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INTERNET PARSHA SHEET ON MIKETZ SHABBOS CHANUKA - 5762

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Parasha Talk

Excerpt from BRISK ON CHUMASH, BY RABBI ASHER BERGMAN

Parshas Mikeitz

And he gathered them together under guard for three days. Yosef said to them on the third day . . . "One of your brothers will be imprisoned under guard, and [the rest of] you go and bring provisions." (Mikeitz 42:17-19).

Why did Yosef have to hold all the brothers under guard for three days before deciding to keep only one brother while allowing the rest to go? he could have offered this compromise immediately!

The brothers agreed to Yosef's plan to hold one of them under guard, because they knew that otherwise they would never be permitted to bring provisions back to their families. But there is a Mishnah (Terumos 8:12) that states, "If idolaters tell a group of women, 'Hand over one of your number for us to defile, and if you don't we will defile all of you,' better they should defile all the women than that one single Jewish woman should be given over willingly to them." The Talmud Yerushalmi (quoted by the Rash) extends this law to a case where idolaters ask a group of people to hand over one person to be executed, or else they will all be killed. No Jewish life may be willingly sacrificed, even if this ultimately costs the lives of many more people.

Thus, if Yosef had made his offer of keeping one of the brother's hostage at the outset, the offer would have had to be refused. The brothers would have been obligated to stay together rather than abandon one of their number to an uncertain fate at the hands of the Egyptian authorities. Therefore, Yosef incarcerated all the brother at first, and afterwards released all but one. This way the brothers were not required to hand over anyone, for Shimon was already imprisoned.

Brisker Rav

From:RABBI YISSOCHER FRAND ryfrand@torah.org Subject: Rabbi Frand on Parshas Miketz

"RavFrand" List - Rabbi Frand on Parshas Miketz

Help Wanted: Ish Navon V'Chachom -- Bureaucrats Need Not Apply

Our Parsha begins with the story of Pharaoh's dream. Yosef interpreted that the seven thin cows swallowing up the seven fat cows symbolized seven good years that would be followed by seven lean years. To prepare for this impending famine, Yosef suggested the establishment of a governmental agency to collect food during the years of plenty and distribute food during the years of famine. The specific language of the suggestion was "Now let Pharaoh seek out a 'discerning and wise man' and set him over the land of Egypt" [Bereshis 41:33].

The author of Shay Le'Torah asks the following question. Why did Yosef stress the attributes of wisdom and understanding in describing the individual who should be in charge of the new agency? The task required a bureaucrat par excellence. It would seem that the most important qualifying attribute for the director of the new agency should have been excellent organizational skills, rather than wisdom or

intelligence.

The answer is that Yosef felt that this situation required someone who was a Chochom [wise person]. "What is the definition of a Chochom? One who foresees what will be." [Tamid 32a] When a country is enjoying seven years of plenty, rare is the person who can imagine that the bubble is going to burst -- that products, which are now in abundance, will become scarce commodities.

People who lived through the "boom years" of the 1980s when it was so easy to make money in real estate, have difficulty imagining a market where one can not sell anything, or even rent anything. In the "good old days" when gas was 35 cents or 40 cents a gallon, surplus oil was burned off at the oil wells. They had too much. They did not know what to do with it all. "Unproductive wells" which were not producing 100 barrels a day, were abandoned. Later, when we all stood in the gas lines, we looked back and thought, "We remember the fish that we ate..." [Bamidbar 11:5]. We remembered the good old days when we could just pull up and the attendant would wash our windows and check our oil.

The same thing was true in Egypt. When grain was so plentiful, it was very difficult to convince people that it was necessary to save, to put away for tomorrow. Who would be able to inspire the people that the "good times" would not last forever? It could not be done a bureaucrat. Only a "wise and discerning individual" might prove equal to the task. The task required a "Chochom" who could see the future and help others perceive the future and convince them of the reality of that future. That is why only someone of the caliber of Yosef met the qualifications for the job.

No Tzitzis In The World To Come

There is an interesting incident told about the Gaon of Vilna. When on his deathbed, he began to cry. His students asked him why he was crying. The Gaon picked up his Tzitzis, held them in his hand and told his students as follows: "We are living in the 'seven fat years'. The 'seven fat years' are this world. For the price of a pair of Tzitzis - consisting of a thin little garment with some strings - a person can acquire 'worlds'. One hour of repentance and good deeds in this world is superior to all of life in the next world [Vayikra Rabbah Chapter 3]. However, the World To Come is the 'seven years of famine'. In that world there are no more Mitzvos. There is no tzitzis; there are no Tephillin, there is no learning Torah. True, there is reward in the World To Come, but there is no opportunity to do Mitzvos."

A person has to be a "Chochom" to realize that we are in the 'Go-Go' days now. Now it is easy to 'grab' a recitation of Krias Shma, a proper Shmoneh Esrai, an act of kindness, or a good deed. However, human tendency is to waste money when it comes so easily, to waste oil when it is so plentiful. Only when the resource becomes scarce do we look back remorsefully, while stuck in the gas line, and say "How stupid we were! We did not save! We did not put away!"

This is how people may feel, Heaven Forbid, in the World To Come. "How stupid we were. We had the opportunities. They were just lying around waiting for us." That is why the Gaon picked up his Tzitzis while on his deathbed and started to cry - because there are no more Tzitzis in the World To Come.

When we read Parshas Miketz on Shabbos, let us think about the seven fat years and the seven lean years. It is a nice story about the cows and the Egyptian agricultural cycle of millennia ago. But it has a contemporary message for all of us. It is time to act, time to grab. We are in the midst of the seven fat years. One day they will end. We will look back and say, "we wasted them". We will feel silly and stupid, because the opportunities were lying in the streets and sitting on the shelves, and we failed to take advantage of them.

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LETTING THE LIGHT OF TORAH SHINE
BASED ON A SICHA BY HARAV YEHUDA AMITAL

It seems that even at the time of the Chashmonaim, Torah-faithful Jews were faced with a weighty question: is it worth continuing to illuminate the world and to spread the message of Judaism? The price that the nation paid for its involvement in Greek culture was high - almost unbearably high. But the miracle of the oil was seen and continues to serve as a sort of Divine message that we should continue to be a "light unto the nations" - even if not always in the open and in public, at least the light should be placed at the entrance to the house, and at a time of danger even a light placed on the table inside will suffice.

In our times, we are witness to various attempts on the part of religious Jewry in Israel to influence the secular sector, with the aim of inculcating basic Jewish values. For the past fifty years, religious educators have sought an appropriate avenue of communication with the secular community. One of the most popular solutions is to talk about Judaism in terms of a "cultural heritage," of sociological, national, moral messages, etc., but without basing all of this in faith in God; the religious element is left out.

Indeed, this solution should not be rejected outright. We can certainly derive from the Torah a very rich and wide-ranging "cultural heritage," but we have to know that the price we pay for this approach is high. The "soul" of Judaism is belief in God. All of its power and loftiness are derived from this fundamental faith. When we try to distill national, esthetic and folkloric elements from within Judaism while ignoring its principal theme, we empty it of its content, and ultimately these "secondary" themes, which drew their strength from the power of our faith, are likewise emptied of meaning and lose their value.

Thus we have paid a price for the attempt to follow this educational route. The first price relates to ourselves: we have accustomed ourselves to using the language more appropriate for an attempt to educate those who are distant from their religious roots. Words such as "God," "Torah," and "mitzvot" have been avoided, while instead we have begun speaking in "cultural" terms - "tradition," "heritage," etc. We also have paid a price from the point of view of our influence externally, in that the secular population that we have tried to educate believes that what it has learned is Judaism in its authentic form.

How may we describe the situation today? There are some groups among the secular population who are "seeking their roots." They recognize the fact that that the cultural creation is diluted when it is not anchored in the heritage of the past, in the Torah of Israel. On the other hand, there are other groups that subscribe to an ideal of absolute freedom - meaning, to their understanding, lawlessness: an a priori rejection of any sort of authority or obligation; "Do whatever you feel like doing."

With regard to this latter group we can only hope that with the passage of time they will also come to realize that the absence of a defining framework creates a vacuum. The only language in which we can speak to them at this stage is the familiar language of "personal example." To this end we must build a religious community that excels in three main areas: i. morality; ii. candor; iii. readiness to accept personal responsibility, and avoidance of the "it's not my problem" phenomenon.

May we be inspired by the example of the Chashmonaim and keep the pure light of Torah burning for all to see.

(This sicha was delivered on Chanuka 5753 [1992]. It was

summarized by Benny Holzman and translated by Kaeren Fish.)

From: Yeshivat Har Etzion Israel Koschitzky Virtual Beit Medrash
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THE MIRACLE OF THE OIL AND THE HISTORY OF CHANUKA

BY RAV YA'AKOV MEDAN

a. What is the Question?

The classic talmudic source regarding Chanuka begins as follows: "What is Chanuka? Our Rabbis teach: 'On the 25th of Kislev begin eight days of Chanuka, during which no eulogies are to be delivered and one is not to fast' (Megillat Ta'anit, Mishna 23). When the Greeks entered the Temple, they defiled all the oils that were there. After the Hasmonean leaders prevailed and were victorious over [the Greeks], they checked and found only a single container of oil that still bore the stamp of the Kohen Gadol, and it held sufficient oil to light the menorah only for one day. A miracle occurred, and they lit from it for eight days. The next year they established these [eight days] as festive days with praise and thanksgiving." (Shabbat 21b)

One is immediately struck with the strangeness of the opening question: is it possible that the questioner had not heard of this festival? And the answer is even more puzzling: is there nothing more to be said about Chanuka than the story of the miracle concerning the oil? What about the great and no less miraculous military victory? Why is there no mention of the reinstatement of Israelite sovereignty "for more than two hundred years" (as the Rambam teaches in Hilkhos Chanuka 3:1)?

b. The Prophecy

Based on this question posed in the Gemara and other sources, some historians (e.g. Simon Dubnow) have concluded that the festival of Chanuka was not commemorated in Eretz Yisrael in ancient times because of the opposition of the Pharisee sages to the deeds of the Hasmonean dynasty in later generations.[1]

This opinion is utterly rejected by R. Yitzchak HaLevi [2] and Gedalyahu Alon [3], who bring several proofs demonstrating clearly the positive attitude of Jewish Sages throughout the ages towards the war of the Hasmoneans and their miraculous victory.

The Gemara's focus on the miracle of the oil (and not the military victory) has likewise been explained as an attempt on the part of the Sages to base Judaism on religion alone, since "their ultimate ideal was a religious republic." [4] In the words of R. Menachem Hacohen:

"The Sages of Israel, in establishing the festival of Chanuka for all generations, did not choose as the central theme the heroic deeds and the victory on the battlefield, but rather emphasized the spiritual aspect... This was done in order to avoid a situation whereby human deeds of heroism would be turned into a personality cult." [5]

The prophecy of the menorah in the Book of Zekharia would appear to support this thesis, since its message - according to the angel who appears to the prophet - is:

"This is God's word to Zerubavel, saying: Not by strength nor by might, but rather by My spirit, says the Lord of Hosts." (Zekharia 4:6)

This would appear to imply that the menorah represents the opposite of military heroism, and serves to emphasize "spirituality" instead.

But I propose that this prophecy does not constitute any proof at all. The biblical expression (also used by the Sages), "Not... but rather..." is not meant as a complete negation of the subject, but rather serves to emphasize that it does not stand alone. In this instance the prophet is teaching that victory will come not ONLY by might and not ONLY by strength, but rather ALSO by God's spirit.

But putting aside the question of the relevance of this prophecy, the claim would still lack foundation. It is true that throughout the Midrash, Chazal follow in the footsteps of the prophets and oppose strongly any hint of personality cult or worship of human strength by emphasizing the concept of "God's war," His heroism, and the revelation of God's presence in the wars of Israel. But they never try

to cover up historical facts or blur their details, nor do they ignore the significance of God's appearance in history through wars and acts of heroism.[6]

c. Then "What is Chanuka?"

Wpropose three solutions to the two questions posed above.

1. G. Alon, in his article quoted above, focuses on the uniqueness of the mishna of Chanuka out of all the mishnayot in Megillat Ta'anit. Many other mishnayot here were established in commemoration of the victories of the Hasmoneans, but in each instance only a single day was set aside in memorial. Chanuka is unique in that eight days are established for the commemoration. And for this reason the Gemara questions, "What is Chanuka?" - i.e., why is it unique? - and then goes on to explain the length of the festival based on the eight days of the miracle of the oil.

This explanation seems reasonable enough, but one cannot but point out that other ancient sources provide alternative explanations for the length of the festival: i. the fact that they spent eight days purifying the Temple (Megillat Ta'anit, *ibid.*);[7]

ii.in memory of the eight days that King Shelomo celebrated the dedication of the First Temple (Makkabim 4, 2);

iii.in commemoration of the eight days of the festival of Sukkot and Shemini Atzeret, which they were not able to observe properly under Hellenist rule (Makkabim 2, 10).

Thus, we come back to our question: Why does the Gemara see fit to emphasize specifically the miracle of the oil?

2. R. Yoel Bin-Nun [8] follows in the footsteps of several other scholars in emphasizing that, following the destruction of the Temple and the subsequent exile, the taste of the Hasmonean victory and their war for freedom became bitter, for little remained of them. Therefore, the meaning of the question in the Gemara is: What is the nature of Chanuka during the period of exile?

The innovative answer that R. Bin-Nun proposes is that Chazal reinstated the original character of Chanuka from the period preceding the Hasmoneans - as an agricultural festival related to the olive harvest (end of Cheshvan) and the oil press (Kislev), and their transportation to the Temple as part of the mitzva of "bikkurim" (first fruits).[9] Also, this was instituted as a continuation of the eight days of the "festival of light" instituted by Adam, as recounted in the Gemara (Avoda Zara 8a).

Thus R. Bin-Nun sees the crux of this festival as a combination between the annual agricultural celebration and the celebration of the one-time miraculous historical victory, both finding expression in the miracle of the oil.

3. My father, R. Meir Medan of blessed memory, taught that the question posed by the Gemara and the answer that it presents are related to a halakhic discussion concerning Shabbat - specifically, the laws of wicks and oils that are mentioned there. It is against this background that the Gemara asks, What is the nature of the mitzva of lighting on Chanuka? And the Gemara answers and explains that the mitzva relates to the miracle of the oil. All the explanations of Chanuka found in the Books of the Hasmoneans and other sources pertain to the reason for praise and thanksgiving or to the length of the festival. But the ancient sources contain no satisfactory explanation of why specifically the mitzva of candle-lighting was chosen to commemorate the festival. After all, the principal element of the festival (according to the Books of the Hasmoneans) was actually the rededication of the altar. So here, in the midst of the discussion about wicks and oils, the Gemara reveals the tradition concerning the miracle of the oil as a reason for the lighting of the Chanuka lights.

d. Why Lights?

It would seem that the same reservation applies to this third option as did to the first: just as there are several explanations for the establishment of eight days, so are there many different explanations for the mitzva of kindling lights. Let us examine the two most important among them:

i. The Sefat Emet (5644) regards Chanuka as a rabbinically-ordained festival that comes to extend the illumination of the festival of Sukkot.[10]

ii.R. Tzadok Ha-kohen of Lublin [11] expounds at length on the Maharal's idea of the connection between oil and wisdom (Torah), and between a candle and a person's soul. "God's candle is the soul of man" - he sees the light of the candles as an expression of the victory of the Torah philosophy of the Hasmoneans over the philosophy of darkness of the Hellenists. Chazal explain the verse, "The land was void and chaos, and darkness over the face of the deep" as alluding to the darkness of the kingdom of Greece, which "darkened the eyes of Israel by their decrees."

A hint at the importance of the candles and the menorah in the Temple is to be found in the prophecy of the menorah and its lights in Zekharia chapter 4, which - according to the prophet - alludes to the dedication of the Second Temple in the days of Zerubavel and Yehoshua ben Yehotzadak.

But in contrast to the additional explanations brought above for the establishment of eight days - all of which are ancient, dating back as far as the festival of Chanuka itself - these reasons for the establishment of the mitzva of lights are relatively new. They are in fact no more than auxiliary proofs for the principal reason for the mitzva of the lights - i.e., the commemoration of the miracle of the oil.

e. Ancient Hints at the Miracle of the Oil

Scholars have been greatly puzzled by the question of why the miracle of the oil is not mentioned in any sources earlier than the Gemara Shabbat, which was compiled some four hundred years after the miracle occurred. Many offer the answer mentioned earlier - that the miracle of the oil pales next to the miracle of the victory and the rededication of the Temple; after all, "Ten miracles occurred in the Temple daily." Even the Second Book of Hasmoneans mentions supernatural miracles related to the Chanuka victory. It was only in exile, when the light of the miraculous victory had dimmed, and only after the destruction of the Temple, when the light of the rededication of the Temple was similarly extinguished - that the miracle of the oil assumed new significance, as I explained above.

It should also be borne in mind that during the period under discussion, religious traditions were transmitted orally for the main part, and many statements of the Tannaim and their predecessors were committed to writing only hundreds of years after they were uttered. Accordingly, we cannot know when the beraita concerning the miracle of the oil was first introduced, prior to the compilation of the Gemara.

It would seem, though, that "Although there is no proof, there is some mention." There are three ancient hints at the miracle of the oil.

i. That which we mentioned above - the fact that the special mitzva of the day specifically involves kindling of lights. This means that the salvation was somehow connected to lights.

ii.The Second Book of Hasmoneans expounds at great length, in the introduction to the story of Yehuda Makkabi, on the importance of the miraculous fire in the dedication of the Temple. Here we learn of the fire of the altar that was hidden by the prophet Yirmiyahu, later miraculously discovered by Nechemia, who used it to kindle the altar fire using water. Then the Book goes on to describe the rededication in the days of the Hasmonean dynasty. Although no mention is made of the miracle of the oil, there does seem to be some indication that the author was curious or troubled about the miraculous fire.

iii.The Gemara (Shabbat 22b) brings the following beraita:

"Does the Holy One have any need for the light of the [Temple] menorah? During all of the forty years that Bnei Yisrael wandered in the wilderness, did they not walk by His light? Rather, this is a testimony to all the peoples of the world that the Shekhina dwells among Israel."

We may ask, why is the beraita troubled specifically by the need to kindle the menorah? After all, the same question could be asked concerning the incense, the showbread or the sacrifices - surely God does not need any of these things. In what way is the kindling of the menorah different from any of these other elements of the Temple service?

It is possible that this text relates to an ancient Mishna discussing the miracle of Chanuka and posing the ques what need was there for this miracle? The answer provided is that "It is a testimony to all the peoples of the world that the Shekhina dwells among Israel." The mishkan in the wilderness, and later King Shelomo's Temple, both housed the Ark of Testimony containing the Tablets of Testimony, with the two keruvim, testifying that the Shekhina dwelled among Israel. The Second Temple had no Ark, no Tablets and no keruvim; here the menorah itself served as testimony to the presence of the Shekhina. And its testimony concerned the miracle that had been performed through it - the miracle of the tiny amount of oil that sufficed for eight days, testimony that the Shekhina dwells among Israel.

(Translated by Kaeren Fish)

FOOTNOTES [1] Support can be drawn for this position even from the writings of some recent rabbinic scholars. For example, R. Yitzchak Spierling of Lvov (Ta'amei Ha-minhagim U- mekorei Ha-dinim, p. 365) reports that the Chatam Sofer believed that Rabbi Yehuda Ha-nasi did not include the laws of Chanuka in the Mishna since he was a descendant of the House of David, and opposed the Hasmonean usurpation of the throne. However, since Mar bar Rav Ashi is quoted in this gemara, I don't believe the Chatam Sofer actually said this. [2] Dorot Rishonim, vol. 3, p. 91, etc. [3] "Ha-hishkicha Ha-umma Ve-chakameiha et Ha- Hasmoneans?" in Mechkarim Be-toldot Yisrael, Tel Aviv, 5727. [4] Dubnow, vol. 2, p. 84. [5] R. Menachem Hacoheh, Chagim U-mo'adim, Chanuka.

[6] Our teacher Rav Amital has expressed this point well in his book, Ha-ma'alot Mi-ma'amakim. [7] Compare the purification of the Temple in the days of King Chizkiyahu (II Divrei Ha-yamim 29:17). There, too, as in the period of the Greeks, an altar of the king of Ashur was constructed in place of the original Temple altar, and there too the incense was no longer offered and the lights of the menorah were extinguished, just as in the days of Menelaus. In fact, King Chizkiyahu was similar in many respects to the Hasmoneans. And, as stated, in his time the Temple courtyard was also purified during a period of eight days; for a further eight days the inner chamber was purified. Afterwards, the purification of the Temple was celebrated for eight days (the day of Pesach and the seven days of the festival of Matzot, in the second month, just as the Hasmoneans celebrated the festival of Sukkot on Chanuka). [8] "Yom Yisud Heikhal Hashem," Megadim 12. [9] According to the Gemara, bikkurim may be brought until Chanuka. The Rambam (Hilkhot Bikkurim 2:6) would seem to imply that this is the proper time for them to be brought even according to the Written Law, since Chanuka is the conclusion of the annual season for fruits that grow on trees. [10] The ingathering of the olives is a continuation of the ingathering of the harvest and the vine on Sukkot. Compare also II Hasmoneans, which portrays Chanuka as the continuation of the Simchat Beit Ha-sho'eva on Sukkot. At the latter, righteous people used to dance with flaming torches in their hands (Sukka 5:2); "Rabban Shimon ben Gamliel would dance with EIGHT flaming torches, and none of them would touch the ground" (Tosefta Sukka 4:4). The Simchat Beit Ha-sho'eva celebration is almost certainly a commemoration of the dedication of the Temple in the days of King Shelomo during the festival of Sukkot, and the Hasmonean tradition of eight lights is likewise a memorial to the flaming torches in the Simchat Beit Ha-sho'eva.

[11] Peri Tzaddik, "Chanuka," and also in his work Resisei Laila. YESHIVAT HAR ETZION ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH ALON SHEVUT, GUSH ETZION 90433 E-MAIL: YHE@ETZION.ORG.IL or OFFICE@ETZION.ORG.IL

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PARSHAT MIKETZ BY RABBI SHLOMO RISKIN

Shabbat Shalom: Parshat Miketz (Genesis 41:1-44:17) By Shlomo Riskin

Jacob is the truest embodiment of our nation - after all, he is re-named Yisrael, and within our midrashic and folk literature the eternal spirit of the Jewish people - our unique culture and life-style throughout the generations - is referred to as "Yisrael Sabba," Grand-father Yisrael. Yaakov - Yisrael had twelve sons who become the twelve tribes of Israel - but until the last pages of the Book of Genesis, they spent much of their time in sibling rivalry and internecine, civil strife. Tragically, this too is representative of our subsequent national history, "the actors of the forbears is a symbol for what will befall their descendants." Intra-tribal wars, bitter religious and political factionalism, causeless brotherly hatred have compromised, confounded and contaminated our Divine national mission from our earliest history, to our Second Commonwealth and to Modern times. As late as a few days ago the last two Jews remaining in Kabul, the

capital city of Afghanistan, were interviewed on Israeli T.V - and they don't visit each other's home or even speak to each other. "Now I know they're really Jewish," wryly said the interviewer.

But the family of Yaakov - Israel does come together at the conclusion of the Book of Genesis - in a magnificent rapprochement of repentance and sibling love which serves as an inspiration for all of humanity. The twelve brothers in general, and each significant individual in his own right, develop, change and move towards each other in magnificent expression of personal awareness and sensitivity, self - abnegation, and commitment to the family mission. In effect, the Bible is guaranteeing eventual redemption - but only after the nation of Israel turns towards repentance and brotherly love. Let us examine these developments as they are reflected in our Torah reading.

The brothers in general start out overwhelmed by jealousy, hating the first-born son of Rachel who is clearly his father's favorite - despite or perhaps because of his dreams of family and even cosmic domination. They are so driven by their emotions of envy that they cast him into a pit of destruction - and ultimately sell him into Egyptian servitude. Two decades later, when they come to Egypt to purchase grain and unsuspectingly are confronted by the Grand Vizier who condemns them as spies, they cry out, "But we are guilty because of our brother whose affliction we saw when he entreated us - and we did not hear him. Because of that (our reprehensible conduct towards our brother Joseph), has this trouble come upon us" (Genesis 42:21). From that point onwards, the brothers repent for their shabby treatment of Joseph.

Reuven, the eldest son of Jacob and the first-born to Leah, has every logical reason to feel the greatest pain of deprivation because of Father Jacob's favoritism towards Joseph. He also empathizes with the suffering of his mother Leah - who is the "hated" wife and whose first born son is shunted aside in favor of the beloved son of the beloved wife. The Bible gives us a glimpse into Reuven's hurt by recording a most reprehensible act he commits following the death of Rachel: ". And Reuven went and lay with Bilhah, his father's concubine" (Genesis 37:20). The Sages maintain that he merely removed his father's bed from Bilhah's tent (to where the patriarch had moved it after his favorite wife's demise) to Leah's tent, in which case Reuven was acting - albeit incorrectly - to save his mother further pain and embarrassment. The simple meaning of the text would suggest that Reuven was trying to declare his father - albeit in a reprehensible manner - that he was the rightful heir and continuation of his father's lineage. In either case, Reuven sinned - a grievous sin, but an outgrowth of his feelings of unfair rejection.

Nevertheless, at the most critical juncture he clearly repents - by being the sole voice against harming Joseph by casting him into the pit. "And Reuven heard (his brother's rage against Joseph) and he saved him from their hands; he said, 'let us not destroy a life.' And Reuven said to them, 'do not shed blood, cast him into the pit.' in order to save him from their hands and restore him to his father;" (Genesis 37:21) Reuven, who had most reason to want to see Joseph out of the picture and to anticipate replacing the "imposter" first-born, nevertheless has the human sensitivity and the fearless courage to stand up to this "sibling" lynch mob. He does this, against his own self-interest, because he has undergone the experience of repentance; he has made peace with his father's choice and prepared to lovingly accept Joseph as his brother. Indeed, when the Bible records a few verses later - after Joseph has been sold by the brothers "And Reuven returned home to the pit, and behold Joseph is not in the pit, the classical commentary Rashi asks, "Where was Reuven during the sale? He was involved in sack-cloth and fasting" (ad loc). Reuven was repenting for his sin against his father, and therefore is able to reach out to try to save his brother.

Yehuda is the most obvious of the penitents in our dramatic narrative. After all, he was the major proponent of the sale: "What profit have we if we murder our brother? . let us sell him to the Ishmaelites" (Genesis 37: 26,27). He proves himself a convincing leader - but in the final analysis must take major responsibility for Joseph's servitude. Two decades later, however when the "stolen" goblet is found in Benjamin's knapsack and this youngest - and now favorite - son of

Jacob could well be also excised from the family as the Grand Vizier's slave, Yehuda steps forward in protection of this son of Rachel. He even goes so far as to offer himself as a slave instead of Benjamin - making a 180 degree turn-about from his position vis a vis Joseph. Yehuda has accomplished what Maimonides would call "complete penitence."

And perhaps the most remarkable repentance of all is accomplished by Joseph. In the beginning of our story, Joseph was the most outstanding of the brothers - as well as the most arrogant. He is a great dreamer, as was Father Jacob before him. But in Jacob's dream of a ladder with ascending and descending angels, it was G-d who stood at the center; in Joseph's two dreams of sheaves of corn and the heavenly orbs it is Joseph who stands at the center - with those symbolizing his family bowing down to him! How very different is the more mature Joseph, standing before Pharaoh, who declares: (The dream interpretation) has nothing to do with me; G-d will answer to the satisfaction of Pharaoh." And after Joseph reveals himself, when the brothers fear lest Joseph will take revenge on them for having sold him, he responds - with great sensitivity and magnanimity - "It was G-d (and not you) who sent me here in order to provide sustenance (for our family)."

There can be neither family rapprochement nor world peace and harmony, without repentance and brotherly love. All the characters in the drama of Joseph and his brothers undergo this sacred process of development and change.

Shabbat Shalom.

You can find Rabbi Riskin's parshiot on the web at: www.ohrtorahstone.org.il/parsha/index.htm Ohr Torah Stone Colleges and Graduate Programs Rabbi Shlomo Riskin, Chancellor Rabbi Chaim Brovender, Dean To subscribe, E-mail to: <Shabbat_Shalom-on@ohrtorahstone.org.il>

From: Yeshivat Har Etzion Israel Koschitzky Virtual Beit Medrash
To: yhe-holiday@etzion.org.il Subject: SPECIAL CHANUKA PACKAGE

CHANUKA CANDLES AS AN OBLIGATION OF THE HOUSE BY RAV MOSHE TARAGIN

The gemara (Shabbat 21b) articulates the basic mitzva of "neirot Chanuka" (the Chanuka lights) in very suggestive terms. The gemara asserts that the mitzva takes the form of "ner ish u-beito" (the candle of a man and his household). This language indicates that each household must light one candle or wick each evening, regardless of the day and regardless of the number of family members. This basic level represents the essential obligation of Chanuka candles. Those who seek to perform a higher level of the mitzva add lights based upon the amount of family members and the ascending day of Chanuka. What does the gemara intend by the term "beito"? Does the word merely imply that each "household" is obligated to light one candle? Or does the gemara suggest that the mitzva of the Chanuka lights is somehow closely identified with the Jewish home?

In general, mitzvot apply to individuals and can be conditioned by certain geographical or temporal factors. For example, a person must eat matza on the 15th of Nissan. The mitzva devolves upon each person on that day. Similarly, a person must, under certain circumstances, offer a sacrifice in the Beit Ha-mikdash, the Temple. Though the mitzva cannot be performed outside of the Mikdash, the mitzva still applies to the person; the holy precinct is merely the site of the execution of the mitzva.

One notable exception is the mitzva of mezuzah, which applies to the house. A person is not obligated to live in a house with a mezuzah; rather, if a Jew owns a house, he or she must then convert it into a house with mezuzot. In this instance, the mitzva which a person must perform relates directly to the house. The classic language employed to describe this condition is that mezuzah is a "chovat ha-bayit" (an obligation pertaining to the house) rather than a "chovat gavra" (an obligation pertaining the person). Does the gemara,

by employing the language "ner ish u-beito," suggest that Chanuka candles should be analogous to mezuzah? How seriously or literally should we take this language? Must a person light Chanuka candles, with the selected site for execution of this mitzva being the house, or is the mitzva defined as turning a house into one which contains Chanuka candles?

Two sources that study the relationship between Chanuka candles and mezuzah must first be inspected. Tosafot (Sukka 46a) question why, of all mitzvot, the mitzva of Chanuka candles features a unique blessing for someone who witnesses the performance of the mitzva but does not perform it himself. The gemara (Shabbat 24a) claims that, under certain conditions, a person who gazes upon a lit menorah should recite the blessing "She-asa nissim la-avoteinu," "Who performed miracles for our ancestors." Why does someone who witnesses a sukka not recite a similar blessing?

Tosafot's first answer analyzes the role of Chanuka candles in celebrating and publicizing a miracle; this special function mandates a blessing even for a witness who is not actually performing the mitzva. Tosafot consider a second reason for Chanuka candles' privileged status: since many people do not own houses (and would not otherwise fulfill any element of the mitzva), a special blessing was instituted for spectators. Tosafot then question this last answer: if the concern for homeless people were so dominant, we would establish a similar blessing in the case of mezuzah, which also cannot be fulfilled without a house. Do Tosafot mean to equate mezuzah and Chanuka candles at a structural level? Just as mezuzah is a chovat ha-bayit and does not enjoy a special blessing, similarly Chanuka candles, which is also a chovat ha-bayit, should not be granted this blessing? Or, alternatively, do Tosafot merely suggest that since these two mitzvot are performed only in the context of a house, they should exhibit similar properties regarding blessings for spectators? It is somewhat difficult to assess the basis of Tosafot's analogy.

From the Rambam's view (Hilkhot Berakhot 11:2), however, we might receive a less ambiguous understanding of Chanuka candles. The Rambam (in his catalogue of various mitzvot and their respective blessings) suggests that there are two types of mitzvot: "chova," an absolute obligation, and "reshut," a command which must be fulfilled only if certain preconditions exist. Of course, the two classic examples of biblical mitzvot of the latter category are mezuzah and tzitzit. Without a four-cornered garment, a person has absolutely no obligation to purchase one in order to fulfill the mitzva of tzitzit; similarly, one has no obligation to buy a house in order to fulfill the mitzva of mezuzah. Moreover, just as these two categories of mitzvot exist on the Biblical plane, they appear on the rabbinical one as well. Examples of rabbinical reshut include "eiruvei chatzeirot," the extension of one's domain to permit carrying outside on Shabbat, and "netilat yadayim," the obligation to wash one's hand before eating bread. Examples of rabbinical chova include reading the megilla on Purim and lighting candles on Chanuka. The Rambam unequivocally defines Chanuka candles as a chovat gavra; regardless of whether he owns a house, a person is obligated in the mitzva - but from a technical standpoint, without a house, one cannot execute the mitzva.

This question regarding the fundamental nature of Chanuka candles comes to expression in several halakhic manifestations. The most glaring might just be the case of "akhsenai" (lodger) debated by the gemara (Shabbat 23a). If someone is a guest at another's house during Chanuka, how does he fulfill the mitzva of Chanuka candles? The Gemara first quotes Rav Sheishet, who declares that a guest is obligated to fulfill the mitzva. By not specifying any special mode of executing the mitzva, Rav Sheishet suggests the guest performs it in the exact same manner as the host, by lighting his own menorah. The Ran, in his commentary to the Rif's rulings, concludes from this halakha that Chanuka candles should not be confused with mezuzah; whereas the latter is obligatory only if one owns a house, the obligation of Chanuka candles applies even if one does not. By announcing the obligation and manner of performance of the akhsenai, the gemara preempts any thoughts of comparing Chanuka candles to mezuzah.

After Rav Sheshet, the gemara cites Rav Zeira, who suggests a different manner by which the guest performs the mitzva: the visitor pays a peruta's worth of money to his or her host. This new manner of performing the mitzva supports the notion that Chanuka candles are indeed a chovat ha-bayit, thus forcing the akhsenai to adjust his performance. The guest cannot just light his or her own menorah, because the akhsenai is not lighting in his own house. By paying money, the akhsenai is asking the homeowner to perform the mitzva on the guest's behalf. Some have even suggested that this payment turns the akhsenai, having paid a symbolic rent, into a temporary member of the household, and allows the guest to perform the mitzva of Chanuka candles in a context approximating his or her own residence. Regardless, either explanation assumes that an akhsenai cannot merely replicate the behavior of a homeowner, confirming that indeed the mitzva of Chanuka candles is a chovat ha-bayit according to the view of Rav Zeira. Indeed, our question may form the basis of his argument with Rav Sheshet.

A second consequence of this question deals with the exact placement of the menorah. Though the aforementioned gemara suggested that it must be lit in the house, that passage does not specify the exact location within the house. A subsequent gemara (21b) claims that the menorah is placed in the entrance to the house, on the outside. This statement seems to imply that the menorah is to be set in the entrance from the reshut ha-rabbim (street, or public domain) to the house. Such a reading would actually place the menorah in reshut ha-rabbim. Rashi disputes this idea and claims that the menorah should be placed in the entrance from the courtyard to the house. (In Mishnaic and Talmudic times, a common courtyard was shared by the inhabitants of a number of private houses.)

What forced Rashi to relocate the menorah from the reshut ha-rabbim to the courtyard? Could Rashi have opposed placing a menorah in the public area because he viewed the mitzva as one OF THE HOUSE and not merely as one performed IN THE HOUSE? If the house is merely the site of the mitzva, then the part of reshut ha-rabbim adjacent to the house suffices; if, however, we must convert the house into one which is graced by Chanuka candles, we might insist that the menorah be located within the four walls and the domain of the house. It should be noted that not only do many authorities dispute Rashi's ruling, but Rashi himself (Shabbat 22 and Bava Kama 22) seems to allow a menorah in reshut ha-rabbim under certain conditions. The context of this shiur does not allow a fuller explication of Rashi's position, but his comments on Shabbat 21b do indeed evoke an image of chovat ha-bayit.

Another issue relating to placement of the menorah relates to the height. The gemara disqualifies a menorah which is placed above twenty amot, or 30-40 feet (in those days before apartment building); since people generally did not look above twenty amot, the publicizing of the miracle, the primary aim of lighting Chanuka candles, would have been severely compromised. Subsequently, the gemara debates whether we should impose an even stricter height limit of ten tefachim (30-40 inches). The source of the ten-tefach limit, however, is not clear. The Ritva comments that halakha often recognizes a height of ten tefachim as a separate legal domain. For example, if a podium of ten tefachim is placed in reshut ha-rabbim, that area is deemed a private domain for Shabbat purposes (i.e., a person may freely carry on the podium). As the space above ten tefachim is a different domain, the menorah must be placed beneath ten tefachim, so that a person and his or her menorah will remain in the same domain. Though the Ritva's interpretation of the ten-tefach space is provocative, his conclusion that a person and the menorah should occupy the same space might corroborate our earlier view. Since Chanuka candles are a mitzva OF THE HOUSE, we must situate the menorah firmly within the house. Just as Rashi disallows dislocating the menorah from the house into the reshut ha-rabbim, the Ritva insists that the menorah be tethered to the actual zone within the house that its lighters occupy. Rashi's limitation and the Ritva's explanation derive from the same logical concept.

YESHIVAT HAR ETZION ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH ALON SHEVUT, GUSH ETZION 90433 E-MAIL:

From: Ohr Somayach[SMTP:ohr@ohr.edu] To: weekly@ohr.edu
Subject: Torah Weekly - Miketz
FIRST IMPRESSIONS

"Seven years of famine..." (41:27)

I have had the merit, baruch Hashem, to write this parsha sheet for nearly ten years. Early on in my career I made a discovery that I would like to share with you.

If you examine many classic Torah discourses, they start with an anomaly in the way the Torah writes something, be it in the spelling, the grammar, the sequence. Based on this anomaly the writer will draw a homiletic interpretation. And then he will use the phrase, "To what may this be compared?" and finish with a parable to illustrate the point.

I felt that nowadays most people are very resistant to inferences based on textual anomaly, but a good story that people will always have time for!

So very simply, I reversed the classic structure, started with the story and finished with the textual analysis.

The great spiritual master Rava would always begin a deep Torah discourse with some light humor. Why? The nature of people is that as soon as someone gets up and starts to make a speech they want to fall asleep. Rava knew that to get his message across he would have to overcome that natural somnambulism.

You can't get people to listen to you unless you can first grab their attention.

My intention was the same as Rava's, the same as any teacher who to grab the attention of the audience before they hit the delete button.

So having told you the story, here's the anomaly:

In this week's Torah portion, when Yosef interprets Pharaoh's dream, he starts off by first telling him about the seven years of famine. Chronologically, the seven years of plenty came first. Why didn't Yosef start by talking about them?

In a country as prosperous as Egypt, talking about seven years of plenty would have been about as interesting as watching wallpaper. Yosef deliberately started with the years of famine because he knew that such a cataclysmic disaster would be sure to make Pharaoh sit up and take notice of his advice.

In communicating with people, you must first gain their attention, for without that, the best arguments will fall on deaf ears.

Sources: Ramban

Haftara: Zechariah 2:14-4:7

Chanukah means dedication. The festival that we call Chanukah is really the fourth Chanukah. The first Chanukah dedication was in the desert when Moshe dedicated the Mishkan, the Tent of Meeting.

The second was the dedication of the First Beit Hamikdash (Holy Temple) in Jerusalem. The third Chanukah is the subject of our haftara. It refers to the times of the Second Beit Hamikdash and the inauguration of the menorah at the time of Yehoshua the kohen gadol, and the nation's leader, Zerubavel, who is referred to in "Maoz Tsur," the traditional Chanukah song.

MOTHER NATURE'S FATHER

After a small band of Jews beat mighty Greece, one flask of undefiled oil was discovered in the Holy Temple. Enough oil for just one day, it burned for eight. To commemorate this miracle we kindle the Chanukah lights for eight days.

But shouldn't we light for only seven days? After all, the Temple oil burned naturally on the first day; on the first day there was no miracle at all. Why is Chanukah eight days?

The eighth candle reminds us of a miracle that is constantly with us. But we don't call it a miracle. We call it nature.

In this week's haftara, the Prophet Zechariah is shown a vision of a menorah made entirely of gold, complete with a reservoir, tubes to bring it oil, and two olive trees to bear olives. A complete self-supporting system.

The symbolism is that Hashem provides a system which supports

us continuously. However, we have to open our eyes to see where that support comes from. And that's the reason we light the eighth candle. To remind ourselves that "Mother Nature" has a "Father."

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From: chrysler[SMTP:rachrysl@netvision.net.il]
MIDEI SHABBOS BY RABBI ELIEZER CHRYSLER

This issue is co-sponsored by an anonymous donor "in loving memory of our dear parents Sol and Sarah Van Gelder z.l. and our dear sister Jean Kaye z.l and l'iluy Nishmas Mordechai ben Yitzchak whose Yohrzeit will be on 2nd Teves

Parshas Miketz (Shabbos Chanukah)

ALL ABOUT CHANUKAH The Dinim of a Guest (based on the Mishnah B'urah and Bi'ur Halachah, Si'man 677) A Married Guest

1. Seeing as the basic obligation of Chazal is to light one light per household, when a man is away over Chanukah, his wife is obligated to light in his stead.

2. To avoid all problems, one is therefore advised, before traveling, to instruct his wife or another member of his family to light Chanukah-lights during his absence. Someone whose wife did light on his behalf is absolved from the intrinsic obligation to light elsewhere. The only obligation to light will then stem from 'Mar'is ha'Ayin, in which case he will be obligated to light without a B'rachah.

3. If he is sure that his wife is lighting on his behalf, but he wants to light nevertheless, he can have in mind not to be yotze with his wife's lighting, and light himself with a b'rachah wherever he is. It is preferable though, to light without a b'rachah, or to light (even with a b'rachah) early, at a time when he is certain that his wife has not yet lit. For example, assuming that she lights after Ma'ariv (as most people do) he lights before Ma'ariv, immediately after sunset (which many in Yerushalayim do anyway).

4. If he does not know for sure that his wife has lit on his behalf, then he is obligated to light wherever he is with a b'rachah. In the event that he arrives home without having lit elsewhere that night, he will be obligated to light at home with a b'rachah (even if he subsequently discovers that she did light), since presumably, that is what he had in mind to do.

5. According to some Poskim, where the Minhag is to light inside, a guest (even a married one), is obligated to light his own Menorah (without a b'rachah), because of Mar'is ha'Ayin. This is due to likelihood that not everyone knows that he is married or that his wife is lighting on his behalf, and will suspect him of not having lit. In such a case, it will not even help to pay a small amount to one's host for a portion in the oil (see 6.). And a guest who has his own room should certainly follow this opinion.

An Unmarried Guest

6. An unmarried guest who does not have anyone to light on his behalf, can if he wants, be yotze by giving his host a small coin for a share in his lights (or his host can transfer to him a small portion in the oil or in the candles). However, it is preferable that he lights separately (so that nobody suspects him of not lighting). This might not be necessary in the case of a Yeshivah-Bachur who eats permanently at his host's table.

7. In the event that the guest buys a share in his host's lights, the latter should add a little oil (over and above the minimum half-hour requirement) or use larger candles than he would normally do.

8. The Shulchan Aruch adds that if the guest has his own exit to the street, then he is obligated to light there anyway, because of Mar'is ha'Ayin. But nowadays he adds, when it is customary to light indoors, this is no longer applicable. It is unclear whether Mar'is ha'Ayin applies in Eretz Yisrael, even though, many light by the windows in full view of the street. The reason for this is because so many other Minhagim customs are practiced - some people light by the windows, some, by the front doors, others outside by the front entrance, and others again, still light inside in the dining-room (making it difficult to suspect anyone of not having lit).

A Casual Visitor

9. Someone who pays a casual visit to a friend who lives in the same town, is obligated to return home in time for lighting the Chanukah-lights. If however, he insists on remaining, he can ask his wife or another member of his family to light on his behalf.

10. This stringency does not however, apply to a person who travels with his family, to his parents or to his parents-in-law over Chanukah.

From: Jeffrey Gross[SMTP:jgross@torah.org] To:
weekly-halacha@torah.org Subject: Weekly Halacha - Parshas Miketz
By RABBI DONIEL NEUSTADT Rav of Young Israel of Cleveland Heights

A discussion of Halachic topics. For final rulings, consult your Rav. SHABBOS CHANUKAH: LAWS and CUSTOMS

Lighting Chanukah candles on erev Shabbos and on motzaei Shabbos entails halachos that do not apply on weekday nights. The following is a summary of the special halachos that apply to Shabbos Chanukah.

PREPARATIONS

If possible, one should daven Minchah on Friday before lighting Chanukah candles.(1) There are two reasons for davening Minchah first: 1) The afternoon Tamid sacrifice, which corresponds to our Minchah service, was always brought before the lighting of the Menorah in the Beis ha-Mikdash(2); 2) Davening Minchah after lighting Chanukah candles appears contradictory, since Minchah "belongs" to Friday, while the Chanukah candles "belong" to Shabbos.(3) But if no early minyan is available, then it is better to light first and daven with a minyan afterwards.(4)

The oil or candles should be able to burn for at least one hour and forty-five minutes.(5) If the oil and candles cannot possibly burn that long, one does not fulfill the mitzvah even b'diavad, according to some opinions.

Enough oil (or long enough candles) to burn for at least one hour and forty-five minutes must be placed in the menorah before it is lit. If one neglected to put in enough oil and realized his error only after lighting the menorah, he may not add more oil. He must rather extinguish the flame, add oil, and then re-kindle the wick. The blessings, however, are not repeated.(6)

One who does not have enough oil for all the wicks to burn for an hour and forty-five minutes must make sure that at least one light has enough oil to burn that long.(7) [If, for example, Shabbos falls on the sixth night of Chanukah, and there is only enough oil for five lights to burn for the required length of time instead of the six that are required, most poskim maintain that only one should be lit, while a minority opinion holds that five should be lit.(8)]

Since it is customary in many homes that children under bar mitzvah light Chanukah candles, too, this custom should be observed on erev Shabbos as well. Preferably, the child's menorah should also have enough oil (or long enough candles) to burn an hour and forty-five minutes. If, however, it is difficult or impractical to do so, many poskim permit a child to light with the blessings even though his lights will not last for the full length of time.(9)

The menorah should be placed in a spot where opening or closing a door [or window] will not fan or extinguish the flame.(10)

A guest who is eating and sleeping over lights at the home of his host even if his own home is in the same city. Preferably, he should leave his home before plag ha-Minchah.(11)

THE TIME OF LIGHTING ON EREV SHABBOS

All preparations for Shabbos should be completed before Chanukah candles are lit so that all members of the household - including women and children - are present at the lighting.(12)

There are two points to remember about lighting Chanukah candles on Friday afternoon: 1) Chanukah candles are always lit before Shabbos candles; 2) Chanukah candles are lit as close as possible to Shabbos. The procedure, therefore, is as follows:

L'chatchilah, Chanukah candles are lit immediately before lighting Shabbos candles. B'diavad, or under extenuating circumstances, they may be lit at any time after plag ha-Minchah.(13) Depending on the

locale, plag ha-Minchah on erev Shabbos Chanukah is generally a few minutes less or few minutes more than an hour before sunset.(14)

In most homes, where the husband lights Chanukah candles and the wife lights Shabbos candles, the correct procedure is to light Chanukah candles five minutes or so(15) (depending on the number of people in the house who are lighting Chanukah candles) before lighting Shabbos candles. As soon as Chanukah candles have been lit, the wife lights the Shabbos candles.

If many people are lighting and time is running short, a wife does not need to wait for everyone to finish lighting Chanukah candles; rather, she should light her Shabbos candles immediately.(16) [If sunset is fast approaching, the wife should light Shabbos candles regardless of whether or not the Chanukah candles have been lit by her husband. If she sees that her husband will not light his menorah on time, she should light the Chanukah menorah herself, followed by Shabbos candles.]

In a home where the man lights both the Chanukah and the Shabbos candles [e.g., the man lives alone; the wife is away for Shabbos], the same procedure is followed. If, by mistake, he lit Shabbos candles before Chanukah candles, he should light his Chanukah candles anyway [as long as he did not have in mind to accept the Shabbos].

In a home where the woman lights both Chanukah and Shabbos candles [e.g., the woman lives alone; the husband is away for Shabbos], she must light Chanukah candles first. If, by mistake, she lit Shabbos candles first, she may no longer light Chanukah candles. She must ask another person - a man or a woman - who has not yet accepted the Shabbos to light for her. The other person must recite the blessing of lehadlik ner shel Chanukah, but she can recite the blessing of she'asah nissim [and shehecheyanu if it is the first night].(17)

If, after lighting the Shabbos candles but before the onset of Shabbos, the Chanukah candles blew out, one must re-kindle them. One who has already accepted the Shabbos should ask another person who has not yet accepted the Shabbos to do so.(18)

ON SHABBOS

The menorah may not be moved with one's hands for any reason, neither while the lights are burning nor after they are extinguished.19 When necessary, the menorah may be moved with one's foot, body or elbow(20) after the lights have burned out. If the place where the menorah is standing is needed for another purpose, a non-Jew may be asked to move the menorah after the lights have burned out.(21)

If Al ha-nissim is mistakenly omitted, the Shemoneh Esrei or Birkas ha-Mazon is not repeated.

Children should be discouraged from playing dreidel games on Shabbos, even when playing with candy, etc.22 A dreidel, however, is not muktzeh.(23) Oil may be pressed out of latkes on Shabbos, either by hand or with a utensil.(24)

Chanukah gifts may not be given or received, unless they are needed for Shabbos use.(25)

In the opinion of some poskim, women are obligated to recite Hallel on Chanukah.(26)

ON MOTZAEI SHABBOS

Candlelighting must take place as close as possible to the end of Shabbos.(27) Indeed, some have the custom of lighting Chanukah candles even before havdalah, while others light them immediately after havdalah. All agree that any further delay in lighting Chanukah candles is prohibited. Therefore, one should hurry home from shul and immediately recite havdalah or light Chanukah candles.

FOOTNOTES: 1 Mishnah Berurah 679:2. Many working people, though, are not particular about this practice, since it is difficult to arrange for a minyan on such a short day. 2 Sha'arei Teshuvah 679:1, quoting Birkei Yosef. 3 Sha'ar ha-Tziyun 679:7, quoting Pri Megadim. 4 Birkei Yosef 679:2; Yechaveh Da'as 1:74. 5 See Beir Halachah 672:1. The breakdown [in this case] is as follows: 20 minutes before sunset, 50 minutes till the stars are out, and an additional half hour for the candles to burn at night. Those who wait 72 minutes between sunset and tzeis ha-kochavim should put in oil to last for an additional 22 minutes at least. 6 O.C. 675:2 and Mishnah Berurah 8. 7 Mishnah Berurah 679:2. 8 Mishnah Berurah 671:5 (based on Chayei Adam and Kesav Sofer) maintains that when the "correct" number of candles is not available, only one candle should be lit. See also Beis ha-Levi, Chanukah. Harav E.M. Shach (Avi Ezri, Chanukah), however, strongly disagrees with that ruling. 9 Based on Igros Moshe O.C. 3:95, Y.D. 1:137 and Y.D. 3:522. See also

Eishel Avraham (Tanina) O.C. 679 who permits this. 10 O.C. 680:1. 11 See Chovas ha-Dar 1:12. 12 Mishnah Berurah 672:10. See also Chovas ha-Dar 1:10. 13 See Igros Moshe O.C. 4:62. 14 Note that only on erev Shabbos is it permitted to light this early. During the week, plag ha-Minchah should be figured at about an hour before tzeis ha-kochavim, and not one hour before sunset. 15 For one half hour before this time, it is not permitted to learn or eat. 16 Ben Ish Chai, Vayeishev 20. 17 Mishnah Berurah 679:1. 18 Mishnah Berurah 673:26, 27. [Concerning asking a non-Jew to light; see Rambam (Hilchos Chanukah 4:9), Ohr Gadol (Mishnah Megillah 2:4), Da'as Torah 673:2 and Har Tzvi O.C. vol. 2, pg. 258.] 19 O.C. 279:1. 20 Mishnah Berurah 308:13; 311:30; Igros Moshe O.C. 5:226. Chazon Ish O.C. 47:13, however, does not agree with this leniency. 21 Mishnah Berurah 279:14. 22 See Mishnah Berurah 322:22. 23 See Igros Moshe O.C. 5:22-10. 24 Mishnah Berurah 320:24, 25. 25 Mishnah Berurah 306:33. 26 See Machazeh Eliyahu 22 for the various views. 27 Those who wait 72 minutes to end Shabbos all year round, should do so on Shabbos Chanukah as well; Igros Moshe O.C. 4:62. But those who wait 72 minutes only on occasion, should not wait 72 minutes on motzai Shabbos Chanukah; Harav S.Z. Auerbach and Harav Y.S. Elyashiv (quoted in Shevus Yitzchak, pg. 75).

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THE PRACTICAL TORAH

BY RABBI MICHAEL TAUBES

Parshas Mikeitz: COUNTING TOWARDS A MINYAN

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

When Yaakov's sons come down to Egypt to obtain food during the famine, they are referred to by the Torah, for the first time specifically, as Bnai Yisrael, and we are told that they came among, b'soch, others who came to Egypt (Bereishis 42:5). Elsewhere, when describing the Mitzvah to sanctify the name of Hashem, the Torah states (VaYikra 22:32) that the Kiddush Hashem, this sanctification, must take place when one is b'soch, among, members of Bnai Yisrael. The Yerushalmi in Berachos (Perek 7 Halacha 3, 55a) derives from the use of the word b'soch, among, in both of these places that the minimum number of people who must be present in order for one to sanctify the name of Hashem is ten, explaining that just as the word b'soch used in the Posuk in this Parsha (Bereishis Ibid.) appears in connection with the activities of ten people, as documented by an earlier Posuk (Bereishis Ibid. Pasuk 3), so too the word b'soch used in presenting the Mitzvah to sanctify Hashem's name is understood to refer to ten people. Another authority there in the Yerushalmi (Ibid.) holds that it is not the common word b'soch here that is critical, but rather the fact that both sources speak about Bnai Yisrael; just as the term Bnai Yisrael in this Parsha refers to ten people, so too the term Bnai Yisrael describing the individuals in whose presence one must sanctify Hashem's name also refers to at least ten people.

In the Talmud Bavli, the Gemara in Berachos (21b) and, more fully, in Megillah (23b) derives this requirement for at least ten people to be present when sanctifying Hashem's name by drawing a connection between different Pesukim (BaMidbar 16:21, 14:23), one of which refers to the wicked Meraglim, the spies of Moshe, of which there were ten. Rabbeinu Bechaya, however, in his commentary on the Torah (VaYikra Ibid.), quotes that the correct principle source for this requirement is in fact the Posuk in this Parsha (Bereishis 42:5), and the derivation which focuses on the common word b'soch, although this derivation does not appear in the Talmud Bavli.

The Gemara in Megillah (Ibid.), commenting on the Mishnah (Ibid.) which lists numerous activities, most of which relate to either davening or reciting Berachos, that may be done only in the presence of at least ten people, a Minyan, explains that any activity labeled as a Davar SheBiKiddushah, a means of sanctifying Hashem's name, requires the presence of ten people. The Rambam (Hilchos Tefillah 8:6) and the

Shulchan Aruch (Orach Chaim 69:1) rule accordingly. The Rosh in Berachos (Perek 7 Siman 20) quotes from Rav Hai Gaon that ten people are needed because when ten Jews are together, the Shechinah, Hashem's presence, rests upon them; the Aruch HaShulchan (Orach Chaim 55:6) gives this reason as well. The Ran in Megillah (13b in the Rif s.v. V'Ain Noshin) writes that all of the above cited Pesukim requiring ten people for a Davar SheBiKedushah are merely in the category of an asmachta, a hint at the idea in the Torah, but the requirement is really MideRabbanan, since reciting each section of davening which is labeled as a Davar SheBiKedushah is itself obligatory only MideRabbanan. The Rambam, in his Peirush HaMishnayos in Megillah (4:3) writes that we have it by tradition that a Davar SheBiKedushah requires the presence of at least ten people.

In explaining what is meant by a Davar SheBiKedushah, the Tur (Orach Chaim Siman 55) mentions specifically the recitation of Kaddish, Borechu, and Kedushah. The status of some of the other activities cited in the aforementioned Mishnah in Megillah (Ibid.), such as Birchah Kohanim (Duchaning), Kerias HaTorah, and reading the Haftarah, is subject to some discussion as to whether they are to be labeled as Davar SheBiKedushah or not, although they certainly need the presence of a Minyan to be done. The Ran in Megillah cited above (Ibid.), as well as in the next paragraph (Ibid. s.v. V'Ain Korin), appears to hold that these activities are not considered Davar SheBiKedushah, and require a Minyan for other reasons; this is the understanding of the Ran presented by the Mishnah Berurah in the Biur Halacha (Orach Chaim Siman 128 s.v. Ain), citing the Pri Megadim (Ibid. Mishbizos Zahav Sif Katan 1), as well as by the Chayei Adam (Klal 32 Sif 1). In the same Biur Halacha (Ibid.), however, the Mishnah Berurah writes that some hold that Birchah Kohanim is a Davar SheBiKedushah; the Meiri, commenting on the above cited Gemara in Megillah (Beis HaBechirah Ibid. s.v. V'Nashuv) rules this way, adding that Kerias HaTorah and reading the Haftarah require ten people because they involve the recitation of Borechu, which is a Davar SheBiKedushah. The Rambam too (Hilchos Tefillah Ibid. Halachos 4-6) seems to group all the activities requiring ten people together, implying that they are all Davar SheBiKedushah; the Turei Evven in Megillah (Ibid. s.v. V'Ain) says this more explicitly. In any case, all of these activities undoubtedly may be done only if a Minyan is present.

There is actually an interesting discussion, though, regarding the recitation of Kedushah. Commenting on the above mentioned Gemara in Berachos (Ibid.), the Tosafos Rabbeinu Yehudah HaChassid (Ibid. s.v. Minyan) and the Tosafos HaRosh (Ibid. s.v. Minyan) both write that according to one authority in the Gemara (Ibid.), Kedushah is not classified as a Davar SheBiKedushah, but is rather considered as just the recitation of Pesukim; an individual could consequently recite it alone. Even if it is true, however, that this authority holds this way, and most Rishonim believe that there is in fact no such opinion, nevertheless, the Halacha certainly follows the other view that Kedushah is indeed a Davar SheBiKedushah, as mentioned by the above cited Tur (Ibid.).

It is worth noting that the Ben Ish Chai in Parshas Terumah (Ot 3) quotes from the Zohar and the Mekubalim that reciting Kedushah, and thereby sanctifying Hashem's name, is in fact a Mitzvah from the Torah. The Kaf HaChaim (Orach Chaim Siman 125 Sif Katan 4) quotes this view as well, citing the Ari Zal, among others; this could mean that the requirement for a Minyan, at least for Kedushah, would also be from the Torah. Most authorities, however, including the Ran in Megillah (Ibid.) and the Rosh in Berachos (Ibid.) cited above, as well as Tosafos in Berachos (47b s.v. Mitzvah) and others, clearly hold that this recitation - and the requirement for a Minyan - is only MideRabbanan, as documented by Rav Ovadyah Yosef (Sheilos V'Teshuvos Yabeah Omer Chelek 2 Chelek Orach Chaim Siman 34 Ot 2), who suggests elsewhere (Ibid. Chelek 1 Chelek Orach Chaim Siman 5 Ot 5), that this issue may relate to the issue of whether Tefillah in general is mandated by the Torah or MideRabbanan. It should be pointed out, though, that the Be'er Heitev (Orach Chaim Ibid. Sif Katan 5) quotes from the Ari Zal that when reciting Kedushah, one should have in mind that he is fulfilling the Mitzvah from the Torah to sanctify Hashem's name.

As for who may be counted towards the required ten people for Davarim SheBiKedushah, the Gemara in Berachos (47b) lists several possibilities, including one that a katan, a child under the age of Bar Mitzvah, counts, but concludes (Ibid. 48a) that these possibilities are not accepted according to Halacha. Rabbeinu Tam, however, is quoted in Tosafos (Ibid. s.v. V'Lait) as holding that the view that even a very young katan may count towards a Minyan is indeed accepted as the Halacha. His reasoning, as explained in his Teshuvah quoted fully in the Tosafos Rabbeinu Yehudah HaChassid in Berachos (Ibid. s.v. Asher), is that the Torah requires sanctification of Hashem's name b'soch, among, members of Bnai Yisrael, without mentioning any ages, and a katan may therefore be included. According to Tosafos in Berachos (Ibid.), though, Rabbeinu Tam himself never actually followed this view to count a katan to a Minyan, even if he would hold a Sefer Torah, which Rabbeinu Tam believes is meaningless. The Ra'avan (Siman 185) writes that since the whole requirement to have ten people for a Minyan is learned from the Posuk in this Parsha (Bereishis Ibid.) about Yosef's brothers, all ten people must be males above the age of Bar Mitzvah just as Yosef's brothers were when they came to Egypt. The Shulchan Aruch HaRav (Orach Chaim 55:2) uses the same logic according to those who derive this requirement from the above cited Posuk about the Meraglim (BaMidbar Ibid.); the ten wicked spies were also all adult males over the age of Bar Mitzvah.

The Rambam (Ibid. Hilchos Tefillah Halacha 4) rules clearly that all ten people must be over the age of Bar Mitzvah, a position presented in Maseches Soferim (Perek 16 Halacha 12), and accepted by the Rosh in Berachos (Ibid.) and the Rashba (Sheilos V'Teshuvos HaRashba Chelek 1 Siman 453), among others. Some, however, disagree, including Rav Hai Gaon, quoted by the Rosh in Berachos (Ibid.), as well as the Ba'al HaMaor in Berachos (35b in the Rif s.v. V'Ha), the latter allowing even more than one katan to count for the Minyan. The Shulchan Aruch (Orach Chaim 55:4) acknowledges that some allow a katan to be counted towards a Minyan, but concludes that this is not the accepted position. The Ramo (Ibid.), writes, though, that some are lenient B'Shaas HaDachak, in a case of great need, and the Magen Avraham (Ibid. Sif Katan 5) adds that although some disagree and are not lenient even B'Shaas HaDachak, the practice is indeed to allow a katan to count towards a Minyan in such a case if he holds a Chumash. The Mishnah Berurah (Ibid. Sif Katan 24) notes, however, that many Poskim reject this view and do not allow a katan to count for a Minyan at all; the Aruch HaShulchan (Ibid. Sif 10) concurs. Rav Ovadyah Yosef (Ibid. Chelek 4 Chelek Orach Chaim Siman 9) thus rules that one should never include a katan in a Minyan and should rather walk out of a Shul if that is going to be done. Rav Moshe Feinstein, however (Sheilos V'Teshuvos Igros Moshe Orach Chaim Chelek 2 Siman 18), rules that one may be lenient in a serious Shaas HaDachak situation, such as where the entire Minyan may have to be disbanded, and count a katan to a Minyan if he holds a Sefer Torah (on the Bimah) and if other guidelines are followed

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TorahWeb [from last year]

RABBI YONASAN SACKS

THE CHARACTER AND COMPASSION OF YOSEF

From the very moment that Yosef HaTzadik recognizes his brothers he treats them in a surprisingly harsh and seemingly unforgiving manner. Not only does Yosef unfairly accuse his brothers of spying, he further demands that Binyamin be brought to Mitzrayim. Perhaps what is most striking is his apparent lack of concern for his father Yaakov. How could Yosef remain indifferent to the anguish of Yaakov's suffering? How are we to understand the failure of Yosef to communicate and inform Yaakov that he was still alive?

When Yehudah confronts Yosef, he describes Yosef as dead, "veechav met" (Bereishis 44:20). Rashi explains that because of fear, "haya motzi davar sheker me piv", Yehudah misspoke for he could not be certain of Yosef's fate. However, the Meshech Chochmah defends Yehudah's assertion. Yehudah reasoned that had Yosef been alive, he surely would have contacted his father. The Meshech Chochmah cites

Rashi (Ketobos 22b) who allows a woman to definitively assert that her husband has died based on the notion that, "ilu haya kayam haya bah", if indeed he was alive he would have surely returned.

Ultimately, the Torah conveys the true compassionate character of Yosef haTzadik, as it describes his inability to restrain himself any further, and his revelation of his identity, emphasizing, "Ki lemichya shelachani elokim lifneichem", , that all that had transpired reflected yad Hashem. Yosef reiterated his true conciliatory feelings, "Elokim chashva letovah" (50:20). Hashem intended it for good.

However, the righteous and compassionate nature of Yosef further reinforces the obvious difficulty, i.e., Why did Yosef wait so long to identify himself? The Ramban explains that the answer can be found in the following pasuk, "Vayizkor Yosef et hachalomot asher chalam lahem vayomer aleihem meraglim atem" (42:9). Yosef recalled the dreams that he dreamt about them, and he said to them, "You are spies." Unlike Rashi, Who sees Yosef's brother coming to Mitzrayim as a fulfillment of these dreams, the Ramban maintains that unless Binyamin would join his brothers in Mitzrayim, the dreams would remain unfulfilled. Driven by these dreams, which Yosef considered prophecy, he suppressed his otherwise compassionate nature to ensure that Binyamin would in fact come to Mitzrayim.

The Midrash alludes to a further explanation of Yosef's behavior and objective. The grievous sin of mechiras Yosef placed an almost unbearable burden on the brothers. Rav Meyer (Sanhedrin 6b) is especially critical of Yehudah. Although he was greatly respected by his brothers he failed to exhibit responsible leadership. It was Yosef's desire to provide his brothers with an opportunity to redeem themselves a chance to secure complete teshuvah. Rav Yehudah explains (Yoma 86b) that the true measure of teshuvah is when an individual is faced with similar conditions to those that previously led him to sin, and he is able to overcome temptation and fulfill the ratzon Hashem. By insisting that Binyamin come to Mitzrayim and by accusing him of stealing, Yosef was able to test the true character of his brothers. Would they unite and rescue their younger brother or would they forsake him as they had abandoned Yosef? Hence, when Yehudah exhibited true leadership and mesiras nefesh by confronting Yosef and demanding Binyamin's release, Yosef immediately reveals his identity. The feelings of jealousy and enmity of the past are now replaced with feelings of compassionate brother hood.
