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INTERNET PARSHA SHEET ON VAYECHI - 5773

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subject: Parshat Vayechi - Shabbat Shalom from the OU

Generations Forget and Remember

Britain's Chief Rabbi Lord Jonathan Sacks

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The drama of younger and older brothers, which haunts the book of Bereishit from Cain and Abel onwards, reaches a strange climax in the story of Joseph's children. Jacob/Israel is nearing the end of his life. Joseph visits him, bringing with him his two sons, Manasseh and Ephraim. It is the only scene of grandfather and grandchildren in the book. Jacob asks Joseph to bring them near so that he can bless them. What follows next is described in painstaking detail: Joseph took them both, Ephraim in his right hand toward Israel's left, and Manasseh in his left hand towards Israel's right, and brought them near him. But Israel reached out his right hand and put it on Ephraim's head, though he was the younger, and crossing his arms, he put his left hand on Manasseh's head, even though Manasseh was the firstborn. . . . When Joseph saw his father placing his right hand on Ephraim's head he was displeased; so he took hold of his father's hand to move it from Ephraim's head to Manasseh's head. Joseph said to him, "No, my father, this one is the firstborn; put your right hand on his head." But his father refused and said, "I know, my son, I know. He too will become a people, and he too will become great. Nevertheless, his younger brother will be greater than he, and his descendants will become a group of nations." He blessed them that day, saying: "In your name will Israel pronounce this blessing: 'May G-d make you like Ephraim and Manasseh.'" So he put Ephraim ahead of Manasseh. (48: 13-14, 17-20).

It is not difficult to understand the care Joseph took to ensure that Jacob would bless the firstborn first. Three times his father had set the younger before the elder, and each time it had resulted in tragedy. He, the younger, had sought to supplant his elder brother Esau. He favoured the younger sister Rachel over Leah. And he favoured the youngest of

his children, Joseph and Benjamin, over the elder Reuben, Shimon and Levi. The consequences were catastrophic: estrangement from Esau, tension between the two sisters, and hostility among his sons. Joseph himself bore the scars: thrown into a well by his brothers, who initially planned to kill him and eventually sold him into Egypt as a slave. Had his father not learned? Or did he think that Ephraim – whom Joseph held in his right hand – was the elder? Did Jacob know what he was doing? Did he not realise that he was risking extending the family feuds into the next generation? Besides which, what possible reason could he have for favouring the younger of his grandchildren over the elder? He had not seen them before. He knew nothing about them. None of the factors that led to the earlier episodes were operative here. Why did Jacob favour Ephraim over Manasseh? Jacob knew two things, and it is here that the explanation lies. He knew that the stay of his family in Egypt would not be a short one. Before leaving Canaan to see Joseph, G-d had appeared to him in a vision: Do not be afraid to go down to Egypt, for I will make you into a great nation there. I will go down to Egypt with you, and I will surely bring you back again. And Joseph's own hand will close your eyes. (46: 3-4)

This was, in other words, the start of the long exile which G-d had told Abraham would be the fate of his children (a vision the Torah describes as accompanied by "a deep and dreadful darkness" – 15: 12). The other thing Jacob knew was his grandsons' names, Manasseh and Ephraim. The combination of these two facts was enough. When Joseph finally emerged from prison to become prime minister of Egypt, he married and had two sons. This is how the Torah describes their birth: Before the years of the famine came, two sons were born to Joseph by Asenath, daughter of Potiphera, priest of On. Joseph named his firstborn Manasseh, saying, "It is because G-d has made me forget all my trouble and all my father's household." The second son he named Ephraim, saying, "It is because G-d has made me fruitful in the land of my affliction." (41: 50-52)

With the utmost brevity the Torah intimates an experience of exile that was to be repeated many times across the centuries. At first, Joseph felt relief. The years as a slave, then a prisoner, were over. He had risen to greatness. In Canaan, he had been the youngest of eleven brothers in a nomadic family of shepherds. Now, in Egypt, he was at the centre of the greatest civilization of the ancient world, second only to Pharaoh in rank and power. No one reminded him of his background. With his royal robes and ring and chariot, he was an Egyptian prince (as Moses was later to be). The past was a bitter memory he sought to remove from his mind. Manasseh means "forgetting." But as time passed, Joseph began to feel quite different emotions. Yes, he had arrived. But this people was not his; nor was its culture. To be sure, his family was, in any worldly terms, undistinguished, unsophisticated. Yet they remained his family. They were the matrix of who he was. Though they were no more than shepherds (a class the Egyptians despised), they had been spoken to by G-d – not the gods of the sun, the river and death, the Egyptian pantheon – but G-d, the creator of heaven and earth, who did not make His home in temples and pyramids and panoplies of power, but who spoke in the human heart as a voice, lifting a simple family to moral greatness. By the time his second son was born, Joseph had undergone a profound change of heart. To be sure, he had all the trappings of earthly success – "G-d has made me fruitful" – but Egypt had become "the land of my affliction." Why? Because it was exile. There is a sociological observation about immigrant groups, known as Hansen's Law: "The second generation seeks to remember what the first generation sought to forget." Joseph went through this transformation very quickly. It was already complete by the time his second son was born. By calling him Ephraim, he was remembering what, when Manasseh was born, he was trying to forget: who he was, where he came from, where he belonged. Jacob's blessing of Ephraim over Manasseh had nothing to do with their ages and everything to do with their names. Knowing that these were the

first two children of his family to be born in exile, knowing too that the exile would be prolonged and at times difficult and dark, Jacob sought to signal to all future generations that there would be a constant tension between the desire to forget (to assimilate, acculturate, anaesthetise the hope of a return) and the promptings of memory (the knowledge that this is "exile," that we are part of another story, that ultimate home is somewhere else). The child of forgetting (Manasseh) may have blessings. But greater are the blessings of a child (Ephraim) who remembers the past and future of which he is a part. To read more writings and teachings from the Chief Rabbi Lord Jonathan Sacks, please visit www.chief Rabbi.org.

Rabbi Frand on Parshas Vayechi **Rabbi Yissocher Frand**
<ryfrand@torah.org> Thu, Dec 27, 2012 at 12:05 PM Reply-To:
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Parshas Vayechi

These divrei Torah were adapted from the hashkafa portion of Rabbi Frand's Commuter Chavrusah CDs on the weekly portion: Tape # 839 – Buying Cemetery Plot - Investing in Real Estate for Long Term. Good Shabbos

Why Was It Necessary To Rule Out The Various Excuses?

In this week's parsha [Bereshis 47:30-31], Yaakov asks Yosef to bring his body back to the Land of Canaan for burial. It is in this context that just a few pasukim later, the Patriarch explains a related matter to his son:

"But as for me – when I came from Paddan, Rochel died on me in the land of Canaan on the road, while there was just a small measure of land to go to Efras; and I buried her there on the road to Efras, which is Beis Lechem" [Bereshis 48:7].

Rashi comments: "Although I trouble you to take me to be buried in the land of Canaan, though I did not do so for your mother, for, see now, she died near Beis Lechem. The phrase "Kivras Eretz" refers to a measure of land. It is 2000 amos, like the measure of the techum of Shabbos. According to the words of Rav Moshe HaDarshan, with these words, Yaakov continues his apology to Yosef and says, 'And do not say that rains prevented me from taking her and burying her in Chevron. This is not so, for it was the dry season.' And I did not even take her there to bring her into the land, and I know that there are hard feelings in your heart against me. But you should know that by the Word of G-d I buried her there so that she should be of aid to her children when Nebuzaradan would exile them and they would pass through by way of her tomb, Rochel would go out onto her grave and weep and seek mercy for them..."

If we were having this conversation, there would ostensibly be no need for this elaborate soliloquy. Yaakov could merely have said, "Yosef, listen well. I had no choice. The Master of the Universe told me what I had to do." End of discussion. Why was it necessary for Yaakov to say (according to Rashi) "If you think it was because of the rain, it was not the rain; if you think it was because of the distance, it was not the distance; if you think it was too hard, it was not too hard – it was easy." According to Rashi's narrative, it was almost as an afterthought that Yaakov explains that this is what Hashem commanded him to do.

The Tolner Rebbe explains in the name of Rav Chaim Shmulevitz that Yaakov was aware of a very significant psychological phenomenon that was potentially at play here. If someone were to hear a "Bas Kol" [Heavenly Voice] from Heaven that says "Bury her here," the one who hears such a Voice needs to suspect that maybe he is just hearing what he wants to hear. If, in fact, it would have been a big schlep to bury her in Chevron and it was raining and it was far and he had a personal agenda that argued for him not to do this anyway, then there would be

reason to fear that he was in fact imagining a Bas Kol telling him what he wants to be told.

Yaakov Avinu was making a statement that there was NO PERSONAL AGENDA on his part. It was not raining. It was not far. It would have been easy. This was no misinterpretation of the words that I heard from the Ribono shel Olam: Bury her there. Yaakov was admitting that "I, Yaakov Avinu, like every other human being, can be a 'nogeah b'davar' [i.e. – have ulterior motives]". "For the bribe can blind even the eyes of the wise..." [Shmos 23:8] Even the greatest amongst us are vulnerable to the enticements of bribes. Whether the bribe comes in the form of money, or honor, or even avoidance of bother – we must always be on guard against accepting such bribery. Such is the power of ulterior motives.

The Talmud in Sanhedrin teaches that a Kohen Gadol cannot serve on the Court which determines whether to make a leap-month in the Jewish calendar. Kohanim Gedolim [High Priests], who had to immerse 5 times and walk barefoot on the stone floor of the Bais Hamikdash during the extensive service on Yom Kippur, had an ulterior motive to NOT declare a leap year and to thus keep Yom Kippur closer towards the warm summer months. When Yom Kippur comes out the middle of September, it is still air-conditioning weather. When it comes out a month later, in October, the water in the mikveh is considerably cooler.

There are bona-fide reasons to make a leap year and presumably the Kohen Gadol can be trusted to make an honest determination whether it is necessary to add a month to the calendar based on the objective "facts on the ground". But in reality, people are human and we cannot allow him to participate in the decision making process when it is possible, if not likely, that at least subconsciously, he may allow his own comfort on Yom Kippur to be a factor in his decision making process. Ultimately, people are "nogeah" [have an agenda] and "negius" can bend, corrupt, and pervert the best of intentions.

The Tolner Rebbe then references the following Gemara in Bava Basra [110a]: The Talmud expounds a pasuk in the book of Shoftim [18:3]. When the Jewish people came into Eretz Yisrael in the northern portion of the land, in a section inhabited by the Tribe of Dan, some people set up an idol known as Pessel Micha. Unfortunately, this House of Idolatry remained in existence the entire time the Jews were in Eretz Yisrael. The people needed someone to serve as "priest" for this Avodah Zarah [idol]. They found a person named Yonasan who took the job.

Yonasan was a Levi. For an idol, a Levi was close enough to be the "Kohen" and they hired him. According to the Rabbis, this Yonasan was none other than the grandson of Moshe Rabbeinu. The Talmud discusses a dialog between Yonasan and the scholars of his time. They asked him "How could it be that the likes of you – the grandson of Moshe Rabbeinu – could stoop so low as to become a priest to the idols?" He responded: "I have a tradition from my grandfather that a person should rather sell himself out to idolaters rather than become reliant on handouts from society." He argued that he was forced between the alternatives of begging or working as a pagan priest and based on family tradition, he chose the latter.

In fact, Yonasan misunderstood his grandfather. When Moshe taught that it was preferable to hire oneself out to Avodah Zarah (literally foreign service) than to beg, he did not mean idolatry. He meant work that was foreign to him (e.g. – beneath his dignity). He certainly did not mean paganism!

The Talmud continues to narrate that eventually Yonasan repented and sought "honest work". Dovid HaMelech saw that money was very precious to him, so he put him in charge of the Treasury. The commentators ask where do we see that money mattered to Yonasan? The answer is that any person who could think that Moshe Rabbeinu advocated worshipping idols and therefore explain the words "avodah zarah" in Moshe's statement to mean literally idolatry rather than "work that is foreign to you" – must be a person who has a hidden agenda. Such

a person has 'negius'. He has a real concern for money. Only with such a hidden psychological agenda, could he make such a grievous error.

This is what Yaakov explained to Yosef. I had no 'negius'. It was not the weather. It was not the distance. It was not the bother. It was pure and unadulterated. I did this for one reason and one reason only. Hashem told me to do it.

This write-up was adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tape series on the weekly Torah portion. The complete list of halachic topics covered in this series for Parshas VaYeichi are provided below: Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD RavFrand, Copyright © 2007 by Rabbi Yissocher Frand and Torah.org. Join the Jewish Learning Revolution! Torah.org: The Judaism Site brings this and a host of other classes to you every week. Visit <http://torah.org> or email learn@torah.org to get your own free copy of this mailing. Torah.org: The Judaism Site Project Genesis, Inc. 122 Slade Avenue, Suite 250 Baltimore, MD 21208 <http://www.torah.org/> learn@torah.org (410) 602-1350

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Wed, Dec 26, 2012 at 1:22 PM

subject: Weekly Parsha from **Rabbi Berel Wein - Parshat Vayechi**
5773

Home Weekly Parsha VAYECHI

The holy book of Bereshith comes to its conclusion in this week's parsha. The story of the creation of the Jewish people through the development of one family over a number of generations and by the perseverance of the great personalities of our patriarchs and matriarchs is now complete.

This raises the question originally posed in Rashi's commentary to the very beginning of the book of Bereshith – why does the Torah, which appears to be basically a book of laws and commandments, bother with all of this detailed description of creation and continued familial based narrative? Why is this seemingly anecdotal knowledge of the lives of our ancestors so necessary to be included in the eternal Torah and how does it register in the survival of the Jewish people throughout the ages?

In response to this question of relevance, the rabbis taught us that the events that occurred to our ancestors are indeed the harbingers of happenings that will occur to their descendants. But many times it is difficult for later generations to make this connection, except in the most general way of experiencing historic repetitions of circumstances.

This book of Bereshith, which comprises a substantial part of the entire written Torah, contains within it almost no commandments and is basically a book of narrative tracing the development of one family – eventually seventy in number – and of the difficulties that this family encountered over generations. So what therefore is its main message to us living in a far different world, millennia later?

I think that the message of Bereshith is the obvious one of family and its importance. The Torah purposely and in minute detail describes for us how difficult it truly is to create and maintain a cohesive family structure. Every one of the generations described in Bereshith from Kayin and Hevel till Yosef and his brothers is engaged in the difficult and often heartbreaking task of family building.

There are no smooth and trouble free familial relationships described in the book of Bereshith. Sibling rivalry, violence, different traits of personality, and marital and domestic strife are the stuff of the biblical narrative of this book. The Torah does not sanitize any of its stories nor does it avoid confronting the foibles and errors of human beings.

The greatest of our people, our patriarchs and matriarchs, encountered severe difficulties in attempting to create cohesive, moral

and cooperative families. Yet they persevered in the attempt because without this strong sense of family there can be no basis for eternal Jewish survival. There is tragic fall out in each of the families described in Bereshith and yet somehow the thread of family continuity is maintained and strengthened until the family grows into a numerous and influential nation.

This perseverance of family building, in spite of all of the disappointments inherent in that task, is the reason for the book of Bereshith. It is the template of the behavior of our ancestors that now remains as the guideposts for their descendants. The task of family building remains the only sure method of ensuring Jewish survival.

Shabat shalom

Rabbi Berel Wein

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Weekly Halacha - Vayechi genesis@torah.org <genesis@torah.org>
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Weekly Halacha

by **Rabbi Doniel Neustadt**

Correct Times for Reciting Shema

In order of halachic preference, there are several time slots in which the morning Shema may be recited: 1. Several minutes before sunrise. This is known as vasikin and it is the preferred time to recite Shema and its blessings according to the majority of the poskim[1]. 2.

From thirty-five minutes before sunrise (misheyakir[2]) until sunrise. This time slot is l'chatchilah according to most of the poskim[3]. 3.

From after sunrise until a quarter of the day has passed. This is the time slot in which most people recite Shema even l'chatchilah[4], even though Mishnah Berurah and other poskim are critical of those who delay until after sunrise in performing this important mitzvah[5]. 4.

From sixty minutes before sunrise until thirty-five minutes before sunrise. This is the time of misheyakir according to a minority view of the poskim, and may be relied upon even l'chatchilah in case of need[6].

5. From seventy-two minutes before sunrise (alos ha-shachar[7]) until sixty minutes before sunrise. Kerias Shema or its blessings may not be recited at this time. If, however, one mistakenly did recite Shema or its blessings during this time, he need not repeat them later on[8]. Under extenuating circumstances, e.g., one would be unable to recite Shema later due to work, travel or medical reasons, it is permitted to recite Shema at this time even l'chatchillah[9]. Whether or not the blessing of Yotzer Ohr may be recited before misheyakir is permitted by some[10], while forbidden by others[11]. 6. After a quarter of the day passed. One can no longer fulfill his Shema obligation. How to calculate a quarter of the day is a subject of great dispute: Magen Avraham rules that the day begins at alos ha-shachar and ends at tzeis ha-cohavim, while the Gaon of Vilna maintains that the day begins at sunrise and ends at sunset[12]. While the prevalent custom follows the second view[13], there are many individuals who are particular to recite Shema in accordance with the first opinion[14].

Although one cannot fulfill the mitzvah of Kerias Shema after a quarter of the day has elapsed, one should still say Shema at the time he says birchos Kerias Shema and Shemoneh Esrei[15]. Birchos Kerias Shema may be recited for the first third of the day. In case of an emergency, Birchos Kerias Shema may be recited until chatzos[16]. Correct Times for Reciting Shacharis Shemoneh Esrei

In order of halachic preference, there are several time slots in which Shemoneh Esrei may be recited: 1. Exactly at sunrise. This is the known as vasikin and it is the preferred time for reciting Shemoneh Esrei. 2. After sunrise until a third of the day has passed. This is the time slot in which most people recite Shemoneh Esrei l'chatchilah.

3. From seventy-two minutes before sunrise until sunrise. When necessary, e.g., before embarking on a trip or going to work or school, one may daven at this time l'chatchilah[17]. Otherwise, one is not allowed to daven at this time [18]. A retired person who was formerly permitted to daven before sunrise due to his work schedule should now daven after sunrise only. B'diavad, if one davened before sunrise, he has fulfilled his obligation and does not need to repeat Shacharis[19].

4. After a third of the day has passed until chatzos. L'chatchilah, one must recite Shemoneh Esrei before this time, as this time is considered after zeman tefillah. But if one failed to daven earlier for any reason, he must still daven during this time period, although his davening is not considered as if he davened "on time[20]." 5. After chatzos. It is no longer permitted to daven Shacharis at this time[21]. If his failure to daven Shacharis earlier was due to circumstances beyond his control or because he forgot, a tashlumin (makeup tefillah) may be said during Minchah. If he failed to daven Shacharis because of negligence, however, tashlumin may not be davened[22].

Question: As stated earlier, one should not recite Shemoneh Esrei before sunrise l'chatchilah. What should one do if an early minyan needs him to join in order to have the minimum number of men required for a minyan? Discussion: Contemporary poskim debate this issue. Some[23] rule that he may join to form a minyan but he may not daven with them. Since a minyan requires a minimum of six men who are davening (in addition to at least another four who must be present but are not required to daven together with them), if there are only five people davening besides him, he should not be the sixth one, even though that will in effect preclude the formation of a minyan. If, however, there are nine other people davening besides him, he may join them—in order to complete the minyan with his presence—but he may not daven along with them. Other poskim hold that if his refusal to join will preclude the formation of a minyan, he should daven with them so that they, too, will daven with a minyan. But this may not be relied upon on a regular basis[24].

Question: What should one do if the only minyan in town recites Shemoneh Esrei after misheyakir but before sunrise—is it better to daven without a minyan after sunrise or to daven at an improper time but with a minyan? Discussion: If the choice is to daven without a minyan but exactly at sunrise, thus gaining the advantage of vasikin, then one should do so. If he cannot do so, some poskim rule that he should daven with the existing minyan[25], while other poskim maintain that he should wait for the proper time and daven without a minyan[26].

1. Mishnah Berurah 58:6. A minority view in the Rishonim holds that Shema may not be recited before sunrise, but this is not practical halachah. 2. Igros Moshe, O.C. 4:6. Rav Y. Kamenetsky calculated the correct time as 36 minutes before sunrise (Emes l'Yaakov, O.C. 58:1). There are other opinions as well; see Halichos Yisrael 1:8. 3. O.C. 58:1. 4. Based on Shulchan Aruch 58:1 who does not mention that l'chatchilah one should recite Shema before sunrise. See Shulchan Aruch ha-Rav 58:4 and Kaf ha-Chayim 58:8 who quote two views on this issue and tend to be lenient. Note also that neither Chayei Adam 21:3 nor Kitzur Shulchan Aruch 17:1 require that l'chatchilah one recite Shema before sunrise. 5. This is the view of Rif, Rambam and Gra, quoted without dissent by Mishnah Berurah 58:3-4, and it is the ruling of the Aruch ha-Shulchan 58:6 and Rav Y.S. Elyashiv (oral ruling quoted in Avnei Yashfei, Tefillah, pg. 103). According to these poskim, one should recite Shema before sunrise even if he is not wearing tefillin and even if he is unable to recite birchos Kerias Shema at that time. 6. See Kaf ha-Chayim 18:18, Rav Y.M. Tikutinsky in Sefer Eretz Yisrael, pg. 18 and Rav Y. E. Henkin in Eidus l'Yisrael, pg. 115. 7. Beir Halachah 89:1, s.v. v'im, quoting the Rambam. But other opinions maintain that alos could be 90, 96 or even 120 minutes before sunrise. When no other possibility exists, some poskim permit reciting Kerias Shema and its blessings as much as 90 minutes before sunrise; see Igros Moshe, O.C. 4:6. 8. O.C. 58:4, provided that this "mistake" takes place infrequently (more than once a month is considered too frequent); Mishnah Berurah 58:19. 9. O.C. 58:3 and Mishnah Berurah 12, 16 and 19. 10. Kaf ha-Chayim 58:19; Emes l'Yaakov, O.C. 58:3. 11. Mishnah Berurah 58:17 and Beir Halachah, s.v. belo. 12. Mishnah Berurah 58:4 quotes both views without rendering a decision. See also Beir Halachah 46:9, s.v. v'yotzei. 13. Aruch ha-Shulchan 58:14; Chazon Ish, O.C. 13:3-4; Igros Moshe, O.C. 1:24; Y.D. 3:129-3;

Minchas Yitzchak 3:71; Yalkut Yosef, pg. 100. 14. See Teshuvos v'Hanhagos 1:56 quoting Rav A. Kotler and Orchos Rabbeinu 1:53 quoting Rav Y.Y. Kanievsky. See also Igros Moshe, O.C. 6:1 and Halichos Shelomo 1:7-12. Many Shuls in Eretz Yisrael conduct themselves in accordance with the first opinion. 15. O.C. 60:2. See Mishnah Berurah 4 and Aruch ha-Shulchan 2. 16. O.C. 58:6 and Beir Halachah, s.v. kora'ah. 17. O.C. 89:8; Igros Moshe, O.C. 4:6. Tallis and tefillin, however, may not be put on until at least sixty minutes before sunrise. 18. This is the consensus of most poskim. A minority view rules that it is permitted l'chatchilah to daven after the time of misheyakir (Peri Chadash). Beir Halachah 89:1, s.v. yatza, rules that although it is preferable not to do so, (possibly) we should not object to those who are lenient. 19. Mishnah Berurah 89:4. 20. O.C. 89:1. See Mishnah Berurah 6 who recommends davening a tefillas nedavah if his failure to daven until this time was intentional. 21. Rama, 89:1. 22. See O.C. 108 for more details. 23. Rav Y.S. Elyashiv (quoted in Tefillah K'hilchasah, pg. 78 and in Avnei Yashfei, Tefillah, pg. 169). 24. Rav S.Z. Auerbach (Halichos Shelomo 1:5-13). 25. Peri Yitzchak 1:2; Yaskil Avdi 5:10; Minchas Yitzchak 9:10. Chazon Ish is reported (Ishei Yisrael 13, note 21) as ruling like this view. 26. Teshuvos Sh'eilos Shemuel, O.C. 12; Igros Moshe, O.C. 4:6; Rav Y.S. Elyashiv (oral ruling quoted in Avnei Yashfei, Tefillah, pg. 167); Rav O. Yosef (Yalkut Yosef, pg. 137-139).

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Rabbi Kaganoff <ykmaganoff@gmail.com>

Sun, Dec 23, 2012 at 2:59 PM

subject: for parshas Vayeichi

Performing a Proper Hespel By Rabbi Yirmiyohu Kaganoff

Question #1: I have heard eulogies where the speaker seemed more interested in demonstrating his speaking prowess or saying clever divrei Torah than in commemorating the departed. Is this the proper way to eulogize?

Question #2: I was told that sometimes one obeys the request of a person not to be eulogized, and sometimes one may ignore it. How can this be?

Question #3: Is it true that one may not schedule a hesped within thirty days of a Yom Tov?

Our Parsha Both the hespedim for Yaakov Avinu and for Yosef Hatzadik are mentioned in this week's parsha, providing an opportunity to discuss the mitzvah of eulogizing. People often avoid writing halachic articles about hespedim in favor of more exciting or popular topics, leaving many unaware that there is much halachah on the subject. Are there rules to follow when organizing or delivering hespedim? Indeed, there are many, as we will soon see.

The Mitzvah Most authorities do not count performing eulogies as one of the 613 mitzvos of the Torah since they consider it only a rabbinic mitzvah. Nonetheless, the hesped accomplishes the Torah mitzvah of ve'ahavta le'reicha komocha, loving one's fellow as oneself, since a properly delivered hesped is a very great chesed. To quote the Rambam: "It is a positive mitzvah of the Sages to take care of the ill, to console mourners... to be involved in all aspects of the burial... to eulogize... Even though all of these mitzvos are rabbinic, they are all included in the mitzvah that one should love one's fellow as oneself. Anything that you want someone to do for you, you should do for your fellow who also keeps Torah and observes mitzvos" (Hilchos Aveil 14:1). As the following passages demonstrate, our Sages strongly emphasized the importance of performing this mitzvah properly: "When a Torah scholar passes away, the entire nation is obligated in his eulogy, as it states: 'and Shmuel died, and all of Israel eulogized him'" (Mesechta Kallah Rabbasi Chapter 6). "Whoever is idle in carrying out the hesped of a Torah scholar does not live long" (Yalkut Shimoni, Yehoshua 35). "Whoever is idle in carrying out the hesped of a Torah scholar deserves to be buried alive" (Shabbos 105b)! "A voice from above declared, 'Whoever was not idle in participating in Rabbi Yehudah Hanasi's eulogy is assured of life in the World to Come'" (Koheles Rabbah 7). "If someone cries upon

the passing of an adam kosher (a halachically observant person) Hashem counts his tears and then stores them away (Shabbos 105b).” From this, we see that the responsibility of hesped applies both to the person saying the eulogy, and to those who attend, and that this obligation sometimes applies to each individual. Furthermore, we see that the reward for fulfilling this mitzvah properly is very significant, both physically and spiritually, and that the eulogy and the crying associated with mourning are both highly important.

A “Kosher” Person Above, I cited the statement: “If someone cries upon the passing of an adam kosher, Hashem counts his tears and then stores them away.” I translated adam kosher as a halachically observant person. Who qualifies as an adam kosher? The Rishonim discuss this question. Although the Rosh (Moed Katan 3:59) notes that his rebbe, the Maharam of Rottenberg, was uncertain what the term means, he himself concluded that it refers to someone who observes mitzvos properly, even if the person is not a talmid chacham and one sees nothing particularly meticulous about his religiosity. The Shulchan Aruch follows this definition. Others explain that this is not enough to qualify as an adam kosher. Rather, the title applies to someone who, in addition to observing mitzvos properly, also pursues opportunities to perform chesed (Shach, Yoreh Deah 340:11, quoting Rabbeinu Yonah, Ramban and Bach). According to either approach, one should cry at the funeral of an adam kosher.

What is a proper hesped? “It is a great mitzvah to eulogize the deceased appropriately. The mitzvah is to raise one’s voice, saying about him things that break the heart in order to increase crying and to commemorate his praise. However, it is prohibited to exaggerate his praise excessively. One mentions his good qualities and adds a little... If the person had no positive qualities, say nothing about him (Shulchan Aruch, Yoreh Deah 344:1).” (I will soon discuss why one may exaggerate “a little,” even though, it would seem, a small lie is also a falsehood.) The eulogy should be appropriate to the purpose and extent of the tragedy. For example, a young person should be eulogized more intensely than an older one, and a person without surviving descendants should be eulogized more intensely than someone who had children (Meiri, Moed Katan 27b). Also, the crying of every hesped should not be to excess (Meiri, ad loc.). In summation, we see that the purpose of a hesped is to cause people to cry over the loss of a Jew who observed mitzvos properly. On the other hand, it is forbidden to eulogize someone inappropriately. At this point, we can answer the first question: “I have heard eulogies where the speaker seemed more interested in demonstrating his speaking prowess or saying clever divrei Torah than in commemorating the departed. Is this the proper way to eulogize?” Despite its frequency, such eulogies are halachically wrong. This sin of eulogizing for one’s own self aggrandizement or exaggerating excessively, is so serious and apparently is so commonplace that there were places that developed a custom never to eulogize and to forgo the mitzvah altogether, despite its importance (see Gesher HaChayim 1:13:4).

Why Do We Eulogize? The Gemara (Sanhedrin 46b) raises a halachic question: Do we eulogize out of respect for the deceased, or in order to honor the surviving family members? In other words, is the chesed of this mitzvah due to the posthumous dignity granted to the departed, or is it due to its inspiring people to realize the extent to which the surviving family members have been bereaved? The Gemara devotes a lengthy discussion to proving which option is correct. Do any variations in observance result from this question? The Gemara notes two such differences:

No Hespedit for Me!! I. What is the law if someone requests not to be eulogized? If the purpose of a eulogy is to honor the deceased, the deceased has a right to forgo the honor and request that no eulogies be recited. Since the hespedim are in his/her honor, he/she has the right to forgo the honor, and we respect this request. However, if the purpose of

a eulogy is to honor the surviving relatives, a request of the deceased does not negate the honor of the survivors, and we will eulogize him/her anyway, if the family so desires.

Paying for a Speaker II. A second halachic difference resulting from the above question (whether the mitzvah is to respect the deceased or to honor the surviving family members) is whether one may obligate the heirs to pay for the eulogy. In many circles and/or eras, it is or was a common practice to hire a rabbi or other professional speaker to provide the eulogy. May one hire such a speaker and obligate the heirs to pay his fee? If the mitzvah is to honor the deceased, and hiring a professional speaker is standard procedure, then one can obligate the heirs to hire a speaker, just as one can require them to pay for the funeral. If eulogizing is for the sake of the bereaved, one cannot obligate them to pay for professional eulogizers, if they prefer to forgo the honor. The Gemara rallies proof from parshas Chayei Sarah that the mitzvah is in honor of the deceased. As the pasuk clearly mentions, Avraham Avinu was not present when his wife Sarah died. The Gemara asks, why did they wait until Avraham arrived to eulogize her? If the reason for the hesped is indeed to honor the living, Sarah should not have been left unburied until Avraham arrived. On the other hand, if the mitzvah is to honor the deceased, then Sarah was left unburied so that Avraham should honor her with his hesped. Although the Gemara rejects this proof, it ultimately concludes that the purpose of a hesped is to honor the deceased. Therefore, if the deceased requested no eulogies, we honor his/her request, and also, heirs are obligated to pay for eulogies where appropriate.

Pre-Torah You might ask, how can we derive halachos from events that pre-date the Torah? Didn’t the mitzvos change when the Torah was given? The answer is that since this mitzvah fulfills the concept of ve’ahavata lereiacha kamocho, love your fellow as yourself, we can derive from its mode of performance whether its purpose is to honor the deceased or, alternatively, the surviving family members.

Exaggerate a Little The hesped should be appropriate to the deceased; one may exaggerate slightly (Rosh, Moed Katan 3:63). You might ask, how can any exaggerating be permitted? Isn’t the smallest exaggeration an untruth? What difference is there between a small lie and a big one? (See Taz, Yoreh Deah 344:1) The answer is that there is usually a bit more to praise about the person than we necessarily know, so that, on the contrary, adding a bit makes the tribute closer to the truth (based on Taz, Yoreh Deah 344:1).

Ignoring a Request I mentioned above that the Gemara concludes that if the deceased requested no eulogies, we honor his/her request. However, this ruling is not always followed. When the Pnei Yehoshua, one of the greatest Torah scholars of the mid-eighteenth century, passed away, the Noda BiYehudah eulogized him, even though the Pnei Yehoshua had expressly requested that no eulogies be given. How could the Noda BiYehudah ignore the Pnei Yehoshua’s express request? The answer, as explained by the Noda BiYehudah’s disciple, is that for a gadol hador to be buried without proper eulogy is not simply a lack of the deceased’s honor, which he has a right to forgo, but also a disgrace to the Torah. Even though a talmid chacham may (in general) forgo the honor due him as a Torah scholar (talmid chacham shemachal al kevodo, kevodo machul [Kiddushin 32b]), this applies only to forgoing honor. He cannot allow himself to be disgraced, since this disgraces not only him but also the Torah itself (Shu’t Teshuvah Mei’Ahavah, Volume I #174; see also Pischei Teshuvah 344:1). We now understand why there are times when one obeys the request of a person to omit his hesped, and times when one may ignore it. Usually, we obey his/her request because of the general principle retzono shel adam zehu kevodo, the fulfillment of someone’s desire is his honor. However, if a gadol hador requests omission of eulogies, and major authorities consider this a breach of respect for the Torah itself, they may overrule the gadol’s request out of kavod for the Torah. (Of course, this implies that the departed gadol felt

that the absence of hesped would not be a disgrace to the Torah, and that his halachic opinion is being overruled.) At this point, we can now address the third question raised above: Is it true that one may not schedule a hesped within thirty days of a Yom Tov?

Hesped before Yom Tov The Mishnah (Moed Katan 8a) forbids scheduling a hesped within thirty days before Yom Tov for someone who died over thirty days before Yom Tov (as explained by Rosh ad loc. and Shulchan Aruch Yoreh Deah 347:1). What is wrong with scheduling this hesped, particularly since performing a proper hesped is such a big mitzvah? The Gemara cites two approaches to explain this ruling, both explaining that some form of Yom Tov desecration may result from such a eulogy. Rav (according to our version of the text) explained the reason with an anecdote: "A man once saved money in order to fulfill the mitzvah of aliyah la'regel, traveling to the Beis HaMikdash for Yom Tov. A professional eulogizer then showed up at the man's door, and convinced his wife that her recently departed relative deserved another eulogy. She took the money her husband had saved for aliyah la'regel and gave it to the eulogizer. (This indicates that ambulance chasing is a time-hallowed profession.) At that time, Chazal decreed that one should not make a post-funeral hesped during the thirty day period before Yom Tov." The Gemara then quotes Shmuel, who cited a different reason for the ban: Usually, thirty days after someone's death, he or she is sufficiently forgotten for people not to discuss the death during Yom Tov, which would diminish the festival joy. However, performing a eulogy during these thirty days refreshes people's memories, and as a result, they discuss the passing during Yom Tov and disturb the Yom Tov joy (Moed Katan 8b). The Gemara notes that there is a practical difference between the two approaches. According to the first approach, our concern only applies if someone hires a professional speaker, and there is no stricture against conducting voluntary eulogies. However, according to Shmuel, one may not conduct even an unpaid eulogy, since this may revive the loss for the close family and result in a desecration of Yom Tov.

Contemporary Problem or Not? Some raise the following question: Why doesn't the Gemara point out yet another difference that results from the dispute: According to the first approach, the prohibition would have existed only when the Beis HaMikdash was standing, and there was a mitzvah of aliyah la'regel. Today, however, when we unfortunately cannot fulfill this mitzvah, one should be permitted to hire a professional speaker to eulogize within a month of Yom Tov, even after the funeral (Ritz Gayus, quoted by Ramban and Rosh)? Obviously, according to Shmuel's approach the same concern exists today that existed when the Beis HaMikdash still stood. Yet the Gemara does not mention such a halachic difference between the two opinions. The Ramban explains that the first opinion agrees that the prohibition exists even today. Since the story mentioned in the Gemara happened during the time of the Beis HaMikdash, the Gemara cites a case of someone saving up for aliyah la'regel. Thus, even though we have no Beis HaMikdash, the reason for the prohibition still applies, since people save money in order to be able to celebrate Yom Tov. Thus, the concern still exists that in order to pay for the eulogy, one might take from one's Yom Tov savings.

What about Rosh Hashanah? Does this law apply even within thirty days of Rosh Hashanah, or only before the festivals of Sukkos, Pesach, and Shavuot? Since the Gemara mentions that the person spent the money set aside for aliyah la'regel, a mitzvah that applies only for Sukkos, Pesach, and Shavuot, this implies that our concern is only about the special Yom Tov expenses associated with the three regalim festivities, and not Rosh Hashanah, =when there is no mitzvah of celebration (Yeshuos Yaakov, Orach Chayim 547:1).

Eulogizing Children Does one recite eulogies for children? Theoretically, one could argue that since the purpose of a hesped is to honor the deceased, perhaps children do not require this type of honor. Nevertheless, the Gemara states that one does perform a eulogy for

children of a certain age. From which age does one perform a hesped? "Rabbi Meir, quoting Rabbi Yishmael, said that the children of poor people should be eulogized when they are only three years old, whereas the children of wealthy people are eulogized only if they are five. Rabbi Yehudah quoted Rabbi Yishmael differently: the children of poor people at five, and the children of wealthy people at six. The halachah is according to the last opinion quoted (Moed Katan 24b). Both opinions agree that the age is earlier for the child of a poor family than for the child of a wealthy family. What is the reason for this difference? Rashi explains that a poor person, who has nothing in the world but his children, suffers the loss of his children more intensely, and the need for a hesped is greater. One might challenge that answer: since the conclusion of the Gemara is that a hesped is for the honor of the departed, why is it a halachic concern that an impoverished family suffers the loss of a child more? The hesped is not for their benefit, but for honor of the departed. I have not found this question discussed anywhere, although one later authority notes that the custom (at least in his time and place) was not to eulogize children at all (Beis Hillel to Yoreh Deah 344:4).

Conclusion The Torah begins and ends by describing acts of chesed that Hashem performed, the last one entailing His burying Moshe Rabbeinu. Our purpose in life is to imitate Hashem in all activities until our personality develops to the point that we instinctively behave like Hashem. Fulfilling the mitzvah of hesped correctly, whether as a speaker or as a listener, develops our personality appropriately, and thus fulfills another highly important role in our Jewish lives.

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Sensitivity to Others' Pain by Rabbi Steven Finkelstein

The Berachot that Ya'akov bestows upon each of the Shevatim prior to his death are informative on many levels. For one, we are finally introduced to some of the brothers that, at best, have played cameo roles throughout Sefer BeReishit. These Berachot also provide us a window through which we are able to catch a glimpse of Ya'akov's insights into each of his children as well as his concerns for what lies ahead for Bnei Yisrael. His Berachot highlight for us the unique qualities of each tribe and, at times, hint to how these qualities will benefit the Jewish people in the future. It is interesting to note that when Ya'akov is addressing Menasheh and Efrayim, he adds on a special Berachah: "HaMal'ach HaGo'eil Oti MiKol Ra Yevareich Et HaNe'arim," "May the angel who saved me from all adversity protect these children" (BeReishit 48:16). Ya'akov, concerned with the challenges of slavery that lie ahead, gives over the Berachah to Menasheh and Efrayim that the angel who helped him deal with the adversity in his own life should help get through the adversity of the impending slavery in Egypt. This explanation raises a question: If all of the Shevatim are about to face the challenges of enslavement in Egypt, why does Ya'akov request the extra help only for Menasheh and Efrayim?

I want to share an interesting answer that I once heard to this question. While the nation as a whole would have to endure the pain and suffering of slavery in Egypt, for Menasheh and Efrayim the slavery would be significantly worse. While their workload and living conditions might be the same as their brethren, their sadness and stress can be significantly more intense. The other tribes had lived through challenging times and even had to pick up and leave their home in Kena'an for Egypt. Menasheh and Efrayim, on the other hand, lived in the palaces of Egypt for their entire lives. They are accustomed to a level of comfort and

respect. In other words, their expectations are higher. The plunge into slavery would be difficult for all the tribes, but Ya'akov is sensitive to the fact that Menasheh and Efrayim will be exposed to more stress than the others because of the regal lifestyle they have become accustomed to. It is for this reason that Ya'akov Avinu addresses this special Berachah to them. His hope is that the Mal'ach who helped him will provide Menasheh and Efrayim with the extra help they need to endure.

This explanation struck me because it reminds us of an important lesson about dealing with the pain and suffering of those around us. Every person has his own sensitivities. What is painful, stressful, or depressing for one person might seem completely insignificant to someone else. Ya'akov does not dismiss Menasheh and Efrayim as spoiled or pampered. Rather, he tries to relate to the challenge of slavery through their eyes.

Picture the things that would cause a young child to break out in uncontrollable tears. Say, for example, there were no more blue lollipops on the way out of Shul. For an adult, the color of a lollipop seems trivial. It is certainly not worth crying over, yet for the child, it can be devastating. In order to help comfort that child, we need to see the situation from his perspective. In bestowing this extra blessing on Menasheh and Efrayim, Ya'akov teaches us that in order to help people endure pain and suffering, you have to understand who they are and where they are coming from. Most importantly, you must understand why the situation is difficult for them. It is this same sensitivity that guides us when giving Tzedakah to a person who had been accustomed to living an affluent lifestyle. We make every effort to provide him with more than the basic necessities. In that situation as well, we have to be sensitive to the added stress that he is experiencing.

There are several lessons that we can learn from this explanation of Ya'akov's Berachah to Menasheh and Efrayim. Every person experiences pain based on his own expectations and life experiences. What is distressing for one person might seem laughable to someone in a different circumstance. That being said, Ya'akov is teaching us to be sensitive to each person's pain. Never trivialize what someone else is experiencing. There is no measure that determines what is and what is not considered painful; it is all up to the individual.

from: Shabbat Shalom <shabbatshalom@ounetwork.org> reply-to: shabbatshalom@ounetwork.org date: Thu, Dec 27, 2012 at 6:30 PM subject: Parshat Vayechi - Shabbat Shalom from the OU

Parshat Vayechi – Menashe and Ephraim: Tying up Loose Ends

Excerpted from **Rabbi Shmuel Goldin's 'Unlocking The Torah**

Text: An In-Depth Journey Into The Weekly Parsha- Bereishit

Upon hearing that Yaakov has fallen ill, Yosef gathers his sons, Menashe and Ephraim, and rushes to his father's bedside. During the ensuing conversation Yaakov takes two dramatic steps that carry powerful practical implications for the future. 1. Yaakov proclaims that Menashe and Ephraim will be considered on par with his own children in the determination of his legacy. Through this statement, Yaakov creates the tribes of Ephraim and Menashe in place of the single tribe of Yosef. 2. The patriarch blesses his grandchildren as follows: "Through you will Israel bless, by saying: 'May God make you like Ephraim and like Menashe...'" To this day, Jewish parents bless their sons with the formula "May God make you like Ephraim and like Menashe," while daughters are blessed with the prayer "May God make you like Sara, Rivka, Rachel and Leah."

Questions

Why are Ephraim and Menashe counted among the tribes of Israel? No other grandchild of Yaakov is accorded this singular honor. Why are Ephraim and Menashe chosen as the paradigms for our sons to emulate rather than the patriarchs, Avraham, Yitzchak and Yaakov? Do the oldest sons of Yosef possess specific character traits that we wish upon our own

children or are we arbitrarily fulfilling Yaakov's prophetic prediction: "Through you [Ephraim and Menashe] will Israel bless...?"

Approaches

Ephraim and Menashe's central place in both the legacy and blessing of Yaakov reflects a number of critical ideas. The selection of Yosef's children to this position, in fact, brings closure to a series of interlocking themes that have coursed through the Yosef story, and, in some cases, the entire book of Bereishit.

A

The tribal legacy: Yosef's reward. We will see that Reuven, Yaakov's eldest son, loses the firstborn's leadership role as a result of his personal failings. In his place, Yehuda earns and assumes those responsibilities of leadership (see Vayechi 3). There are two other privileges of the birthright, however, which Reuven loses, as well. The honor of religious stewardship is reassigned to Levi while the double inheritance normally accorded to the firstborn is transferred to Yosef. The creation of the tribes of Ephraim and Menashe can thus be attributed to Yosef's merit. As a reward for his righteousness and in acknowledgment of his achievements, Yosef receives his "double portion" as the progenitor of these two tribes.

B

Emphasizing Yosef's aloneness. While the creation of two tribes bearing the names of Yosef's sons can certainly be seen as a reward for Yosef's righteousness, this same phenomenon, in ironic fashion, underscores a tragic dimension of his life. Yosef's name does not appear in the list of tribes along with his brothers. Yosef's lonely position as the ultimate outsider is thus cemented and preserved for posterity. Yosef never succeeds in becoming part of any society in which he finds himself. Although wildly successful in Egypt, he never earns the full trust of the Egyptians (see Vayigash 1, Approaches c). Even more significantly, he is never fully accepted into the company of his brothers, who do not have confidence in his intentions right through the end. A delicate balance, mirroring Yosef's complex life, is thus struck in the tribal system. Yosef's material success will be reflected in the double portion he receives through his sons. His isolation, however, is also mirrored in Yosef's own conspicuous and now eternal absence from the company of his brothers.

C

Reaching across the generations. Yaakov is the first personality in the Torah and the only patriarch to openly relate not only to his children, but to his grandchildren, as well. The last patriarch, however, goes a major step further. He concretizes his relationship with Ephraim and Menashe through the creation of tribes bearing their names, thereby ensuring that the tribal system of Israel will span the generations. With great foresight, he consciously weaves the concepts of the extended family and of intergenerational relationships into the very fabric of our national structure. (Note that building upon this phenomenon, Yaakov's son Yosef is the first individual in the Torah to interact with his great grandchildren.) These relationships will remain indispensable to the transmission and development of Jewish tradition across the ages.

D

The blessing: sibling harmony. Ephraim and Menashe succeed in reversing a tragic trend which characterizes sibling relationships from the time of Kayin and Hevel through the patriarchal period. They are the first major set of brothers, recorded in the Torah, whose relationship is not marked by jealousy, rivalry and strife. The love between Ephraim and Menashe apparently endures even when Ephraim is given precedence by Yaakov over his older brother, Menashe. When we pray that God will make our sons "like Ephraim and like Menashe," we pray that our progeny succeed in maintaining the harmony that marked the relationship of Yosef's sons.

E

A world apart. Yaakov reacts with wonder when he reflects upon meeting his grandchildren towards the end of his life. This reaction mirrors the unexpected nature of Ephraim and Menashe's success. These two children grew up in exile, separated from their extended family since birth, yet remained identifying members of their family. The patriarch, therefore, selects his two grandchildren as the paradigm for blessings across the ages. Their selection sends a powerful message across the turbulent history of our often scattered people. "May God make you like Ephraim and Menashe," we bless our sons. May you always be spiritually connected to your family and people, no matter where you live, no matter how physically distant you may be.

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by Rabbi Yitzchak Etshalom

Parshas Vayechi - Part 1

The Location of Rachel's Tomb

I

GENESIS OF THE PROBLEM In our Parashah, Ya'akov is elaborating upon his deathbed request of Yoseph to bury him in the Cave of Machpelah, with Avraham, Sarah, Yitzhak, Rivkah and Leah. As a form of apologia, explaining why Yoseph's own mother - and Ya'akov's beloved, Rachel - is not buried in that hallowed spot, Ya'akov explains:

And as for me, when I came from Padan, Rachel died by me in the land of Canaan in the way, when yet there was but a little way to come to Ephrath; and I buried her there in the way of Ephrath; which is Beth-Lehem. (48:7). It is unclear what the tone of this explanation might be (see the Rishonim ad loc.) - if Ya'akov is justifying the road-side burial without even entering the town of Beit-Lechem, or if the larger issue of Rachel's absence from the Cave of Machpelah is the tacit subject here. Regardless, this verse, mirrored by an earlier verse which is part of the narrative itself, seems to pinpoint (more or less) the location of Kever Rachel: And they journeyed from Beit-El; and there was but a little way to come to Efrat; and Rachel labored with child, and she had difficult labor. And it came to pass, when she was in difficult labor, that the midwife said to her, Fear not; you shall have this son also. And it came to pass, as her soul was departing, for she died, that she called his name Ben-Oni; but his father called him Binyamin. And Rachel died, and was buried in the way to Ephrat, which is Beit-Lechem. And Ya'akov set a pillar upon her grave; that is the pillar of Rachel's grave to this day. (35:16-20)

For the last hundred-plus years, at least, the building commonly known as "Kever Rachel" has been regarded with the sanctity and special feelings associated with this beloved mother of Yisra'el. The beautiful Midrashim (one of which will play a critical role in our analysis) which portray her pleading on behalf of Am Yisra'el are connected with that locus. As early as the end of the 13th century, Ramban (see his comments at B'resheet 35:16) records his own identification of the place, which is near [present-day] Beit-Lechem. To be sure, we have much earlier reports of Rachel's Tomb being in the proximity of Beit-Lechem - including a passage in the new testament dating back to the first century, and from the 4th century history of Eusibius. These identification are almost assuredly based on older Jewish traditions. Yet, as we will see, there are significant problems associated with locating Kever Rachel in its present-day location; locations which spring both from Rabbinic literature and from passages in the T'nakh itself.

II

THE FIRST CHALLENGE FROM T'NAKH:

>WEEPING IN RAMAH

In one of the most moving passages in all of T'nakh, Yirmiyah reports that the voice of Rachel's weeping is heard in the Binyaminit town of Ramah (approximately 10 miles north of Yerushalayim; see the attached map): Thus says Hashem; A voice is heard in Ramah, lamentation, and bitter weeping; Rachel weeping for her children refused to be comforted for her children, because they were not. Thus says Hashem; Refrain your voice from weeping, and your eyes from tears; for your work shall be rewarded, says Hashem; and they shall come again from the land of the enemy. And there is hope for your future, says Hashem, that your children shall come again to their own border. (for an elegant example of how this passage is utilized Midrashically, see Eikhah Rabbah, P'tich'ta #24). The simple read of this text presents Rachel as being born in the town of Ramah, quite a distance from modern-day Beit Lechem - even north of Yerushalayim. At this point, we are faced with two difficulties: a) How can the verse in Yirmiyahu be reconciled with the location described in B'resheet? b) How can the verse in Yirmiyahu be reconciled with convention - dating back at least seven hundred years - which places Kever Rachel south of Yerushalayim? Before attempting to resolve the problem, it is prudent to note that the Yirmiyan association with Ramah is not incidental: The word that came to Yirmiyah from Hashem, after Nebuzaradan the captain of the guard had let him go from Ramah, when he had taken him bound in chains among all those who were carried away captive from Yerushalayim and Yehudah, who were carried away captive to Bavel. (Yirmiyah 40:1) In other words, the captives from Yerushalayim, subsequent to the destruction, were taken away - northwards - and had a "transit stop" at the Binyaminit town of Ramah. This horrifying and desperate circumstance would be an "ideal" opportunity for the exiles to hear Rachel's weeping - and to be told of Hashem's promise to her that they would return to their borders. Aware of the geographical tangle produced by this passage, classical commentaries have taken several approaches to resolve it. One famous one, first found in the Targum, renders "Ramah" not as a place-name, rather as "heaven" (the literal translation of "Ramah" is "high place" - taken because the city is atop a hill). Rachel's voice is being heard in heaven, according to this take. This explanation is difficult to maintain within the realm of P'shat. Although we are not as concerned if it rends the attractive connection between Rachel's weeping and the "exilic transit stop" of Ch. 40, that is not enough to defeat the interpretation. There is, however, an inherent problem with explaining "Ramah" as "heaven" here. Besides the fact that such a word is never used - at least not in the prophetic canon - as a cognomen for "heaven", the vocalization doesn't fit. If "Ramah" were to mean "heaven", it would have to be written "Baramah" - "in THE heavens" (compare T'hillim 2:4 - "Yoshev BaShamayim"; indeed, even when referring to the Binayminite town, "Baramah" is the common usage). The pointing of our text - "B'Ramah" must be translated "in Ramah". There is another way to reconcile Yirmiyah 31 with the "southern theory" of the location of Kever Rachel, one that lacks nothing in elegance and may easily be maintained as P'shat, one advanced by Ramban in B'resheet 35:16. Note that the text doesn't say that Rachel's voice is heard "from Ramah"; rather, it is heard "in Ramah" - in other words, the exiles in Ramah are hearing her voice (from wherever it might be) weeping over their absence. In short, the verse in Yirmiyah does nothing to establish or challenge the location of Kever Rachel. There is, however, a Midrash which employs this passage to explain Ya'akov's choice of burial locations for his beloved Rachel which will demand a response if we are to maintain the conventional location of Kever Rachel: Why did our father Ya'akov see fit to bury Rachel on the road to Efrat? He saw, through Divine inspiration, that the exiles will eventually pass by there; therefore, he buried her there so that she should beg G-d's compassion for them, as it says: "A voice is heard in Ramah..." (B'resheet Rabbah 82:10) The author of this Midrash seems to accept as a fait accompli

that Rachel is buried somewhere north of Yerushalayim, as that is the route taken by the exiles on their way to Bavel. We will yet return to this Midrash in our defense of the "southern theory".

Before moving on to the most difficult passage, there is another rabbinic source marshaled by those who would belittle the popular identification of the location of Kever Rachel - and it is not an easy source to elude: R. Meir states, [Rachel] died in the her son's territory (i.e. Eretz Binyamin). (Sifri B'rakhah #11). Remember, from the earliest passage in B'reshet, that Rachel gave birth, died and was buried all in one spot. If she died in [what would later become] Binyaminite land (parenthetically, that means that not only was Binyamin the only son to be born in K'na'an, he was born in the territory that would be named after him and inherited by his descendants) then she was buried there. How do we sustain a southern location with this identification - after all, doesn't Binyamin's land extend only as far south as Yerushalayim (see Yehoshua 18:16)? We will yet return to this passage, as well as the Midrash about Rachel's placement as a sentinel for the departing exiles.

III

THE SECOND CHALLENGE FROM T'NAKH:

"SHA'UL'S SIGNS"

BACKGROUND The book of Sh'mu'el is devoted to the establishment of the Israelite monarchy. After 7 chapters describing the birth and career of Sh'mu'el, the text shifts its focus to the preparation for a king. In chapter 8, the people, noting Sh'mu'el's advancing age and his sinning sons (who would, presumably, take over his role as leader), as him for a king. At the end of this chapter of "Mishpat haMelekh", Sh'mu'el sends the people home, promising them a king. At the beginning of Chapter 9, we are introduced to Sh'aul, a Binyaminite, who lives in Giv'ah. Sh'aul, a strapping young man with a great sense of filial loyalty, is trekking through the land of Binyamin to find his father's donkeys who have strayed. At some point, his "valet" suggests that they visit the local "seer" who might be able help them find the donkeys. Sh'mu'el, in the meantime, is told by G-d that the awaited-king will be arriving on the morrow. When Sh'aul, seeking prophetic guidance to find his father's donkeys meets Sh'mu'el, looking for the new leader of the people, there is a soft of dialogic dissonance; Sh'aul does not believe Sh'mu'el's words: "Am I not a Binyaminite, of the smallest of the tribes of Yisra'el? and my family the least of all the families of the tribe of Binyamin? Why then do you speak so to me?" (I Sh'mu'el 9:21) After Sh'mu'el invites Sha'ul to be seated in the place of honor at the feast, he escorts the young Binyaminite and his valet out of town - and then: Then Sh'mu'el took a vial of oil, and poured it upon his head, and kissed him, and said, Is it not because Hashem has anointed you to be captain over his inheritance? When you part from me today, then you shall find two men by K'vurat Rachel in the border of Binyamin at Zelzah; and they will say to you, The donkeys which you went to seek have been found; and, behold, your father has ceased to care about the donkeys, and has become anxious about you, saying, What shall I do about my son? Then shall you go on forward from there, and you shall come to Elon Tavor, and there you shall be found by three men going up to G-d to Beit-El, one carrying three kids, and another carrying three loaves of bread, and another carrying a skin of wine; And they will greet you, and give you two loaves of bread; which you shall receive from their hands. After that you shall come to the Giv'at ha'Elokim, where the garrisons of the Philistines are; and it shall come to pass, when you have come there to the city, that you shall meet a company of prophets coming down from the high place with a lute, and a tambourine, and a pipe, and a lyre, before them; and they shall prophesy; And the spirit of Hashem will come upon you, and you shall prophesy with them, and shall be turned into another man. (I Sh'mu'el 10:1-6) Sh'mu'el gives Sh'aul three signs, intended to demonstrate (it would seem) the truth of his prophetic powers such that Sha'ul should accept the mantle of leadership similarly

foretold. The difficulty, from our perspective, lies in the first sign - Kever Rachel is clearly placed in the land of Binyamin. The attached map clearly marks Sha'ul's journey home from Ramah; he will walk due south, ending well north of Yerushalayim. This verse seems to militate against identifying Kever Rachel as being in the district of Beit-Lechem, south of Yerushalayim. It should be noted that there are a number of scholars who, ignoring most of the historic evidence cited above (they may argue that local traditions were based on an errant reading of text), favor the "northern theory" and maintain that Rachel was, indeed, buried north of Yerushalayim. How they interpret the two passages in B'reshet is a matter for a different shiur - one which we hope to present at a later date. If we are to remain faithful to the strict reading of the verses in B'reshet and to the historic evidence (and conventional belief), we must address the passage in Sh'mu'el, as well as the two Midrashim cited above, all of which seem to strongly challenge the present-day location of Kever Rachel.

Parshas Vayechi - Part 2

The Location of Rachel's Tomb

IV

ELITZUR'S SOLUTION:

LITERARY ANALYSIS PROVIDES GEOGRAPHICAL ACCURACY

My teacher and friend, Dr. Yoel Elitzur (Sinai #92, Fall 1982, pp. 35-45) points out several difficulties in the "signs" given to Sha'ul, the resolution of which not only maintains the popular location of Kever Rachel, but also provides added insight into the significance of that special place. The rest of this essay is a synopsis of Dr. Elitzur's article.

There is one particular textual problem in the geographic marker used for the first "sign" - When you part from me today, then you shall find two men by K'vurat Rachel in the border of Binyamin at Zelzah. 1) If the location of Kever Rachel was known at the time, why add the other geographic landmarks (the border of Binyamin, Zelzah)? If, conversely, the location of Kever Rachel was not well-known at the time (or to Sha'ul), why incorporate it at all? There are several general problems which emanate from these six verses: Whereas many commentaries have understood them to be "wonders", in the sense presented above (to wit, three such odd things will happen exactly as the prophet foretold, thus fortifying his prophecy about the monarchy). This is difficult on several accounts: 2) The word "Ot", as opposed to "Mophet", generally means "indicator"; i.e. a wondrous event which has an inherent or symbolic connection to the event it purports to confirm. 3) The signs are not presented as ancillary to Sh'mu'el's anointing of Sha'ul; they flow directly from his declaration and seem to be a part of the consecration of the new king. 4) The overabundance of details (geographical and other) which are found in this foretelling of Sha'ul's walk home is highly unusual and does not fit the common style of the T'nakh narrative.

V

THE LITERARY ANALYSIS

In order to understand the literary structure of the three signs, we will first analyze the last two - and return to our point of departure - Kever Rachel. Each sign shares some components:

A: Location (Elon Tavor, Giv'ah); B: Number of people (3, group) C: Description of people (going up to Beit El one with...and one with...and one with..., coming down from the altar with a lute and a tambourine and a pipe and a lyre) D: Interaction with them (and they will greet you, and give you two loaves of bread; which you shall receive from their hands, And the spirit of Hashem will come upon you, and you shall prophesy with them) We would expect the first sign to follow this pattern, but it seems to deviate; instead of there being a brief notation about the location where Sha'ul would meet them, there is an overwhelming amount of information in that regard (by K'vurat Rachel in the border of Binyamin at Zelzah); yet there is no description given of

these men, unlike the pilgrims and prophets described in the second and third "Otot", respectively. Without fully solving the "component imbalance" of the first sign (which we will do forthwith), a pattern begins to emerge which demonstrates the significance of these signs and their sequence. Note that each sign is introduced by Sha'ul's progress - When you part from me today...then shall you go on forward from there...after that you shall come to... First he meets 2, then 3, then a whole group of people.

First "you shall find", then "you shall be found" and then "you shall encounter" First "they will say to you" (Sha'ul is passive), then "you shall receive from their hands" (Sha'ul is active) then "you shall prophesy with them" (total enjoining). We now see that we are not dealing with "wonders" (Moph'tim), rather with signs which are indicative of the spiritual ascendance and progress of Sha'ul. We also understand that the signs are part of the anointing of Sha'ul. Sha'ul grows from a "donkey-seeker" to a man imbued with G-d's spirit. The final phrase - and [you] shall be turned into another man - is not part of the third sign; rather, it is the goal and summation of the entire process.

VI

BACK TO KEVER RACHEL: SOLVING THE FIRST SIGN

As noted above, the first sign seems to deviate from the pattern of details found in the other two - there is too much geographic detail (and, in any case, the mention of Kever Rachel seems to be of no help or else should be sufficient) and no description of the 2 people he will meet there. The Tosefta in Sota provides an answer which seems, prima facie, to be a "weak" defense of the southern theory: ...rather, [Sh'mu'el] said to him: Now, as I am speaking to you, they are at K'vurat Rachel. You are walking and they are coming and you will find them at the border of Binyamin at Zelzah. (Tosefta Sotah 11:7)

Having concluded our literary analysis, we see that this statement is not merely a defense of the popular location of Kever Rachel; it is also an astute observation about the three signs. The mention of K'vurat Rachel in the first sign is not a "geographic marker" - rather, it is the description of the two men, as follows:

Sign	Number	Location	Description	Interaction
1	2	Zelzah	At K'vurat Rachel	They will tell you...
2	3	Elon Tavor	Ascending to Beit-El	You will take from them
3	Group	Giv'ah	Descending from the altar	You will join them

The current presence of these men at K'vurat Rachel is not a way for him to find them - for they won't be there (south of Yerushalayim) when Sha'ul meets them; rather, they will be coming north, from K'vurat Rachel, and Sha'ul will meet them at Zelzah. We can now place the final piece into the puzzle of the signs of Sha'ul: The progression is not only in number of people met, not only in the level of Sha'ul's interaction with them, but also in the quality of the spiritual experience in which they are engaged. The final, ultimate experience is prophecy; a pilgrimage to a Sanctuary is also a spiritual experience, although one that falls short of prophecy. The visit to Kever Rachel, while not on a par with a visit to an altar, also has religious and spiritual implications and dimensions. We now understand the great attention paid to detail in these verses; each component serves to fill out the sequential growth of Sha'ul, until his spirit is captivated by prophecy. Kever Rachel is, as indicated in B'reshet, a few miles north of Beit-Lechem; the challenge verse from Yirmiyah was rather easily answered. The more difficult challenge, from the prophecy of Sha'ul's return home, was not only resolved, but we gained a deeper appreciation of the relationship between the three signs given Sha'ul and his development into the first Melekh Yisra'el.

VII

POSTSCRIPT

As noted above, there are two Midrashim which seem to support the "northern theory" - and R. Me'ir's statement that Rachel was buried in

her son's territory and Ya'akov's decision to bury Rachel on the road to be a sentinel for the exiles who would pass by. R. Me'ir's statement, when examined closely, is not an attempt to "relocate" Kever Rachel north of Yerushalayim; rather, it is an "expansion" of Binaymin's borders to include the area of Beit-Lechem. The dispute in the Sifri is not about the location of Kever Rachel; it is about the location (in which tribe's territory) of the Beit haMikdash. The second Midrash would seem to present a problem; as noted above, the exiles to Bavel were taken northward from Yerushalayim on their way to Bavel. The Ba'alei haMidrash who flourished in the shadow of the destruction of the 2nd Beit haMikdash often utilized verses referring to the first exile and destruction (586 BCE) as references to the persecutions of their own times. See, inter alia, the Petich'ta of Eikhah Rabbah. Jerome, the early Church father and historian, writes (commentary to Yirmiyah 31) that after the quashing of the rebellion associated with Bar-Kosiba, the captives were taken by order of Hadrian, to the great fair north of Hevron; where they were sold as slaves. Perhaps the Midrash in question is alluding to this tragedy - for, indeed, they passed by Kever Rachel on the way to being sold into slavery. How remarkable is it, then, that the P'sikta (2:3) has a slightly different version of our Midrash: I buried her there. Why? It was known to Ya'akov, that ultimately the Beit haMikdash would be destroyed and his children would go into exile, and they would go to the patriarchs [in Hevron] begging them to pray for them, and they won't help them. Once they will be on the road, they will come and embrace Kever Rachel and she will stand and beg G-d's compassion...

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