do so. Some people take pleasure in spontaneously testing a child on what he learned in school. A parent or a teacher has the right and obligation to test a child's knowledge, for this will encourage the child to know the material. However, this is not the case when the one administering the pop-quiz is merely a neighbor in shul or the like, who is doing it for his own amusement. In this situation, the child often becomes embarrassed if he does not know the material. Also, one should keep in mind that according to some, a child under the age of bar or bas mitzvah is not capable of forgiving someone who wronged him (Sefer Hizaharu Bichvod Chavreihem). 6) One may not call someone a disparaging nickname. This is true even if that name is commonly used and the person in question is no longer embarrassed when hearing it. Nevertheless, if one intends to use the name in order to embarrass, it is forbidden.

Although the Gemara says (Bava Metzi'a 58b) that one who calls his friend by a nickname loses his portion in Olam Haba, some Rishonim maintain that this is only true if the nickname belittles the bearer's family. Nevertheless, it is praiseworthy never to call anyone by any type of nickname (Tosafos, Megillah 27b, s.v., v'lo chinisi).

#### \*TAKING THE BLAME

\*Not only is it forbidden to embarrass another person, it is praiseworthy to take the blame for someone else's infraction to save him from embarrassment. This is derived from the Gemara (Sanhedrin 11a) which cites some incidents where several chachomim acted accordingly. One such incident was when Rabban Gamliel instructed that seven students should come to his study the following morning in order to discuss an important matter. When he arrived in the morning, he found eight students. He said, "Whoever came without permission is requested to please leave." When Shmuel Hakatan, stood up to leave, Rabban Gamliel told him to remain. The Gemara goes on to explain that in actuality, Shmuel Hakatan had been invited. However, to save the guilty party from embarrassment, he volunteered to leave (Rashi ad loc.).

#### \*WITHOUT SAYING A WORD

\*In certain circumstances it is possible to embarrass someone without saying a word. For example: Reuven had borrowed money from Shimon and the loan is now due. If Shimon knows that Reuven does not have the money and cannot pay back, it is forbidden for Shimon to intentionally walk in Reuven's presence, even if he does not ask for the money. This is because Reuven will be embarrassed (Bava Metzi'a 75b; Shulchan Aruch 97:2).

#### \*WHILE GIVING TZEDAKAH

\*The Gemara relates (Kesubos 67b) that Mar Uvva would surreptitiously give money to a pauper in his neighborhood. One day the poor man decided to ascertain the identity of his benefactor. When Mar Uvva realized this, he and his wife ran away and hid themselves in a hot furnace. The Gemara explains their actions by citing the dictum, "It is preferable for a person to be thrown into a fiery furnace, rather than embarrass his fellow." One must be careful when performing the mitzvah of tzedakah to

do so in such a way that the recipient is not embarrassed (Shulchan Aruch Harav, Hilchos O'na'ah #29).

#### \*DURING A MEAL

\*Chazal and the Rishonim instituted several practices pertaining to a meal in order to save people from embarrassment. For example:

1) One may not stare at a person or at his food while he is eating, as this embarrasses him (Rambam, Hilchos Brachos 7:6; Shulchan Aruch Orach Chaim 170:4).

2) A guest may not take from his own portion and give it to the children of the host without the host's permission. This is because we are afraid that the host does not have any other food and he will not have enough to serve his guests (Chulin 94a; Shulchan Aruch 170:29).

3) The Gemara maintains that one may not send to his friend a barrel of wine that has a layer of oil floating on top of the wine. This is because the recipient may invite guests thinking he has enough oil to serve everyone (oil was a mainstay of the meal during that period), and he will be embarrassed when he discovers that this is wine and not oil (Chulin 94a).

Although at first glance this last example does not have practical bearing for us, I recently heard of an incident to which this halacha is applicable. Apparently, someone wishing to engage in Purim revelry, sent his friend what appeared to be a large, heavily frosted cake. In truth, the "cake" was a piece of Styrofoam frosted with icing. The recipient, not realizing the practical joke, served the "pastry" to his guests at the Purim seudah!

#### \*TAMAR'S INGENUITY

\*We mentioned at the beginning of this article that the Gemara derives that it is preferable to die rather than embarrass someone from the fact that Tamar was willing to give up her life, rather than embarrass Yehuda. The question is raised, however, how exactly did Tamar avoid embarrassing Yehuda? When she sent the signet, cloak and staff to him, the messenger could have recognized them as Yehuda's, thereby forcing Yehuda into publicly admitting what happened. Additionally, the wording of the possuk is difficult, as it says (Bereishis 38:25), "She was being taken out, and she sent to her father-in-law, saying, 'By the man to whom these belong I am pregnant.' And she said, 'Recognize, please, whose are this signet, cloak and staff.'" What is the purpose of the additional phrase, "and she said," when the possuk already told us that she "sent to her father-in-law, saying"?

The Maharil Diskin explains that Tamar realized the danger to Yehuda's kavod if she were to send the items with a messenger. Therefore, she sent two people. She did not give the items to the first messenger, nor did she show them to him. Rather she merely instructed him to say, "By the man to whom these belong I am pregnant," with "these" referring to the items that she still had in her possession. She then sent the signet, cloak and staff with a second messenger who was told to say, "Recognize, please, whose are this signet, cloak and staff."

Since neither messenger knew what the other was doing, no one but Tamar and Yehuda would know who the true father was. It was totally up to Yehuda to decide whether to admit the truth.

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**Vayeishev - Chanukah**

**Rabbi Asher Meir**

In one of the most dramatic passages in the Mishneh Torah, the Rambam tells the story of Chanukah: how we suffered persecution spiritually and religiously (prohibition of Torah and mitzvot), materially (seizing property) and personally (outrages of modesty); and how with God's help we overcame militarily (the Chashmonaim saved Israel), nationally (they established the kingdom) and spiritually (sanctification of the Sanctuary). (Beginning of Laws of Chanukah, third chapter of Laws of Megillah and Chanukah)

In this description, the victories mentioned correspond to the oppressions - almost. Against the assault on our property and modesty we have "salvation", and corresponding to the desecration of the sanctuary, we have the rededication of the altar. But what does the re-establishment of the kingdom have to do with anything? After all, the fact that the Greeks were

sovereign in the Land of Israel was not mentioned as a reason for the rebellion!

This lack of parallelism points out the ambivalent relation to Jewish sovereignty in the Torah. On the one hand appointing a king is a commandment; on the other hand the commandment is worded in a critical way: "When you come to the land... and you say, I will appoint me a king like all the nations around me; you shall indeed appoint yourself a king, whom HaShem your God will choose... only he should not have too many horses, nor return you to Egypt..." (Devarim 17:14-16). The commandment to appoint a king is prefaced by the assumption that the desire for a king is only in order to imitate the gentile nations; and it is immediately followed by a series of warning of everything the king should not do.

Likewise, the prophet Shemuel is very critical of the nation's desire for a king. Yet he does accede to this desire, and is even ordered by HaShem to do so (Shmuel I chapter 8).

And so throughout Jewish history. Jewish sovereignty is an important value in our Torah, it is even a commandment, but it needs to be kept in appropriate perspective. After the first conquest of the land it has never been a justification in and of itself for war and rebellion, but when our lives and our ability to observe the Torah depend on armed struggle, then it is appropriate that we carry out such a struggle with our own king, just as other nations do.

This ambivalence is reflected in the observance of the holiday. The main commandment of Chanukah is to praise HaShem for the miraculous victory.

Appropriately, the special addition to the Amida prayer and to the grace after meals, "al hanisim" (seif 21), emphasizes primarily the miracle of the victory over the Greeks. However, the most visible symbol of the holiday, the Chanukah lights, are connected in our minds primarily with another miracle - that of the single cruse of oil which miraculously burned for eight full days. This miracle is unrelated to the military aspect of the holiday, and focuses our attention on the spiritual aspect: the consecration of the Temple.

By emphasizing publicly the more spiritual side of the holiday, the side which concentrates on the purification of the sanctuary, we show that while the Jewish people also know how to esteem secular success and we thank HaShem for such success, our ultimate relation to our triumphs in the secular is as a means to spiritual ascent.

Rabbi Asher Meir is the author of the book Meaning in Mitzvot, distributed by Feldheim. The book provides insights into the inner meaning of our daily practices, following the order of the 221 chapters of the Kitzur Shulchan Arukh.

## TALMUDIGEST :: Ketubot 93 - 99

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by Rabbi Mendel Weinbach

### SERVING THE MASTER - Ketubot 96a

The disciple of a Sage has a responsibility to serve his teacher as a slave serves his master. This ruling of Rabbi Yehoshua ben Levi is followed by a warning from Rabbi Yochanan that the teacher who denies his disciple the ability of serving him is guilty of withholding kindness from him.

To what form of service is Rabbi Yochanan referring?

One approach is that he is referring to the actual physical service such as that mentioned by Rabbi Yehoshua ben Levi. This is based on the concept mentioned in Pirkei Avot (4:12) by Rabbi Elazar bar Shamma that "respect for your teacher must be like respect for Heaven". Denying the disciple this opportunity to express his respect for Heaven in this tangible way is therefore considered a withholding of kindness.

A different approach is that the service mentioned by Rabbi Yochanan is participating with the Sage in the study and application of halacha. Regarding such denial Rabbi Shimon Chasida has stated (Sanhedrin 91a) that one who withholds the teaching of halacha from a disciple is cursed even by the children still in their mothers' wombs. The meaning of service in this approach is learning the halachic process from the teacher. Although this seems to negate the physical service mentioned in the first approach there is actually a connection between the service mentioned by Rabbi Yehoshua ben Levi and that of Rabbi Yochanan. The reason for the disciple's obligation to physically serve his teacher is that he should always be near to him and thus learn halacha from him.

### WHAT THE SAGES SAY

"The teacher who denies his disciple the opportunity to serve him is guilty of removing from him the fear of Heaven. Rabbi Nachman bar Yitzchak - Ketubot 96a

Please address all comments and requests to [HAMELAKE@hotmai.com](mailto:HAMELAKE@hotmai.com)