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## INTERNET PARSHA SHEET ON VAYEITZE - 5771

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### **Rav Soloveitchik ZT'L**

Notes ( Volume 3)

Notice These are unapproved unedited notes [of R.Y.?] of classes given by Rav Soloveitchik. We do not know who wrote the notes. However we offer this to the world that maybe someone can get some use out of these notes. A member of the family has looked at the notes and said that look like the real thing . (Rav Soloveitchik did NOT write these notes.) [Thanks to David Isaac for typing these notes]

Lecture delivered by Rabbi Soloveitchik on Saturday night,  
December 1, 1979

"Vayetze" There is a question: We know not more or less about the three "Ovos," the patriarchs, than what Torah tells us. Could you characterize each one? Each one was changed with his own mission, his own station in life. In the Tefilah (shmono esrei) it says, "Elokay Avrohom, Elokay Yitzchak, Elokay Yaakov". It could simply have said, "the G-d of Abraham, Isaac and Jacob." However, each one did what the other did not. What was the task of each? Yaakov is unique in one regard, vis-a-vis Abraham and Yitzchak. His name 'Yaakov' or Yisroel and entity was passed on to the whole nation. It (the nation) is known as Yaakov or more commonly Yisroel. Often the nation is referred to as "Bnai Yaakov" or "Kehilas Yaakov".

What was the task of Abraham. Interestingly, G-d told Yitzchak (sedra Toldoth, Chapter 26, line 5) "I'll do all I promised for the sake of your father (not for your sake)." In today's sedra, Vayetze, chapter 28, line 13, we find already mentioned, "I am G-d of your father Abraham and the G-d of Isaac." Apparently, in the first sedra of Toldoth, immediately after G-d revealed Himself in a dream, Isaac did something. He built a "Mizbayach" an altar. It must be interpreted thusly: "G-d said to Isaac, 'As long as you don't teach as your father Abraham, do what he did. It will be for the sake of your father.'" Immediately, the next day he built the "mizbayach". It is interesting that the Torah here never speaks of bringing up a Korban -- sacrifice except for the "Akedah of Yitzchak". Instead, the 'mizbayach' was the symbol of teaching. Therefore, Yitzchak was interested in teaching both the knowledge of his father and that of himself. He understood this very well! He built and began to teach not only the knowledge of Abraham but his own contributions. Therefore, the patriarchs become "Elokay Avrohom, Elokay Yitzchak,

Elokay Yaakov." Each one was a separate entity; each taught his own contribution!

What did Abraham actually teach? He taught "chessed" - lovingkindness and "emunah" (faith) in Hakodosh Boruch Hu (the Almighty). Abraham is known as the Knight of Faith -- "Ish Emunah" par excellence. It tells of his "Hachnosas Orchim" - kindness to strangers (the Angels), his intercession on the part of Sodom. The "Akedahs Yitzchak" is a whole entity of 'Emunah'. In olden times of the Talmud, it was customary to feed "Avaylim" - mourners in the public squares, when there was no time, they used to make "Brochos" and each one spoke of the "chessed Avrohom" - the kindness of Abraham. The Jewish people are a unique people because of 'gemilas chessed'. Without this attribute, they could not have survived. The history of Jews is chessed and Emunah -- kindness and faith. Every Jew knows that when he is in trouble, the whole antion will come to aid his suffering. Also, 'Emunah' is crucial as exemplified by our faith in the coming of meschiach - the messiah. Abraham not only performed it well but passed it on to his children.

What was Yitzchak's contribution? Yitzchak was simple - sacrifice. We are mistaken to say that the "Akedah" was only a test. When the liturgy speaks of the ashes on the altar, it is actually called "Afray Shel Yitzchak", the ashes of Yitzchak. When Abraham was told in the middle of the night to bring up Yitzchak as a burnt offering, Abraham did not sleep already. Instead, he considered Yitzchak already as the "ayleh" the offering. A true sacrifice on the altar took but a matter of minutes. Here, he planned it for the three days they spent traveling together to Mt. Moriah.

What was Jacob's job? Actually, he was a combination of "chessed and gevurah" - kindness and strength. Jacob was the patriarch who was told by his parents, "Go into exile." The covenant with Abraham was "Eretz Yisroel". With Abraham there was a three sided partnership consisting of Avrohom, G-d and Eretz Yisroel. With Jacob there was no revelation, no "krisas bris" - sealing of a covenant - until he left his land to actually go to Choron. Only when he left and was on his way out did the promise come. What was the contrast between G-d's promise to Abraham and the promise to Jacob? To Abraham, He promised "Eretz" - the land. To Jacob He promised, "It will never be taken away. He will hold it in trust for Jacob's children." Jacob was apparently frightened here at leaving his land. "Maybe Esau will take over the land while I am away! Esau will take over the land for good and raise cattle." What is the promise? "I am the shomer - the guard! You go and I'll be the guarantor." (The fact is that during the 22 years of Jacob's absence, Esau with all his men easily could have established themselves but they did not and when Jacob returned, they quietly moved off to the mountains of Seir.) Years later when Jacob was again confined at Beer Sheva on the way to Mitzraim, "Vayera Aylov Elokim B'maras Halayla". (Chapter 46, line 27 of Sedra Vayigash) G-d appeared to him in a dream at night. "Al Tiroh Yaakov" - do not fear, Jacob. You won't lose the land. However, Jacob's contribution was made "chutz l'oretz" - outside of the land. On both occasions, G-d comforted him with the promise, "Don't be afraid; I'll keep it for you!" Why "Bmaras Halayla" - in a vision at night? Night is tragic, fearsome - dark! "But don't worry! It will happen though you don't understand it with a human mind. In my mind it is confirmed. "Geulah" - redemption cannot come without 'golus' - diaspora. "I know your fear, your anxiety - but don't worry! Your stay in Mitzraim will accelerate it."

Rambam says that Jacob was the only one to bear two names. For instance, one cannot call Abraham, Abram. It's a violation of a command. Jacob, however, had two names. In today's haftorah in one sentence we find both names, Yaakov and Yisroel. Rambam says that Jacob's role always was a dual personality. Yisroel means 'ruler, winner, conqueror!' What is "Yaakov"? - he who holds onto his brother Esau! In Yiddish: "Er hot sick nach geschlept an sein bruder" - he dragged along

behind his brother. This is the verse in the haftorah. Jacob was a fugitive in Aram. But despite his hardships, he also had a good time. Chazal says that he had a Bes Medrash in Choron and that his main purpose at Laban's was not sheep tending. There he taught people and therefore Rashi says that he responded to his brother on the encounter when he returned home. "Im Lovon Gart" (I observed the 613 commandments.)

It is easy to preach in one's native town. People will listen albeit not necessarily accept. However, in a strange town people turn away. Did he pass the test? Definitely! From haftora - "Vayivrach Yaakov" - Jacob came as a poor unknown to the fields of Aram. It is explained that Laban ran to Jacob because he knew he had a very rich sister. Jacob must have brought many riches, gifts, valuables. However, he was very disappointed. Disappointed he was but he let him stay one month (rent free). It was not pleasant; he had to swallow his pride and accept the hospitality of Laban. He had come as a poor boy. Had it been asked, "will he emerge victorious?", the answer would have been "obviously not!" But at the end of twenty years, he spoke not as "Yaakov" but as "Yisroel". Laban himself admitted, "you are protected by G-d," even though everyone predicted Jacob would lose to the crafty uncle. Jacob was called upon to prove that he can be "Yaakov" and "Yisroel" at the same time. Jacob had to demonstrate that he can be strong not only in his land but in the other's land. Who was Jacob's collaborator in the mission? It was Joseph.

Why was there the tragedy of selling Joseph? It could have been that G-d merely told Jacob, "Go to Egypt." Why the entire episode? It was necessary because Joseph had to demonstrate the same thing. Both had to show that "Yehadus" - faith in religion, is possible to carry on "Chutz L'oretz" - outside the land of Israel. Rabbi Yochanon ben Zakai exemplified it. He showed that "Yehadus" is possible outside of his land by creating the Yeshiva at Yavneh after the destruction of the Temple and the subsequent expulsion by the Romans. We still sit on the ground on Tisha B'Av and tell of the ten martyrs. But the nation was not destroyed. The difference is however that Jacob had to take the test of poverty while Joseph experienced it in poverty and in great nobility. Quite often Jews are tested on both levels. In Europe, especially in my time, to be a Jew meant to be poor. There was no comparison between Jews of Europe and those of America. A wedding there was like beggars. Jacob spoke: "the heat of day and the cold of night didn't take me from my job." Nevertheless, he continued the "mesorah" - the tradition by teaching his wives and his children.

It is strange but if you read the history of the Jews in the nineteenth century, in times of suffering the Jews found sources of heroism which he couldn't find in normal times. We have found documents describing how the Jews survived in time of the crusades and we certainly know about the heroics of surviving the holocaust. It is true that many Jews tripped and fell, were they German, French or British. But the nation survived. This is what G-d told Jacob. "Don't worry, you'll [does not continue]

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From ravadlerstein@torah.org to ravhirsch@torah.org date Thu, Nov 11, 2010 at 3:05 PM subject The Timeless Rav Hirsch - Parshas Vayeitzei

**The Timeless Rav Hirsch  
by Rabbi Yitzchok Adlerstein**  
Parshas Vayeitzei

Romantics Need Not Apply I

As a love story, it fizzles. It does not end the way such stories usually end. Then again, it has a different Author. He appears to be telling us something.

The story line begins with a familiar cast. A single male is on a journey that has no defined end. Forced to leave his beloved home, he bears his loneliness in solitude. He spots a young woman, and, whatever else he

perceives of her spirit and inner qualities, he also takes note of her beauty.

Waiting in the wings is a competitor – less attractive, but somehow better positioned to lay claim to the potential husband. When they are united in marriage, their relationship seems lackluster. The romance we anticipated between the man and the first woman he met at the well does not transfer easily to the relationship between Yaakov and Leah, the less attractive. Her mood is subdued, not vibrant and energetic.

In time – in very little time, as it turns out - the “romantic” pair are also united. But the story does not continue as it does in story books. By the end of the story, Leah, who began her relationship on a subdued note, becomes the principal matriarch of the real founding family of the Jewish people. Rochel, who previously seemed to be headed for the happier role, has far fewer children. The names of the children also point to the inequity in the roles of the wives. The names assigned to Leah's children form a progression, becoming more optimistic and cheerful, as she moves away from her original position as the “hated” one. The names of Rochel's children are darker and more somber. (It must be emphasized that the Torah uses the expression “hated” relatively, rather than absolutely. It does the same in Devarim, when it speaks of a man who has “two wives, one beloved and one hated,”[2] and denies him the right to award the privileges of the first-born to the offspring of his favored wife. The simple meaning of the text is that one wife is more pleasing to him than the other – not that he has any dislike or aversion for one of them. In regard to Rochel and Leah as well, the Torah writes that Yaakov “loved Rochel even more than Leah,”[3] certainly indicating that Leah was not hated.)

How this came about would seem decidedly “unromantic” in contemporary culture, but the explanation is revealing and valuable. It provides insight into the dynamic of the Torah family, the institution that is the focal point of our entire parshah.

Leah, despite her consciousness of being the less-loved wife, never veered from her twin goals of becoming the best wife and mother she could. She committed her love to her husband from the beginning, and remained undeterred by her role as the less-favored spouse. She pushed on, determined to win her husband's affections and nurturing their relationship, and trusting in the Presence of G-d in her household to help her accomplish her dream.

Her focus and her trust served her well. She called her first son Reuvain, from G-d seeing her affliction. By the time her second son arrived, the disparity between herself and Rochel was no longer obvious and visible, but could only be heard (Shimon). With a third son, she could say that her husband would become completely attached to her (Levi). She would walk side-by-side with him. Moreover, it was Yaakov who assigned the name – further evidence of the mutual love that had developed between them. With her fourth son, she was no longer even thinking of removing impediments to her marital bliss. She could enjoy the child as a pure gift, and give full-throated thanks (Yehudah) to Hashem for the blessing He had bestowed upon her.

Her plan had been clever, if unromantic. The chemistry and energy that she missed as a bride gradually became part of the marriage. She was prepared to work slowly but constantly to achieve it. What she lacked as the less-desired bride, she achieved by becoming the model mother of Yaakov's children.

That simple, elegant formula meant that her children grew up in an environment of love between their parents. It took patience and resolve to get there. The formula that worked in antiquity continues to hold the greatest promise to Jewish families in our times.

Rock Unsolid

Yaakov arose early in the morning and took the stone that he placed around his head and set it up as a memorial stone.[4]

As a locus of serving Hashem, the memorial stone/ matzevah has a fascinating history. It figures prominently in the avodah of the patriarchs,

and disappears in a flash. Not only does the matzevah vanish from the avodah scene, but its use becomes prohibited. Moreover, we learn that Hashem now detests it![5] Why this reversal of its fortunes?

In the early stages of Man's encounter with G-d, He made Himself recognizable chiefly through Nature. By peering intently at the world, an Avraham was able to discern purpose and design, and began his discovery of HKBH. Many others were receptive to his message. Presumably, Avraham's message resonated with the footprints of Hashem's presence that he left in Nature for those open-minded enough to see them.

At this point in time, a matzevah was a perfectly proper place to serve Hashem. The matzevah was some outcropping of stone, whose shape struck someone's fancy. The stone was a remnant of Hashem's Creation; it instantly reminded the person who stood beside it of the Designer and Creator responsible for it and everything that surrounded him.

All this changed when Hashem gave us the Torah. From that point on, Hashem's expectation of Man changed. Through the mitzvos of the Torah, Man now possessed the knowledge of how to use the world, how to elevate it. Discovering G-d, singing His praises through recognizing His central place in Nature would no longer be sufficient. Hashem now wished to see what Man would do with the gifts He gave him, beyond simply acknowledging their source. The matzevah now became insufficient. It pointed Man to a form of service to G-d that ignored a gift greater than Nature itself – the divine wisdom that suffuses the Torah. To serve G-d properly, Man would have to take from the materials around him and put them together according to Hashem's instructions in the Torah.

From this point on, the mizbeach – built by human handiwork, combining materials to form a new object – became the preferred and only suitable platform for serving Hashem.

1. Based on the Hirsch Chumash, Bereishis 29: 31-35 2. Devarim 21:15 3. Bereishis 29:30 4. Based on the Hirsch Chumash, Bereishis 28:18 5. Devarim 16:22

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<http://www.theyeshivaworld.com/news/Torah+Corner/75304/Parsha-Potpourri:-Parshas-Vayetzei.html>

**Parsha Potpourri: Parshas Vayetzei**  
(Thursday, November 11th, 2010)

The parsha begins by relating that Yaakov departed from Be'er Sheva and went to Charan. As the Torah doesn't write unnecessary letters, why didn't the Torah relay the information more succinctly by stating Vayeitzei Yaakov miBe'er Shava l'Charan, effectively eliminating one seemingly unnecessary word (vayeilech)?

The Medrash relates (Bereishis Rabbah 75:8) that prior to Yaakov's departure, Rivkah blessed him (Tehillim 91:11) Ki malachav y'tzaveh lach – Hashem will command His angels for you (to protect you on your journey). Rav Chaim Volozhiner explains that the reason she specifically blessed him with this verse is because the last letters of the first four words in it spell yuhach, which the mystics teach is the name of the angel that is responsible for accompanying travelers along their journeys.

The Gemora in Eiruvim (64a) advises that when a person takes leave of his friend, he should do so by mentioning a d'var halacha – legal matter. Whenever one of the Vilna Gaon's students had to go someplace, the Gaon would consistently share the same legal teaching: yachad v'rabim halacha k'rabim – when one Rabbi argues against a number of sages, the law is in accordance with the opinion of the majority (Berachos 37a). The reason that the Gaon specifically used this seemingly mundane and not particularly relevant legal ruling is because the first letter of each word spells yuhach, the name of the angel that he was indirectly blessing them should accompany them on their journeys!

Advertise On YWN » With this introduction, we can now understand why the Torah didn't relate Yaakov's journey in a more succinct manner. The seemingly superfluous letters required to write vayeilech Charana instead of simply l'Charan are anything but unnecessary, as they may be rearranged to spell yuhach, which is the Torah's way of hinting that his mother's blessing was fulfilled and this angel indeed guarded him during his travels.

Vayomer Lavan lo yei'aseh kein bimkomeinu laseis hatz'irah lifnei hab'chirah (29:26)

A young yeshiva student was once in the house of the Tchebener Rav. The Rav began to tell the young man about a certain girl whom the Rav believed would make a good match for him. At one point, while discussing the girl's family and her numerous strengths, the boy asked if it would be possible to see a picture of the girl before rendering a final decision about meeting her. Overhearing the conversation from the kitchen, the Tchebener Rebbetzin demonstrated her quick mind and remarkably sharp wit in rebuking the boy for his suggestion by calling out, "Lo yei'aseh kein bimkomeinu laseis hatzeirah lifnei habechirah!"

Literally, Lavan was defending his actions in switching his daughters under the chuppah against Yaakov's accusation of deceit by maintaining that the local custom was that the younger daughter may only get married after her older sister has been married off. However, saying the verse with the Rebbetzin's native Polish pronunciation (which is critical to the punch line), it can be reinterpreted to mean, "Our custom is that we don't give a picture (the Hebrew word for picture, tzurah, was pronounced by her the same as the word tzeirah, referring to the younger daughter) before you meet the girl (the word for a young girl, bachurah, is pronounced similarly to the word bechirah, which refers to the older daughter)."

Vayizkor Elokim es Rochel vayishma Elokim vayiftach es rachmah (30:22)

The Torah tells us that "Elokim" remembered the barren Rochel, heard her prayers, and opened her womb. Rav Avrohom Yaakov Pam questions the usage of the word Elokim, which represents the Divine attribute of strict justice. Wouldn't the name Hashem, which reflects His attribute of mercy, have been more appropriate?

Rav Pam explains that Rochel was barren and according to the laws of nature should not have had any children. However, on the day of her wedding that she had been looking forward to for seven long years, she learned that her father was replacing her with her older sister. In a moment of pure selflessness, she placed her sister's consideration above her own and shared with her the simanim (signs) that Yaakov had given her to prevent any potential deceit by Lavan (Rashi 29:25). In doing so, she created such a tremendous merit for herself that Hashem's sense of justice was compelled to change nature and reward her with a child which she otherwise would not have had.

Rav Elya Ber Wachtfogel points out that at the time of the incident, Rochel must have been sure that her actions would doom her never to marry Yaakov and bear children with him, but in Heaven, the reality was different. Had she gone ahead and married Yaakov, as was her right to do, she would have had a beautiful marriage, but unbeknownst to her, she was barren and would never have had any children. It was specifically through this act which appeared to destroy her chances of having the children that she so badly wanted that Rochel generated the merit which changed her fate and that of the Jewish people.

Similarly, Chazal teach that when Yitzchok was bound on top of the altar and his father was holding the knife and poised to slaughter him, he was overcome by fear to the point that his soul literally left him, and only a miracle brought him back to life. A little-known fact is that the Zohar HaKadosh teaches that Yitzchok was born with a female neshama which was incapable of reproducing. The soul which was returned to him, however, was a new one, that of a male.

The Shelah HaKadosh derives from here a beautiful lesson. As Avrohom went to the Akeidah, he thought that he was about to doom the future of the Jewish people by sacrificing his only Jewish offspring. He was willing to do so, as that was the test Hashem gave him, yet it seemed that he would have no Jewish descendants as a result.

In reality, Hashem knew that without the Akeidah, were Yitzchok to marry, he would be incapable of having children. The reason Rivkah wasn't born until the time of the Akeidah was that until that time, Yitzchok was incapable of having children with her. The exact episode which seemed so clearly destined to eradicate the future of the Jews was instead the precise mechanism which enabled their continuation. Rochel and Yitzchok teach us that a person never loses out from doing a mitzvah.

Vatahar vateile ben vatomer asaf Elokim es cherpasi vatikra es sh'mo Yosef (30:23-24)

When Rochel finally merited giving birth to a son, she commented, "Hashem has taken away my disgrace." Rashi explains that until now, whenever Yaakov wanted to know who broke something in the house or who ate a certain food, she had nobody else to blame. Now she would no longer be disgraced because the action could be attributed to her son.

This is difficult to understand, as we find earlier that Rochel was inconsolable about her inability to have children, remarking to Yaakov (30:1) "Give me a son, and if not, it is as if I am dead." Is the entire reason that she wanted a child so badly so that she could blame him for a broken plate or Yaakov's favorite food that she inadvertently ate? Was there no more lofty intent in her desire for children?

Rav Yaakov Yosef Herman answers that Rochel's primary desire and yearning for children was certainly rooted in elevated spiritual reasons. However, in expressing her thankfulness regarding this seemingly trivial point, she was teaching us an additional lesson. When it comes to a person's obligation to feel and express his gratitude, he must be appreciative for every component of the good that he has received, even down to the smallest and most minor benefit.

Answers to the weekly Points to Ponder are now available! To receive the full version with answers email the author at oalport@optonline.net.

Parsha Points to Ponder (and sources which discuss them): 1) Were Yaakov's 12 sons born after full-term pregnancies, and if not, why not? (Seder Olam 2, Derashos Chasam Sofer 7 Adar 2 5575)

2) After Yaakov explained to Rochel and Leah that Hashem had commanded him to leave Lavan's house and return to the land of Canaan, they responded with their consent. They explained (31:14-16) that they had no hope of inheriting their father's possessions together with their brothers and had been treated by their father as strangers when he sold them and held back their money, and added almost as an afterthought that they should go as Hashem had instructed. Why did they begin with rational justifications for their agreement to depart rather than focusing on the primary consideration – Hashem's command to do so? (Darash Moshe)

3) When Lavan kissed his children and grandchildren to bid them farewell (31:55), what deleterious spiritual effect did this have on them? (Peninim Vol. 2)

4) Rashi writes (32:2) that there are different sets of angels which minister in the land of Israel and outside of it, and they may not cross the border from one side to the other. How was Yaakov, who had returned to the land of Israel, able to send angels (32:4) to his brother Eisav, who resided outside of the land of Israel? (Even Yisroel)

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**From Destiny Foundation/Rabbi Berel Wein**  
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**Subject Weekly Parsha from Rabbi Berel Wein**  
**Weekly Parsha :: VAYETZE :: Rabbi Berel Wein**

The story of our father Yaakov, as portrayed in this week's parsha, is certainly the harbinger of all of the Jewish story in the long centuries of our exile and dispersion. Yaakov arrives penniless and persecuted - a survivor from the ravages of the enmity and sword of Eisav. He is subjected to further humiliation and discrimination in the house of his erstwhile father-in-law and employer Lavan who exploits his talents and labor to the fullest.

In spite of this unfair treatment, Yaakov prospers and builds a family and future for himself. Yaakov's success in the face of overwhelmingly negative circumstances only enrages Lavan and his sons and Yaakov is eventually forced to flee and return to the Land of Israel. Here, he will again encounter enmity and great challenges to the survival of his family and himself.

Through all of this tumult and danger Yaakov perseveres and succeeds in building a family that will develop into an eternal and holy nation. And this is pretty much the story of the Jewish people over its over three millennia of existence. No other people or group of immigrants has ever done so much for its host nation as have the Jews. Yet, in the main, their efforts and achievements have been unrewarded if not even resented. This phenomenon of ingratitude is Lavan's inheritance bequeathed in full measure to the non-Jewish world generally. The Jew may be elevated, exploited, rewarded or persecuted but rarely if ever is he truly appreciated. The world has a mental block against truly appreciating the role of the Jew in the progress of civilization. And in our current world, that mental block has been extended to focus mainly on the Jewish state of Israel.

The secret of Yaakov's ability to overcome Lavan, and to succeed in preserving the heritage of Avaraham and Yitzchak, lies in his constant

recollection of the great dream that he dreamt at the beginning of his sojourn in exile. God's presence in the house of Yaakov was a palpable one. He always felt God's presence over him and thus his vision of the long game that he was to play triumphed over the near sighted short game that Lavan always played. Yaakov, who is aware and confident in God's promise that "I will be with you," realizes that reversals and even tragedies are still only temporary events in the march of Jewish history. It is the constant recollection of his great vision and dream that fuels Yaakov's strength and sense of purpose. Lavan's vision from Heaven is merely a warning not to further harm Yaakov. But he lacks grander visions - no ladders that can ascend heavenward and no sense of eternity. In this respect Lavan and Eisav resemble each other acutely. They are all about "now" - the additional pot of lentils and labor that can be squeezed out of the weak and defenseless with no thought about the ultimate future and the consequences of their behavior. Yaakov states that "tomorrow I will come into my reward" - Jews are concerned about their ultimate tomorrow and not just their today. He who is concerned about tomorrow is also successful today. Shabbat shalom.

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From Ohr Somayach <ohr@ohr.edu>  
To weekly@ohr.edu  
Subject Torah Weekly

**TORAH WEEKLY—Parshat Vayeitzei**  
**For the week ending 13 November 2010 / 5 Kislev 5771**  
**from Ohr Somayach | www.ohr.edu**  
**by Rabbi Yaakov Asher Sinclair - www.seasonofthemoon.com**  
**OVERVIEW**

Fleeing from Esav, Yaakov leaves Be'er Sheva and sets out for Charan, the home of his mother's family. After a 14-year stint in the Torah Academy of Shem and Ever, he resumes his journey and comes to Mount Moriah, the place where his father Yitzchak was brought as an offering, and the future site of the Beit Hamikdash. He sleeps there and dreams of angels going up and down a ladder between Heaven and earth. G-d promises him the Land of Israel, that he will found a great nation, and that he will enjoy Divine protection. Yaakov wakes and vows to build an altar there and tithe all that he will receive. Then he travels to Charan and meets his cousin Rachel at the well. He arranges with her father, Lavan, to work seven years for her hand in marriage, but Lavan fools Yaakov, substituting Rachels older sister, Leah. Yaakov commits himself to work another seven years in order to also marry Rachel. Leah bears four sons: Reuven, Shimon, Levi and Yehuda, the first Tribes of Israel. Rachel is barren, and in an attempt to give Yaakov children, she gives her handmaiden Bilhah to Yaakov as a wife. Bilhah bears Dan and Naftali. Leah also gives Yaakov her handmaiden Zilpah, who bears Gad and Asher. Leah then bears Yissachar, Zevulun, and a daughter, Dina. Hashem finally blesses Rachel with a son, Yosef. Yaakov decides to leave Lavan, but Lavan, aware of the wealth Yaakov has made for him, is reluctant to let him go, and concludes a contract of employment with him. Lavan tries to swindle Yaakov, but Yaakov becomes extremely wealthy. Six years later, Yaakov, aware that Lavan has become dangerously resentful of his wealth, flees with his family. Lavan pursues them but is warned by G-d not to harm them. Yaakov and Lavan agree to a covenant and Lavan returns home. Yaakov continues on his way to face his brother Esav.

#### **INSIGHTS**

##### **Diamonds That Are Forever**

***“And Yaakov kissed Rachel and lifted up his voice and wept.” (29:11)***

If you give a child a priceless Cartier necklace, he will pick it up and play with it. It's bright and shiny. But after a few minutes he will get bored with the necklace and start to play with the red velvet-lined box that the necklace came in. It always amazes me that children are usually much more interested in the box than the present itself.

When it comes to mitzvot we are like children.

A mitzvah is a present valuable beyond our wildest dreams. We have no idea what a mitzvah is. We have no idea of its value.

***“And Yaakov kissed Rachel and lifted up his voice and wept.”***

Yaakov wept because he came to Rachel penniless. While on the way to Charan, Esav's son Eliphaz, acting on his father's command, pursued Yaakov and was about to kill him. Eliphaz, however, had been raised by his grandfather, Yitzchak, and could not bring himself to kill his uncle Yaakov.

Eliphaz asked Yaakov what he should do. How could he let Yaakov live and yet also fulfill the mitzvah of honoring his father's command?

Yaakov told him to take all his money. For the Sages say that someone who is poor is considered as though he were dead. In this way Eliphaz would be able to fulfill the letter of his father's command and fulfill the mitzvah of honoring his father. This is a very strange dialogue. If a person's father tells him to eat a Bacon/Cheeseburger, would he be penalized for failing to honor his parents by refusing to eat the burger?

The limit of honoring one's parents is where they instruct you to violate the will of G-d. And G-d said, "Do not murder". So why did Eliphaz seek Yaakov's advice how to honor his father? Clearly, there was no mitzvah incumbent upon Eliphaz. We can see from this how great was the love of those first generations for mitzvot. Even though Eliphaz had no obligation to fulfill his father's command whatsoever, Yaakov spent all his money and impoverished himself so that Eliphaz could fulfill the mitzvah of "Kibud Av" (honoring one's father).

And you can't say that Yaakov was careless with his money. The Talmud tells us that Yaakov, on his way to meeting his brother Esav, went back to retrieve some small jars. (Chullin 91)

A tzaddik realizes that the smallest gift that G-d gives us is as important as the largest. Neither may be wasted or neglected.

The Avot knew, as no one since, the value of "the diamonds in the box". They never thought twice about giving away the box — spending all their money — because the box is only to hold the diamonds. They knew that this world and all its riches are nothing more than a velvet-lined Cartier box.

They never made the mistake, as we so often do, of keeping the box - and throwing away the diamonds.

Written and compiled by Rabbi Yaakov Asher Sinclair

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To Peninim <peninim@shemayisrael.com>

Subject Peninim on the Torah by Rabbi A. Leib Scheinbaum

### **Peninim on the Torah by Rabbi A. Leib Scheinbaum**

#### **Parshas Vayeitzei**

#### **...And he dreamt, and behold! A ladder was set earthward and its top reached Heaven. (28:12)**

The Ben Ish Chai quotes his father who notes that the gimatria, numerical equivalent, of the word sulam, ladder, is 136. This number coincides with the gimatria of mamon, money. It is not a coincidence. In fact, he uses the gimatria to interpret the pasuk, v'hinei sulam, "and behold, a ladder," mutzav artzah, "was set earthward." As a result of the sulam/mamon material possessions, man senses that he is standing on the earth. He feels that the money is his personal achievement which he accomplished through his involvement in various areas of commerce while on the earth. What he does not realize is that, v'roshe magia ha'Shomaymah, "(and) its top reached Heaven." Every penny that he has earned was by Heavenly decree. One's ability to gain material bounty in this world is achieved only through the will of the Almighty. This can change at any time, and the rich man can overnight be turned into a poor man. This is what is meant by the conclusion of the pasuk, "And behold! Angels of G-d were ascending and descending on it." The Heavenly angels have a mission: To act as Hashem's agents for elevating the individual that Hashem wants to promote, and demoting the individual that Hashem wants to dismiss.

The Ben Ish Chai supplements his father's exegesis. What relationship exists between the money and the ladder? They have the same gimatria, and we do not believe in coincidence. A connection must link them. He explains that if one were to "animate" the rungs of a ladder, the top rungs might say something like this: "There are ten rungs on this ladder. Supposedly, we are all equal, but I know that the carpenter who fashioned this ladder saw that I was the most distinguished rung. Therefore, he placed me at the top of the ladder." This notion goes through the "mind" of the top rung of the ladder, while he arrogates himself over his fellow rungs. One day, the owner of the house against which the ladder was standing, took the ladder and turned it upside down. Suddenly, the top rung was no longer on top. He had become the bottom rung. In addition, now the new top rung will be more circumspect in viewing himself as better than the other rungs. He understands that the position of the rung is not determined by its uniqueness but, rather, by the whim of the homeowner.

The wealthy should not be haughty over their good fortune, for it can change overnight. It is a cycle that goes through the world. One minute one is on top, the next he could very well be on the ground, just like the rungs of a ladder. The idea of

"seize the moment" applies very well to tzedakah. While we have the money, let us use it to further our support of those in need. In response, perhaps Hashem will find us deserving of holding on to it a bit longer.

This might have been Yaakov Avinu's objective when he asked Hashem for lechem le'echol u'beged libbosh, "bread to eat and clothes to wear." One would think that the Patriarch would have more lofty requests to make of Hashem. Simply, this means that Yaakov asked for the bare minimum, no luxuries, only the bare essentials. On a higher plane, however, I think Yaakov was teaching us a significant lesson: The bread that we eat and the clothing that we wear are derived from Hashem. They are not products of our achievement, but gifts to us from the Almighty. We can never lose sight of this reality. Yaakov was affirming this lesson for us.

#### **Yaakov deceived Lavan HaArami by not telling him that he was fleeing. (31:20)**

Why did Yaakov Avinu sneak out from Lavan's home? The "deceit" that the Torah speaks about was that Yaakov never indicated to Lavan that he was aware of his displeasure with him. Yaakov represented everything Lavan despised. He was living proof that idol worship was a sham, its idols nothing more than useless stones. Lavan could not tolerate Yaakov; certainly, he was obsessed with his son-in-law's success. Apparently, Yaakov left discreetly in order to avoid a confrontation with Lavan. What did he fear? Yaakov was much stronger than Lavan, as we see from the way he rolled the large stone off the well. Yaakov's sons were nothing to ridicule. Clearly, if it came to a physical confrontation, Yaakov would prevail.

Horav Yosef Shalom Elyashiv, Shlita, explains that Lavan and his sons actually believed that everything which was in Yaakov's possession really belonged to them. The fact that he earned it fairly meant absolutely nothing to them. They had a very possessive attitude. Thus, if Yaakov were to leave, they would go to war against him. They were not relinquishing "their" property without a fight. Let us imagine that Yaakov had taken up arms against his father-in-law. After all, the man was a thief, a scoundrel, a cheat of the lowest order. This was not necessarily something that was public knowledge. The most vile deceivers put on airs of righteousness.

That was specifically part of Lavan's disguise. Think what people would say: Yaakov is fighting with his father-in-law! The chillul Hashem, desecration of Hashem's Name, which would result from this debacle would be devastating. As usual, people would knock the young "Jew" who had the gall to fight with his "loving" father-in-law. First, he shnorrs off of Lavan for over twenty years, then he takes "his" possessions. Is this not what always takes place whenever there is a fight in the "family"? It is always the fault of the newest member of the family. One would never think that the distinguished Lavan would be guilty of deception.

In order to prevent this chillul Hashem, Yaakov took the way out that presented him in a guilty light. People might now even believe Lavan's claims. After all, what kind of son-in-law sneaks out, unless he is guilty of theft?

We learn from this to what length we must go to prevent a chillul Hashem from occurring. People are easily fooled. They want to believe the status quo. It is so much easier to lay the onus of guilt at the doorstep of the "new guy." The old establishment has been in for "eons." Everybody owes them. They can do no wrong. Going up against this, Yaakov felt that he would rather be called a ganov, thief, by Lavan than have Hashem's Name profaned.

Alternatively, Horav Yitzchak Zilberstein, Shlita, quotes Horav Avizik Sher, zl, who derives another lesson from Yaakov's behavior. The Patriarch teaches us that one must always act with dignity. Klal Yisrael is a noble people; thus, we should act with nobility and behavior befitting an aristocrat. People of breeding are not loud, they do not call attention to themselves; they would rather ignore the fight than fight and win. Jews do not take an aggressive position. It is below our dignity. Take the low road, be passive, regardless of what other people would do in a similar instance. We are not other people. ...

Every person must believe that Hashem can perform the miracle, but the belief that He will change nature for him often only follows post-miracle.

In loving memory of our husband, father and grandfather on his yahrtzeit Elchanan ben Peretz z"l nifter 11 Kislev 5759 - Esther Kurant, Mordechai & Jenny Kurant, Aliza & Avrohom Wrona, Naomi & Avrohom Yitzchok Weinberger, Dovid & Chavi Kurant, Yossi & Chani Kurant

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Subject Rabbi Frand on Parsha

### **Rabbi Yissocher Frand Parshas Vayeitzei**

### **"Now I Have Someone To Blame" – That's Just The Beginning**

The Matriarch Leah had one son after another and the Matriarch Rochel remained barren. Finally, G-d remembered Rochel, He listened to her prayers and she gave birth to a son. We read "She conceived and bore a son, and she said, 'G-d has gathered in my disgrace' (Asaf Elokim es cherpasi)." [Bereshis 30:23] Based on the root of the word Asaf [gathered in], she calls her son Yosef.

Rashi first states that the simple interpretation of Rochel's reference to "disgrace" is the fact that she was barren. Rashi cites a Medrash that a married woman without children suffers disgrace because she has no one to blame if something is broken or eaten in the house. When she has a child and something breaks or is eaten, she can hang the blame on the child and tell her husband that it was the fault of his child.

This medrash is difficult to comprehend. How could this be Rochel's reaction to having a baby? Rochel earlier said to her husband, "Give me children – if not, I am dead!" [Bereshis 30:1] Her state of barrenness was so painful to her that she felt it would not be worth living if she remained in that state. So what should her reaction be upon finally having a son? Certainly, it should be something far less trivial than "Now I have someone to blame for the messy house and the eaten leftovers!" What is the meaning of "G-d has gathered in my disgrace"?

There is an interesting insight from the "Alter of Slabodka on the first of our morning blessings: 'Blessed are You Hashem our G-d, King of the Universe who has given the rooster the understanding to distinguish between day and night.' One might indeed wonder how this blessing merited such a distinguished place in the sequence of daily blessings. Is it more significant that "He Opens the eyes of the blind"? We could understand if the leadoff blessing would be one that thanked G-d for allowing us to walk, to be clothed, to stand up straight. Thanking G-d for the wisdom of a rooster would not seem to deserve such a high ranking in terms of the order of the morning blessings.

The Alter quotes a Gemara [Berachos 59b] that the proper blessing for rain is "concerning each and every drop that You brought down for us". Recognition of G-d's favors towards us (hakaras haTov) does not require us to be thankful for an abundance of rain, but we are required to be thankful for even the minutest of favors. The Alter points out that we as human beings have unbelievable intelligence. We are thinking creatures who can communicate and accomplish wondrous things with our intelligence. However, conceptually, the first "drop of intelligence" in this world is a rooster who knows how to distinguish between day and night. Just like we do not thank G-d for 35 inches of annual rainfall – or whatever amount we need to grow our crops – but rather we thank Him for each and every drop, so too we don't thank G-d for having a 130 IQ or the fact that we might be a successful brain surgeon. We thank Him for the minutest amount of intelligence that we perceive in the world – the instinctual knowledge possessed by a rooster that the morning has arrived. All of the intelligence that He showered on the world begins with the rooster who has a brain the size of a nail, but can distinguish between day and night.

This too is the interpretation of Rochel's expression of gratitude for now having someone to blame her household misdeeds when her first son was born. Certainly, she was overwhelmed with gratitude that she was no longer barren and was now able to have a child. However, her very first expression of gratitude was for even the minutest derivative benefit of this blessed event. "Now having someone to blame" was only the beginning of her thanks, it was not the full extent of her gratitude.

### **The Term Brothers In The Torah Represents Yachas Not Yichus**

At the end of the parsha, when Lavan ran after Yaakov and they eventually made a peace covenant with one another, the Torah records: "Yaakov instructed his brethren: "Gather stones!" So they took stones and made a mound, and they ate there on the mound." [Bereshis 31:46].

Rashi is bothered by the fact that the Torah says Yaakov instructed his brethren (echav). Rashi explains it to mean his sons and says they are called 'brothers' for they were like brothers to him, who would come to the fore in trouble and in case of war against him.

The Medrash Rabbah on which Rashi's comment is based is a bit more explicit. The term "echav" in the lexicon of the Chumash is not strictly defined by blood relationship but on commonality. Individuals who mutually admire one another, share values, and come to each other's aid even if it involves risking their lives are called brethren, whether or not in actuality they are truly brothers.

When Yaakov anticipates trouble from Lavan, he called his "brothers" – meaning those who loved him and shared the same goals in life as he did and who were willing to risk their lives for him. Rav Matsiyahu Solomon in paraphrasing this Medrash says "Ben" (son) is a "yichus" (blood relation), "Ach" (brother) is a "yachas" (relationship).

We find the same idea in Parshas Lech Lecha. When Avraham heard that Lot was captured, the pasuk states he heard "that his brother was captured" [Bereshis 14:14]. Of course, Lot was not really his brother – he was a nephew, but since Avraham was prepared to risk his life to rescue Lot, he is called in Biblical lexicon "achiv" (his brother).

This idea sheds new light on a Torah section in Parshas Ki Seizeh: "You shall not see the ox of your brother or his lamb cast off and hide yourself from them; you shall surely return them to your brother. And if your brother is not near you and you do not know him, then you shall bring it inside your house, and it shall remain with you until your brother's inquiring about it, then you shall return it to him. So shall you do for his donkey, and so shall you do for his garment, and so shall you do for any lost article of your brother that may become lost from him and you find it, you cannot hide yourself." [Devorim 22:1-3] In these 3 pasukim (verses) The word "achicha" (your brother) is mentioned no less than 5 times.

The Torah is teaching us how to relate to another Jew. We need to view him and treat him like a brother. The Torah concludes with a warning, "Lo tuchal l'hisalem." [You cannot hide yourself.] We would have expected this prohibition to be written as "Al tisalem" (do not turn away). The expression "Lo suchal" is much stronger than a mere prohibition. It is stating "You CANNOT turn away". What does that mean "You CANNOT"? We know that it is very easy to walk right past the object and turn away from it!

The answer is that if one appreciates the fact that the object truly belongs to his BROTHER (achicha) with all that this relationship implies in the Torah in terms of closeness and kinship, then he in fact will not be able to turn away from the lost property any more than he would be able to turn away from his own lost property.

This is what Yaakov meant in our parsha. The relationship that he had with his sons was a relationship of "ach", meaning he knew that he was able to count on them for self sacrifice and that they were totally committed to a common agenda and common goals.

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

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**Rav Kook List**  
**Rav Kook on the Torah Portion**  
**Psalm 91: "Dwelling On High"**

This chapter reflects on a single theme: God's protection of the righteous. Their trust in God is like a shield, deflecting all types of dangers.

The psalmist describes the many perils in the world. Some are spiritual pitfalls ('the snare-trap'), while others are physical ('the devastating pestilence'). Some exist only in our imagination ('the terror of the night'), while others are quite real ('the flight of arrows by day'). Some dangers are hidden and unexpected ('pestilence prowling in the darkness'), while others are known but we are helpless to avoid ('plague that ravages at noon').

But those who place their trust in God are shielded from all of them. What is the source of this special Divine providence? The psalm explains:

"For You, God, are my refuge. You placed your dwelling on high."  
(Psalm 81:9)

Yet this verse needs to be clarified. Who dwells on high? What does this phrase mean?

#### Blessing for Misfortune

A popular Hasidic story relates how a man once went to the great Maggid of Mezeritch with a question that deeply troubled him. He could not fathom how one could follow the Talmudic counsel that "One should bless God for the bad just as one blesses Him for the good" (Berachot 9:5). Is it possible to be thankful for one's troubles and misery? The Maggid replied that he should go seek out his disciple, Reb Zusha of Hanipol, and ask him this question.

The man followed the Maggid's advice and travelled to Rabbi Zusha. The tzaddik received him warmly and invited him into his home. As soon as the guest entered the house, it became obvious that the family was extremely poor. The furnishings were simple and bare, there was little food to eat, and the family members were beset with various afflictions and illnesses. Nevertheless Rabbi Zusha was happy and cheerful. The guest was astonished.

The man posed his question. "I asked the Maggid how is it possible to bless God for the bad just as one blesses Him for the good, and the Maggid told me that only you can help me in this matter."

Reb Zusha replied, "This is indeed a very difficult question. But why did our holy master send you to me? How would I know? He should have sent you to someone who has experienced suffering!"

#### Beyond All Suffering

Those individuals who are close to God, tzaddikim who cleave to the Source of light - they place their lives, their very being, in the elevated realm of holy life. There, nothing can hurt them. They are beyond life's pitfalls and troubles. They are beyond even the possibility of lack.

This is how the verse should be read. The beginning quotes those who place their trust in God: "You, God, are my refuge."

The psalmist then responds, "You have placed your dwelling on high." By virtue of the fact that you recognize that God alone is your true refuge, you have "placed your dwelling on high." All of your dwelling, all of your life, all of your essence, is "on high." You have raised yourself above and beyond all types of suffering and misfortune; they cannot harm you.

(Adapted from Olat Re'iyah vol. II, p. 86.)

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Yoshev Rosh - Vaad HaRabanim of Detroit

#### Weekly Halacha

#### by Rabbi Doniel Neustadt The Mitzvah of Separating Challah \* Part 2

Challah separation: dough type

Challah is separated from dough made out of flour derived from the five species of grain: wheat, barley, spelt, rye and oats. Rice, corn, soy flour and potato starch are exempt.

When flour is mixed with any amount of water, or with olive oil, wine, grape juice, milk or bee's honey,<sup>2</sup> requires challah separation with a blessing. Flour mixed with fruit juice or with eggs only, requires hafrashas challah without a blessing.<sup>3</sup>

Challah is separated not only when baking bread but when baking other items as well. The following rules apply:

\* Thick dough from which cake or cookies will be baked requires challah separation, with a blessing, in the same way that bread dough requires challah separation, as detailed in last week's article. [Other ingredients do not count towards the minimum amount of flour.]

\* Thick dough which will be fried or cooked requires hafrashas challah without a blessing.<sup>4</sup>

\* A liquid batter which will be fried or cooked is exempt from challah. If it will be baked, it requires hafrashas challah with a blessing.<sup>5</sup>

Disposing of the challah

\* The designated piece should be burned until it is no longer edible. The ashes may then be discarded. Flushing the designated piece of challah down a toilet or tossing it in a river is not the same as burning it and should be avoided.<sup>6</sup> Under extenuating circumstances, when the challah cannot be burned, some poskim permit carefully wrapping the challah in a bag and throwing it in the garbage.<sup>7</sup> [In such a case, less than a k'zavay should be separated.] It is prohibited to feed it to one's pet or to derive any benefit from it.<sup>8</sup>

\* The piece of challah that was separated is forbidden to be eaten. In effect, it is a non-kosher food. Care should be taken that it does not touch the rest of the baked goods, either in or out of the oven. [For this reason it is not recommended to remove the designated piece of challah with a fork or a knife. Since dough tends to stick, some crumbs may remain on the utensil and possibly render it – or other dishes washed along with it – non-kosher when washed with hot water later on.]

\* If the challah is burned inside the oven [in which other items are being baked] it should be left tightly wrapped in silver foil so that steam from the non-kosher challah does not penetrate the oven walls. B'diavad, however, if it was not wrapped, the oven does not become non-kosher and does not need to undergo a koshering process.<sup>9</sup> If, however, the challah comes into physical contact with the other baked goods while they are in the oven, the baked goods may become non-kosher.<sup>10</sup> A rabbi must be consulted.

Challah separation: special situations

Question: While sitting at the Shabbos table, a woman realizes that she forgot to separate challah from her challah loaves. What should she do?

Discussion: It is prohibited to separate challah on Shabbos or Yom Tov<sup>11</sup> unless the dough was made on Yom Tov.<sup>12</sup> Accordingly, there is nothing that can be done<sup>13</sup> and the challah loaves may not be eaten.<sup>14</sup> [If she realizes her oversight during bein ha-shemashos, and neither she nor the shul where her husband is davening has recited kabbalas Shabbos, she may still separate challah (even if she has already lit Shabbos candles), as long as the family has no other challah loaves for Shabbos.<sup>15</sup>]

If this oversight occurred outside of Eretz Yisrael,<sup>16</sup> however, the challah loaves could be eaten so long as the lady intends to separate challah after Shabbos from whatever will remain of the challah loaves she had baked. She must follow this procedure:<sup>17</sup>

1. She must make sure that a small piece [e.g., one slice] remains from the loaves she had baked;
2. She must separate, with a blessing,<sup>18</sup> a piece from that remaining slice after Shabbos or Yom Tov is over.<sup>19</sup> That piece is then burned like any other separated challah.

Question: What can be done if after being separated the designated piece of challah – regardless of whether a blessing was recited or not – gets mixed in with the rest of the dough?

Discussion: If the designated piece of challah is mixed in with dough which is 101 times greater in volume than the designated piece, then the entire dough may be baked and eaten.<sup>20</sup>

If the dough is not 101 times bigger than the designated piece, the dough may still be eaten – but only after the challah piece, which is forbidden to eat, is "removed" from the dough. This is done by halachically annulling the piece of challah so that the dough no longer contains the forbidden challah piece. The

woman [or her husband<sup>21</sup>] recites the following in the presence of a beis din of any three adult males<sup>22</sup>: “I regret that I designated that piece of dough as challah, and had I known that I would regret it, I would not have designated it for challah.”<sup>23</sup> The beis din can then repeal her designation as they do with any other vow.<sup>24</sup> Another piece of dough, with another blessing,<sup>25</sup> is then separated for challah.

The same procedure would apply if the woman realized after baking her challah loaves that she mistakenly baked the designated piece of challah with them, or if somehow the designated piece of dough got mixed up with any other food.

Outside of Eretz Yisrael this procedure may be followed on Shabbos or Yom Tov as well, when necessary.<sup>26</sup>

- 1 Mishnah Berurah 158:15.
- 2 Pischei Teshuvah, Y.D. 329:2; Kitzur Shulchan Aruch 35:7; Aruch ha-Shulchan 329:3; Derech Emutah, Bikkurim 6, Tziyun ha-Halachah 182. For a dissenting opinion, see Oholei Yeshurun, pg. 58.
- 3 Shach, Y.D. 329:9. In practice, however, dough of 10 cups of flour or more should not be prepared unless it contains either water, wine, olive oil, milk or bee's honey.
- 4 Shach, Y.D. 329:4.
- 5 Y.D. 329:2.
- 6 Chochmas Adam (Sha'arei Tzedek 14:34).
- 7 Chazon Ish (Demai 15:1); Teshuvos Rav Yonason Shteif 276; Minchas Yitzchak 4:13 and 4:102; Shemiras Shabbos K'hilchasah 42, note 53.
- 8 Rama, Y.D. 322:5. A kohen, however, may derive benefit from it while burning it; Rama, Y.D. 331:19.
- 9 Since dough, generally, is not liquid and hardly emits steam. Even if it will, it is negligible.
- 10 See Leket ha-Omer 14, note 3. When the hot, burned piece of challah is removed from the oven, it should definitely not be removed with a utensil.
- 11 Mishnah Berurah 339:26. B'diavad, if she mistakenly separated challah on Shabbos or Yom Tov, the food may be eaten. If, however, she was aware that it was forbidden to do so and she did so anyway, the food is forbidden to be eaten; Sha'ar ha-Tziyun 339:26.
- 12 If the dough was prepared on Yom Tov, challah is separated with a blessing but the dough is not burned until after Yom Tov is over. Once the piece is set aside, it may no longer be moved, since it is muktzeh; Mishnah Berurah 506:29.
- 13 If this occurred on the first night of Pesach or Succos when it is a Biblical obligation to eat a k'zayis of matzah or bread, a solution can be found. A rabbi must be consulted.
- 14 A possible solution is to prepare on Yom Tov another batch of dough and then separate challah from the new dough for both. See Rama, O.C. 506:3 and Mishnah Berurah for the details.
- 15 Mishnah Berurah 261:4 and 261:28. Outside of Eretz Yisrael, though, this should not be done, since in the Diaspora it is permitted to separate challah after Shabbos, as detailed in the next paragraph.
- 16 If the item was baked in Eretz Yisrael but is now outside of it, e.g., matzos, a rabbi should be consulted; see Cheishev ha-Eifod 2:43.
- 17 Rama, O.C. 506:3.
- 18 18 Beis Meir, O.C. 457:7; Aruch ha-Shulchan, Y.D. 323:9. Rav S.Z. Auerbach (quoted in Shemiras Shabbos K'hilchasah 42, note 57) disagrees and rules that no blessing is recited over this type of separation.
- 19 Rama, Y.D. 323:1. If she forgot to separate challah from more than one dough, she must follow the same procedure with each dough.
- 20 Rama, Y.D. 323:1.
- 21 Aruch ha-Shulchan 323:14.
- 22 While her husband may not be one of the three, her children, her father, and other relatives may; Y.D. 334:57.
- 23 This action does not render the original blessing made on this hafrashas challah as a berachah l'vatalah; Chasam Sofer, Y.D. 320 and 353.
- 24 Rama, Y.D. 323:1. While Taz 323:2 disagrees with this procedure, most poskim concur with the Rama's ruling; see Chochmas Adam (Sha'arei Tzedek 14:6); Pischei Teshuvah 323:3; Aruch ha-Shulchan 323:14.
- 25 Derech Emutah, Terumos 4:184.
- 26 Sha'arei Teshuvah, O.C. 341:1. See Shevus Yaakov 3:27.

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By Rabbi Yirmiyohu Kaganoff

## The Spurned Shadchan

By Rabbi Yirmiyohu Kaganoff

The phone rings. Mrs. Weinberg, a shadchan who often calls to ask shaylos, is on the line.

“I suggested that a local girl meet a bachur who is currently learning in Eretz Yisroel,” Mrs. Weinberg began. “Both families did their research and agreed that it sounded worth pursuing, but they decided to wait until the summer when the bachur would be visiting his family here.”

“When the summer arrived,” Mrs. Weinberg continued, “I called the families back to arrange for the young people to meet. However they told me that someone else suggested the shidduch, and that they are following up through the other shadchan. Are they permitted to cut me out of the arrangements? After all, it was my idea first!”

Does Mrs. Weinberg have a claim? If she does, for how much money and against whom?

## SHADCHANUS GELT

Before we discuss these issues, we need to establish whether paying a shadchan is indeed a halachic requirement.

I often find that people feel that one is not required to pay a shadchan.

However, this is a misconception, since the halachic sources require paying a shadchan a fee, usually called by its Yiddish name, shadchanus gelt (Rama, Choshen Mishpat 264:7). Just as you expect to pay your real estate broker, so too, you should assume you will pay the shadchan. (We should be aware that a shadchan's claim for services rendered has a stronger foundation than a doctor's fee for an office visit [see Shulchan Aruch, Yoreh Deah 336:2], but that is a topic for a different article.) Furthermore, there is nothing wrong with a shadchan requesting payment for services rendered just as an attorney or accountant has every right to demand payment for services.

## BROKERAGE FEES

Although it sometimes sounds strange, shadchanus fees are halachically categorized as brokerage fees. Just as one pays a real estate agent for arranging a transaction, so too one pays a shadchan for making the arrangements necessary for the engagement and marriage to transpire. Therefore, we must first explain the halachic sources for brokerage fees. The Gemara (Bava Metzia 63b) mentions the responsibility to pay a broker's fee to the person who arranges the sale of property or merchandise (Shulchan Aruch Choshen Mishpat 185:1; Rama 87:39). This is a standard business practice, similar to paying a commission to a stockbroker, real estate agent, or personnel recruiter (sometimes called a “headhunter”).

## BUT WHAT IF I DIDN'T ASK HIM?

People easily understand that if you approach a broker or agent, you thereby obligate yourself to pay him for his services. However, some people assume that if you did not solicit the service, are not obligated to pay. Does this distinction have any basis? According to halacha, you are required to pay for any unsolicited benefit that you would usually pay for. Providing unsolicited benefit is called yored lisocho sdei chaveiro shelo birshus, entering someone else's field without authorization, and the provider of the benefit is referred to simply as the yored (Gemara Bava Metzia 101a).

The case where the Gemara demonstrates this halacha is very instructive: Someone owns a field that he usually plants, but he has not yet planted it this year. Someone else planted the field without asking the owner's permission and now asks the owner to pay him! Is the planter entitled to compensation for his efforts? The Gemara rules that he is entitled to compensation since you benefit from his work.

## HOW MUCH DO YOU OWE THE YORED?

You are required to pay the yored as much as you have benefited. If he performed work for you that would normally require you to hire someone, you must pay him the market rate for hiring someone for this work (Gemara Bava Metzia 76a; Sma, Choshen Mishpat 375:1).

## WHY MUST ONE PAY THE SHADCHAN?

When a single person or the parent of a single person asks someone if they know of any marriageable prospects, they are asking them to perform a valuable service on their behalf. This service has a market value, just as any other brokerage or recruiting fee has a market value (Rama Choshen Mishpat 264:7).

## WHAT IF YOU DID NOT ASK THE SHADCHAN?

Although there are halachic differences whether you approach the shadchan or the shadchan offers his/her service, in either case you are

required to pay the shadchan. The basis for this requirement is as follows:

In this latter instance the shadchan is a yored, since you received benefit from him for an unsolicited service that you would normally pay for (Gra, Choshen Mishpat 87:117). As explained above, you must pay him whatever you would have otherwise paid for that service (Gemara Bava Metzia 76a, 101a).

#### AM I REQUIRED TO PAY SHADCHANUS TO A FAMILY MEMBER OR CLOSE FRIEND?

This shaylah was discussed hundreds of years ago. A professional shadchan contacted Mr. Reuven suggesting a gentleman he thought appropriate for Mr. Reuven's widowed sister-in-law. Mr. Reuven was involved in researching the shidduch and in arranging the couple's meeting. When the couple announced their engagement, Mr. Reuven informed the professional shadchan that he was expecting half the shadchanus gelt, claiming that he was the shadchan who convinced the woman to consider this shidduch. The professional shadchan contended that he was the only shadchan, and that Mr. Reuven was an interested party and not a shadchan. Mr. Reuven countered that the professional had never made direct contact with his sister-in-law but relied exclusively on him (Mr. Reuven) to encourage the shidduch. The matter was referred to Rav Yair Chayim Bachrach, known as the Chavos Yair (after one of the seforim he authored). The rav ruled that Mr. Reuven was indeed a shadchan since he influenced his sister-in-law to pursue the shidduch. He was therefore entitled to half the shadchanus fee even though he was related to one of the principals (Shu't Chut HaShani #3, quoted in Pischei Tshuvah, Even HaEzer 50:16).

#### WHO MUST PAY THE SHADCHANUS FEE, THE PARENTS OR THE COUPLE?

Usually the parents of an engaged party pay the shadchanus gelt. Are they required to pay this fee, or is it really the responsibility of the young couple that the parents assume? As we will see, there are halachic ramifications to this question.

The poskim debate this question, making razor-thin distinctions that have major ramifications. Some contend that the responsibility falls upon the young couple since they are the ones who benefit, even though the prevalent custom is that the parents pay (Shu't Avnei Nezer, Choshen Mishpat #36). Others contend that since the parents usually pay, the shadchan only expects payment from them and therefore he has no claim against the young couple (Halichos Yisroel #3, quoting Eirech Shai, Choshen Mishpat Chapter 185).

There is a major dispute between these approaches. The first opinion holds that if the shadchan is unable to collect from the parents, he may collect from the couple. According to the second opinion, his only claim is against the parents, and if he cannot collect from the parents, he cannot claim his fee from the young couple.

#### ARE THERE ANY HALACHIC DIFFERENCES WHETHER YOU ASKED THE SHADCHAN, OR HE APPROACHED YOU WITH THE SUGGESTION?

Since we have learned that one must pay the shadchan whether or not one solicited him or her initially or not, does it make any difference whether I asked the shadchan or the shadchan approached me first? There are several differences in halacha that pertain to whether you solicited the shadchan initially or vice versa, including when you are required to pay the shadchan and whether one violates the mitzvah of bal talin if one fails to pay the shadchan on time.

If you approached or telephoned the shadchan initially, then you have hired him or her to perform a job -- in this case to find an appropriate shidduch. If he/she succeeds in his/her mission, then you are required to pay when the job is completed, and you must pay the shadchan as soon as the couple becomes engaged (Shu't Halichos Yisroel #1-2).

Furthermore if you do not pay him/her on time and the shadchan

demands payment, you will violate a Torah prohibition called bal talin, not paying a worker on time, a mitzvah we will explain shortly.

However, if you did not hire the shadchan, then you do not violate bal talin if you do not pay him/her on time since the shadchan is not your employee.

Another difference in halacha affected by whether the shadchan was solicited or not, is whether you must pay him or her at the time the couple becomes engaged or at the wedding. If the shadchan solicited you, then the time you are required to pay the shadchan depends on minhag- accepted local custom (Rama Choshen Mishpat 185:10). If the local custom is that people do not pay the shadchan until the wedding, then the shadchanus gelt is considered a marriage expense to be paid then, not an engagement expense. However, if you solicited the shadchan, then you are required to pay the shadchan when his/her job is completed, which is when the couple becomes engaged (Shu't Halichos Yisroel #4).

#### BAL TALIN – PAYING WORKERS ON TIME

As explained above, if one hired the shadchan, one must pay him/her on time because of the mitzvah of bal talin.

#### WHAT IS ON TIME?

There are two deadlines, sunset and daybreak, and one is obligated to pay one's worker before the first deadline after the job is completed. Therefore, if the worker finished his job before the end of the day, I must pay him by sunset. If he completed the work at night, I must pay him before daybreak (Bava Metzia 111a). (As mentioned above, one violates this prohibition only if the worker demanded payment and the owner refused to pay and there was no understanding or prearrangement of late payment.) According to this approach, if you went to a shadchan who, Baruch Hashem, arranged a successful shidduch, one should make sure to pay him or her immediately after the couple becomes engaged before the next deadline arrives (Shu't Halichos Yisroel #11). Others contend that one need not pay the shadchan until the wedding unless the custom is otherwise (Rav Elyashiv, introduction to Shu't Halichos Yisroel). Still other poskim contend that since the responsibility of paying the shadchan really lies with the marrying couple, there is no violation of bal talin if the shadchan is assuming that the parents are paying his fee since they are technically not required to pay shadchanus gelt.

#### HOW MUCH MUST I PAY THE SHADCHAN?

One must pay the shadchan whatever is the accepted fee in your community for this service (Pischei Teshuvah, Even HaEzer Chapter 50:16).

#### DIVIDING THE FEE

What happens if two different shadchanim were involved at different stages of encouraging the shidduch? Are they both entitled to be paid? How does one divide the fee? As we can imagine, this is not a recent shaylah.

An early posek, the Shev Yaakov (Choshen Mishpat #13), discusses the following case: Levi recommended that Reuven's son meet Shimon's daughter. After the engagement of the young couple, Gad claimed that he had originally suggested the shidduch to the parties and thus he is entitled to part of the shadchanus.

The Shev Yaakov researched the claims. As it turned out, Gad had indeed originally suggested the shidduch to both parties, but Shimon and his family had no interest in pursuing it. Levi, however, was a more persistent shadchan and convinced Shimon to consider Reuven's son for his daughter.

Shev Yaakov ruled that Gad was not entitled to any part of the shadchanus fee. He contends that a shadchan is only entitled to a fee when he was involved in the part of the discussion that reached fruition. However in this case, Gad's proposal did not accomplish anything and therefore he is not considered to be a shadchan.

By a similar reasoning, a real estate agent who showed a prospective client a house, but was unable to interest them in the house, and then a

different agent showed them the same house and succeeded in convincing them to purchase the house, the second agent is entitled to the commission according to halacha. (In these instances, if accepted business practice is different it might affect the halacha, which is a topic for a different time.)

Thus, it seems that Mrs. Weinberg is not entitled to any shadchanus fee in our situation, since she was not part of the actual introduction that took place. However, one could argue differently – that she had interested them in the shidduch, and therefore she is entitled to part of the shadchanus gelt. It would seem to me that this latter argument is stronger.

Notwithstanding that the Shev Yaakov ruled that Gad was not entitled to a share of the fee, there are cases in which the shidduch involves several parties and each is entitled to a part of the fee. If Sarah suggested a shidduch, but then felt that Rivkah would be a better go between, and eventually Leah was necessary to get involved and was instrumental in the couple subsequently becoming engaged, all three ladies are considered partial shadchanim according to many poskim. The accepted practice in this case is to divide the accepted shadchanus fee and to award 1/3 to each of the ladies. Other poskim contend that only the person who suggested the shidduch and the one who finalized it are considered shadchanim and they split the fee – but that a go-between who neither suggested a shidduch nor finalized it is not viewed as a shadchan (Shu't Avnei Nezer, Choshen Mishpat #36).

#### SOME INTERESTING SHADCHANUS STORIES

A shadchan unsuccessfully attempted to arrange a shidduch between a daughter of the wealthy Weiss family and the son of the wealthy Schwartz family. Although the two families did meet and enjoyed one another, the shidduch did not materialize and the Weiss girl subsequently married someone else. Later, other shadchanim suggested a match between a younger Weiss daughter and the widowed Mr. Schwartz, and the couple became engaged. The original shadchan now claimed that he is entitled to a percentage of the shadchanus gelt, claiming that his involvement in the previous unsuccessful shidduch was instrumental in forging the close relationship between the two families that caused the latter shidduch to happen. Does the original shadchan have a claim? The parties referred this shaylah to the Avnei Nezer (Choshen Mishpat #36). In a very complicated ruling he contends that the original shadchan might be entitled to a very small percentage of the shadchanus gelt for his role. He suggests a compromise on this basis, but rules that it is uncertain that he is entitled to any part of the fee.

#### IF A SHADCHAN ASKS FOR A HIGHER THAN TYPICAL FEE, AM I REQUIRED TO PAY IT?

If the shadchan did not provide any unusual shadchanus service, and the fee for a shadchan in your area is fairly standard, then the shadchan is not entitled to the extra fee. However, if there is no standard shadchanus fee in your area, or the shadchan performed a special service, then one must pay the shadchan's higher fee (see Rama, Choshen Mishpat 335:1 and 264:7; Shach 264:15). Shadchanus is like any other profession where one may not charge significantly above the going rate. However, when there is no fixed accepted amount, then the shadchan is not overcharging since there is no market figure. Similarly, if the shadchan extends him/herself more than is expected, he may command a higher fee since one is paying for the extra service (see Rama 335:1)

According to the Midrash, Moshe Rabbeinu was the shadchan between Klal Yisroel and Hashem at the giving of the Torah. Furthermore, Hashem Himself is indeed the ultimate Shadchan of every marriage. Thus, we should respect the wonderful role of the shadchanim in our midst who are involved in a mitzvah that emulates both Hashem and Moshe.