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To: Parsha@YahooGroups.com  
From: crshulman@aol.com

## INTERNET PARSHA SHEET ON VAYETZE - 5762

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From: [torahweb@zeus.host4u.net](mailto:torahweb@zeus.host4u.net) Sent: Tuesday, November 20, 2001

[http://www.torahweb.org/torah/2001/parsha/rwil\\_vayetse.html](http://www.torahweb.org/torah/2001/parsha/rwil_vayetse.html)  
RABBI MORDECHAI WILLIG  
TRUMPETS AND PRAYER

Yaakov Avinu's vow to give a tenth of his wealth to Hashem (28:20-22) is a model for all of us in times of crisis (Medrash Rabbah 70:1). The Rambam (Taaniyos 1:1) records a Torah commandment to pray and sound trumpets when the community faces a crisis. If the community recognizes that the difficult situation results from their misdeeds and do teshuvah, the crisis will be lifted. But, if they do not pray, and attribute their plight to chance, their troubles will increase.

The mitzvah of sounding trumpets applies in times of crisis, as well as in days of joy and festivals when offerings are brought (Bamidbar 10:9-10). The Magid Mishnah asks why the Rambam did not count the two seemingly unrelated instances when we are obligated to blow trumpets as two separate mitzvos.

Perhaps RambamEs reason for the mitzva provides the answer. The purpose of sounding the trumpets is to proclaim our belief in HashemEs providence. Just as we declare that crisis is not a chance event, but something decreed by Hashem, so too must we demonstrate our recognition that joy and festivals are blessings bestowed by Hashem. It is this common theme which is the essence of the single mitzva of the trumpets.

A similar idea can explain the view of the Rambam concerning prayer. In the Sefer Hamitzvos (Aseh 5) he states that the Torah commands us to pray in a time of crisis. The Rambam interprets "mikra kodesh" (Vayikra 23:2) as a communal mitzva to pray on holidays with joy and hallel. Prayer, like trumpets, in situations of extreme crisis and celebration reflects the realization that both are decreed by Hashem.

In America, Am Yisroel has been blessed with security and great prosperity. As the nation expresses thanksgiving, we certainly must thank Hashem for protecting and blessing us. Yet, America faces an unprecedented crisis of terrorism which threatens both our security and prosperity. For us, the terrorism in Eretz Yisroel is a source of perennial concern.

In times of crisis we should give tzedakah, as Yaakov Avinu did, do teshuvah as the Rambam rules, and daven with greater intensity, as the Rambam states. Uteshuvah, utefilla, utzedaka maavirin es roah hazezeira."

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<http://www.tzemachdovid.org/thepracticaltorah/vayetzei.shtml>  
THE PRACTICAL TORAH  
BY RABBI MICHAEL TAUBES  
Parshas VaYeitzei: Ma'aser Kesafim

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

When Yaakov Avinu, while running away from his brother Eisav, awakens after dreaming about the Malachim ascending and descending the ladder, he davens to Hashem, and vows that if Hashem will provide for his needs and see that he will return safely to his father's home, he will give Hashem one tenth of whatever he has

(Bereishis 28:20-22). In the Da'as Zekeinim MiBa'alei HaTosafos (Ibid. Pasuk 20 s.v. Im), a Midrash is cited which indicates that Yaakov at that time instituted that one should give away one tenth of one's money to Tzedakah. Although the Torah itself clearly presents elsewhere the Mitzvah to support the poor by giving Tzedakah (VaYikra 25:35, Devarim 15:7-8), no guidelines are given as to specifically how much money or what percentage of one's income must be given to Tzedakah in order to properly fulfill this Mitzvah. The idea of giving one tenth of one's agricultural produce to the poor is indeed documented in the Torah (Devarim 26:12); this is known as Ma'aser Ani, which was given in years three and six of the seven year Shemittah cycle. No other mention, however, of a requirement to give specifically one tenth of anything to the poor is found in the Torah.

Based upon a Posuk in Mishlei (3:9), however, the Yerushalmi in Peiah (Perek 1 Halacha 1, 3b) implies that one is required to give Ma'aser Ani, a tithe of one tenth to the poor, from all of one's possessions, not just from agricultural produce. This view is cited by the Mordechai, in his commentary on the Gemara in Bava Kamma (Siman 192, 53b in the Rif), where it is presented as a source for the Mitzvah to give Ma'aser Kesafim. Another source is found in the commentary of Tosafos on the Gemara in Taanis (9a) which expounds upon a Posuk later in the Torah (Devarim 14:22) that contains the seemingly extraneous double use of a word in relationship to tithes (A'ser Ta'aser). Tosafos (Ibid. s.v. A'ser) cites a statement in the Sifrei (which is not found in our current standard editions) that extrapolates from this entire expression that there are indeed two tithes which must actually be given. The first is the one tenth to be separated from one's agricultural produce, the second is the one tenth to be given to the poor from any other potential source of income, such as business or other capital gains that one may have. This too, then, is a source for the Mitzvah of Ma'aser Kesafim. It is worth noting that this same idea appears in the Yalkut Shimoni in Parshas Re'eih (Remez 493) and in the Midrash Tanchuma (Ibid. Ot 18), where it is mentioned that this gift of one tenth of one's business income should be given specifically to those who are involved in Torah study.

The implication of the above sources is that the obligation to give Ma'aser Kesafim to the poor is rooted in the Torah, a view which seems to be accepted by the Shaloh (Shnei Luchos HaBris on Maseches Megillah, Inyan Tzedakah U'Maaser, s.v. U'Mekol Makom), among others. Most other Poskim, however, do not consider this to be a Torah based obligation. The Maharil, for example (Sheilos U'Teshuvos Maharil Siman 54, 56), writes clearly that the Mitzvah of Ma'aser Kesafim is MideRabbanan, and he consequently allows for certain leniencies in this obligation. The Chavos Yair too (Sheilos U'Teshuvos Chavos Yair Siman 224), in a lengthy Teshuvah where he discusses, among other things, what exactly is considered income and how to treat business expenses in this regard, likewise quotes an opinion that the obligation of Ma'aser Kesafim is MideRabbanan, and that the Pesukim mentioned above are just a remez, a hint to the idea in the Torah. He notes there as well that the aforementioned Yalkut Shimoni (Ibid.) writes specifically that the Posuk in the Torah is only a remez. The Aruch HaShulchan (Yoreh Deah Siman 249 Sif 2) likewise writes that the requirement to give one tenth of one's money to the poor is only MideRabbanan, and it is merely hinted at by the Posuk in this Parsha (Bereishis Ibid. Pasuk 22) referred to above; the Ma'aser actually required by the Torah relates only to one's agricultural products, and is given to the poor only once every three years.

Still other authorities rule that giving Ma'aser Kesafim to the poor is required neither by the Torah nor by the Rabbanan, but is rather a Minhag, a proper custom. This position is articulated by the Bach, in his commentary on the Tur (Yoreh Deah Siman 331 s.v. Av), when he discusses what type of Tzedakah may be given with Ma'aser Kesafim money, as opposed to Ma'aser Ani money, and is agreed to by Rav Yaakov Emden (Sheilos U'Teshuvos Sheilas Ya'avatz Chelek 1 Siman 6) who, quoting the above cited Posuk in this Parsha (Ibid.), writes that giving Ma'aser money to the poor is a Middas Chassidus, an act of piety learned from Yaakov Avinu; he then proves that there is no actual obligation, even on the level of a Mitzvah MideRabbanan. In an earlier Teshuvah (Ibid. Siman 1), Rav Yaakov Emden quotes from his father

the Chacham Tzvi that the Bach's position is correct, and he himself brings proofs to his father's view in a subsequent Teshuvah (Ibid. Siman 3). The Chavos Yair, in the aforementioned Teshuvah (Ibid.), agrees to this position himself as well; this seems to be the majority view. The Pischei Teshuvah (Yoreh Deah Ibid. Sif Katan 12) notes that this position that giving Ma'aser Kesafim is only a Minhag was actually presented much earlier by the Maharam of Rothenburg. He then adds, however, that some hold that although it is only a Minhag, once one has observed the Minhag, he shouldn't stop doing so except in a situation of great need. Some of the above quoted Poskim discuss how many times one must observe this practice before it is considered that he has permanently adopted the Minhag.

One of the issues which depends upon whether giving Ma'aser Kesafim is an actual Mitzvah (from the Torah or from the Rabbanan) or whether it is simply a Minhag is the question of to whom one is required to give Ma'aser Kesafim money. The Shulchan Aruch (Yoreh Deah Siman 249 Sif 1) writes that one must support the poor by giving them as much as they need, keeping in mind how much he can afford; giving one tenth is considered the average contribution, while one who wishes to be generous should give one fifth, as suggested by the Gemara in Kesubos (50a). The Ramo (Ibid.) adds, though, that Ma'aser Kesafim money must be used specifically to be given to the poor, and not for any other Mitzvah or to assist any other worthwhile cause. The Shach (Ibid. Sif Katan 3) quotes those who disagree and say that expenses for a Mitzvah which one otherwise would not have done may be paid for with one's Ma'aser money. The view of the Ramo (Ibid.) is most likely based on there being a strong connection between Ma'aser Kesafim and Ma'aser Ani; the latter had to be given to poor people and not used even for Mitzvos. The view of the other Poskim probably is that since giving Ma'aser Kesafim is simply a Minhag, its rules do not necessarily parallel those of the Mitzvah to give Ma'aser Ani. The Chasam Sofer (Sheilos U'Teshuvos Chasam Sofer Chelek Yoreh Deah Siman 232) makes this very distinction; in his previous Teshuvah (Ibid. Siman 231) he suggests that if when one first decides to undertake the practice of giving Ma'aser Kesafim, one has in mind specifically that he would like to use the money to pay for other Mitzvos or to support other charitable causes and not just give it to the poor, he may do so.

In terms of how to calculate one's income for the purpose of determining how much the one tenth is that he must give away, Rav Moshe Feinstein (Sheilos U'Teshuvos Igros Moshe Yoreh Deah Chelek 1 Siman 143) writes that money which is held back from one's paycheck for withholding taxes is considered as if it was never his, and thus is not viewed as part of his income; Ma'aser Kesafim need not be deducted from that portion of one's salary. This is unlike money which one actually has, but uses to pay for sales tax and the like, which is nevertheless considered part of one's income. He also discusses how to treat household expenses, such as funds needed for child support, in terms of whether such money is subject to Ma'aser Kesafim. Rav Yosef Karo, in one of his Teshuvos (Sheilos U'Teshuvos Avkas Rochel Siman 3), seems to rule that funds spent on all essential household needs are not subject to the requirement of Ma'aser Kesafim, but it is questionable as to whether or not this view is accepted; Rav Ovadyah Yosef (Sheilos U'Teshuvos Yechaveh Da'as Chelek 3 Siman 76 Ot 4) discusses this matter, quoting numerous opinions. It is worth noting that the Chofetz Chaim, in his treatise entitled Ahavas Chesed (Inyan Ma'aser Kesafim, Perek 18 Ot 2), offers specific guidelines as to how to properly observe the practice of giving Ma'aser Kesafim, including recommendations that one keep written records in a notebook about how much he gives to Tzedakah, as well as that one should take a reckoning of one's income and one's Tzedakah contributions once or twice a year. He adds later (Ibid. Perek 20 Ot 6) that one who is careful about giving Ma'aser Kesafim is treated as though Hashem Himself were his partner in business.

Sponsored by Robert and Hannah Klein on the first yearzeit of mother Dorothy J. Klein (Devorah bat Avraham) a"h; Sponsored by Baruch and Rochelle Wertenteil on the yearzeit of father Elchonon ben Peretz Kurant a"h

"He became frightened and said, 'How awesome is this place . . .'" (28:17)

Rashi writes that when Yaakov reached Charan he said, "Is it possible that I passed the place where my father and grandfather prayed, and I did not pray there?" He then returned to Bet El and prayed and slept there.

R' Eliyahu Meir Bloch z"l (1894-1955; founder and Rosh Yeshiva of the Telshe Yeshiva in Cleveland) observes that Yaakov was distressed because he had passed Bet El and had not taken advantage of being there, more so than he would have been had he never been in Bet El. This teaches, says R' Bloch, that a person is responsible for getting the greatest spiritual advantage out of his present circumstances; the failure to take advantage of one's favorable situation damages the soul.

We see this about Moshe, as well. When he said (Shmot 33:14), "Show me Your glory," Hashem responded (according to Chazal), "When I wanted, you did not want. Now that you want, I do not want." When Hashem first appointed Moshe to lead Bnei Yisrael, Moshe resisted. By not accepting the spiritual gifts which Hashem offered, he damaged his soul. Therefore, when he wanted to "see" Hashem's glory, he was unable to fathom it. (Peninei Da'at)

"If He will give me bread to eat and clothes to wear." (28:20)

When the first winter arrived after R' Pinchus David Horowitz z"l (the "Bostoner Rebbe") had settled in Boston, he had only the clothes on his back to keep him warm, and no coat. There was an old Jew (Mr. Rosenblatt) in Boston who had been a chassid in Europe of R' Pinchus David's great-grandfather, R' Moshe of Lelov. One night, R' Moshe appeared in a dream to Mr. Rosenblatt and rebuked him, saying, "My descendant is cold, and you are sleeping?!"

After this dream repeated itself, Mr. Rosenblatt sought out the recently arrived immigrant from Yerushalayim. "Who are you?" he asked.

"A Jew from Eretz Yisrael," R' Pinchus David responded humbly. Only after he was pressed did he admit that he was a great-grandson of R' Moshe of Lelov.

Mr. Rosenblatt bought the Rebbe a warm winter coat, which he wore until it disintegrated. But he never threw it away. "If my ancestor came all the way from heaven to bring me this coat, I cannot throw it away," he explained.

(Shoshelet Boston)

"Rachel saw that she had not borne children to Yaakov, so Rachel became envious of her sister; she said to Yaakov, 'Give me children -- otherwise I am dead.'" (30:1)

R' Saadiah Gaon z"l (Egypt and Iraq; 882-942) writes: Why did the early generations desire children? It was so that they would have someone to whom they could teach the faith, so that they (the parents) would achieve merit through them. Thus is it written (Yishayah 38:19), "A father can make Your truth known to children." The Torah, too, states (Devarim 11:19), "You shall teach them to your children to discuss them." It also is written regarding Avraham (Bereishit 18:19), "For I have loved him, because he commands his children and his household after him that they keep the way of Hashem . . ."

We know, continues R' Saadiah, that parents enjoy the fruits of their descendants' righteousness for up to four generations. The good deeds of those descendants actually lessen any punishment which the parents themselves may deserve. This is the meaning of the verse (Bamidbar 14:18), "[R]ecalling the iniquity of parents with children to the third and fourth generations." [Apparently R' Saadiah means that Hashem recalls the iniquity of the parents together with the good deeds of their descendants, and thus does not punish the parents.]

But the opposite is not true, concludes R' Saadiah. If one of the first four generations of descendants is wicked, this is not held against the parents, so long as the parents had spared no effort to educate

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From: Shlomo Katz[SMTP:skatz@torah.org]  
Hamaayan / The Torah Spring Edited by Shlomo Katz  
Vayetze: G-d Willing!

their children properly. That being the case, are not children the best investment, for one can only profit and cannot lose!

(Perushei Rabbeinu Saadia Gaon Al Ha'Torah p.46)

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Posted by Alan Broder, ajb@torah.org .http:// www.torah.org  
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From: Ohr Somayach[SMTP:ohr@ohr.edu]

Subject: Parsha Q&A - Vayeitze

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KASHA! (kasha means "question") How would you answer this  
question on the Parsha? G-d said: "Beware lest you speak with  
Yaakov either good or bad." (31:24) G-d told Lavan not to talk to  
Yaakov at all, yet we see that Lavan did indeed meet Yaakov and  
speak with him. Did Lavan simply ignore G-d's command?

ANSWER: G-d's command that Lavan speak "neither good nor  
bad" meant that Lavan should make no offers to entice Yaakov to  
return, nor threaten him with punishment if he failed to do so. Ramban

I DID NOT KNOW THAT! "And Lavan gathered all the people of  
the place and made a feast (lit. drinking repast)." (Bereishet 29:22)

Lavan wanted Yaakov to get intoxicated so that he could more  
easily fool him into marrying Leah. That's why he made a festive meal  
which included alcoholic beverages. But when Yaakov married  
Rachel, Lavan made no feast at all. Da'at Zekeinim Miba'alei Hatosafot

#### RECOMMENDED READING LIST

Ramban 28:12 Yaakov's Dream 29:2 Three Flocks 30:2 Yaakov's  
Anger 31:19 The Terafim

Sforno 28:12-13 Yaakov's Dream 29:6 A Proper Guest 29:11 Why  
Yaakov Cried 31:32 Yaakov's Curse 32:1 A Father's Blessing

#### QUESTIONS AND ANSWERS

1. When Yaakov traveled to Charan, the Torah stresses that he  
departed from Be'er Sheva. Why? 28:10 - The departure of a  
righteous person leaves a noticeable void in that place.
2. On the night of his dream, Yaakov did something he hadn't done  
in 14 years. What? 28:11 - Sleep at night lying down.
3. Hashem compressed the entire Land of Israel underneath the  
sleeping Yaakov. What did this symbolize? 28:13 - That the Land  
would be easy for his descendants to conquer.
4. Yaakov said "I will return with shalom." What did he mean by  
"shalom"? 28:21 - Completely without sin.
5. Why did Yaakov rebuke the shepherds? 29:7 - He thought they  
were loafing, stopping work early in the day.
6. Why did Rachel, and not her brothers, tend her father's sheep?  
30:27 - Her brothers weren't born yet.
7. Why did Yaakov cry when he met Rachel? 29:11 - He saw  
prophetically that they would not be buried together; or because he  
was penniless.
8. Why did Lavan run to greet Yaakov? 29:13 - He thought Yaakov  
was carrying money.
9. Why were Leah's eyes tender? 29:17 - She cried continually  
because she thought she was destined to marry Esau.
10. How old was Yaakov when he married? 29:21 - Eighty-four.
11. What did Rachel find enviable about Leah? 30:1 - Her good  
deeds, thinking they were the reason Leah merited children.
12. Who was Yaakov's fifth son? 30:5 - Dan.
13. Who was Leah's handmaiden? Was she older or younger than  
Rachel's handmaiden? 30:10 - Zilpah. She was younger.
14. How do you say dudaim in Arabic? 30:14 - Jasmine (Yasmin).

15. "Hashem remembered Rachel" (30:22). What did He  
remember? 30:22 - That Rachel gave Leah the "signs of recognition"  
that Yaakov had taught her, so that Leah wouldn't be embarrassed.

16. What does the name Yosef mean? Why was he named that?  
30:24 - "Yosef" means "He will add." Rachel asked Hashem for  
another son in addition to Yosef.

17. G-d forbade Lavan to speak to Yaakov "either of good or of  
bad." Why didn't G-d want Lavan to speak of good? 31:24 - Because  
the "good" that comes from wicked people is bad for the righteous.

18. Where are there two Aramaic words in this week's Parsha?  
31:41 - Yagar Sahaduta, meaning "wall of testimony."

19. Who was Bilhah's father? Who was Zilpah's father? 31:50 -  
Lavan.

20. Who escorted Yaakov into Eretz Yisrael? 32:1 - The angels of  
Eretz Yisrael.

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From: Rabbi Riskin's Shabbat Shalom List parsha@  
ohrtorahstone.org.il To: Shabbat\_Shalom@ohrtorahstone.org.il  
Shabbat Shalom: Parshat Vayetze  
by RABBI SHLOMO RISKIN

Efrat, Israel - In last week's Torah reading we saw Jacob as a  
"wholehearted (naive) man, an (introverted and studious) dweller in  
tents" (Genesis 25:27). And lo and behold, in this week's portion of  
Vayetze a very different Jacob emerges before our eyes: a man of  
guile and street-smarts, one who is more Laban-like than Laban, a  
swindler of swindlers who knows how to become rich off his wily boss  
and escape with his wealth unscathed at the proper moment. What  
happened from one portion to the next?

In order to properly understand the dynamics of Jacob's  
personality, we must begin with the original Biblical description of the  
respective personalities of the twin sons of Isaac and Rebecca  
(Genesis 25:25,27): "And behold there were twins in her womb: and  
the first one emerged ruddy (admoni), entirely like a mantle of hair, and  
they called his name Esau (lit. ready-made)... And the lads grew, and  
Esau became a man who knew the hunt, a man of the field." Esau is a  
person of the here-and-now, a man of the moment, born almost fully  
developed, ruddy and hot-blooded, given to the immediate gratification  
of an outdoor life of hunting and eating his prey. True to the form of his  
appearance and life-style, he is what he looks like: superficial, only  
skin-deep, and totally dependent upon externals.

Hence when he is tired after a day of hunting, he has no time to  
wait before satisfying his appetite - even if it means giving up the  
eventual blessing of the first born: "Pour into me now (na) this red, red  
stuff," he cries out, with the Biblical commentary Sforno suggesting the  
Hebrew word na in this context means raw: "Give me the red lentils  
raw, without even cooking them;" moreover, he is called edom not only  
because of his own ruddy color but also because of this incident with  
the lentils, the dish of pottage-soup here named after its external color  
rather than after its more internally appreciated flavor. This incident  
concludes: "And he ate, and he drank, and he got up and he left," four  
verbs in a row; the Yiddish folk expression interprets it pejoratively for  
anyone who "eats like Esau: he breaks bread without washing, he  
drinks wine without a blessing, he gets up without the grace after  
meals, he leaves without saying thank-you." In this way, by paying  
attention only to the gratification of the moment, "Esau spurned the  
first-born blessing-obligation"(Genesis 25:30-34).

This pattern repeats itself later on, when Esau takes two Hittite  
wives much to the consternation of his parents, whose fundamental  
principle derived from Abraham was that their children not intermarry  
with the Canaanites. (Genesis 26:34,35). You can almost hear Esau  
respond in self-justification, "But they have Jewish names, Yehudit and  
Bosmat (lit. sweet-smelling)." So thinks a superficial personality for  
whom all of life is judged only by external appearances! (How  
strangely reminiscent of the contemporary play Beau Geste, in which  
the Jewish protagonist justifies to her parents her desire to marry a

German Christian became he is a doctor and has a Jewish sounding name!).

Jacob, on the other hand, is very different in nature. He is "a dweller in tents", which implies not also introversion but also introspection, an in-depth inwardness as well as the delayed gratification which is so characteristic of the life of the student (a tent is the Biblical term for a home as well as a house of study"). Hence the Sforno sees in the name Yaakov, while literally means heel, or the end of the body, the nuance, "he will remain at the end" - because of his ability to develop, adapt and persistently sustain his efforts. The Bible itself explains the origin of his name in a way which will open the door to a proper understanding of this week's Jacob: "And (as he emerged from the womb) his hand grasped at the heels of Esau; and he called his name Yaakov" Apparently, even from birth, the second-born twin wished to overtake his elder brother; Jacob yearned for the respect and responsibility, the noblesse oblige if you will, which came with the Abrahamic blessing of the first-born.

And this desire to surpass his brother only sharpened with the ensuing years, and for very deep and understandable psychological reasons. We all yearn for parental favor, no matter how old we are or how great a station in life we may have achieved. Jacob felt un-loved - even rejected - by his father: "And Isaac loved Esau, because his hunt (entrapment) was in his mouth." Why did Isaac favor Esau? Perhaps because he was a man of the fields ("And Isaac went out to meditate in the fields" Genesis 24:63) just as was Esau, perhaps because Esau had the kind of aggressive and extroverted personality which Isaac lacked, and wished for, perhaps because Isaac - the first survivor of an akedah for the sake of his G-d - understood that his descendants would require great physical strength, fortitude and even a degree of sophisticated guile to survive in an as yet unredeemed world which would hate and persecute them. Most probably, it was because of a combination of all three factors. Be that as it may, Jacob yearned for his father's favor - even if it meant becoming Esau-like. Hence, when his mother suggests that he, Jacob, dress like Esau and appear to be Esau in front of his father, Jacob accepts with alacrity; for him it was not so much deception as it was his finally metamorphosing into the accepted son he had always yearned to be.

Now we can begin to understand the different face of Jacob revealed in this week's Torah portion. Jacob in Laban-land is simply the new Jacob-Esau, the out-door shepherd who has learned to "entrap" with his mouth, to street-fight, in order to claim what is rightfully his. After all, had not Esau spurned the first-born blessing and had not Jacob worked hard and long for the family and livestock he had accrued with Laban? But the Jacob-turned-Esau of this week's Torah portion can not yet become Israel, the father of the twelve tribes. He must still continue to develop, he must exorcise the negative aspects of the spirit of Esau within him and strike the proper balance between the hands of Esau and the voice of Jacob; he must pave the way for the synthesis of his descendant Messiah David, the Admoni (Edom) warrior who is at the same time the sweet Psalm singer of Israel.

And so the more complex and profound Jacob-Esau will eventually emerge into Israel as his life-story unfolds, and only when that has been achieved will he truly emerge triumphant at the end!

Shabbat Shalom.

<http://www.ohrtorahstone.org.il/parsha/index.htm>

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From: RABBI JONATHAN SCHWARTZ jschwartz@ymail.yu.edu  
To: chabura613@hotmail.com Subject: Internet Chaburah -- Parshas VaYetze

Prologue: That night, he slept.

Rashi explains that it was only the night Yaakov was at Har Hamoriah that he slept. However, during the 14 years he learned at Yeshivat Shem Vever he did not sleep but studied Torah instead. Now, after studying with Avraham until 15 (see Emes LYaakov, Toldos

25:27) and the rest of the time with Yitzchak (Rambam Hil. Avoda Zarah 1:3) until he was 63. Why the sudden need to go to Yeshiva for 14 years? What was the purpose?

Rav Yaakov Kamenetsky suggests that Yaakov's need can be understood best in light of the difference between Yeshivas Shem Vever and the Torah studied at the feet of the Avos. Rav Yaakov explains that the Avos were Tzaddikim who lived lives and studied Torah on a spiritual plane that was unbreakable. They were holy men whose aura inspired those around them to Kedusha. Thus, the Torah they studied was pure and spiritual, not subjected to the tainting of the foolery of this world. Shem studied Torah from his father Noach. Noach's generation was one in which live itself was tainted. To be able to study Torah in the face of such a challenge required a different type of preparation. Noach taught Shem in this manner and Shem taught this type of Torah in his Yeshiva. Yaakov knew his visit to Lavan would contain many challenges and that many of these challenges would be spiritual as well. Thus, in order to properly prepare for a visit with Lavan, Yaakov went to the Yeshiva that would teach him the way to learn Torah while with Lavan. Study hard he did, he stayed awake nightly for 14 years in order to prepare properly.

V'Hageesa Bo Yomam V'Laila stresses the importance of daily and nightly torah study. This week's Chaburah examines the nature of night Seder. It is entitled:

NIGHT SEDER: TESTING TANACH??

The Birkei Yosef (1:13) quotes the Ari who notes that with the exception of Thursday nights, one should not study Tanach at night. There seems to be a basis for the Minhag in the Yalkut Shimoni (Kee Sisa). The Yalkut notes that while on Har Sinai, moshe was able to keep track of time by knowing that Hashem taught him Torah SheB'Ksav by day only and Torah SheBaal Peh at night. (Many are quick to point out that if one can learn Gemara by day, he can learn Tanach at night based on the Yalkut).

The Artzot haChaim (1:36) supported the position of the Yalkut with an added position of the Pirka DRav Eliezer (41) which notes Yom L'Yom Yabia Omer refers to Tanach which is studied by day. However, he adds that from the Talmud (Yoma 18b, Shabbos 12) we find countless examples where it is apparent that Tanach may be studied at night.

It appears that the real basis for the prohibition against Tanach study at night is based upon Kabbala. But what was included in the Issur? Was it just Torah or did it include Novi as well? The Sdei Chemed (Ohr Lee 40) quotes an opinion that the prohibition of studying Tanach refers only to the study of Chumash but not Novi. However, it should be noted that the Chida disagreed. Pri Megadim (Eishel Avraham 238) agreed with the Sdei Chemed that any potential prohibition would only apply to Chumash study. Modern commentaries have noted that Tanach study with commentary does not fall into the category of Mikra and can be studied at night according to all opinions.

In the next Chaburah we will examine the Halachic implications of this potential difficulty as it applies to the recitation of Tehillim at night for the ill.

Battala News Mazal tov to Rabbi Daniel Yolkut upon his recent engagement to Anna Adulsky. Mazal Tov to the Weiner family upon Ariella's engagement Mazal Tov to Rabbi Dale Polakoff upon his recent engagement

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[http://www.torahweb.org/torah/2000/parsha/rhab\\_vayetse.html](http://www.torahweb.org/torah/2000/parsha/rhab_vayetse.html)

TorahWeb [from last year]

RABBI YAAKOV HABER

PRAYER AND NEEDS

"And G-d saw that Leah was not loved greatly (see Ramban and Ralbag), and He opened her womb, and Rachel was barren (29:31)." This passage's structure is not parallel. One would expect the pasuk to read "and G-d opened Leah's womb, and closed Rachel's." Furthermore, most women are able to conceive and bear children. One would therefore expect the following: "and Hashem allowed Leah to have children, and He closed Rachel's womb."

Malbim, commenting on this passage, provides an answer that sheds light on a fascinating, often overlooked, aspect of prayer. The Talmud in Yevamot (64a) comments on the reason that many of the Avot and Imahot were barren at first: "R. Yitzchak states: Hakadosh Baruch Hu (the Holy One) desires the prayer of the righteous." Hence, according to the original plan, Leah too should have been temporarily barren. But since Hashem wanted to increase the love between Ya'akov and Leah, he gave her children right away, and circumvented the "normal," patriarchal procedure. Rachel remained barren according to the original plan until she would pray to G-d. When she finally did, she was granted children (see 30:22).

Perhaps we can gain a deeper insight into t'fila (prayer) upon further analysis of the idea of Hashem withholding children from the Avot and Imahot until they prayed.. T'fila -- in the words of Rav Soloveitchik zt"l -- is "Man's rendezvous with G-d." It is an end in and of itself. By talking to G-d, Man develops his relationship with Him. As such, even if there is no specific need about which to beseech the Creator, and even if the requests are not granted, it serves a lofty purpose. Hence, t'fila is called avodah sheb'laiv, Divine service of the heart (see Mishna Avot (1:2) and commentaries there, Rambam Hilchot T'fila 1:1). However, Man does not always turn to G-d unless there is a need. Even with regard to those who do pray regularly, the concentration and fervor invested into the prayer is most definitely intensified by a specific need. Indeed, according to both Rambam (Hilchot Ta'anuyot (1:1), and Ramban (Glosses to Seifer HaMitzvot (Mitzva 5)), there is a separate commandment to pray in a time of tragedy. This distinct obligation highlights this aspect of prayer which stems from need. Hence, Hashem will often temporarily withhold that which He wishes to bestow upon His creations, in order that the human being first turn to him in prayer. It is not surprising then, that our great Avot and Imahot were recipients of this aspect of Divine love.

Many Jewish thinkers have asked a twofold question concerning the nature of prayer in general (see N'tiv Bina by Rabbi Y. Ya'acovson, Chapter 2): "If the supplicant deserves what he is asking for, then why need he beseech G-d for it? If, on the other hand, he is not worthy of receiving his request, then how does prayer help?" The approach of Malbim, based on the words of Chazal, provides a ready answer for the first half of the question. Even if the person deserves a certain divine blessing, G-d waits for the lines of communication to be opened before granting the gift.

A similar approach is offered by Rabbeinu B'chaye on last week's Parashat Toldot. There we read: "And Yitzchak beseeched G-d opposite his wife, for she was barren (25:21)." This passage, too, seems out of order. In describing the sequence of events, a more logical order would have been: "And Rivka, the wife of Yitzchak was barren. [Therefore], Yitzchak prayed to G-d for her." This would indicate the proper sequence of cause and effect. R. B'chaye resolves this difficulty based on the aforementioned concept. G-d desired the prayers of Yitzchak and Rivka; this was the desired result. In order to bring about this goal, He caused Rivkah to be temporarily barren. With this explanation, the passage reads in a perfectly logical order. The goal was Yitzchak's prayer. The means of achieving it was Rivkah's barrenness.

Rav C. Y. Goldwicht zt"l, the founding Rosh HaYeshiva of Yeshivat Kerem B'Yavneh, used this concept to explain a cryptic comment of Rashi on the blessings of Yitzchak to Ya'akov. "V'yitein l'cha ha'Elokim" -- "And G-d should give you (27:28)." Noting the extra "and," Rashi, quoting the Midrash, writes: "yitein v'yachzor v'yiten" -- "He should give and give again." The deeper meaning of this statement is that the greatest blessing that Yitzchak wished to give was the blessing of a constant relationship with G-d. G-d should give, stop giving, wait for you to turn to him in prayer, and then give again. This is in contrast to the curse of the Biblical snake, who was to "eat dirt forever (3:14)." Now, how is this a curse? Wouldn't the snake be guaranteed an eternal source of sustenance? Rather, G-d wished to banish the snake from His presence. This is similar to a father who, angered with his son, gives him a \$100,000 check and tells him: "Here, this will provide for you. Now, leave my house and never come back to me again!" To those whom G-d loves, He wishes to give a little at a time to ensure a

mutual, lasting bond. This is similar to a father who gives his child a weekly allowance in order that the child constantly return to him.

This approach to prayer should serve to allow us to deal more effectively with adversity. If we view the trials of life as demonstrations of Hashem's love for us, we can view them in a more positive light. G-d may often just be waiting for us to turn to Him in prayer, and then He will grant us His abundant blessings.

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From: National Council of Young Israel YI\_Torah@lb.bcentral.com  
Guest Rabbi: RABBI SHAUL GOLD  
Young Israel of Avenue U, NY

Parashat Vayetze describes to us the events that occurred to Yaakov during his first Galut. The Torah relates to us that, as he leaves Eretz Yisrael on his way to Choran, Yaakov has a remarkable dream. In this dream, G-d shows him a fascinating vision of a Sulam, a ladder. G-d then blesses Yaakov, guarantees his safety, and promises to return him to Eretz Yisrael.

Yaakov is profoundly effected by the vision and by the blessings, and is impelled to strengthen the influence of the dream with a neder, a promise of his own. Fortified by this dream, Yaakov travels on to Choran and the trials he will face there with a light heart, secure in the protection of HaShem.

Chazal tell us that Maase Avot Siman LEbanim the events that occurred to our forefathers are lessons for the future generations. The messages in Yaakov's dream inspired and strengthened him in his first foray into Galut. They should be studied as a Siman LEbanim lesson that will inspire and strengthen us as a community and as individuals.

The Ohr HaChaim HaKodesh explains that the vision that Yaakov saw before the blessings was actually three distinct visions, each introduced by the word VEhine, and Behold. To prepare Yaakov for HaShem's blessings, he first needed to internalize the lessons of each of the three visions. ^VEHinei Sulam Mutzav Artzav VErosho Magia HaShameyma. ^And Behold! A ladder was firmly set up on the earth and its top reached toward Heaven. The ladder Yaakov sees in the first vision symbolizes man's growth throughout the years of his life. Man is involved in a constant struggle to elevate himself, to reach for the highest heights morally, ethically, intellectually and spiritually. The Mitzvah of VEhalachta BEDrachav inspires him to strive for levels of G-dliness befitting a Tzelem Elokim.

However, it is a journey that is not without its hazards. A ladder must be scaled rung by rung, carefully pacing the ascent. A ladder must also be firmly planted on the ground. If the ladder is not secure on the ground, if it is shaky, the risks of falling and injuring oneself are increased. So, too, as man seeks to grow in life, he must be firmly grounded, he must be Mutzav Artza. Only with a solid foundation can one begin to climb the ladder and know that he is on a path that will reach the heavens, that is Magia HaShameyma.

^VEHinei MalEachei Elokim Olim VEyordim Bo. ^And Behold! In the second vision, Yaakov sees angels ascending and descending the ladder. The angels are never still, they either rise or fall, constantly in motion. Yaakov understands that there is never a final accomplishment. Never a time to rest. Each rung on the ladder is a preparation for climbing to the next. Once a level is attained, it now becomes a base and serves as a springboard to the next level. Life is a Sulam, a ladder to be scaled. One must climb higher to stop at any rung is to stagnate, or rather, to regress. There is no plateau where one may rest, satisfied in his accomplishments. The message in the second vision is that, just as the MalEachim never rest on the Sulam neither should we. The moment we stop our aliyah, our ascent, we descend. ^VEHinei HaShem Nitzav Alav Vayomar. ^And Behold! In the third vision, right before HaShem speaks to Yaakov, G-d stands firmly above Yaakov. Yaakov Avinu is used to living in Eretz Yisrael where the presence of the Shechina can be palpably felt. He now enters Chutz LEAretz, where the presence of HaShem, while understood, is not as apparent as before. The vision of HaShem Nitzav Alav, firmly standing above him, speaks volumes to Yaakov. The Netziv explains that there is a great difference between recognizing the presence of

G-d and recognizing the personal Hashgacha (Providence) of HaShem.

The third message in the dream is that HaShem Nitzav Alav, G-d is standing firmly above each of us individually. As Rashi explains, LEshomco, to protect each of us throughout the long hard journey of life. As difficult as the future may be, whatever the challengef^HaShem YishmEraini VEyatzilaini` HaShem will protect me and save me.

As we have stated, the Sulam represents manEs growth in his journey through life. How is it routed and how can we successfully scale it Heavenword?

The blueprint of life is the Torah. Studying the Torah, observing its mitzvot and fulfilling its objectives are the foundation and rungs of the ladder. Through Torah, one is solidly based and through performance of the mitzvot, one rises level-by-level to the Heavens. The BaEal HaTurim comments that the gematria (numerical value of the word) of Sulam is equivalent to that of Sinai where the Torah was given to Bnei Yisrael. He explains that this signifies that proper study and observance of the Torah is the ^Sama DEChaya,` the elixer of life.

My father, Rabbi Joseph Gold, A`H, observed that there is an interesting notation in the Yomim Noraim Machzor. Above the words, ^UETeshuva, UETefilla, UETzedaka, (Repentance, Prayer and Charity) are the words Tzom, Kol and Mammon. Each is numerically equivalent to 136, as is the word Sulam when spelled fully. The message, my father said, is clear: Teshuva, Tefilla and Tzedaka are the rungs on the ladder. The way to reach the Heavens is to become close to G-d; the way to become close to G-d is with Teshuva, Tefilla and Tzedaka.

^Maase Avot Simon LEBonim.` Yaakov internalized the messages of the dream and moved forward in the face of adversity, as Rashi explainswith ease, because he knew that HaShem would watch over him and protect him. We would do well to learn the lessons of the dream. We know what we need to do: continually uplift ourselves and draw closer to HaShem. We know how to accomplish this: with a solid foundation in Torah and with Teshuva, Tefilla and Tzedaka.

Let us fulfill the message of the vision; the blessing of HaShem is sure to follow.

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From: Rafael Salasnik[SMTP:rafi@brijnet.org] Subject: daf-hashavua Vayetze 5762/2001

UNITED SYNAGOGUE - LONDON (O)

Ask the Dayan...Our Dayanim answer your questions

Q a) At the entrance to the block of flats where I live, a CCTV system has been installed for security purposes. May I enter the camera's optical field on Shabbat?

b) What is the sacred status of the name of Hashem which appears on a computer screen?

A Dayan Chanoch Ehrentreu answers-

The CCTV camera requires no adjustment over the course of Shabbat and continuously photographs the area within its range. The entry of a person into the range of the camera causes no change whatsoever to its operation as, for example, would be the case where the camera is operated by motion detectors or ultrasound technology. The problem you raised is based on the Halachic ruling that painting a picture or creating a graphic image on Shabbat constitutes a prohibited form of writing (Rambam, Shabbat 11:17).

Rabbi Moshe Feinstein ztl ruled that since the image on the screen is non- durable, it constitutes only a Rabbinic transgression and the act of producing an image on the screen is an unintended effect of an entirely permissible act. The person who enters the optical field is indifferent to that unintended effect and it is therefore permissible (Pesik Reisha delo ichpat lei beisur derabbonon mutar).

Rabbi Shlomo Zalman Auerbach ztl went a step further and held that an image on closed circuit television cannot be considered to be within the category of writing. An image produced by electronically generated fluorescent illumination does not involve imposing one

substance (e.g. ink) upon another (e.g. paper) nor does it involve imprinting letters or images upon a hard surface. Accordingly, such electronic phenomena do not have the Halachic status of writing.

Rabbi Auerbach likewise held that there is no problem in spelling out or erasing the Divine Name on a computer screen.

Please forward your questions for our Dayanim to the Editor.

Produced by the Rabbinical Council of the United Synagogue.

Editor: Rabbi Ephraim Mirvis mailto:editordaf@brijnet.org Address: Finchley Synagogue, Kinloss Gardens, London N3 3DU Editorial Board: Rabbi Yisroel Fine, Rabbi Philip Ginsbury, Mr Simon Goulden, Rabbi Dr Michael Harris, Rabbi Emanuel Levy, Rebbetzin Sarah Robinson, Rabbi Dr Julian Shindler Copyright 2001 United Synagogue Publications Ltd. <http://www.brijnet.org/us/daf.htm> <http://www.unitedsynagogue.org.uk>

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Kol Torah c/o Torah Academy of Bergen County [koltorah@hotmail.com](mailto:koltorah@hotmail.com) <http://www.koltorah.org>

Chaye Sarah  
MODERN ISSUES IN BRIT MILAH - Part Two  
BY RABBI HOWARD JACHTER

This week we shall continue our discussion of some of the questions that modernity has generated in regards to the Mitzva of Milah. We will discuss the use of shields and clamps in the context of Brit Milah. We seek to shed light on an area of moderate controversy and some misinformation.

The Plain Mogen, the Gomco Clamp, and the Bronstein Mogen A few hundred years ago, a plain Mogen shield was introduced to enhance the safety of Brit Milah. The Pri Megadim (Orach Chaim, Eishel Avraham 75:8) endorses the use of this shield. Most Mohelim use at least this basic shield for Brit Milah.

Approximately sixty years ago, the Gomco clamp was introduced and became a standard tool for physicians who perform circumcision. Halachic authorities strongly opposed the use of the Gomco clamp. Rav Yosef Dov Soloveitchik (personal communication in 1984), Rav Moshe Feinstein (Teshuvot Igrat Moshe Yoreh Deah 2:119), Rav Yosef Eliyahu Henkin (Eidut Leyisrael p.144), Rav Yaakov Kaminetzsky (Emet Lyaakov p.361), Rav Zvi Pesach Frank (cited in Teshuvot Tzitz Eliezer 8:29) and Rav Eliezer Waldenberg (Teshuvot Tzitz Eliezer 8:29) strongly oppose the use of the Gomco clamp. Virtually no Orthodox Mohel uses a Gomco clamp for a Brit Milah.

One major criticism of Gomco clamp is that no blood is drawn. The Gomco clamp causes the blood to stop flowing to the foreskin, thus producing a bloodless circumcision. Rav Soloveitchik, Rav Moshe, and Rav Waldenberg mention that the drawing of blood is an indispensable component of the Brit Milah procedure. Rav Chaim Soloveitchik of Brisk emphasizes this point vigorously (Chidushei Hagrach Al Hashas, Shabbat 135a). Rav Moshe seeks to demonstrate this assertion from Chazal's mentioning the act of drawing of blood in the Bracha recited at a Brit performed on a convert (Shabbat 137b).

Another proof is that Hatafat Dam Brit (drawing of blood) is performed on a baby whose Brit was conducted improperly, such as a Brit performed before the eighth day or at night (Shach Y.D.262:2).

Another major criticism expressed by Poskim is that Halacha views the dead foreskin as detached from the body. Thus, the Mohel has not performed any cutting, which is certainly an indispensable component of the Milah procedure. Rav Frank and Rav Waldenberg express considerable concern for what they perceive as the excessive amount of pain inflicted on the baby when using the Gomco clamp.

Bronstein Mogen

The famous Mohel, Rabbi Harry Bronstein zt"l, introduced in the late 1950's an upgraded version of the traditional Mogen. Rabbi Bronstein writes (in a pamphlet introducing his Mogen) that he seeks satisfy the standards of both the secular medical establishment and Halachic authorities. At that time, doctors advised against performing a Brit without a clamp and many parents heeded their advice. Mohelim were caught in a terrible dilemma because the Brit implements that the Rabbis permitted were forbidden by the doctors and what the doctors permitted the Rabbis forbade. Rabbi Bronstein developed his Mogen to satisfy both Rabbis and doctors and thereby facilitate proper fulfillment of the Mitzva of Milah by millions of Jews. Rabbi Bronstein notes that Rav Eliezer Silver (one of the outstanding Torah luminaries of North America in the middle of the twentieth century) gave his written approval to this procedure (printed in the Torah journal Hapardes, volume 30 number 1). In addition, I have been informed that many Mohelim prefer to use the Bronstein Mogen because of its considerable safety benefits (it leaves much less to chance).

There has been a somewhat mixed reaction among the Poskim to the Bronstein Mogen. Rav Yosef Dov Soloveitchik told me (in 1984) that the use of this implement is acceptable if blood is drawn. Blood is drawn at every Brit where the Bronstein Mogen is used properly (as noted by Rav Moshe Pirutinsky's Sefer Habrit p.179). When used properly, the Bronstein Mogen

does not eliminate the blood supply to the foreskin. Accordingly, Rav Moshe Feinstein (Teshuvot Igrat Moshe 3:98) rules that a Milah performed with the Bronstein Mogen is acceptable. Rav Shlomo Zalman Auerbach (cited in Nishmat Avraham 5:86-87) also rules that a Mogen clamp is acceptable if blood is drawn. Rav Shaul Yisraeli (Teshuvot Bemareh Habazak 2:96) recommends the use of the Bronstein Mogen at least in certain circumstances.

There have been two points raised to argue that it is less than ideal to perform Milah with a Bronstein Mogen. One argument is that the Rambam (Hilchot Milah 2:2) and Shulchan Aruch (Y.D. 264:3) describe the Mohel performing the Periah process (removal of the second level of skin beneath the foreskin) with his fingernail. Moreover, the Shulchan Aruch describes Milah (removing the foreskin) and Periah as two discrete processes that are occasionally done by two different people on one child. A Mohel who uses the Bronstein Mogen accomplishes the Milah and Periah with one simultaneous cut. The Bronstein Mogen sets in place all of the skin that the Mohel will cut and the Mohel subsequently performs the Milah and Periah with one cut.

However, a responsum of Rav Hai Gaon (printed in Teshuvot Hageonim Shaarei Tzedek 3:5:6) endorses the practice of Mohelim in his country (Babylon) to simultaneously perform both Milah and Periah, even though the Mohel does not perform the Periah with his fingernail. Moreover, Rav Moshe Feinstein (Teshuvot Igrat Moshe Y.D. 1:155 and 3:98) permits simultaneous performance of Milah and Periah and endorses the authenticity of the Teshuva attributed to Rav Hai Gaon. Shulchan Gavoa 264:27 (an important Sefardic authority) records the practice of Mohelim in Solonika (described by Rav Ovadia Yosef as a community filled with pious and learned Jews) to simultaneously perform Milah and Periah.

Many more Halachic authorities rule Periah is acceptable even if the Mohel does not use his fingernail. Rav Chaim Ozer Grodzinsky (Teshuvot Achiezer 3:65:12) notes that since Periah is impossible to perform with a fingernail when performing a Brit on an adult, Periah performed on adult converts is accomplished with an instrument. Rav Chaim Ozer concludes that it is definitely acceptable to perform Periah with an instrument. Rav Ovadia Yosef (Teshuvot Yabia Omer 7 Y.D. 22), after citing numerous authorities to support his opinion, rules that Periah with an instrument is acceptable. The aforementioned Poskim, however, write that it is preferable to perform Periah with a fingernail as described in the Shulchan Aruch. Mohelim who use the Bronstein Mogen argue that the safety and societal benefits of the implement justify the performance of Periah in a halachically acceptable, albeit less than ideal manner. Moreover, the practice of the Mohelim of Babylon and Solonika constitutes ample precedent to perform Milah and Periah simultaneously, without using a fingernail.

The second reservation that Poskim express is the reluctance to endorse a change in the traditional procedure for Brit Milah. Even though Rav Moshe Feinstein rules that a Milah performed with a Bronstein Mogen is acceptable, he declines to endorse its use. Rav Moshe explains that "one should Lechatchilah (initially) avoid anything new." Rabbi Donny Frank (Journal of Halacha and Contemporary Society number 36, Fall 1998, p.50) notes that "the application of Chadash Assur Min Hatorah (any new procedure is forbidden) to methods of Brit Milah is a curious one for innovations have been made over the centuries including the plain shield which is commonplace today." Indeed, Rav Shlomo Zalman Auerbach and Rav Yosef Shalom Eliashiv are cited (Nishmat Avraham 5:84) as ruling that a Mohel is "obligated" to use anesthetics if it medically sound to use them, even though it represents a departure from the traditional procedure. Similarly, one may argue that the safety afforded by the use of the Bronstein Mogen justifies the departure from the traditional procedure for Brit Milah.

Rav Yechezkel Landau (Teshuvot Nodah Beyehudah OC. 2:18) presents guidelines for legitimate Halachic innovation. The Nodah Beyehuda was asked whether a synagogue may be constructed in a shape other than the traditional rectangular form. Rav Landau responded that although Halacha has no specific requirements regarding the shape of a shul "it is best not to deviate from the venerated practices [of the Jewish People]." However, he writes, "If the reason [a departure from the traditional practice is desired] is that the proposed plan will allow for more available seating area, there is no reason why this plan should not be implemented." Rav Laudau asserts, though, that the change is inappropriate if the motivation to change the shape is to imitate the architectural style of the nobility.

Similarly, Rabbi Harry Bronstein's motivation for introducing his Mogen was pure and noble. He risked his life for decades to perform tens of thousands of Halachic circumcisions in the Soviet Union, despite government decrees, in accordance with Jewish tradition (see Shabbat 130a). Rabbi Bronstein established more than sufficient credibility to believe his written assertion that his motivation to develop his Mogen was to facilitate Milah for millions of Jews who would otherwise refuse a Halachic circumcision for their children. Moreover, the enhancement of the safety of Brit Milah is a legitimate reason for change, just as the introduction of the plain shield was accepted as a legitimate change. Furthermore, Rabbi Bronstein wrote that he has not introduced anything new. Rather, he has merely modified the plain shield that Mohelim

used in Europe for many generations.

Finally, Mohelim report that the Bronstein Mogen does not cause any more pain to the boy than the traditional shield. Moreover, Rabbi Donny Frank (op. cit. p.40 note 14) cites a scientific study whose results were cited in a report by the Associated Press, which compared the reactions of babies to the Bronstein Mogen and the Gomco clamp. The report states: "The boys circumcised with a MogenB had less than half the heart rate increase and total crying time of infants circumcised with a GomcoB Oxygen levels were also higher in the Mogen infants, a sign they suffered less stressB With the Mogen, half of them did not cry at all. They were comfortableB With the Gomco clamp they cried longerB over 60% of the time."

Conclusion

Almost all Mohelim use at least a plain shield and virtually all Orthodox Mohelim do not use a Gomco clamp. Regarding the BronsteinMogen, there is no universally accepted practice. Some Mohelim use it for every Brit they perform, some use it only upon request, and others never use it. Rav Yosef Dov Soloveitchik and Rav Eliezer Silver permitted its proper use without any reservations (as long as blood is drawn). Rav Moshe Feinstein and Rav Shlomo Zalman Auerbach are among the many Poskim who rule that a Brit performed with a Bronstein Mogen is acceptable (as long as Brit is drawn). The objections articulated by Rav Waldenberg (Teshuvot Tzitz Eliezer 8:29 and 10:38) seem to apply only when the Mohel fails to use the Bronstein Mogen properly.

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Toldos  
MODERN BRIT MILAH ISSUES - Part Three  
by RABBI HOWARD JACHTER

This week we will conclude our discussion of modern Brit Milah issues with a discussion of Brit Milah on Shabbat for a baby that was conceived by artificial insemination or in vitro fertilization and the use of anesthetics at a Brit.

Brit Milah on Shabbat, Bathhouse Insemination, Artificial Insemination, and In Vitro Fertilization

The Gemara (Shabbat 130-134) teaches that we perform the Milah even on Shabbat if that day is the eighth day of the baby's life. The Gemara (Shabbat 135), however, notes that this applies only to a baby born in a manner where the mother is rendered ritually impure (as described in Vayikra 12:1-8). Thus, we do not circumcise a baby that was born by caesarean section on Shabbat (see Shulchan Aruch Yoreh Deah 266:10). A mother becomes ritually impure at birth only upon a "conventional" birth.

The Gemara (Chagigah 16a) discusses the Halachic implications of a bathhouse insemination. Commenting on this Gemara, Rabbeinu Channanel writes "this is a miraculous act and a woman does not become ritually impure upon this type of conception because it does not meet the specifications of the Pasuk (Vayikra 12:1) 'when a woman conceives and gives birth.'" Thus, according to Rabbeinu Channanel, we may not circumcise the child conceived by bathhouse insemination on Shabbat.

Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 3:98:4) presents two possible ways to interpret Rabbeinu Channanel. One is that since the conception occurred miraculously the woman does not become ritually impure at birth. A second interpretation is that the woman is not rendered impure because the conception occurred in an unconventional manner. Rav Shlomo Zalman believes that the second interpretation is the correct one.

Rav Shlomo Zalman notes that according to the second interpretation, Rabbeinu Channanel would rule that a woman who was artificially inseminated does not become ritually impure at birth, since the conception was unconventional.

Accordingly, Rav Shlomo Zalman suggests that one should not perform a Brit on Shabbat on a boy that was conceived by artificial insemination.

Rav Hershel Schachter rules that we should follow Rav Shlomo Zalman's approach and not circumcise the child conceived by artificial insemination on Shabbat. Rav J. David Bleich (Tradition Summer 2001 - volume 35 no. 2 - pp.61-62) notes that the same rule applies to a child that is conceived by in vitro fertilization.

Parents for whom this is relevant should discretely inform the Mohel, as he is unlikely to inquire how the baby was conceived. Rav Bleich writes that in order to protect the family's privacy, parents may tell people that the Brit will not take place on Shabbat because the baby was a caesarean section birth or jaundiced. Rav Bleich rules that one may tell a "white lie" in such circumstances (see Rashi to Breishit 18:13). We should note, however, that Rav Ovadia Yosef (Yaalkut Yosef, Kitzur Shulchan Aruch p.904) rules that one may perform a Brit on Shabbat on a baby that was conceived by artificial insemination or in vitro fertilization.

Anesthetics at a Brit

Poskim have debated for more than a century the Halachic viability of general and local anesthesia for Brit Milah. Recently, Poskim have actively debated the use of a topical anesthetic at a Brit. This debate remains unresolved, as some Mohelim use an anesthetic and many do not. We will

begin by reviewing the classic debate regarding the use of anesthesia at a Brit Milah.

Three distinct approaches to this problem appear in Halachic literature. Rav Yechiel Yaakov Weinberg (Teshuvot Seridei Eish 3:96) adopts an intermediate approach to this issue. He rejects the idea that experiencing pain is an integral component of the Milah process. On the other hand, he notes that many Rishonim rule in accordance with the opinion that Mitzvot Tzrichot Kavannah. Rav Weinberg argues that one cannot be placed under general anesthesia for Milah, since an anesthetized patient is unable to have Kavannah to fulfill the Mitzva of Milah. This argument is especially important in light of the Magen Avraham's (60:3) ruling that Kavannah for a Torah obligation is indispensable. Rav Weinberg is even more emphatic regarding the Milah of an adult convert. Rav Weinberg writes "behold it is by the Brit that he enters into Kedushat Yisrael and if he is sleeping during the Milah, who ushers him into Kedushat Yisrael?" Indeed, Rabbi Yitzchak Fischer, a very active Mohel from Monsey, told this author that Rav Moshe Feinstein permits only a local anesthetic for an adult convert but forbids a general anesthetic for an adult convert.

Rav Weinberg's argument applies only to the circumcision of an adult. Rav Weinberg does not object to the use of full anesthesia on a baby, but he does not endorse it either, since its use constitutes a departure from accepted practice. On the other hand, he permits using a local anesthetic even for an adult. He explains, "We have not found anywhere that there is a Mitzva to circumcise in a manner that inflicts pain."

On the other hand, the Maharsham (Teshuvot Maharshom 6:85) and Rav Ovadia Yosef (Teshuvot Yabia Omer 5:Y.D. 22) permit full anesthesia even for an adult. Rav Ovadia cites the celebrated responsum of the Maharach Ohr Zarua (number 11) who asserts that the fundamental Mitzva of Milah is the state of being circumcised. Accordingly, he argues, it is irrelevant that one lacks Kavannah while he is anesthetized. One fulfills the Mitzva simply by being circumcised. Rav Ovadia adds, "The Kavannah of the Mohel suffices for the one being circumcised, especially since the Mohel is the latter's Shliach (agent)." The Maharsham emphasizes (based on Gittin 70b) that agency does not expire when the Meshaleiach (principle) sleeps. The Maharsham equates an anesthetized patient with a sleeping individual. Rav Weinberg, on the other hand, believes "an anesthetized person is the Halachic equivalent of a rock, and one does not fulfill the Mitzva on a rock." Rav Ovadia Yosef concludes his Teshuva by relating that the Beit Din of Jerusalem authorized the performance of a Brit on an adult convert to whom general anesthesia was administered.

At the other extreme, Rav Meir Arik, who lived in Tarnow, Galicia, (Teshuvot Imrei Yosher 2:40) forbids even a local anesthetic. He argues that the experience of pain is an integral component of the Mitzva of Brit Milah. He notes that Bava Kama 85a demonstrates that anesthetics were available to Chazal. He points out that despite the availability of anesthetics, Chazal chose not to use anesthetics at a Brit. He infers that Chazal oppose using anesthetics at a Brit because pain is an essential component of a Brit.

The Imrei Yosher argues that this idea is reflected by the following Midrash (Breishit Rabbah 47:9, commenting on Breishit 17:26) that states "Rav Abba said, 'He suffered pain so that Hashem will double his reward.'" Rav Weinberg, though, counters that this Midrash merely demonstrates that Avraham Avinu desired the reward for the pain he had to endure for Brit Milah. It does not prove that there is an obligation to inflict pain on baby boys who do not intend to be rewarded for their pain.

Rav J. David Bleich (Tradition Summer 1999 - volume 33 number 4 - pp.56-60), in turn, explains the argument of the Imrei Yosher. Rav Bleich notes that if one experienced pain in the process of a performing a Mitzva, such as obtaining an Etrog that was ensconced in thorns, he would not receive any additional reward for the pain he endured in order to obtain the Etrogs. Why then does the Midrash state that Avraham received reward for the pain he endured during Brit Milah? Rav Meir Arak's answer is that experiencing pain is not an aspect of the Mitzva of taking an Etrog, but it does constitute an aspect of the Mitzva of Brit Milah.

#### The Current Dispute - Topical Anesthetic

Recently, doctors have developed topical anesthetics such as EMLA, that reduce the pain that babies experience during a Brit. There has been a mixed reaction by Poskim regarding its use at a Brit. Rav Eliezer Waldenberg (Teshuvot Tzitz Eliezer 20:73) forbids its use based on the Imrei Yosher. Rav Wosner of Bnei Brak (Teshuvot Shevet Halevi 5:147:2) also forbids the use of a local anesthetic on a baby except in case of great need. Rabbi Yitzchak Fischer told me that Rav Wosner told him that one may use a local anesthetic when circumcising an adult because of the great need to do so. Rav Wosner believes that absent great need one should not tamper with the traditional character of Brit Milah, which includes experiencing pain. He cites the Gemara (Gittin 57b) that explains the Pasuk (Tehillim 44:23) "For Your sake we are killed all of the day", to be referring to Brit Milah, as proof for his assertion.

On the other hand, Dr. Abraham S. Abraham (Nishmat Avraham 5:8384) reports that Rav Yaakov Hillel, a Rosh Yeshiva of a prestigious Yeshiva for Kabala studies, investigated the matter and found no source in the Zohar and other Kabbalistic works that teach there is any special value attached to the

suffering of a baby during his Brit. In fact, the Rosh Yeshiva remarked that despite the fact that the Zohar teaches that birth pains atone for Chava's sin, we make all efforts to reduce the pain a woman experiences during birth, and no rabbinic authority objects. Indeed, Dr. Abraham reports that both Rav Shlomo Zalman Auerbach and Rav Yosef Shalom Eliashiv told him that if there is no medical problem associated with the use of a topical anesthesia, then there is an obligation to use it at a Brit to reduce the suffering of the baby.

#### Conclusion

Rabbi Fischer reports that an injection of a local anesthetic is administered at almost all circumcisions of adults. He reports that a general anesthetic is used for an adult born Jew only in case of great need. He relates, though, that Poskim do not permit general anesthesia for an adult convert in virtually all cases.

Some Mohelim have begun to use topical anesthetics at a Brit of a baby. However, many Mohelim decline to use them due to reports of medical complications caused by these anesthetics. My father-in-law Rabbi Shmuel Tokayer reports that he has heard of incidents where the anesthetic cream caused the foreskin to become inflamed. Rabbi Tokayer told me that it is highly imprudent to perform a Brit on an inflamed foreskin. Rabbi Fischer told me that he has heard similar reports and expressed similar concerns. Rabbi Fischer added that anesthetic cream sometimes causes high blood pressure and increased bleeding at a Brit. Interestingly, Rav Moshe Feinstein (Teshuvot Igrat Moshe Y.D. 4:40) writes that we do not use anesthetics at a Brit because of the danger associated with anesthetics. His concern might apply to the topical anesthetic creams.

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From: Eretz Hemdah eretzhem@netvision.net.il To: Hemdatya@eretzhemdah.org Hemdat Yamim

Moreshet Shaul (from the works of Hagaon Harav Shaul Yisraeli zt"l) May a Doctor Receive Pay? (from Chavot Binyamin, siman 110)

While, traditionally, a doctor was quite limited regarding the services for which he could charge a fee (Shulchan Aruch, Yoreh Deah 336:2), there is a possibility to say that nowadays he has more leeway.

The Gemara (Kiddushin 58b) brings an apparent contradiction regarding the question whether the workers involved in the para adumah purification process may receive a salary. The Gemara, in answering the question, distinguishes that they can receive money for the filling and bringing of spring water but not for the actual purification process. The Ramban (Torat Ha'adam, end of section on "Sakana") applies this distinction to the medical profession. He states that the doctor "may not receive pay for knowledge and teaching, which is analogous to the purification process itself, but he may take pay for the toil involved, which is analogous to bringing the water." The Machane Ephraim (S'chirut, 17) explains the distinction that the mitzva is the actual purification and not the preparatory bringing of water. Likewise, the demanding nature and the very substantial expense of the training which precede one's certification as a doctor [which were much less extensive in ancient times] are analogous to bringing the water and justify payment.

The preparation for a medical career is not a mitzva which is incumbent upon a given individual, but is embarked upon by free choice. It follows that one enters medical school with the intention to be repaid for his time, toil, and money by demanding appropriate compensation when he reaches the requisite expertise. Every patient who requires the doctor's help, throughout his medical career, is considered a part of the group of people on behalf of whom the preparations with their toil were carried out. Therefore just as one could be paid for bringing water for the para adumah, any given patient can be charged for part of the doctor's education. (Although the Ramban says that the doctor cannot demand pay for limud (education), this refers to the doctor's instructions to the patient, not the doctor's own training [see Shach 336:8].)

The Ramban uses the distinction, between those who have a direct obligation to help and those who are part of a general population who need to help, to explain the halacha of a ferry operator. A ferry operator who ferries an escaping captive may not raise the normal price due to the fugitive's desperation (Bava Kamma 116a). In contrast, the Ramban says that a doctor could demand more money than normal, because healing is a mitzva which applies to the whole world. This explanation seems difficult, because it could be that, in a given case, there are no other doctors to heal the ill and, in any case, a doctor is not permitted to turn down a request for treatment once he has been approached. Based on what we have previously said, it seems that the Ramban means that since originally he had no obligation to learn medicine, he can subsequently demand a fee as he sees fit from his patients. Since, as the Ramban says, his medical

wisdom is priceless, and, therefore, the patient is not paying more than he receives, the doctor may set the price for his past, voluntary study of medicine at whatever price the patient agrees to.

It seems clear that in the case of the ferry, if other ferries were available, then the fugitive was not forced to agree to the price, and he must pay as agreed. However, if there was collusion among the ferry operators to raise the price, then the extenuating circumstance (oness) which caused the fugitive to agree to an unreasonable price and would exempt the fugitive, applies in relation to all the operators. The same logic should apply to a group of doctors who collectively raise their prices unreasonably. However, the Ramban points out that, from the patient's perspective, he would still have to pay because the doctor's wisdom is priceless. However, the doctors would be sinning in such a case, because the Torah says that they may charge only for their toil, whereas their wisdom should be shared for free. Post facto, they may receive the larger sum of money, since it can be attributed to their training, but then they turn their opportunity to heal as a mitzva into a business opportunity designed to acquire their desired earnings.

feedback@eretzhemdah.org <http://www.eretzhemdah.org>  
(<http://www.yerushalayim.net>) American Friends of Eretz Hemdah  
Institutions c/o Olympian 8 South Michigan Avenue Suite 605 Chicago, IL  
60603 USA

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From: Ohr Somayach[SMTP:ohr@ohr.edu] Subject: Weekly  
DAFootnotes - #17

Weekly DAFootnotes Bava Kama 114-119 By Rabbi Mendel  
Weinbach, Dean, Ohr Somayach Institutions

NOT SLAVES TO SLAVES

What is the difference between a "poel" (worker), an "eved" (slave) and  
a "sachir" (hired man)?

Regarding the first the Sage Rav rules that a worker has the right to  
quit his job even in the middle of the day. The reason given is that in the  
Torah (Vayikra 25:55) Hashem declares "The Children of Israel are slaves  
to Me, they are My slaves (only)," implying that they are not to be "slaves  
to slaves."

Does this mean that it is improper for a person to hire out his services  
for a long period of time, just as it is improper for him to sell himself as a  
slave unless he is in the most desperate of circumstances?

The commentaries differ on this point. Tosefot (Bava Metzia 10a)  
makes a distinction between a slave who cannot unilaterally end his  
bondage and an employee who can do so, that the latter cannot be  
considered in violation of "they are My slaves only." Rabbi Mordechai  
Ashkenazi, however, contends that there is a limit to how long one may  
hire himself to another. While it is true that a worker is not a slave but  
rather a "hired man" and the above passage was cited only as proof of his  
right to quit, there is a limit to how long he can still be considered only a  
hired man and not a slave. This limit is found in the passage (Yeshaya  
16:14) which defines "three years as the years of a hired man." Once he  
commits himself to employment for more than three years he has  
exceeded the term of a hired man, and although not actually becoming a  
slave he is violating the spirit of the Divine command to avoid being  
"slaves to slaves."

This latter opinion is cited by Rema in Shulchan Aruch, Choshen  
Mishpat (333:3), who cautions workers, including teachers and scribes,  
against hiring themselves out for three years. (The commentaries point  
out that this is a printing error and should read "more than three years" as  
it appears in the source.)

Bava Kama 116b

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