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Rav Soloveitchik ZT'L Notes (Volume 3)

Lecture delivered by Rabbi Soloveitchik on Sat. night, Jan. 5, 1980

Parsha Vay'Chee Tonight, I shall answer two or three questions and then discuss a topic of today's sedra. We finished Bereshis and start Shmos! What is the basic difference between these two books of the Torah?

Basically, Bereshis contains a story of a clan, a family. It begins with an individual -- one, two or three people, but merely a clan. "Shevim Nefesh" - seventy people are merely individuals. Shmos is the story of a nation. In the very beginning, it says that Pharaoh declared, "Am B'nai Yisroel Rav". Thus, Israel is referred to as "Am" - a nation. You couldn't call the house of Abraham a nation. A few individuals cannot be called a nation. To belong to a clan or to an "Am" - a nation - is a different experience. If there is a clan, it is based on a genetic code, on family blood. This is called, "Ish U'veyaso" - a man and his family. "Am" - nation - is already not natural but existential. In "Am," we exist together. How does this togetherness express itself? -- In caring for my fellow members of the "Am". I share his pain! When we say "Rav Votzum" (many and strong). What did Pharaoh want to express? "They care for each other! They relate experiences of "chessed" - kindness. They are not just concerned about themselves! Also, particularly when you say "Goy" it means special lifestyle. "Goy" is G'viah - a countenance, a physiognomy! We have one lifestyle, certain characteristic traits - a sense of "chessed" for each other - suffering and helping each other. Where did this materialize? It happened in "Mitzraim".

Bal Haggodah says, "Hoyoh Shom Mitzyonim". There they became distinct. This "something in common" separated them from the rest of the people of Mitzraim. You gave "dinin" - laws to a nation, not to individuals; to "Am" or "Goy" - not to "Ish U'veyaso". The Law is addressed to a people. So, Shmos is the story of a people while Bereshis is the story of a clan. It starts with a clan and branches into a special spiritual entity - "Am" or "Goy"!

Point II: There is a common denomination in today's sedra (the death of Jacob) and in the sedra of Chayeii Sora (the death of Sarah) -- also in the respective haftorahs. (In the haftorah of Chai Sora, we find that David chooses a successor to the kingdom (Solomon) and in today's David gives a charge to Solomon just before he (David) dies. What is common to both sedras and the two haftorahs? It is the "massoreh" - the passing on, the tradition or teaching. In the sedra of Chai Sora, we find that the succession, the handing over of the reins of Abraham was contested. The succession was opposed. "Ishmael M'tzachayk." Ishmael ridiculed and made fun of Isaac. In the haftorah of that sedra, we find that Adoniyahu - Solomon's half-brother, did not recognize Shlomo and appointed himself a successor. It is not a problem of thousands of years ago but even of today. "Are we G-d's people, chosen by G-d to whom promises were made?" The Christians say no! Who is the successor of Abraham - Yitzchak or Ishmael? Who did the prophet Isaiah promise - to those who call themselves Jew or those of Christianity or any other people? Basically, the problem of succession arises

in sedra "Vayera" when Hashem Pokod Es Soro - G-d remembered Sarah (and blessed her with a son). In Chai Soro, the entire problem is -- whom shall Yitzchak marry? Intuitively, you feel that this is the main problem which Abraham felt before he was able to turn leadership over to Yitzchak.

What do we have here in today's sedra V'ychee? What is the story here? We have the blessings of Ephraim and Menashe, then the children gathered around Jacob's bed, the burial, etc. But what is the main theme? The main motif is that there is not just Yisroel but that we exist as Knesseth Yisroel. Our existence is not a monotonous one. Ours is formed of many individuals; each is unique, distinct, excels in a certain area. Each "shevet" - tribe contains a unique spiritual ability, together comprising 12 such unique abilities. Yehuda has "gevurah" strength, Naftali - swiftness (not physical perhaps). Shimon and Levi even though criticized are not eliminated but distributed. The Knesseth Yisroel is unity. "Coincidentia oppositorum." Yehuda's mission was to implement a certain idea which was impossible to be done by Naftali, etc. (To arise as a lion). Joseph is symbolized as a beautiful branch. The whole idea of Knesseth is a nation composed of "oppositorum". Before a clan becomes a nation, we must determine that they can carry their various attributes. It is not a nation of monotony. Moshe, like Jacob, did the same on the last day of his life. "I don't leave a simple nation; you are an accumulation or assembly of many books. Together you'll be a great nation.

What is the idea of the haftora from sedra Vaychee? What is the central motif? Koheles and Shir Hashirim are both by Shlomo. In Koheles, we find conflicting sentences but Chazal says that it is no reason for excluding it from the Hagiographia because the p'sukim from Shir Hashirim reconciles them. For example, does Yehadus believe in the concept of private property? Some say the concept is cruel. Some say it is pagan to have private property while others support it. It is thesis and anti-thesis. The part of the Jew is to reconcile. It might be cruel or might be very lofty. This is the job of halacha. For the first time, the Torah speaks not of an individual but a nation. This is Shlomo; he personifies it. He reconciled that which was irreconcilable. There is always a third posek which reconciles the first two. This is Shlomo!

Point III Why did Joseph receive a double portion in today's sedra (Ephraim and Menashe)? Where is the justice? The reason is because Joseph was the first one to come to Egypt and was there longer in "golus" - the Diaspora. The longer he was in golus, the more difficult it was for him. He was completely alone with no one to talk with. The others who came later had people to talk with to mitigate their loneliness. Therefore, Jacob declared at the blessing to Ephraim and Menashe, "Those born before I came here have an extra share!" Why? They were in "golus" longer and it was more severe. Those who may be born after my arrival will not have an extra share because the "golus" experience will not be as severe, cruel and excruciating for the entire household as for Joseph and his two sons.

In today's haftora, what was David's will which he turned over to Shlomo, particularly Yoav? (Briefly: And you know what Yoav, the son Zrua did to me, which he did to the two generals of Israel, Avner, the son of Ner and to Amasah, the son of Yeser, when he killed them in the time of peace. Therefore, execute according to your wisdom and do not let them come to their graves in old age.)

Yoav was devoted to David heart and soul. Yet David left instructions to kill Yoav. He did not mention that Yoav killed Absalom. David's renegade son, but that he killed two generals. David showed one thing, that murder cannot be excused even if he was the greatest person and the greatest general. Why did Yoav do this? He did it because he wanted to protect David. He didn't trust the people. He felt that whoever is a friend of Saul cannot be a friend of David. Nevertheless, though it was extenuating circumstances, murder could not be condoned. He didn't tell him to kill Yoav but merely to put him on trial. If it weren't for Yoav, David would not be where he was. Still, it was no excuse. "Don't let him go to the "sheol" - hoary head to the grave - doesn't mean kill. He must be judged. Where is David's beautiful desire to build the Temple described? We find it

Psalm 132 of Tehilim. "Surely, I will not come into the tent of my house, nor go up into the bed that is spread for me. I will not give sleep to mine eyes nor slumber to mine eyelids until I find out a place for the L-rd, a dwelling place for he Mighty One of Jacob." He searched a place for the Bais Hamikdosh. He left to Solomon the place, the money and all the requisites. All was ready. All Shlomo had to do was bring the workers. However, G-d said "No, you spilled a lot of blood." David thought by saving Yoav, he would succeed in building. He tried again and again which is reminiscent of the many times Moshe asked to be allowed to cross the Jordan. Thus, by not executing Yoav he hoped that G-d would forgive for he didn't want to be called a spiller of blood.

Strange is the blessing to Reuven which is described: "My might and the first fruits of my strength, etc." Another passage which is very strange is that which occurs directly after Rachel's death in chapter 35, sentence 22 of Vayishlach, that of Reuven disarranging the couch of Jacob. Rashi explains that after Rachel's death, Reuven was hurt because his father moved his couch to the tent of Bilhah rather than to Leah's tent. Since Benjamin was an infant and Bilhah was the maid servant, Jacob rationalized that she would take care of the baby. Reuven, however, was angry saying, "If my mother's sister was a rival to my mother, shall also the maid servant be a rival?" Therefore, he disarranged the bed. The posek speaks of defiling the couch of Jacob. Torah speaks in a language as though he actually sinned and defiled Jacob's bed. However, if it were not for here in the brochos it actually shouldn't have been recorded in the Torah altogether. Reuven is also mentioned in Torah that he found mandrakes or flowers in the field and brought them to his mother. And also he is mentioned at the selling of Joseph where he saved Joseph's life from death and instead threw him into the pit. So together, Reuven is mentioned four times but they all tell an identical story.

Reuven was absent at the actual selling. Rashi declares that he had gone to do "T'shuva". If he were there, they wouldn't have sold Joseph because they would have listened to him. He was not with them because he was occupied in fasting and wearing sack cloth for defiling his father's bed.

Reuven was the guilty person but why then? Why just at that time should he have chosen to do T'shuva after so many years following the incident? Reuven was a very sensitive person. He was very loyal and devoted to his mother Leah. Also, he possessed unusual powers of observation and knew that his mother suffers greatly. People are unjust and unfair to her. Often, the father is unfair and unjust to mother. Now, when a child observes a mother suffering, what is his first impulse to do? He will take an object, no matter how insignificant and bring it to his mother. "Here Ma, it is for you! I love you! Therefore, we have the incident of the "Dudoyim" -- the mandrakes. He found a flower he liked, brought it to mother as a sign that he shared her pain and her sorrow. Without using words, he expressed his love and loyalty. This is all the Torah tells us. Many years later, Rachel was still the hostess and Leah was still unhappy. Reuven saw his mother's plight and still mourned for her.

Finally, Rachel died. Rachel's death was a great blow to Jacob. How do we know this? Many years later when Jacob was very old and close to death, he still thought of her; she still occupied his mind. In sedra Vaychee, when Joseph brings his sons Ephraim and Menashe for blessing, Jacob speaks, "As for me, when I was coming from Padan, Rachel died on me!" The pain was excruciating. "I simply didn't know what to do!" In time of death, people cannot put up resistance as is exemplified by the racket of modern funerals where people are talked into everything. "Don't ask me why I buried her there. I lost all my composure. Therefore, regarding me, I ask you to do differently. Therefore, he made him swear!

Reuven also mourned his aunt but what he expected didn't materialize. "Now mother will become the "Acheres Habais" - the position of 'first lady'. People will not smile behind her back anymore. People will not say anymore, "She is the ugly Leah!" However, what he didn't expect did happen. Jacob moved the bed to Bilhah's tent. All Reuven did was to move the furniture to his mother's house. This was Reuven's protest! Reuven

declared, "Mother is humiliated for no reason." Was this an evil? Torah did see the harm! "You did disturb my couch! You humiliated me! (declares Jacob)"

Immediately, after this incident, it (scripture) says that Jacob had twelve sons and they are named. Why then? None was excluded; none was expelled. All are included in Knesseth Yisroel. "Kulom Tzadikim" -- all are righteous. On one hand, Torah says "desecrated," on the other, it says "don't condemn" - status has not changed. Reuven did it because he thought it was "Kibbut Aym" - honoring mother. And yet despite Reuven's lofty ideal, Torah employs the word "shochav" - (he lay) in describing his sin. It is a serious mistake as far as consequences are concerned. It is as bad as if incest had been committed. On one hand -- a serious error -- on the other hand, "he remained a pillar".

When did he recognize the mistake? At "mechiras Yosef" - Joseph's selling. If not for the sinful act "mechiras" would never have occurred. The brothers revered Jacob their father! They loved him, they never questioned him. There would have been no dissension. They would never have dissented the coat of colors. They might not have understood but never hated. They would never have thought of killing! Murder our own brother? What caused it? It was Reuven's public action! Although he wanted to defend his mother and did it out of kindness, yet he destroyed Jacob's central position in the house. That brought about rebellion and that precipitated the possibility to think of "R' tzicha - murder". At this moment, Reuven recognized the fruit of his action and he took off his clothes, donned sack cloth and engaged in penitential prayer.

What did Jacob criticize? "There is something in his personality which is not in accordance with that which was destined for him. His destiny was supposed to be "K'hunah and Malchus" -- the priesthood and the kingdom. Jacob criticized the haste and the wrong decision in time of crises. If he had thought it out, he'd have reached a logical conclusion. Instead, he failed in a moment of decision. Therefore, in the blessing "Pachas Kamayim" - unstable as water. Just as spilled water rushes every which where, so was Reuven's action. He was illogical and irrational in decision. Gemorah declares him as saying, "the maid of my mother will be the hostess?" Therefore, "Al Tosar" - you cannot be above your brethren. I expected you to be excellent in power (kingdom) and dignity (priesthood). You disappointed! You are not fit for it. You cannot be leader! Leader must be strong in situations which defy human dignity. Therefore, "Al Tosar". Here we understand something enigmatic. Reuven sinned and Judah sinned. You cannot compare the two (Judah's was more serious regarding Tamar and wanting to sell his brother.) Yet, for Reuven there is rebuke and removal of leadership while for Yehuda there is the highest praise of the first order.

To Yehuda he granted what didn't seem to belong to him -- Kingship. Why? What did Yehuda show? In fact, Moshe before his death had to fortify the tribe of Reuven by declaring, "Y'chi Reuven" - May Reuven live. Reuven could lay out a plan of battle but couldn't react in danger when attacked by the enemy. Therefore, Moshe asked G-d, "protect him."

However, when a clandestine enemy attacked Yehuda, he was excellent as exemplified by his stance against the "Viceroy of Egypt" who'd detain his brother Benjamin. He was excellent! His courage increased! Therefore, "malchus" kingship was turned over to Yehuda and removed from Reuven!

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Rabbi Hershel Schachter
Gam Zu Letova

Towards the end of the parsha, Yosef's brothers plead with him to not take revenge or otherwise punish them for what they had done to him.

Yosef responds that although their intentions were bad, since Hashem intended it for a good purpose, namely to keep everyone alive, he would not consider harming them at all.

Very often something which we consider an absolute tragedy occurs, and only years later, when looking back and placing all events into the proper perspective, do we realize that the tragedy was not at all a tragedy, but rather enabled something wonderfully good and marvelous.

In Parshas Miketz (42:36) Yaakov Avinu is so distraught; his whole life is falling apart: Yosef is gone, Shimon is gone, and now they're taking away his beloved Binyamin. The medrash comments on that passuk that Hashem was sitting in heaven above and chuckling at Yaakov's "krechzing". Yosef is gone? He's the prime minister of Egypt and is on top of the world! Shimon is gone? He's roaming about freely touring Egypt! Yosef only imprisoned him as long as the brothers were there (See Rashi to Parshas Miketz 42:24). And now Binyamin too will be lost? Nothing at all happened to Binyamin, just like nothing at all happened to Yosef or to Shimon. Yaakov's perception was that he had experienced tragedy upon tragedy, while in truth nothing had gone wrong at all.

The Talmud (Berachos 60b) tells us that when we experience a tragedy we must recite a special blessing, baruch dayan haemes, and that beracha should be accompanied by acceptance of the tragedy with great simcha based on the belief that everything that Hashem allows to happen is always for the good! When the Torah commands us (Devarim 25) to wipe out the nation of Amalek, the expression used is that they should be wiped out “mitachas hashomayim – from under the heavens”. The implication is that only from our perspective should Amalek be wiped out, as they are the physical embodiment of evil.

However, from Hashem's perspective, which takes into consideration the totality of all events, even Amalek embodies some good. This is what the rabbis in the Talmud had in mind when they pointed out (Gittin 57b) that descendants of Amalek and other evil individuals converted to Judaism and learned and taught Torah. Although we view Amalek as the ultimate symbol of evil, history has proven that even they had some redeeming value.

Whenever we experience any tragedy we should always adopt the attitude of Rabbi Akiva (Barchos 60b) who would always assume that G-d would not have permitted the event to occur if it weren't something good. Rabbi Akiva learned this approach from his rebbe – Nachum Ish Gam Zu, who would always comment upon experiencing tragedies, “this too is certainly something good!” (Taanis 21a).

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Rabbi Yaakov Neuburger Keeping Galus In Perspective

Though parshas Vayechi is a distinct parsha as determined by Torah sheba'al pe, our oral tradition, it does not enjoy the clear Torah shebichsav demarcation that marks every other parsha in Torah. That means that Vayechi is missing the nine blank spaces that indicate the start of a new parsha and chapter to every baal koreh, student, sage and parshan. Bringing Vayechi and Vayigash side by side much as one slides closed two panes of a window, signals to us, according to Rashi, that upon the death of Yaakov Aveinu the eyes and hearts of the Jewish people were similarly closed shut.

Nevertheless the meaning of the message is unclear and the faint connection between the metaphor and the message should leave us all puzzled. In a similar matter, the omission of all white spaces throughout parshas Vayetze led Harav Chaim Shmulevitz to investigate it in the following manner. He pointed out the Rashi at the beginning of Sefer

Vayikra, explains that the white spaces in the Torah represent the downtime that Moshe Rabbeinu needed to absorb what he had just studied. Now we may question, as the Mirrer Rosh Yeshiva does in Vayetze, is the lesson of the shutting down of the hearts and eyes of the shevatim important enough to justify robbing Moshe Rabbeinu of the opportunity that even he needs, to digest and absorb new teachings?

It would seem to me that the Torah is simply instructing us to read Vayechi both as an independent parsha as well as a continuation of parshas Vayigash. For what purpose, might this be?

The final pasuk in Vayigash describes the complacency of Yaakov's family in their new surroundings, (47:27) "And Yisrael dwelt in the land of Egypt, in the land of Goshen; they acquired property in it and they were fruitful and multiplied exceedingly." Understandably, Yosef's efforts to prepare a place for his brothers were successful. They were allowed to live as shepherds, somewhat independently in Goshen, perhaps at first as part of the royal family who had saved the country, and probably strengthened by the guidance and teachings of Yaakov. There is good news here for the Diasporas of the future: unfriendly environments may surprisingly become a haven for the prosperity of Torah study, and the establishment of independent Jewish communities committed to Torah and the propagation of its culture and ethics.

That is why it so important to juxtapose the last words of the aging Yaakov as he reminds his children of how far they are from home and how uncomfortable they all have to be in Mitzrayim. To be sure, Yaakov's request to be buried in Chevron, setting his children apart from their hosts as they make the trip home, was to be a defining experience. This charge would remind them to dream of the cedar trees that they brought with them and the code phrase pkod yifkod that would mark the beginning of the end of trouble, which they had not yet envisioned.

Unfortunately but predictably with the passing of Yaakov, his children, their eyes and their hearts, shut out his final thoughts, allowing the culture of Mitzrayim to severely impact them. Thus the measured confluence of Vayigash and Vayechi implore us to appreciate and utilize the blessings of a golden galus even as we make sure that throughout them, Yaakov Avinu's final breathes reverberate powerfully and unceasingly.

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Rabbi Eli Baruch Shulman Parshas Vayechi 5765

Final parshah of a series of very dramatic פְּרִשְׁׁית; Yaakov's lifelong struggles, the drama of יַעֲקֹב and his brothers – now reach their final chapter, with the deaths of עֵשָׂו and then of יַעֲקֹב and his brothers וְכֹל הַדָּרֶךְ הַהְוָא. It is a chapter of conclusions, in which all the dramatic tension that has built up over these past פְּרִשְׁׁית is finally resolved.

At the center of פְרָשָׁה יַעֲקֹב's deathbed, from which he gives his final instructions, his final blessings, and takes his leave of his family. The Torah describes how יַעֲקֹב summons יוֹסֵף and extracts from him a promise **אל נא במצרים תקבורי**.

וילוסף הנה ויאמר האברים האלה – apparently some time later, **אברהם** and **מנשה**, and brings his two sons, **יעקב** and **חילה**, to be blessed. **יעקב** tells him that his two sons – **יעקב**'s grandsons – will forever be reckoned as **יעקב**'s own children – **לי'ו** – **אברהם** ו^ו**מנשה** בראוכו ואמעו הוו י'ו יעקב.

And then says: יקְבַּח מִפְנֵי – Why does he brings this up now? Rashi, Ibn Ezra, Ramban – all learn it's connected to request to bury him in Me'arat haMachpela; apologizes for not doing same for רחל. But if so it should be in previous ברכות, when he makes that request – not now, in connection with

אפרים ומנשה blessing of.

I'd like to make a suggestion. But to understand it, we have to go back several, to the story of רחל and לאה and their very stormy relationship to each other and to יעקב.

Think about lives of רחל and לאה. What did יעקב's love. What did she long for? Children. בנים ואמ אין מטה אנכי הבה לי.

הה – just the opposite. She had no trouble conceiving. But what she yearned for – was יעקב's love. גו המעת קחתרך אה אשתי.

This symmetrical tension – is highlighted in episode of דודאים. לאה has power of fertility. רחל wants them. לאה is bitter – המעת קחתרך אה אשתי – you have יעקב's love. At least leave me this – that I am the mother of his children.

So they exchange – רחל gives the דודאים – and רחל gives up a night of יעקב's company. Each one gives up something of what they have – in the hope of getting that which they yearn for.

The bitter irony – is that it does no good. רחל doesn't get pregnant from the דודאים – on the contrary, it is לאה who conceives as a result of that exchange.

But on the other hand – לאה keeps hoping that by having children she will get יעקב's love – shows in the names she gives – ראובן (כי ראה ה' את עניי כי אתה), לוי (הפעם יולהashi אל), זבולון (הפעם יובלני אשתי) (אהבני אשתי).

But it doesn't help – רחל retains all of יעקב's love.

This story is the backdrop for whole second half of ספר בראשית, this bitterness that divides the two sisters. And it is against this backdrop that we have to understand the hatred of the brothers for יוסף – and, for that matter, יוסף's relationship towards his brothers.

רחל's bitterness in seeing לאה give birth to son after son, while she remained barren, her sense of disenfranchisement – which the Torah captures so vividly in the פסוק where she comes crying to יעקב: הבה לי בנים ואם אין מטה – her sense of failure – is the backdrop for יוסף's behavior when his story first begins, when the Torah tells us: והו נער את בני בללה ואת בני זלפה: יעקב ויבוא יוסף את דברתם גו נש' – he prefers the company of the shepherds over his brothers, and he tends to denigrate לאה's children – in short, he carries רחל's chip on his shoulder, and her resentment of לאה's children.

And even more acutely – the bitterness that had felt as the less beloved wife – the jealousy for יעקב's love, she, too, bequeaths to her children. (Episode of תבע עלבון אמו – בלבול משכבר בללה – Rashi: And therefore when the brothers saw that יוסף was the favorite – that the love that יעקב had reserved for רחל – and withheld from לאה – he now showered on רחל's son, and withheld from them – the pain and anger that they felt was רחל's pain, living on in them – and magnified, therefore, by their love for her. And their hatred, the explosiveness of their response – the whole terrible saga of מכיריה יוסף – can only be understood in that light.)

And thus the tension between רחל and לאה, the bitterness in their relationship, which the Torah depicts so vividly and unmistakably, bears bitter fruit in the lives of their children.

When does this breach begin to heal? When the brothers finally learn to make peace with the fact that יעקב will always love רחל's children more. And that happens when they put their lives on the line in order to restore יעקב to בניימין.

mosrim instead of מצרים. And, particularly, when יודה offers to stay in בניימין.

יוסף – יעקב's children! – could have sold into slavery. But let us stop and wonder at the greatness that יודה shows here – not just sacrificing himself for בניימין – but sacrificing himself because he recognizes that – however much his father will be distressed at his loss – he will be far more shattered by the loss of בניימין. Consider that – measure that in the light of all that has gone before, לאה's lifelong pain that loves יעקב more – her son's pain at that memory – all their anger and bitterness – and then consider what it means when says – I have to sacrifice myself for בניימין, because בניימין is all that my father has left of רחל, he is the focal point of my father's love – and therefore his life takes precedence over mine. The nobility – the maturity – the distance that has traveled – and the brothers with him – are staggering.

But בסוף has also changed. Where once he resented his brothers, he now sees his primary role – the whole reason for his elevation – is to help them. כי למחיה שלחני אלקים לפניכם.

And so with the reconciliation of יוסף and his brothers, the struggle between לאה and בניימין comes to a close, too.

My grandmother [Rebbetzin Chiena Kossowsky a'h] used to make a very beautiful observation. All her life had yearned to be close to יעקב; and all her life רחל had yearned to be the mother of יעקב's family. What they each yearned for they ultimately received, after their deaths. לאה, who had yearned to be close to יעקב, is buried with him, lying together through the ages; while רחל, who had yearned to mother כבבֵלֶל, is buried על הדרך, on the road where the Jews will march into גלות, where they can cry at her graveside, and she can cry on their behalf – ברכמה נשמע לנו כי תמרורים קול. And through the centuries it is רחל to whom we refer as – even though we are biologically most of us לאה's children.

And this brings us to יעקב's bedside. We asked at the outset – what is the connection between יעקב's statement that כראובן ושמעון יהו לי אפרים, and his statement that ואני בבא מפדן ארם גו? In the light of what we have seen I would suggest the following:

In this last act of this drama, יעקב finally gives to each of his two wives what they had desired most. To רחל, who had yearned all her life for children, he gives two more children. ומונשה כראובן ושמעון יהו לי אפרים. It is his last gift to רחל. But at the same time, in the very next breath, he says – יאנו בבא מפדן מהה גו – acknowledging that רחל will not be buried with him; that in the final act he will be laid alongside לאה. And that is his last gift to her.

There is a very deep message here. In all of our lives there is a gap between what we have, and what we want. We all have our dreams – נחתה from children, wealth, professional success, spiritual stature, intellectual or artistic or creative accomplishment, popularity, marital bliss, fame, leadership, and so on. The hardest fact of life is that no one gets everything. Not everywhere do the dreams that we dare to dream really come true. To each of us some things are given, and some are denied. Some gifts we are given, and some are denied us. And those we are given are not necessarily those that, given a choice, we would have preferred. And in each of our lives there will always remain unfulfilled longings, and unrealized dreams.

But if we allow that longing to overwhelm us, to blind us to the wonderful things in our lives, if we dwell on our dissatisfactions, and the gifts that we have been denied rather than those we have been vouchsafed, then we ruin our enjoyment of what the רבש"ע does choose to give us – and, if we are not careful, we can poison our whole lives – and not only our lives, but very

often the lives of our children as well. Bitterness and longing are passed on to children. At the end of the day no one gets everything; and the hallmark of maturity is to make peace with that knowledge, and to be able to acknowledge the gifts that we are given, and to rejoice in them.

May the י"ש give us the wisdom and the maturity to recognize His gifts and to be grateful for them; may He gives us the capacity to fill our lives with joy and gratitude for what He gives us, and the maturity to make peace with what He, in His wisdom, chooses to withhold. And may we see that joy and contentment passed on from generation to generation, until that time when our greatest dream will indeed be fulfilled, when בשוב ה' את שיבת ציון היינו כחולים.

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Beit Din and Explaining Decisions - Part One

by Rabbi Chaim Jachter

Introduction In honor of Chanukah, we shall begin a series of articles about Beit Din practices both in Israel and the United States. Chanukah celebrates the need for Jews to remain distinct from the general society even as they are contributing citizens of the countries in which they reside. The Halachic prohibition to adjudicate disputes in non-Jewish courts is one important way in which we distinguish ourselves from the surrounding culture. Civic duties do not require us to adjudicate disputes between Jews in civil courts, as the overburdened justice system is happy to have disputes resolved in Beit Din. Civil courts regard Batei Din as arbitration courts and will honor and enforce Beit Din rulings if the Beit Din follows proper procedure for arbiters.

Beit Din and Explaining Decisions – Introduction In the Western world, people expect judges to offer reasons for their rulings. In this manner, judges are held accountable, as their reasoning can be reviewed by an appellate court. They also demonstrate publicly that their decision was not made arbitrarily, but rather was the result of a well thought-out and well-founded approach. Scrutiny of and transparency in leadership are hallmarks of a democracy. This series will discuss the Halachic attitude towards Beit Din revealing the logic behind its rulings. The classic sources in this regard will be presented, as will the practices of contemporary Batei Din in both Israel and the United States.

Sanhedrin 29a – No Explanation Required Chazal do not require a Beit Din to present the reasons for its decision. The Mishnah (Sanhedrin 29a) presents the procedure for a Beit Din issuing its decision: "The most prominent of the judges announces 'Mr. So-and-so, you have prevailed, and Mr. So-and-so, you are obligated.' No mention is made of a requirement to offer explanations for a decision. In fact, the Shulchan Aruch (C.M. 19:2) states that if one of the litigants requests a written decision, the Beit Din writes, "So-and-so came with so-and-so his fellow litigant before Beit Din, and it emerged from their words that so-and-so emerges victorious and so-and-so is obligated." Again, no mention is made of a requirement to explain the decision.

Sanhedrin 31b and Bava Metzia 69 – Two Possible Exceptions However, the Gemara addresses two exceptional situations in which it is expected that a Beit Din will offer reasons for its decision. The Gemara (Sanhedrin 31b) speaks of two belligerent litigants who are fighting as to where their dispute should be adjudicated. One litigant insists that the local Beit Din decide the matter, while the other demands that the case be brought to the "Mekom HaVaad," which Rashi (ad. loc. s.v. HaTokeif) explains to mean an assemblage of many eminent Torah scholars, for adjudication. The Gemara states that the local Beit Din may coerce the

litigant to arbitrate the matter therein. The Gemara concludes that if the party that wished to go to the Mekom HaVaad asks that the local Beit Din present the reasons for its decision, the Beit Din writes a document explaining the reasons and delivers it to him. Tosafot (ad. loc. s.v. VeIm) state that a litigant enjoys the right to demand an elucidation of the decision only if he was coerced to litigate his case in a local Beit Din. The written decision enables him to bring the decision to the Mekom HaVaad or a Beit Din Gadol (rabbinic court of eminent stature) for review. Otherwise, a Beit Din is not obligated to honor a request for an explanation of its decision. Another case (Bava Metzia 69a-69b) is interpreted by the first opinion in Tosafot (ad. loc. s.v. Ki Hai Gavna) as presenting another situation in which Beit Din should offer reasons for its decision. The Gemara describes a case where one partner in a business venture divided the profits without the consent of the other partner. Rav Papa ruled that the division was legal. Subsequently, the two men partnered to sell wine, and the other partner divided the wine without the first partner's consent. Rav Papa ruled that the second partner was not entitled to do this, for he might have not divided the wine fairly. The second partner then complained that Rav Papa always seemed to side with the first partner. Rav Papa responded, according to Tosafot's first interpretation, that in such a situation, one must present a reason for his decision. Tosafot explain that in this case, where there was a basis for a litigant to suspect the Beit Din (Rav Papa) of bias, it should reveal its logic in order to "be clean in the eyes of Hashem and Israel" (BeMidbar 32:22). The Sema (14:23) clarifies, though, that this applies only if there is a reasonable basis for the charge of bias, as there was in Rav Papa's case. Tosafot's second understanding of the Gemara, however, does not interpret the events as requiring a Beit Din to clarify its grounds in such a case.

Shulchan Aruch, Rama, and Sema In the Rishonim and Acharonim, we find different approaches towards Beit Din revealing the rationale for its judgment. Some authorities expand the obligation, while others limit it. On one hand, the Shulchan Aruch (C.M. 14:1) codifies the passage from Sanhedrin 31b as well as (C.M. 14:4) the first opinion in Tosafot to Bava Metzia 69 (requiring that reasons be presented in case of suspicion). The Sema (14:25) adds that even when Beit Din is not obligated to disclose its logic, it will do so upon request. This does not constitute an obligation upon Beit Din, but rather seems to be the appropriate and "righteous" step to take. The Rama (ad. loc.), however, places three limitations on the obligation for Beit Din to reveal its reasoning in case of suspicion. First, Beit Din is not obligated to disclose its logic within a specific time. Rather, it presents its reasons whenever it finds the opportunity to do so. Second, the Beit Din need only write the respective claims of the litigants and the ruling of the Beit Din, not the actual reasons for the ruling. Finally, the Rama states that only a lower Beit Din must explain its reasoning. A Beit Din Gadol need not state its reasoning, "because we are not concerned for error, for if we were, there would be no end to the matter." Sema (14:24), though, rules that the second limitation applies only when a litigant seeks to appeal a case to a Beit Din Gadol. An eminent Beit Din will be able to discern the basis for the ruling based on the facts and arguments of the case presented by the lower Beit Din without an explanation. The Sema argues that if no appeal will be made, Beit Din should reveal its logic if there is reasonable suspicion of bias. We also should note that the Pitchei Teshuvah (C.M. 14:10) cites the Teshuvot Chavot Yair (in the addendum), who strongly questions the Rama's second limitation.

Noda BeYehudah and Chatam Sofer major late-seventeenth- and early-eighteenth-century authorities - the Noda BeYehudah and the Chatam Sofer - adopt different approaches regarding whether Beit Din should disclose or withhold explanation. The Noda BeYehudah (2 C.M. 1, cited by the Pitchei Teshuvah C.M. 14:11) widens the obligation in a characteristically brief but powerful responsum. First, he expands the definition of coercion in this context. He states that as long as a litigant had to be summoned to Beit Din, he is considered to be coerced, requiring Beit Din to state the claims and ruling in order to facilitate an appeal to a Beit

Din Gadol. He adds that this is necessary, "especially in our generation, when mistakes occur frequently." He also limits a Beit Din Gadol's exemption from presenting reasons to a court on which each member is a rabbi of eminent stature who is renowned for his Torah scholarship. He concludes the responsum with an exceptionally strong statement: I do not suspect any rabbi will refrain from doing so (revealing his reasoning) unless he knows the truth is that he did not judge properly, either deliberately or negligently, and is arrogant and ashamed to acknowledge the truth that he has erred. The Chatam Sofer (*Teshuvot Chatam Sofer* C.M. number 12, also cited by the *Pitchei Teshuvah* C.M. 14:8), however, seeks to limit the obligation on Beit Din to disclose its logic. He writes: Granted, it is appropriate and proper for a Dayan to explain his reasoning to remove any suspicion of impropriety. Nevertheless, a litigant is not authorized to make such a demand on a judge, and it is audacious of him to tell the Dayan that he suspects him of impropriety. If he does make such a demand, the Dayan should not reveal his reasoning, nor should he respond to the charge. Only if the litigant refrains from articulating his suspicion due to reverence and respect for the Dayan is it proper for the Dayan, on his own initiative, to explain his reasoning, so as to extricate himself from suspicion. The different approaches reflect the tension between two competing goals. On one hand, a proper Beit Din pursues truth and seeks to preserve its stellar reputation. On the other hand, we are obligated to revere and respect Dayanim. Each approach seeks to achieve a balance in the effort to accomplish both goals. Next week, we shall conclude our discussion with a review of the practices of contemporary Batei Din both in Israel and in the United States.

Beit Din and Explaining Decisions - Part 2

by Rabbi Chaim Jachter

Introduction Last week, we introduced the topic of Beit Din offering a written explanation for its rulings. We noted that, unlike the Western model, Halacha does not require Batei Din to explain the reasons for their rulings. We noted, however, two exceptions to this rule: when one of the litigants has a reason to suspect the integrity of the Beit Din and when either party was coerced to adjudicate the dispute before the Beit Din. This week, we shall present the practice of contemporary Batei Din both in Israel and the United States regarding this issue.

Contemporary Beit Din Practice It seems that the approach limiting the obligation to present reasons prevailed in the age prior to the twentieth century. Rav Gedalia Schwartz, Av Beit Din (Chief Justice) of the Beth Din of America, told me that it is evident from the *Teshuvah* literature that in most cases, Beit Din did not articulate the basis for its ruling. He noted that one need only look at classic works of responsa to notice that the Choshen Mishpat sections in these works are much smaller than the other sections. (*Teshuvot Avnei Neizer* are one example.) Beginning in the twentieth century, however, things began to change. Sir Herbert Samuel (cited in Professor Eliav Schochetman's landmark essay on our topic, which appears in *Shenaton LeMishpat HaIvri* 6-7:355), the first high commissioner of the British Mandate over Eretz Yisrael, pressured the Chief Rabbinate to create rabbinic courts of appeal as a prerequisite for the British authorities recognizing the rulings of the Beit Din. (See our essay, available at www.koltorah.org, for a discussion of this fascinating institution.) Sir Samuel stressed the need to inspire confidence in Beit Din among the Jewish population. The Chief Rabbis at the time of the establishment of Medinat Yisrael, Rav Yitzchak Herzog and Rav Ben Zion Uziel, responded very positively to this request. Rav Uziel writes (*Teshuvot Mishpetei Uziel* 3 C.M. 1): There is a greater obligation in our times [for Beit Din to disclose its reasons], since civil courts explain their rulings with proofs to their decisions, and this enhances their reputations in the eyes of the people. Why should we not act similarly to inspire confidence in the eyes of the nation....It is appropriate for all Beit Din decisions, except for conventional and simple cases, to present a summary of the respective arguments of the litigants and the reason for the

decision in order to provide the opportunity for appellate court review and to teach Torah law to the nation. Rav Herzog (cited in Professor Eliav Schochetman's *Seider HaDin* p. 370) writes that even the Beit Din HaGadol (the Israeli Supreme Rabbinical Court) should write the basis of its decision, "in order to set an example for others, and, besides, this practice has manifold benefits." Indeed, some Israeli rabbinic court decisions have been printed and published in a collection entitled *Piskei Din Rabbaniyim*. This series is greatly respected and has made a major contribution to the responsa literature. However, in practice, many Israeli Dayanim do not heed the call of Rav Herzog and Rav Uziel, choosing instead to follow the traditional system of refraining from offering elucidations of their ruling. Indeed, Professor Schochetman (ad. loc.) writes (in 1988), "The facts show that in many cases, they do not include reasons for the decisions they issue." In response (in 1999), Rav Tzvi Yehuda Ben Yaakov, a rabbinic judge on the Haifa rabbinic court, renewed the call for explaining the reasoning behind Beit Din decisions. He writes (*Techumin* 19:234): In our times, one may assume that all Dayanim are suspected, by the religious public and certainly by the secular public... The broader community suspects that Dayanim do not investigate matters thoroughly and rule based simply on impressions and arbitrary reasoning.

Conclusion – The Practice in America Rav Ben Yaakov's call has been heeded among some Dayanim who feel there is a need for Beit Din to inspire confidence in the community to choose Beit Din as the venue to resolve disputes instead of litigating in civil courts, a severe Halachic infraction (see my *Gray Matter* 2 pp. 164-178). Indeed, a number of American Dayanim often write explanations of their rulings. It should be noted, though, that it is sometimes in the best interests of the parties for the Dayanim to refrain from explaining their decision. Thus, the Beth Din of America's rules and procedures (available at www.bethdin.org) do not include a requirement that Dayanim present the logic of their ruling. Indeed, I have been informed that even the American Arbitration Association advises that arbitrators refrain from writing explanations of their rulings as it increases the possibility that the arbitrators' ruling will be reversed by a civil court. It seems, however, that if the parties notify the Beit Din before the hearing that they desire an elucidation of the decision, the Beit Din will, generally speaking, honor that request.

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Covenant & Conversation
Thoughts on the Weekly Parsha from

Sir Jonathan Sacks

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

[From 2 years ago - 5766]

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Vayechi

Different cultures tell different stories. The great novelists of the nineteenth century wrote fiction that is essentially ethical. Jane Austen and George Eliot explored the connection between character and happiness. There is a palpable continuity between their work and the book of Ruth. Dickens, more in the tradition of the prophets, wrote about society and its institutions, and the way in which they can fail to honour human dignity and justice.

By contrast, today's fascination with stories like Star Wars or Lord of the Rings is conspicuously dualistic. The cosmos is a battlefield between the forces of good and evil. This is far closer to the apocalyptic literature of the Qumran sect and the Dead Sea scrolls than anything in Tenakh, the Hebrew Bible. In these ancient and modern conflict narratives the struggle is "out there" rather than "in here": in the cosmos rather than within the human soul. This is closer to myth than monotheism.

There is, however, a form of story that is very rare indeed, of which Tenakh is the supreme example. It is the story without an ending which looks forward to an open future rather than reaching closure. It defies narrative convention. Normally we expect a story to create a tension that is resolved on the final page. That is what gives art a sense of completion. We do not expect a sculpture to be incomplete, a poem to break off halfway, a novel to end in the middle. Schubert's Unfinished Symphony is the exception that proves the rule.

Yet that is what the Bible repeatedly does. Consider the Chumash, the five Mosaic books. The Jewish story begins with a repeated promise to Abraham that he will inherit the land of Canaan. Yet by the time we reach the end of Deuteronomy, the Israelites have still not crossed the Jordan. The Chumash ends with the poignant scene of Moses on Mount Nebo (in present-day Jordan) seeing the land - to which he has journeyed for forty years but is destined not to enter - from afar.

Nevi'im, the second part of Tenakh, ends with Malachi foreseeing the distant future, understood by tradition to mean the messianic age: "See, I will send you the prophet Elijah before the coming of the great and awesome day of the Lord. He will turn the hearts of the fathers to their children, and the hearts of the children to their fathers . . ." Nevim, which includes the great historical as well as prophetic books, thus concludes neither in the present or the past, but by looking forward to a time not yet reached. Ketuvim, the third and final section, ends with king Cyrus of Persia granting permission to the Jewish exiles in Babylon to return to their land and rebuild the Temple.

None of these is an ending in the conventional sense. Each leaves us with a sense of a promise not yet fulfilled, a task not yet completed, a future seen from afar but not yet reached. And the paradigm case - the model on which all others are based - is the ending of Bereishit in this week's sedra.

Remember that the story of the people of the covenant begins with G-d's call to Abraham to leave his land, birthplace and father's house and travel "to a land which I will show you". Yet no sooner does he arrive than he is forced by famine to go to Egypt. That is the fate repeated by Jacob and his children. Genesis ends not with life in Israel but with a death in Egypt:

Then Joseph said to his brothers, "I am about to die. But G-d will surely come to your aid and take you up out of this land to the land he promised on oath to Abraham, Isaac and Jacob." Then Joseph made the sons of Israel swear an oath and said, "G-d will surely come to your aid, and then you must carry my bones up from this place." So Joseph died at the age of a hundred and ten. And after they embalmed him, he was placed in a coffin in Egypt. Again, a hope not yet realised, a journey not yet ended, a destination just beyond the horizon.

Is there some connection between this narrative form and the theme with which the Joseph story ends, namely forgiveness, about which I wrote in last week's study?

It is to Hannah Arendt in her *The Human Condition* that we owe a profound insight into the connection between forgiveness and time. Human action, she argues, is potentially tragic. We can never foresee the consequences of our acts, but once done, they cannot be undone. We know

that he who acts never quite knows what he is doing, that he always becomes "guilty" of consequences he never intended or even foresaw, that no matter how disastrous the consequences of his deed, he can never undo it . . . All this is reason enough to turn away with despair from the realm of human affairs and to hold in contempt the human capacity for freedom.

What transforms the human situation from tragedy to hope, she argues, is the possibility of forgiveness:

Without being forgiven, released from the consequences of what we have done, our capacity to act would, as it were, be confined to one single deed from which we could never recover . . . Forgiving, in other words, is the only reaction which does not merely re-act but acts anew and unexpectedly, unconditioned by the act which provoked it and therefore freeing from its consequences both the one who forgives and the one who is forgiven. Atonement and forgiveness are the supreme expressions of human freedom - the freedom to act differently in the future than one did in the past, and the freedom not to be trapped in a cycle of vengeance and retaliation. Only those who can forgive can be free. Only a civilization based on forgiveness can construct a future that is not an endless repetition of the past. That, surely, is why Judaism is the only civilization whose golden age is in the future.

It was this revolutionary concept of time - based on human freedom - that Judaism contributed to the world. Many ancient cultures believed in cyclical time, in which all things return to their beginning. The Greeks developed a sense of tragic time, in which the ship of dreams is destined to founder on the hard rocks of reality. Europe of the Enlightenment introduced the idea of linear time, with its close cousin, progress. Judaism believes in covenantal time, well described by Harold Fisch: "The covenant is a condition of our existence in time . . . We cooperate with its purposes never quite knowing where it will take us, for 'the readiness is all'." In a lovely phrase, he speaks of the Jewish imagination as shaped by "the unpeased memory of a future still to be fulfilled".

Tragedy gives rise to pessimism. Cyclical time leads to acceptance. Linear time begets optimism. Covenantal time gives birth to hope. These are not just different emotions. They are radically different ways of relating to life and the universe. They are expressed in the different kinds of story people tell. Jewish time always faces an open future. The last chapter is not yet written. The messiah has not yet come. Until then, the story continues - and we, together with G-d, are its co-authors.

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Never Losing Faith Moshe Shulman

Beginning in פרק מ"ט פסוק 8, the Torah discusses the final brachos that Yaakov gives to his children before he dies. Yaakov initially tells the brothers that he will be informing them about אחרית הימים – "the end of days". However, a quick look through the pesukim shows that Yaakov never actually mentions the end of days. Instead, he blesses his children. Rashi also notices this apparent contradiction, and his resolution is famous: Although Yaakov originally intends to tell his children about the yemos hamashiach, he discovers that he is unable to because the shechinah leaves him when his sons arrive.

But why does the תורה tell us that יעקב wanted to talk about the end of days if he does not end up doing so?

One possible answer is that the תורה is cluing us into the fact that the גור ברכות יעקב hint at future events. For example, the beracha given to Dan "אדריה יהודה" is an allusion to דוד ר' ש"י notes that the beracha given to Dan hints at משון. Thus, even though it seems that Yaakov completely changes the topic, he only alters it slightly. The "end of days" is still relevant in Yaakov's words.

Alternatively, it may be that Yaakov does mention the "end of days." The Toafos HaRim, quoting his father, explains that יעקב is simply telling his sons that there will be an "אחרית הימים." He is emphasizing that they must always have that this time period will arrive, even during the tzaros of galus.

Based on this Toafos HaRim (Rav Yechiel Michel Kossowsky zt"l), there is a purpose for the Torah to inform us that Yaakov originally intended to

discuss what will occur in the “end of days”. The Torah is teaching us never to lose faith in the coming of mashiach, regardless of whether our condition in galus is excellent or poor.

This message may also explain the significance of עגלת ערופה , Yosef’s last limud with עזק before he was sold into slavery. If someone finds a dead body of an עז in the middle of the desert, he might be angry at נ’ for allowing such a thing to happen.

Therefore, the Torah commands the beis din which found the body to do just the opposite and proclaim “כפר לעמך ישראל .” With this lesson fresh in his mind, יוסי was able to remain religious even throughout the trials and tribulations he faced in מצרים .

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Do Not Bury Me in Egypt

Rav Moshe Lichtman

Last week we saw that the children of Israel began to get a little too comfortable in their new, but foreign, surroundings, as it says, Israel settled in the land of Egypt, in the land of Goshen, and they took possession therein (le’echoz bah); and they grew and multiplied greatly (47:27). Ya’akov Avinu appreciated this problem and did everything he could to ensure that his descendants would not fall into this trap.

One of the ways Ya’akov tried to accomplish this was by showing his family how he felt about living outside the Land of Israel. In the beginning of the parashah, when Ya’akov realized that his death was drawing near, he summoned his son Yosef and said, If now I have found favor in your eyes, please place your hand under my thigh [as an oath] and do kindness and truth with me; please do not bury me in Egypt (47:29). R. Shimshon Raphael Hirsch addresses two problems in this verse. First, why did Ya’akov insist that Yosef take an oath? Wouldn’t this righteous and devoted son bury his father properly no matter what? Second, what is the meaning of kindness and truth (chessed & emmet)? The following is Hirsch’s answer:

Jacob knew quite certainly that Joseph would bury his father with all possible splendor. But he says: “With all the Chessed do not forget the Emmet.” I would rather not be buried at all than be buried in Egypt. The whole stress is on the request not to be buried in Egypt. We would have thought that carrying out this request did not entail such difficulties that it should have required a ceremonious oath for it. But, as can be deduced from everything, Pharaoh and the Egyptians would by no means have been pleased if Jacob and his family had moved again back out of Egypt, so that the bringing of the body up to Canaan would by no means make a good impression. It would clearly show that Joseph’s family still did not consider themselves naturalized, and that their hearts were still in their old homeland.

But the real motive could lie much deeper. Jacob had still lived seventeen years with his family in Egypt. [Thus, he] could have noticed what a powerful influence the Le’echoz Ba (being gripped by the land) was beginning to have on his descendants, how they already began to see the Jordan in the Nile, and to find their stay in Egypt no Galut. [This was] sufficient motive for him to press with such ceremonious solemnity that they should not bury him in Egypt, but that they should carry him to the land of their old true homeland. [It was] motive enough for him to say to them: “You hope and wish to live in Egypt? I do not wish even to be buried there!” That is also why he did not express this wish as Jacob, from his individual personal standpoint, but as “Israel,” as bearer of the national mission, as a warning of the national future of his children. (Taken from Isaac Levy’s translation, Judaica Press Ltd. Emphasis added.)

In other words, “Israel” Avinu wanted to leave us a very important message before departing this world: Do not become complacent in the

lands of exile. Make sure you always remember that galut is unnatural, a punishment. And strive with all your might to return to the Land of your forefathers, if not alive then at least after death.

On this last point, however, I must make one thing clear. Chazal have some very harsh things to say about those who reject God’s Land during their lifetimes and insist on being buried there after they die. In numerous places, they apply to such people a verse in Yirmiyahu (2:7): You made my inheritance into an abomination – during your lifetimes, and you came and defiled My Land – after your deaths (see Yerushalmi, Kil’ayim 9:4; BeReishit Rabbah 96; Zohar, Terumah p. 141). R. Yehudah HaLevi explains that this only applies to one who could have lived in Eretz Yisrael but chose not to (Kuzari 2:22). There are other opinions in Chazal and among the poskim, but one thing is clear throughout their writings: It is a tremendous zechut to live, die, and be buried in the Holy Land, as the Yerushalmi (ibid.) states, “One cannot compare a person who returns his soul [lit., “his pearl”] in his mother’s bosom to one who returns it in the bosom of the foreigner.”

Today, when this zechut is within the reach of almost every single Jew, it is perplexing why more do not take advantage of it. What would Ya’akov Avinu say if he were alive?

From Rav Lichtman’s “Eretz Yisrael In The Parashah”, published by Devora Publishing