

**Weekly Parsha VAYESHEV 5782**

**Rabbi Wein's Weekly Blog**

The story of Joseph and his brothers reveals both the strengths and weaknesses of mortal beings and a family structure. Parents, in a perfect world, do not have favorite children. All their children are their favorites, in their minds and hearts. However, in the imperfect world that we live in, favoritism within a family is a norm and not an exception. For whatever reason – and it is usually an emotional and even irrational one – favoritism within a family is a fact of life and common in the human experience.

The issue is not the favoritism itself, but, rather, how the parents and the other members of the family deal with this situation. A great deal depends upon the attitude of the child that is being favored.

In this week's Torah reading, Joseph flaunts his status as being the favored child of Jacob. It is not so much that the brothers resent the specialness displayed by Jacob as he relates to Joseph, for they realize that Joseph is a person of physical strength and attraction, filled with great spiritual and creative values. They even do not begrudge him his status as being the favorite of their father. What they do object to, and most vehemently react to, is the way Joseph chooses to publicly display his favored status in their faces and to their detriment.

One need not demean others to establish one's own greatness and talents. Every person is entitled to great dreams but may not to use them publicly as a weapon against others. And it is this vicious pattern of behavior exhibited by Joseph that the brothers object to, and eventually feel mortally threatened by.

At the end of this wondrous story related to us in the Torah, the brothers and Joseph will come to terms with his uniqueness and favorite position in the family. Joseph will wisely refrain from relating to them his dreams of success, nor attribute his position of power over them to that of entitlement, but rather, as being God's servant in bringing about salvation for all concerned. The brothers, for their part, will realize that their actions were unjustified and extreme regarding their treatment of their brother.

All parties concerned will be forced to take a step back and readjust their thinking as to their reaction regarding the favored status of Joseph. It will take decades and a great deal of pain and suffering on the

part of all of Jacob's sons to face up to the reality of their past behavior towards one another. But the greatness of our forefathers, who created the tribes of Israel and the Jewish nation, lies in their honest assessment of their past behavior, and their attempt to begin again with a new and different attitude towards each other.

There will be lingering doubts and fears, of course, for the past never disappears, but in the Torah readings during this coming month, the crucial moral lesson about being honest regarding our past, and being better people regarding our future, will be driven home to us.

Shabbat shalom

Rabbi Berel Wein

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**The Heroism of Tamar (Vayeshev)**

**Rabbi Jonathan Sacks**

This is a true story that took place in the 1970s. Rabbi Dr Nahum Rabinovitch, then Principal of Jews' College, the rabbinic training seminary in London where I was a student and teacher, was approached by an organisation that had been given an unusual opportunity to engage in interfaith dialogue. A group of African Bishops wanted to understand more about Judaism. Would the Principal be willing to send his senior students to engage in such a dialogue, in a chateau in Switzerland?

To my surprise, he agreed. He told me that he was sceptical about Jewish-Christian dialogue in general because he believed that over the centuries the Church had been infected by an antisemitism that was very difficult to overcome. At that time, though, he felt that African Christians were different. They loved Tanach and its stories. They were, at least in principle, open to understanding Judaism on its own terms. He did not add – though I knew it was in his mind since he was one of the world's greatest experts on Maimonides – that the great twelfth-century Sage held an unusual attitude to dialogue. Maimonides believed that Islam was a genuinely monotheistic faith while Christianity – in those days – was not. Nonetheless, he held it was permitted to study Tanach with Christians but not Muslims, since Christians believed that Tanach (what they called the Old Testament), was the word of God whereas Muslims believed that Jews had falsified the text.[1]

So we went to Switzerland. It was an unusual group: the semichah class of Jews' College, together with the top class of the yeshiva in Montreux where the late Rabbi Yechiel Weinberg, author of *Seridei Esh* and one of the world's foremost halachists, had taught. For three days the Jewish group davened and bentsched with special intensity. We learned Talmud each day. For the rest of the time we had an unusual, even transformative, encounter with the African Bishops, ending with a chassidic-style tisch during which we shared with the Bishops our songs and stories and they taught us theirs. At three in the morning we finished by dancing together. We knew we were different, we knew that there were deep divides between our respective faiths, but we had become friends. Perhaps that is all we should seek. Friends don't have to agree in order to stay friends. And friendships can sometimes help heal the world.

On the morning after our arrival, an event had occurred that left a deep impression on me. The sponsoring body was a global, secular Jewish organisation, and to keep within their frame of reference the group had to include at least one non-orthodox Jew, a woman studying for the rabbinat. We, the semichah and yeshiva students, were davening the Shacharit service in one of the lounges in the chateau when the Reform woman entered, wearing tallit and tefillin, and sat herself down in the middle of the group.

This is something the students had not encountered before. What were they to do? There was no mechitzah. There was no way of separating themselves. How should they react to a woman wearing tallit and tefillin and praying in the midst of a group of davening men? They ran up to the Rav in a state of great agitation and asked what they should do. Without a moment's hesitation he quoted to them the saying of the Sages: A person should be willing to jump into a furnace of fire rather than shame another person in public. (See Brachot 43b, Ketubot 67b) With that he ordered them back to their seats, and the prayers continued.

The moral of that moment never left me. The Rav, for the past 32 years head of the yeshiva in Maaleh Adumim, was and is one of the great halachists of our time.[2] He knew immediately how serious were the issues at stake: men and women praying together without a barrier between them, and the complex question about whether women may or may not wear a tallit and tefillin. The issue was anything but simple.

But he knew also that halachah is a systematic way of turning the great ethical and spiritual truths into a tapestry of deeds, and that one must never lose the larger vision in an exclusive focus on the details. Had the students insisted that the woman pray elsewhere they would have caused her great embarrassment. Never, ever shame someone in public. That was the transcending imperative of the hour. That is the mark of a great-souled man. One of the great privileges of my life was to have been his student for over a decade.

The reason I tell this story here is that it is one of the powerful and unexpected lessons of our parsha. Judah, the brother who proposed selling Joseph into slavery (Gen. 37:26), had "gone down" to Canaan where he married a local Canaanite woman. (Gen. 38:1) The phrase "gone down" was rightly taken by the Sages as full of meaning.[3] Just as Joseph had been brought down to Egypt (Gen. 39:1) so Judah had been morally and spiritually brought down. Here was one of Jacob's sons doing what the patriarchs insisted on not doing: marrying into the local population. It is a tale of sad decline.

He marries his firstborn son, Er, to a local woman, Tamar.[4] An obscure verse tells us that he sinned, and died. Judah then married his second son, Onan, to her, under a pre-Mosaic form of levirate marriage whereby a brother is bound to marry his sister-in-law if she has been widowed without children. Onan, reluctant to father a child that would be regarded as not his but his deceased brother's, practised a form of coitus interruptus that to this day carries his name. For this, he too died. Having lost two of his sons, Judah was unwilling to give his third son, Shelah, to Tamar in marriage. The result was that she was left as a "living widow," bound to marry her brother-in-law whom Judah was withholding, but unable to marry anyone else.

After many years, seeing that her father-in-law (by this time a widower himself) was reluctant to marry her to Shelah, she decided on an audacious course of action. She removed her widow's clothes, covered herself with a veil, and positioned herself at a point where Judah was likely to see her on his way to the sheep-shearing. Judah saw her, took her to be a prostitute, and engaged her services. As surety for the payment he had promised her, she insisted that he leave her his seal, cord and staff. Judah duly returned the next day with the payment, but the woman was nowhere to be seen. He asked the locals the

whereabouts of the temple prostitute (the text at this point uses the word kedeshah, “cult prostitute,” rather than zonah, thus deepening Judah’s offence), but no one had seen such a person in the locality. Puzzled, Judah returned home.

Three months later he heard that Tamar was pregnant. He leapt to the only conclusion he could draw, namely that she had had a physical relationship with another man while bound in law to his son Shelah. She had committed adultery, for which the punishment was death. Tamar was brought out to face her sentence, and Judah instantly noticed that she was holding his staff and seal. She said, “I am pregnant by the person to whom these objects belong.” Judah realised what had happened and proclaimed, “She is more righteous than I” (Gen. 38:26).

This moment is a turning-point in history. Judah is the first person in the Torah explicitly to admit he was wrong.[5] We do not realise it yet, but this seems to be the moment at which he acquired the depth of character necessary for him to become the first real baal teshuvah. We see this years later, when he – the brother who proposed selling Joseph as a slave – becomes the man willing to spend the rest of his life in slavery so that his brother Benjamin can go free. (Gen. 44:33) I have argued elsewhere that it is from here that we learn the principle that a penitent stands higher than even a perfectly righteous individual. (Brachot 34b) [6] Judah the penitent becomes the ancestor of Israel’s Kings while Joseph the Righteous is only a viceroy, mishneh le-melech, second to the Pharaoh.

Thus far Judah. But the real hero of the story was Tamar. She had taken an immense risk by becoming pregnant. Indeed she was almost killed for it. She had done so for a noble reason: to ensure that the name of her late husband was perpetuated. But she took no less care to avoid Judah being put to shame. Only he and she knew what had happened. Judah could acknowledge his error without loss of face. It was from this episode that the Sages derived the rule articulated by Rabbi Rabinovitch that morning in Switzerland: it is better to risk being thrown into a fiery furnace than to shame someone else in public.

It is thus no coincidence that Tamar, a heroic non-Jewish woman, became the ancestor of David, Israel’s greatest King. There are striking similarities between Tamar and the other heroic woman in David’s ancestry, the Moabite woman we know as Ruth.

There is an ancient Jewish custom on Shabbat and festivals to cover the challot or matzah reciting

Kiddush. The reason is so as not to put the bread to shame while it is being, as it were, passed over in favour of the wine. There are some very religious Jews who, unfortunately, will go to great lengths to avoid shaming an inanimate loaf of bread but have no compunction in putting their fellow Jews to shame if they regard them as less religious than they are. That is what happens when we remember the halachah but forget the underlying moral principle behind it.

Never put anyone to shame. That is what Tamar taught Judah and what a great Rabbi of our time taught those who were privileged to be his students.

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### **Shabbat Shalom: Parshat Vayeshev (Genesis 37:1-40:23)**

#### **Rabbi Shlomo Riskin**

Efrat, Israel – “And Judah said to his brothers: ‘What profit is it if we slay our brother and conceal his blood? Let us sell him to the Ishmaelites, and let our hand not be upon him; for he is our brother, our flesh.’” (Genesis 37:26-27)

Why are Jews (Yehudim) referred to as such? Historically speaking, the vast majority of the descendants of Abraham, Isaac and Jacob who remained committed to their traditions and faith after the first exile (586 B.C.E.) come from the tribe of Judah (Yehuda), since the ten tribes (not including Levi) were exiled by Sanherib. In addition to the factually-accurate nomenclature, however, I would like to offer a textually-based explanation that provides a complementary but very different answer to our question.

The mere fact that a person can still call himself a Jew (Yehudi) 3,300 years after Sinai and despite nearly 2,000 years of national homelessness is truly a miracle. He is a most unlikely survivor; sustained, nurtured and kept alive by Divine providence in the face of exile, wars, pogroms, and assimilation. To understand what enables a Jew to survive despite all the forces against him, we must turn to his eponym, Judah.

What special traits did Judah possess that set him apart from his eleven brothers, and in particular from his eldest brother, Reuben? For example, when an angry and jealous mob of brothers have the chance to carry out their long-harbored wish to kill Joseph, two siblings— Reuben and Judah—each take a leadership role, and it seems that Reuben’s words are the more courageous and moral!

First, Reuben, assuming his status as first-born, attempts to foil his brothers' evil design: "Let us not kill him...let us not shed blood...cast him into this pit...but lay no hand upon him..." (ibid., 37:22). As the verse itself then explains, Reuben's plan to delay a drastic decision was driven by his goal that "he might deliver [Joseph] out of their hand, to restore him to his father." Although they do indeed place Joseph into the pit, Reuben never gets to fully implement the plan.

This is because Judah sights a caravan of Ishmaelite traders in the distance, and suggests to his brothers that there is no point in murdering Joseph when they could just as easily earn money from his sale to slavery. "What profit [mah betza] is it if we slay our brother, and conceal his blood? Let us sell him to the Ishmaelites, and let our hand not be upon him, for he is our brother and our flesh..." (ibid., v. 26-27).

Reuben returns, finds an empty pit, and rends his garments. His despair is deep and painful: "The child is not here, and I, where shall I go?" (ibid., v. 29-30).

If we compare the responses of Reuben and Judah, the former seems to own the moral high ground, risking his brothers' wrath in preventing them from murdering Joseph on the spot.

Judah, on the other hand, appears crass, turning the crisis into a question of profit. Speaking like an opportunistic businessman, he sees a good deal and convinces the brothers to get rid of their nemesis and enjoy a material advantage at the same time.

In this light, his concluding words, "for [Joseph] is our brother and our flesh" sound grotesque. If Judah harbored fraternal feelings for Joseph, how could he subject his younger brother to abject slave conditions? This makes Jacob's subsequent decision to name Judah as the recipient of the birthright even more puzzling.

Perhaps somewhat counterintuitively, I would like to suggest that Judah's decision is actually what makes him the most fitting leader from among his brothers. The real test of leadership is not who provides the most absolute, morally upright solution – if that will not be accepted by the "crowd" – but rather he or she who ultimately saves the life of the victim!

It is precisely because Judah is a realist who understands when and how to make the best deal possible under exceedingly difficult circumstances that he is deemed best suited for the yoke of leadership.

Faced with dreadful options, he pursues the least horrific one possible. Acceding to Reuben's proposal

to leave Joseph inside the pit— which, according to our Sages, was filled with snakes and scorpions— was tantamount to leaving Joseph to die a cruel death (unless we relied on a last-minute miracle!). On the other hand, allowing his brothers to act on their zealous hatred of Joseph would have been unthinkable!

So when Judah sees the Ishmaelites in the distance, he seizes the opportunity to save Joseph from certain death, giving his brother a chance to perhaps survive. However, in order to be heard by his angry and jealous brothers, he understands that he must conceal his motivations under the guise of a profit-making venture for them!

Reuben may have had the best intentions for Joseph, but intentions alone are not enough. "Let us not kill him," Reuben declares, but his words fall on deaf ears. While Reuben nobly appeals to his brothers' "better angels", he fails the leadership test in not utilizing more pragmatic tactics in order to attain his goal of saving Joseph. In contrast, Judah wisely couches his plea in accordance with the politician's "art of the possible."

Thus it is Judah, in his first test of leadership, who becomes worthy of receiving the birthright from his father, Jacob, a man also intimately familiar with navigating in a treacherous world. In an imperfect world in which ideal situations rarely exist, it is Judah, eponymous ancestor of all "Jews," who demonstrates what it is that enables a Jew to survive and thrive: to take responsibility for the welfare and continued life of his brother, even if he must use guile in order to achieve that end-goal!

Shabbat Shalom!

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For the week ending 27 November 2021 / 23 Kislev  
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***Rabbi Yaakov Asher Sinclair -  
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***Parshat Vayeshev  
A True Shepherd***

*"Yosef at the age of seventeen was a shepherd with his brothers by the flock..." (37:2)*

"Because Hashem loves only those who love the Jewish People. And the greater the love a person has for the Jewish People, the greater is Hashem's love for that person. These are the true shepherds of Israel. Hashem desires them greatly because they sacrifice

themselves for their flocks and seek out their good. They exert themselves on behalf of the Jewish People, seeking their welfare in every way possible. They stand in the breach to defend them (the Jewish People) by praying for the nullification of harsh decrees against them and open the gates of blessing for them. It's like a father who loves no one more than someone whom he sees truly loves his son. This is something that experience testifies to." (Mesillat Yesharim – The Path of the Just, by Rabbi Moshe Chaim Luzatto) For forty years and more, Rabbi Moshe Feinstein was the address for the most complex and difficult halachic questions. He lived on the Lower East Side of New York City.

One day the sound of a car crash pierced the tranquility of his study. A Torah student flew through the door of his apartment with terrible news. Right outside Rabbi Feinstein's apartment, a car had run down and killed a young Jewish boy.

"That's not possible," said Reb Moshe.

"But I saw him lying there." said the student.

"It's not possible that the boy is Jewish," said Reb Moshe. "Go back and check, please."

The student returned to the scene of the accident. Ambulances and police were now crowding the street. Clearly beside the motionless boy there was a yarmulke. The yeshiva student returned to Reb Moshe. "It's true." "He's Jewish." "It's not possible," said, Reb Moshe. "Go and check again."

The student returned once again to the street. A crowd of people had now gathered around. Out of the crowd, a young Jewish boy emerged and asked one of the police officers for his yarmulke. "This belongs to you?" quizzed the policeman. "Yes. This boy was shouting anti-Semitic slogans at me and he chased me across the street. My kippa flew off my head as I was running. The yellow cab that ran him down just missed me."

The yeshiva student was stunned. He returned to Reb Moshe and told him the story. "But Rebbe, how were you so sure that the dead boy wasn't Jewish? The age of prophecy ended more than two thousand years ago." Reb Moshe looked at him. "For more than forty years I have sat at this desk. My entire life has been involved with the welfare of the Jewish People. It is not possible that a Jewish boy would die in such a way right under my window."

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*Chief Rabbi Ephraim Mirvis*

*Dvar Torah Vayeishev: Our greatest inspiration can be found within ourselves!*

Sometimes, our greatest inspiration comes from within ourselves.

In Parshat Vayeishev, the Torah describes how Yaakov favoured his son Yosef and a reason is given for this in Bereishit 37:3:

"...ki ben zekunim hu lo," – "...because he was a child of his old age."

Mishnah

The Ba'al HaTurim, who is a master of Hebrew words and letters, says that we can learn from here that Yaakov taught Yosef all the lessons of the Mishnah.

What an extraordinary teaching! Where does the Ba'al HaTurim get this from? The Ba'al HaTurim explains that it comes from the words 'ben zekunim.' Zekunim has five letters. The zayin stands for Zeraim, which is the first of the orders of the Mishnah, teaching us the laws of agriculture. The kuf stands for Kodshim, the sacrificial rites, the nun for Nashim teaching us all the laws relating to women and marriage, and so on. The yud stands for the word Yeshua, saving, relating to the way in which we need to save ourselves from the threat of being damaged as is described in Seder Nezikin, and then finally the mem stands for Moed which deals with all our festivals.

Now there's a huge question we have to ask on this Ba'al HaTurim. Even a little child, from the seder experience, knows about 'Shisha Sidrei Mishnah' – there are SIX orders of the Mishnah! The Ba'al HaTurim only refers to five of them here!

The Admor, Rev Itsche Meir of Gur, explains beautifully. He says that only five of the orders are mentioned because they relate to the passing down of information, to instruction. When a parent instructs a child about something, it's a cerebral activity, which is how Yosef was able to learn from Yaakov about agricultural law, about the festivals, and so on.

Purity

When, however, it comes to the sixth Order of the Mishnah which is called Taharot, how to live a life of purity, no person can receive that automatically from previous generations. We need to look into ourselves to derive inspiration from ourselves to lead a pure life. That's something that Yaakov could not give to Yosef, and that's why that seder is missing.

Over many years I have come across many people who've been from the finest, most outstanding homes

and yet that is not reflected in their way of life, and on the other hand I've seen so many extraordinary people who come from backgrounds which they would probably wish to forget about and yet from within themselves they have reached exceptional levels of human conduct and are an extraordinary inspiration for many others.

So when looking for guidance and inspiration in life, often we should just start from within ourselves.

Shabbat shalom.

*Rabbi Mirvis is the Chief Rabbi of the United Kingdom. He was formerly Chief Rabbi of Ireland.*

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***Drasha Parshas Vayeishev - Prisoner of Unconscious***

***Rabbi Mordechai Kamenetzky***

Near the end of this week's parsha, the Torah tells how Yoseph is falsely accused of adultery and is sent to prison. During Yoseph's detention "Hashem was with Yoseph, He was endowed with charm and had much favor in the eyes of the warden. In fact, the warden placed all the other prisoners in Yoseph's custody and Yoseph was in charge of all their duties. The warden trusted everything that Yoseph did and, everything that Yoseph discharged was successful" (Genesis 39:21-23).

In addition to the Divine Providence that cloaked Yoseph, another striking incident occurred. Back at Pharaoh's palace, the king's was served wine with an insect floating in it, and a foreign substance was baked into Pharaoh's bread. The baker and butler were both jailed for those breaches, and were placed in Yoseph's charge. After a year in prison, they both dreamt a strange dream. Yoseph, Divinely ordained, interpreted each dream in amazingly accurate fashion. He predicted that the baker would be executed for his infraction while the wine steward would be returned to his former position and stature. Yoseph, convinced at the power of his predictions, did not stop with mere interpretations. He implored the wine steward to discuss his own plight with Pharaoh. "If only you would think of me when Pharaoh benefits you, and mention me to Pharaoh, then you will get me out of here," pleaded Yoseph (Genesis 40:14). Yoseph erred. The wine-steward completely ignored Yoseph's requests and left him to languish in prison for another two years. In fact, upon mentioning Yoseph to Pharaoh, the butler even referred to him in a very disparaging manner.

The midrash explains that this response, or lack thereof, was a heavenly punishment. Yoseph should not have urged a mortal man to be the vehicle of his release. He should have rather placed more faith in Hashem. Many commentaries are bothered by this midrash. They ask, "is it not one's duty to employ the help of others? Why should Yoseph have relied solely on Hashem? What is wrong with asking for help from below instead of relying solely on the One Above?"

My grandfather, Rabbi Yaakov Kamenetzky, of blessed memory, had a keen sense of direction, not only in spiritual life, but on the mundane streets of the city as well. He was once in a car together with a colleague, a Rosh Yeshiva (dean) of a prestigious Yeshiva. That particular Rosh Yeshiva was a nervous individual and panicked when the driver, a student of his, lost his way in an area of the city that was not accustomed to welcoming rabbis with open arms. The young man wanted desperately to get back on the highway. "Please," pleaded the Rosh Yeshiva of his student, "freg a politzmahn (ask a policeman)!"

Reb Yaakov interrupted. "You needn't ask. I know the way." Reb Yaakov turned his attention to the driver. "Continue for two blocks, make a left. After the first light, you make another left. Make an immediate right and you will see the entrance to the highway that we need."

Reb Yaakov's colleague was not convinced. "Please," he insisted of the driver, "ask a policeman!" The student felt obliged to listen to his Rosh Yeshiva, and spotted a police car on the other side of the street, two blocks away. Quickly he made a U-turn, drove the two blocks, and stopped the officer. "Excuse me, officer, asked the nervous driver, "how do you get back on the Brooklyn-Queens Expressway?"

The officer saw the two sages in the back seat of the car and realized the severity of the situation. He began to explain the directions. "First of all, turn back around and go four blocks. Then make a left. After the first light, you make another left. Make an immediate right and you will see the entrance to the Brooklyn-Queens Expressway."

My grandfather turned to his colleague and smiled. "Nu, my friend," whispered Reb Yaakov, "now that a stranger said it, do you feel better?"

Rabbi Moshe Feinstein (who incidentally was not the other Rosh Yeshiva) explains that there are two types of individuals. There are those who have no heavenly signs, and the thought of Hashem is quite distant from them. Then there are those whose every action is

blessed with the guidance of a spiritual force. It is almost as if Hashem is walking hand in hand with them or even as if Hashem is sitting next to them. Yoseph should have realized that the events that transpired in the prison cell were supernaturally divine. Within one year of entering prison, he is charged with the welfare of every prisoner. Then, two Egyptian stewards were sent to be with him, and each had a dream that Yoseph, divinely inspired, interpreted in prophetic fashion. At that point, Yoseph should have understood that his freedom was imminent. Hashem, through His own mysterious yet miraculous ways would surely get him out of jail. The wine-steward was extremely impressed when Yoseph's interpretation proved correct. Yoseph did not have to implore the steward twice with requests for mercy.

When G-d is driving, there is no need to ask for directions.

*Dedicated in memory of Joseph Jungreis — Reb Yoel Zvi ben Reb Tuvia HaLevi By Joel & Marylin Mandel Good Shabbos!*

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*Rabbi M. Kamenetzky is the Dean of the Yeshiva of South Shore.*

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***Rabbi Yissocher Frand - Parshas Vayeishev  
The Father Who Weeps Unceasingly for His Lost Son***

The brothers threw Yosef into a pit on Reuvain's advice (rather than kill him outright). Reuvain intended to come back to the pit and rescue Yosef. However, in Reuvain's absence, the brothers decided to sell Yosef to traveling merchants. They first stripped him of the special robe his father had made for him and dipped it into the blood of a goat they slaughtered to make it look like Yosef was killed by a wild animal.

They sent the bloodied garment to their father and asked him to identify it. He recognized the garment and, as the brothers anticipated, concluded that his beloved son was torn up by a wild animal. The pasuk states that Yaakov ripped his garments, put on sackcloth, and went into an extended period of inconsolable mourning for Yosef.

The pasuk further relates: "All of his sons and daughters arose to comfort him, but he refused to be consoled. He said, 'I will descend to the grave

mourning my son'. And his father mourned for him." [Bereshis 37:35]

At a recent Agudah Convention, Rabbi Noach Isaac Oelbaum from Queens told a story about a Rav from Eretz Yisrael. The story is related to this pasuk, and the commentary of the Ohr HaChaim haKadosh thereon.

The Ohr HaChaim haKadosh asks a question: When Yaakov's children saw that Yaakov refused to stop mourning for Yosef, they were perplexed. They commented to themselves: Such behavior may be appropriate for a person who has just one son and that son dies, or perhaps even someone who just has a few children – then perhaps a father might go into a deep and inconsolable mourning after witnessing the (almost) total devastation of his family.

The Ohr HaChaim wonders what it was that Yaakov's children said to him to try to comfort him and concludes that they did not say anything. Rather, they did something which they thought should provide a source of comfort to Yaakov by itself: "All of his sons and daughters arose to comfort him..." They assumed that the very gathering together of the large family including the many surviving children and grandchildren who were still part of Yaakov's legacy would itself bring their father a source of consolation and comfort. They came as eleven remaining sons, and an equal number of daughters (for with each Tribe, according to the Medrash, a twin daughter was born). Imagine the scene. Yaakov is there, inconsolable. He can't find nechama. The family suggest to one another: Do you know what we will do? We will gather everyone together. All the sons, all the daughters, all the grandchildren. Yaakov will look up at this throng of people, and that will be his nechama. A person with such a large family should not be so distressed over the disappearance of just one of his sons.

The plan did not work. Yaakov refused to be comforted even by this scene. Yosef was clearly Yaakov's favorite son. Yaakov saw in him something that he did not see in any of the other children, and even the large remaining family could not compensate for the loss of the irreplaceable eldest son of his beloved wife Rochel.

This was part of a story told by Rabbi Oelbaum at an Agudah Convention: There was a Rav in Eretz Yisrael who spoke between Mincha and Ma'ariv during the week of Parshas VaYeshev. The Rav repeated this interpretation of the Ohr HaChaim haKadosh, and

then he concluded: “And this is the way the Ribono shel Olam feels. There are thousands and thousands of people who are religiously observant Jews, and who are learning Torah. Especially in Eretz Yisrael, there are large and growing communities full of Shomrei Torah and Lomdei Torah – tens of thousands of people! But the Ribono shel Olam looks and sees how many sons are lost and how many daughters are lost. Therefore, the fact that there are tens of thousands of people learning and being Shomrei Torah u’Mitzvos does not console Him. The Ribono shel Olam weeps for every Jew that is not Shomer Torah u’Mitzvos.

That was the Rav’s drasha in Eretz Yisrael for Parshas VaYeshev. Just like Yaakov wept and kept on weeping for his son Yosef because he was lost, so too the Almighty weeps for every Jew who is lost.

There was a Jew in shul that evening, apparently a neighbor of the Rav, who was not a Shomer Mitzvos. Despite the Rav’s many attempts to be mekarev this person and to have influence on him, nothing helped. That night, this Jew came to shul because he had Yahrtzeit, and he heard the Rav’s drasha that the Ribono shel Olam weeps over every Jew that is “lost” like Yaakov wept over Yosef. He came over to the Rav after Ma’ariv and asked “Do you mean that the Ribono shel Olam cries for me, that he weeps over me because I am not a Shomer Mitzvah?”

The Rav said, “Yes, precisely. The Ribono shel Olam cries profusely over every lost Jew, and you are such a lost Jew. Hashem considers every Jew to be one of his children,, and just like Yaakov would not be consoled over one of his children who was lost, that is the way it is with Hashem’s mourning over his lost children. He keeps on weeping.”

That apparently touched this Yahrtzeit observer in the right place, and he became a Chozer B’Teshuva. Little by little, he found the way back home. He started becoming a Shomer Shabbos, and today he is already a full Shomer Torah U’Mitzvos.

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### **Rav Kook Torah**

### **Vayeshev: The Reality of Dreams**

**Chanan Morrison**

Joseph, the ambitious protagonist of the final four readings of Genesis, was the “master of dreams.” In

addition to his own two dreams of future greatness, Joseph was called upon to interpret four more dreams: the dreams of the royal baker and steward, and Pharaoh’s double dream about the seven-year famine.

All six dreams bore prophetic messages. “A dream,” the Sages taught, “is a sixtieth of prophecy” (Berachot 57b). And yet, Joseph’s dreams contained inaccuracies. Joseph dreamt that the sun and moon would bow down to him — i.e., even his father and mother would acknowledge his greatness. But, as his father quickly pointed out, Joseph’s mother had passed away long before!

Nevertheless, “Jacob waited to see the results” (Gen. 37:11). He knew that this impossibility did not invalidate the rest of the dream. As the Sages noted in Berachot 55a: “Even if most of a dream comes true, not all of it will come to pass.”

Why do dreams include extraneous elements and inaccurate details?

Rav Kook explained that this is due to the very nature of dreams. All dreams originate from our imaginative and emotional faculties. As a result, they are subject to exaggeration and nonsensical elements. Even prophetic dreams may contain details that do not correspond to reality.

This is because the truth contained in a prophetic dream relates to the general reality of what should happen. It may be that due to circumstances, certain details in fact occurred differently. This does not mean that the dream is false. Rather, the dream’s message relates to what potentially could or should have occurred.

Joseph dreamt of his parents bowing down before him. In reality, Joseph’s mother had died many years before. Yet the fundamental message of the dream was true, for had Rachel still been alive, she too would have bowed down before her son, viceroy of Egypt.

*(Sapphire from the Land of Israel. Adapted from Ein Eyah vol. I, p. 267) Copyright © 2021 by Chanan Morrison*

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### **Shema Yisrael Torah Network**

### **Peninim on the Torah - Parashas Vayeshev**

### **פרשת וישב תשפ"ב**

**וישראל אהב את יוסף מכל בניו... ויראו אחיו כי אתו אהב**

**אביהם מכל אחיו וישנאו אתו... ויקנאו בו אחיו ויתנכלו אתו**

**להמיתו**

**And Yisrael loved Yosef more than all his sons... His brothers saw that it was he whom their father**

**loved most of all his brothers, so they hated him... So his brothers were jealous of him... They conspired against him to kill him. (37:1,3,4,11,18)**

Writing about the lives of our *Avos* and *Imahos*, Patriarchs and Matriarchs, is extremely difficult and must be done with great trepidation. To present them on a mortal level equal to us not only denigrates them, but it is ludicrous. In the *pesichah*, preface, to *Leket Sichos Mussar* (the *shmuessen*, ethical discourses, of *Horav Yitzchak Aizik Sher, zl, Rosh Yeshivas Slabodka*, and son-in-law of the *Alter, zl, of Slabodka*), the *Rosh Yeshivah* observes that our approach toward studying Torah narrative dates back to when we were young children in *cheder*, elementary school. The terminology and nuances that served us then do not apply as our intellect matures. He quotes the *Chovas HaLevavos* (*Shaar Cheshbon Hanefesh*), "Therefore, do not be content with what has been formed in your mind in the beginning of your learning of the difficult matters and the deep reasons; rather, it is proper for you to start at the age of mature intellect and understanding to examine the Book of G-d and the Book of the *Neviim*, like someone who never learned one letter of them." *Girsa d'yankessa*, the Torah we learned in our youth, remains rooted within us. While this is a great spiritual benefit, it can impede our depth of understanding the Torah's narrative if we do not "graduate" to intellectual learning worthy of our matured intellects.

Thus, when we approach the narrative of the *parshiyos* that conclude *Sefer Bereishis*, we must take a step back and realize that the story of Yosef and his brothers and the ensuing events that occur are much deeper than our "kindergarten" intellects have penetrated. Hashem guided and orchestrated everything that took place. Hatred and envy, the words which the Torah uses to describe the tenuous relationship that marked the strife in Yaakov *Avinu's* home, are not the same envy and hatred to which we, mere mortals, are accustomed. They go much deeper. Hashem placed in Yaakov's heart a profound love for Yosef, which was greater than that which he manifested toward the other brothers. Hashem also had the brothers take note of this change and react to it. This is what Hashem wanted, because this was the way in which He catalyzed Yaakov's eventual descent to Egypt, which would be the precursor of the Egyptian bondage and eventual redemption some two hundred years later. In turn, the redemption from

Egypt led to *Klal Yisrael's* acceptance of the Torah and the subsequent induction as the people of Hashem.

This was the Master Plan. As such, we study these *parshiyos* as lessons in pure, unvarnished Heavenly Providence, acknowledging that we are mere spectators in a scenario guided by Hashem for a purpose that is beyond our grasp, but will conclude with the Giving of the Torah. All the questions are answered – nay – there should be no questions, because we do not question Hashem. After all, we are mortals, His creatures; we should learn and seek guidance, but, as the *Chovas HaLevavos* exhorts: We should do so as intelligent mortals – not like *cheder* children.

A well-known *chassidic* tale (cited in *Nitzitzos*, by *Horav Yitzchak Hershkowitz, Shlita*) encapsulates this idea. The *Yehudi HaKadosh, zl, of Peshischa* traveled to his saintly *Rebbe*, the *Chozeh, zl, m'Lublin*. It was during a bitter Polish winter, and the frigid stormy weather had delayed him, to the point that he found himself on *Purim* night in a small town. He immediately sought out the local *shtiebl*, so that he could *daven* with a *minyán* and hear the reading of the *megillah*. The *megillah* reader was the local *chazzan*, a fine, simple Jew who was versed in the cantillation notes of the *megillah* reading. He was no scholar; he was certainly not the *Chozeh*.

As he read the story of Haman and Achashveirosh, Mordechai and Esther, the *Yehudi HaKadosh* made remarks concerning the foolish Achashveirosh, the evil Haman, the holy Mordechai and deeply devoted Esther. The worshippers were taken aback. "Is this the first time you hear about the *Purim* story and the individuals involved?" (This is the impression he gave with his play-by-play comments.)

The *Yehudi* explained, "When my holy *Rebbe* read the *megillah*, I heard Heavenly sounds and thunder, as the deep secrets and Heavenly Providence emerged from each and every word. This time, I heard a story concerning a foolish king, whose evil minister convinced him to have the Jews murdered. A righteous man in Shushan, together with his niece who was the foolish king's wife, was able to prevent this decree from achieving fruition. Truthfully, I never heard the 'narrative' in the manner it was being chanted today." It all depends on how we approach the narrative: Is it a Bible story or *divrei Elokim Chaim*, words of the Living G-d?

*Tanna D'Vei Eliyahu Rabba* (25: ) teaches, “One is obligated to ask, ‘When will my actions reach those of my forebears?’” One would think that it is unfathomable for the Jew of the twenty-first century to think that he can achieve a spiritual level akin to that of the Patriarchs. We have just explained that the Torah narrative concerning our ancestors is beyond our grasp. If we cannot even understand their spiritual level, how can we possibly dream of achieving it? Simply put, we might not be able to parallel their *kum v'asei*, active *mitzvos* and accomplishments; we can, however, try to guard ourselves *b'shev v'al'taaseh*, in those areas in which they desisted from acting negatively. Our inclination drives us to act out our negative desires. By refraining and controlling ourselves, we are emulating our forebears.

Alternatively, it means that we model and seek to emulate the way of life and positive acts of our forebears who demonstrated their extraordinary character development. Clearly, we are not as refined, but why not use their positive activities as the lodestar by which we navigate our own lives? *Horav Shmuel Salant, zl*, was consulted by a man who asked the following: “My son emigrated to America, where, within a short interval, he reneged on the Torah and *mitzvos* with which we raised him in Yerushalayim. He sends me money on a regular basis, because he is acutely aware of the material hardship we confront regularly in Yerushalayim. I do not feel comfortable using this money, since I am certain it was earned by working on *Shabbos*. I wish to return the money to him.”

Rav Shmuel Salant responded with a *dvar Torah*, “When Yaakov *Avinu* escaped from Eisav, his evil brother dispatched his son, Elifaz, to kill him. When Elifaz caught up with Yaakov, the Patriarch pleaded for his life. ‘What can I do concerning my father’s instructions?’ Elifaz asked. Yaakov replied, ‘Take all of my possessions, thereby leaving me bereft of my material wealth. As such, I will be a poor person who is considered as good as dead. You can then report to your father that you accomplished your mission.’” Rav Shmuel asked, “Why did Yaakov not attempt to impress upon Elifaz that *retzichah*, murder, is prohibited? He was Elifaz’s *Rebbe*, and Elifaz would have listened. The reason is that Yaakov observed how much Elifaz wanted to carry out the *mitzvah* of honoring his father. Yaakov did not want to deprive his student, who was otherwise bent on killing him, from fulfilling this *mitzvah*.

“It is unfortunate that your son fell prey to the material blandishments which abound in America. He still, however, has the one *mitzvah* of caring for his father. Is it fair to deprive him of this *mitzvah*?”

ויראו אחיו כי אותו אהב אביהם מכל אחיו וישנאו אותו ולא יכלו דברו לשלם

**His brothers saw that it was he whom their father loved most of all his brothers, so they hated him; and they could not speak to him peaceably. (37:4)**

When two people do not get along, their inability to maintain an honest discourse which has nothing to do with their disagreement is an indication of their antipathy towards one another. The brothers, regrettably, could not carry on a friendly conversation even about matters unrelated to their discord. On the other hand, as *Rashi* observes, their incapacity to have a conversation showed their virtue: Their integrity did not allow them to evince a show of friendliness. If they did not feel it – they did not show it. Unfortunately, their refrain from speaking also caused them to avoid rebuking Yosef for what they felt was his unbecoming behavior. This resulted in their aversion to him becoming more compelling and decisive.

Accepting rebuke – owning up to the error of one’s ways, bowing to disappointment – is the mark of an honorable person. *Horav Yitzchak Zilberstein, Shlita*, relates the story of a young Torah scholar who lived in an apartment building in central *Eretz Yisrael*. Someone opened up a children’s store on the first floor of the building which sold all kinds of products geared to the infant through teenage market. They also carried children’s furniture, cribs, carriages, etc. In order to attract attention to their wares, the store’s owner placed some of his products outside of his store for passersby to notice. Everything seemed perfectly innocent – except to the young scholar, who took umbrage with a business using the sidewalk in front of his apartment building for advertisement purposes. When the owner of the store ignored his complaints, he presented his grievance to a *bais din*.

The *bais din* listened to his complaints and even dispatched one of their own to look at the furniture on the street, but found no reason to ban this form of advertisement. Case closed. The Torah scholar, who was a decent, upstanding *ben Torah*, accepted the *halachic* ruling. The *Av Bais Din*, head of the court was impressed with the young man, went over to him and whispered in his ear, “You did well and acted appropriately. Who knows? One day you

might benefit from the services of the storekeeper or his products.”

Ten days passed, and the young man and his wife were in the kitchen of their fourth floor apartment, when their two-year-old crawled out onto the balcony and somehow squeezed between the bars of the window and fell down. The parents heard their child’s shriek, and they came running. Overwhelmed with shock, they imagined the worst. They looked down from their fourth floor perch expecting to witness a tragedy. Hashem had protected their child, who landed on the mattress of the crib outside of the children’s store! It was as the *Av Bais Din* had portended: The young man was the beneficiary of his own honorable willingness to accept the *halachic* ruling of the *Bais Din*.

The young scholar was *mevater*, manifested self-control, and acted royally by accepting the ruling. *Horav Elozar M. Shach, zl*, declared that in his entire life, he had never seen someone who was *mevater* and lose out as a result of his concession. The young Torah scholar and his child present a living testament to this verity.

יֵשֶׁב רְאוּבֵן אֶל הַבּוֹר

### Reuven returned to the pit. (37:29)

*Chazal* (*Midrash Rabbah* 24:19) ask: “Where was Reuven that he had to return?” One opinion in the *Midrash* contends that he was occupied with his sackcloth and his fasting as part of his penance in repenting for the deed concerning Bilhah (when he rearranged his father’s bed). *Chazal* record Hashem’s response to Reuven’s *teshuvah*, repentance: Hashem said, “No man has heretofore sinned before Me and repented. You are the first to take the initiative with regard to repentance. By your life, your descendant (*Hoshea HaNavi*) will one day rise and take the initiative with regard to repentance. (As it says: *Shuvah Yisrael ad Hashem Elokecha*, “Return *Yisrael* unto Hashem your G-d” (*Hoshea* 14:2).

The question is obvious: Reuven was not the first one to inaugurate *teshuvah*. Adam *HaRishon* repented for one hundred and thirty years for his role in the *cheit Eitz HaDaas*, sin of eating from the fruit of the Tree of Knowledge. Kayin also repented. Reuven was certainly not the first to repent. *Horav Moshe Shternbuch, Shlita*, explains that, in fact, Reuven’s “sin” was actually not viewed as such. Indeed, his position as one of the twelve tribes who comprise *Klal Yisrael* was not diminished in any manner. Nonetheless, Reuven did not accept the

notion that he had not sinned. He disregarded the intensity (or lack thereof) of the sin and chose to repent regardless. He conjectured that any sin, regardless of its gravity, still represents a rebellion against Hashem. (*Rabbeinu Yonah* writes: “One should not look at the size of the sin, but rather, at its enormity, because of before Whom he has sinned” *Shaarei Teshuvah*.) Sin is viewed as a breach of trust, an insurgence against the Almighty. Does it really matter how large or how small the insurrection is? Reuven was *mechadesh*, originated, this *nekudah*, point. A sin is a *meridah*, rebellion, against Hashem. Size, intensity, and aforethought do not matter. Rebellion against Hashem requires repentance. This is what his descendant Hoshea taught *Klal Yisrael*: “Return, *Yisrael*, to Hashem, your G-d.” We must acknowledge that Hashem is our G-d and He supervises everything that we do. As such, every infraction is an act of sedition, which must be expunged via repentance.

*Teshuvah* is “time sensitive,” because we do not know how much time Heaven has allotted us. In the following *pasuk*, when Reuven returns and notices, to his chagrin, that Yosef is gone, he becomes greatly perturbed: *Ha’yeled einenu v’anah ani ba*; “The boy is gone! And I, where can I go?” (Ibid. 37:30) This *pasuk* has been used as a metaphor concerning our own youth, when we were young and strong, living unrestrained as if we did not have a care in the world. When we age and ultimately confront our mortality, with what will we stand before the Heavenly Tribunal? If our “youth” is missing, because we had not been spiritually productive, we will appear before Hashem with very little to show for our early years. While errors in judgment may occur during our developing years, being unrepentant concerning those errors transforms them from youthful errors into sinful infractions. This is where a good friend comes to the rescue, rebuking with love, subtly pointing out errors which are actually miscreant behavior, but can still be repaired if the person owns up to his actions and makes amends.

A friend listens, but does not necessarily agree if he notes deficient behavior. *Horav Shimon Schwab, zl*, quotes *Horav Michel Forschlager, zl*, who defines friendship as a confidant to whom one can relate all of his secrets, even if they concern activities that were less than complimentary. A friend is one with whom he can share his errors, sins, misgivings, secure that his friend will neither embarrass him, nor divulge and

betray his secrets. On the contrary, the friend will listen, rebuke, assist and support his return to good graces.

*Rav Schwab* related (*Rav Schwab on Chumash*) how his father, *Rav Yehudah Leib Schwab* of Frankfurt-am-Mein, had a friend who fell prey to desire and committed a shameful act. This was not an error in judgment; it was downright sin in its most despicable form. The sinner was ashamed, and, as a result, he remanded himself to his home. *Rav Schwab's* father and two of his closest friends felt that they had a moral obligation to rescue their friend from self-pity and depression by encouraging him to repent and repair his grievous sin. They split the cost of a one-way ticket on an ocean liner which was leaving for the United States. They went to his house and presented themselves at his door. When he saw them, he was shocked that they stood with their backs to him. "Due to the shameful act which you committed, we have chosen not to look at your face. However, we are still friends, and, as such, we cannot ignore our feelings of intense friendship and responsibility to you. We have, therefore, decided to purchase a one-way ticket to America for you. It is our fervent hope that you will come to your senses, repent your ways and return to Hashem's good graces. Start your life over again, so that you can once again live without shame."

Those friends provided the impetus to save their good friend and his future family. This led to the man leading a respectable, good, observant life. His friends were not willing to ignore his misdeed, and they knew that, without *teshuvah*, he would leave this world emotionally and spiritually flawed. They were friends who cared. This is how caring friends act.

יְהִי בַעַת הַהִיא וַיֵּרֵד יְהוּדָה מֵאֵת אָחָיו

**It was at that time that Yehudah went down from his brothers. (38:1)**

*Chazal* (*Midrash Rabbah* 85:1) make a fascinating observation, one over which we, as Jews living *b'ikvessa d'Moshicha*, during the epoch of *Moshiach*, should carefully ruminant again and again. The Torah relates that Yehudah went down from his brothers and turned away toward an Adulmitem man whose name was Chirah – a seemingly benign statement. *Chazal* explain that Hashem was quite "occupied" during this seemingly innocuous period. The *Midrash* opens with a *pasuk* from Yirmiyahu (29:11) which implies (as per *Chazal's* interpretation) that Hashem knows what is going on in everyone's

mind. He knows that while others are each individually engaged in thinking about other (personal) things, He is thinking about how to bestow the ultimate good upon the Jewish people. In other words, we are clueless about what Hashem is doing – but He is doing everything for us.

Having said this, *Chazal* make the following observation: The tribes were preoccupied with selling Yosef. Yosef was preoccupied with his sackcloth and fasting (over being separated from his father's house). Reuven was preoccupied with his sackcloth and fasting over missing out on the opportunity to save Yosef from being sold to the Yishmaelites. Yaakov Avinu was mourning what appeared to be Yosef's death at the hand of an animal. Yehudah was preoccupied with looking for a wife. During this very time, when each of the brothers and Yaakov were involved in personal grief, Hashem was busy creating the light of *Moshiach*. (This means that, while *Moshiach* had not yet been created, the seeds from which he would eventually emerge were being set into place.)

Yehudah's role in the sale of Yosef caused him to lose his leadership position in the family. Thus, the term "going down," which led to his seeking a wife with whom he eventually fathered three sons, two of whom died untimely deaths. This set the stage for Yehudah's meeting his daughter-in-law, Tamar, and marrying her, which provided the union that resulted in the birth of Peretz, the progenitor of David *HaMelech* and *Moshiach Tziddkein*. All these harmless – seemingly unrelated – events were orchestrated by Hashem in order to prepare the scenario for the birth of *Moshiach*. (Obviously, this is merely a superficial treatment of the subject.)

We derive from *Chazal* that even amid the bitter darkness that enveloped Yosef, the darkness that preempted *galus Mitzrayim*, the Egyptian exile; even during the time when all of the Jewish leadership – Yaakov, Reuven, Yehudah, Yosef – was beset and submerged in grief and mourning, Hashem was planting the seeds, laying the framework for the future redemption. Light emerges from the darkness. Despite being plunged into the blackest nights, the deepest darkness, the Jew knows not to despair. Hashem will bring about an emergence of bright light from within the bleak, heavy darkness.

*Horav Moshe Shternbuch, Shlita*, notes that following the cataclysmic conflagration that destroyed the major Torah centers of Europe and with it the lives

of six million of our brothers and sisters, the *Ponovezher Rav, zl*, escaped to *Eretz Yisrael*, physically broken and emotionally traumatized beyond human endurance. He did not allow his personal grief to overwhelm him, as he immediately occupied himself with rebuilding Torah from the ashes, a task he would prioritize for the rest of his life. One has no “down time” when it affects the building of Torah.

*Rav Shternbuch* relates that he heard from *Horav Yechiel Yaakov Weinberg, zl* (author of *Seridei Eish*), that in the Warsaw Ghetto weddings were being held daily. This was despite the bitter, tragic fact that every day thousands of Jews were being loaded into the infamous cattle cars and sent to Treblinka to be murdered. The Jews never gave up. The weddings kept on coming. It happened more than once that the Nazi murderers would crash the wedding party and haul everyone away to their deaths. Yet, the weddings continued. Parents married off their children. They always held on to defiant hope. At least, their child will have been united with another Jewish *neshamah*, soul. They would arrive together before Hashem’s Heavenly Throne, united as husband and wife. This is how a Jew thinks. This is how a Jew lives. This is how a Jew dies.

*Rav Shternbuch* enjoins us constantly to review, especially during periods of distress, the powerful words of *Rabbeinu Yonah (Shaarei Teshuvah 2:5)*, “And one who trusts in Hashem should hold on during the vision of his distress; for the darkness will be the cause of the light; as it is written (*Michah 7:8*), ‘Do not rejoice over me, my enemy; since I have fallen, I rise again, since I sit in darkness, Hashem is my light.’ As our sages taught, (*Midrash Tehillim 22*), ‘If I had not fallen, I would not have risen; ‘If I had not sat in darkness, Hashem would not have been my light.’”

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***Weekly Halacha :: Parshas Vayeishev  
Rabbi Doniel Neustadt***

*The following is a discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.*

***Parshas Vayeishev - Chanukah Questions And Answers***

**QUESTION:** May a Jewish employee participate in company parties that are held in celebration of non-Jewish holidays?

**DISCUSSION:** It depends on the type of party the company is having. Many times, a company’s holiday party has nothing to do with the celebration of the holiday; rather it is an employee appreciation party that happens to take place during the holiday season. There is no halachic objection to attending such a party. But if the intention of the party is to celebrate the actual non-Jewish holiday, it would be forbidden for a Jew to attend.

However, even if the party is not intended to celebrate a non-Jewish holiday, non-Jewish office parties are hardly the place for an observant Jew to be. The mode of dress, the type of language and the loose behavior at such affairs is completely alien and contrary to everything that Yiddishkeit stands for. It is clear, therefore, that if for business reasons one must attend such a party, he or she must do so only when there is no other choice, and even then, he or she must come and go as quickly as possible. Lingering in such an environment can lead to serious transgression of many Torah laws.

**QUESTION:** Is there a source for the custom of women refraining from doing housework while the Chanukah candles are burning?

**DISCUSSION:** This custom is cited in Shulchan Aruch and dates back at least to the days of the Rishonim. Women have always felt a special affinity for the Yom Tov of Chanukah since a woman – Yehudis, the daughter of Yochanan Kohen Gadol – played a prominent role in the defeat of the Greeks. In addition, Jewish women suffered from the Greeks more than the Jewish men did.(1) There are two basic reasons why women chose to refrain from work as an expression of their special observance of Chanukah:(2)

\* To serve as a reminder that it is forbidden to “benefit” from the Chanukah candles. Refraining from work when the candles are burning reinforces the idea that the Chanukah candles are not to be used for any other purpose but as a reminder of the great miracle that took place.(3)

\* In order to highlight the fact that Chanukah is indeed a Yom Tov. Therefore, women refrained from doing “work” – as they refrain on Yom Tov – so long as the candles are burning.(4)

**QUESTION:** What type of housework is included in this custom?

**DISCUSSION:** There are various opinions as to what “work” means vis- a-vis this custom. Most communities prohibit “work” that would be forbidden on Chol ha-Moed, such as doing laundry or sewing, while cooking, baking and light housework would be permitted.(5) But in some communities, “work” includes all work, including cooking and baking.(6)

The poskim also debate the amount of time that women customarily refrain from doing housework. Most poskim hold that the custom applies only to the minimum length of time that the candles must burn,(7) which is approximately one half hour after the stars appear. Others, however, maintain that the custom to refrain from work lasts as long as candles are burning anywhere in the community, which may be as late as midnight.(8) Most communities follow the first view.(9)

**QUESTION:** Is it permitted to recite the blessings over Chanukah candles that are kindled outside one’s home, e.g., at a Chanukah party in school, in a public hall or at a public display?

**DISCUSSION:** Several contemporary poskim address this issue and the consensus is that it is not permitted. They explain that the mitzvah of lighting Chanukah candles was instituted specifically to be performed in one’s home or in a place where one is residing temporarily. Reciting the blessings over candles lit outside of one’s home may be a berachah levatalah.(10)

The only exception to this rule is when candles are lit in shul between Minchah and Ma’ariv on Chanukah. Thus it may be argued that any public lighting is similar to the lighting in shul. But for several reasons the poskim strongly reject this argument and recommend that one avoid reciting the blessings in any setting other than in one’s home (or temporary dwelling) or in shul.(11)

**QUESTION:** When is the appropriate time to light Chanukah candles and how long should they burn?

**DISCUSSION:** Concerning the proper times for lighting, there are several views in the poskim which are reflected in various customs. Those who have a family tradition should uphold it, but those who do not have a specific custom should light at the time that recognized Gedolei Yisrael lit, which is about twenty minutes after sunset.(12) Although in Eretz Yisrael many people light immediately after sunset, outside

Eretz Yisrael it is yet daylight for a while and too early to kindle the lights.

There should be enough oil, however, for the candles to burn until one half hour after tzeis ha-kochavim.(13) There are various ways and a number of opinions of calculating tzeis ha-kochavim, ranging from twenty minutes (in Eretz Yisrael) to seventy-two minutes past sunset. In order to fulfill the mitzvah according to all views, there should be enough oil to burn for about eighty to eighty-five minutes.

On erev Shabbos, Chanukah candles are lit right before lighting Shabbos candles, which is about twenty minutes before sunset. In order to fulfill the mitzvah according to all views, there should be enough oil to burn for at least two hours.(14)

**QUESTION:** How important is it to daven Minchah before lighting Chanukah candles on erev Shabbos Chanukah?

**DISCUSSION:** If possible, one should daven Minchah on Friday before lighting Chanukah candles.(15) There are two reasons for this: 1) The afternoon Tamid sacrifice, which corresponds to our Minchah service, was always brought before the lighting of the Menorah in the Beis ha-Mikdash; (16) 2) Davening Minchah after lighting Chanukah candles appears contradictory, since Minchah “belongs” to Friday, while the Chanukah candles “belong” to Shabbos.(17) However, if no early minyan is available, then it is better to light first and daven with a minyan afterwards.(18) Working people who are unable to daven Minchah before lighting the menorah because that would cut their short Friday even shorter, should light candles first and then daven Minchah in shul with a minyan.

**QUESTION:** Is it permitted to give a gift to a non-Jewish employee, colleague, etc., during the non-Jewish holiday season?

**DISCUSSION:** As explained earlier, giving a gift to an employee or to a person who renders a service is merely an expression of gratitude, a form of payment for past or future service which it is not considered a celebration of avodah zarah and is permitted. It is proper, however, that no specific mention be made that the gift is in honor of the non-Jewish holiday,(19) and that the gift be given a day or two before or after the holiday rather than on the holiday itself.(20)

**FOOTNOTES:**

1 *Kitzur Shulchan Aruch* 139:3.

2 *Some men also have the custom to refrain from doing work during this time; Mishnah Berurah* 670:3.

3 *Beur ha-Gra, O.C. 670:1.*

4 *Levush, O.C. 670, quoted by Kaf ha-Chayim* 670:6.

5 Harav M. Feinstein (*Moadei Yeshurun*, pg. 8; *Halachos of Chanukah*, pg. 4); Harav Y. Kamenetsky (*Emes l'Yaakov*, O.C. 670, note 584); *Shraga ha-Meir* 6:87.

6 This is the custom in Yerushalayim; Harav Y.Y. Fisher, quoted in *Rivevos Efrayim* 1:436.

7 *Mishnah Berurah* 670:4.

8 *Magen Avraham* 670:2, quoted by *Be'er Heitev* 2 and *Siddur Ya'avetz*.

9 *Sha'ar ha-Tziyun* 670:7; *Kaf ha-Chayim* 670:8. See *Aruch ha-Shulchan* 670:8, who writes that in his community, women refrained from work only at the time that the candles were being lit.

10 *Minchas Yitzchak* 6:65; Harav S.Z. Auerbach (quoted in *Az Nidberu* 6:75); *Shevet ha-Levi* 4:65; *Teshuvos v'Hanhagos* 1:398.

11 There are several distinctions between lighting in shul and any other public lighting. Two of the more significant are: 1) The purpose of lighting in shul was to remind us of the lighting of the Menorah in the *Beis ha-Mikdash*, and only lighting in shul, a *mikdash me'at*, is similar; 2) Lighting in shul was instituted for the sake of guests who had nowhere to sleep, whereas lighting Chanukah candles in any other public venue would not address this concern.

12 Harav Y. Kamenetsky (*Emes l'Yaakov*, O.C. 672, note 586). See also *Teshuvos v'Hanhagos* 2:334 and *Az Nidberu* 7:70. See *Igros Moshe*, O.C. 4:101-6, who writes that the appropriate time is ten minutes after sunset, but Harav Feinstein himself used to light thirteen to eighteen minutes after sunset (*Halachos of Chanukah*, pg. 20). Harav A. Kotler lit twenty-five to thirty minutes after sunset (*ibid.*)

13 See *Igros Moshe*, O.C. 4:101-6.

14 See *Be'ur Halachah* 672:1. The breakdown is as follows: Twenty minutes before sunset, seventy-two minutes until the stars appear, and an additional half hour for the candles to burn after *tzeis ha-kochavim*.

15 *Mishnah Berurah* 679:2.

16 *Sha'arei Teshuvah* 679:1, quoting *Birkei Yosef*.

17 *Sha'ar ha-Tziyun* 679:7, quoting *Pri Megadim*.

18 *Birkei Yosef* 679:2; *Yechaveh Da'as* 1:74.

19 *Y.D.* 147:2.

20 *Rama*, *Y.D.* 148:12.

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### ***Baby-Sitting: How To Avoid Yichud***

***“No Man Of The Household Staff Was There In The House” (39:11)***

Yichud, the prohibition against a man being alone in a secluded place with a woman, is Biblically forbidden(1). It is for this reason that Yosef ha-Tzaddik, who as a son of Yaakov Avinu kept the mitzvos of the Torah, refused to be alone with his master's wife in their home(2). Indeed, on that fateful day, when he unexpectedly found himself alone with her in the house, he was almost tempted to sin. What follows are some guidelines concerning yichud in everyday situations.

**Are Relatives Included In The Prohibition Of Yichud?**

Yichud is permitted with linear descendants, such as parents with their children(3) or grandchildren(4). Yichud is also permitted between a brother and a sister(5) and a nephew with his father's or mother's sister(6), but only on a temporary basis(7). They may not live together in the same house for a period of time which exceeds the normal stay of a house guest(8).

Yichud with all other relatives, such as uncles, aunts [through marriage], cousins, brothers-in-law, parents-in-law, etc., is strictly prohibited(9).

**At What Age Does The Prohibition Of Yichud Begin?**

A boy under the age of bar mitzvah is permitted to be alone with a girl under the age of bas mitzvah(10). Since there is no mitzvah of chinuch in the prohibition of yichud(11) and both parties are minors(12), yichud is permitted. When one of the parties, however, is bar/bas mitzvah, then he or she may not be alone with a member of the opposite gender. We must clarify, therefore, the minimum age requirements of the other party – the one who is under bar/bas mitzvah.

According to the Rambam, *Shulchan Aruch* and all the earlier poskim [including the *Mishnah Berurah*(13)], once a girl turns three years old she is considered an *ervah* in regard to yichud and all halachos of the Torah – she must dress properly, physical contact and yichud with her are prohibited, etc. Indeed, in many communities these halachos are strictly observed from the age of three.

The *Chazon Ish*(14), however, when discussing the halachos of reciting *Kerias Shema* in the presence of an *ervah*, disputes this cut-off age. In his opinion, a little girl is not considered an *ervah* because people do not view her as such until she matures. There is no exact age that determines *ervah* since the maturation rate of each individual girl differs. It is generally assumed, though, that any girl up to the age of six or seven is not considered an *ervah*(15).

In the view of some contemporary poskim(16), the *Chazon Ish's* leniency applies only to *hilchos Kerias Shema*; it does not apply to *hilchos yichud*. Concerning *hilchos yichud*, age three remains the age from when yichud is prohibited. Other poskim(17), however, hold that the *Chazon Ish's* leniency applies to *hilchos yichud*(18) as well. In their opinion, yichud is permitted with a girl until the age of five or six.

Harav M. Feinstein(19) deals with this issue from a different angle. In his opinion, yichud may be permitted with a girl over three since a girl that age will surely report any illicit behavior to her parents or teachers. The fear of being found out is enough of a deterrent to permit yichud with a girl that young. In his final evaluation, however, Harav Feinstein hesitates to expressly permit yichud with a girl over three, although he does not object to those who are lenient. In an oral ruling(20), Harav Feinstein allows yichud – when necessary – with a girl till age seven.

The age of yichud for a boy begins at age nine(21).

Question: Are there any permissible ways in which a girl over twelve may baby-sit for a boy over nine?

Discussion: There are several permissible ways. The halachic definition of yichud is: Seclusion with little or no chance of intrusion from the outside. The halachah states, therefore, that if there is a pesach pasuach (open door) to a reshus ha-rabim (public domain), then yichud does not apply, since there is a constant possibility of public access. Thus, for yichud to be permitted, both of the above factors – pesach pasuach and reshus ha-rabim – must be present.

What constitutes pesach pasuach is a subject of debate among the poskim. Similarly, there is no exact, undisputed definition of reshus ha-rabim. In the following situations, however, there is general agreement among the poskim that yichud is permitted(22):

If the front door is left completely or partially open(23). After 10 p.m.(24) the house must also be well lit(25);

If the front door is closed, but unlocked, and people regularly walk into the house without knocking(26). After 10 p.m. one should not rely on this solution(27);

If the door is locked, but the parents or other members of the household are in possession of a key and could come into the house at any time(28);

If the door is locked, but there is an unimpeded view from the street or from a facing window directly into the room where the yichud is taking place(29). The home must be well lit. After 10 p.m. it is better not to rely on this solution(30);

If another child, male(31) or female(32), is in the house. There are various opinions concerning the required age of the other child – ranging from a minimum age of five to a maximum of thirteen for a male and twelve for a female(33). This leniency is only applicable during normal waking hours(34). To extend this leniency to normal nighttime sleeping hours, there have to be two children present besides the one who is being cared for(35).

Often, none of the above solutions are practical. A baby-sitter may not want to leave the door open or unlocked. Sometimes the parents may be out of town or unavailable to check on their children. Thus, the preferred method when hiring a baby-sitter is to give a set of keys to a married couple that lives nearby(36), with instructions that the husband and wife should come into the house several times throughout the day and night. The baby-sitter must be told of these

instructions. The neighbor must actually go into the house several times for this leniency to be valid(37).

*1 View of the vast majority of the Rishonim. In certain situations, such as when one man is alone with two women, yichud is Biblically permitted but prohibited by the Rabbis.*

*2 See Ibn Ezra, Rashbam and Seforno on Bereishis 39:10.*

*3 E.H. 22:1. See Igros Moshe E.H. 2:15; E.H. 4:65-8 who rules that it is permitted for a man to be alone with another woman other than his wife in the presence of his daughter, mother or sister.*

*4 Pischei Teshuvah E.H. 22:2 quoting the Bach.*

*5 Beis Shmuel and Chelkas Mechokek E.H. 22:1.*

*6 Igros Moshe E.H. 4:63; 64-1, since a nephew and his aunts have the same relationship as a brother and a sister, based on Shulchan Aruch E.H. 21:7. See Hebrew Notes, pg. 236, for an elaboration.*

*7 Beis Shmuel and Chelkas Mechokek E.H. 22:1.*

*8 Igros Moshe E.H. 4:64-3;65-11, who adds that a sister who is visiting from a distant city may stay longer than a sister visiting from a nearby area, just as a guest from afar stays longer than a guest from nearby.*

*9 E.H. 22:1; Igros Moshe E.H. 4:63; 64-1. See Hebrew Notes, pg. 237, for elaboration.*

*10 Bach and Yam Shel Shelomo in the name of the Semag, quoted in Devar Halachah 2:8.*

*11 Shevet ha-Levi 5:204 wonders why the process of chinuch does not pertain to this prohibition. See Divrei Sofrim, pg. 137 for a possible answer.*

*12 Or one minor and one non-Jew – oral ruling from Harav S.Y. Elyashiv (Kuntres Toras ha-Yichud).*

*13 Beiur Halachah 75:1 – concerning the definition of an ervah for hilchos Kerias Shema.*

*14 O.C. 16:8. See also Maharam Brisk 2:70 who concurs with this ruling. Harav M. Feinstein is also quoted (Children in Halachah pg. 30) as concurring with this ruling.*

*15 Halichos Bas Yisrael 4:3; Ohr l'Tziyon 6:12. Harav Y. Kamenetsky (oral ruling quoted in Ko Somar l'Beis Yaakov pg. 139) ruled that until age five is clearly permitted, while from age five and above depends on the individual girl.*

*16 Harav S.Y. Elyashiv (quoted in Nishmas Avraham vol. 5, pg. 135).*

*17 Harav S.Z. Auerbach and Harav Y.Y. Neuwirth (quoted in Nishmas Avraham vol. 5, pg. 135). For an explanation of this dispute, see Hebrew Notes, pg. 237*

*18 Hugging and kissing, however, is prohibited from age three and on – ibid.*

*19 Igros Moshe E.H. 4:65-12.*

*20 Quoted in Children in Halachah pg. 40.*

*21 This is the ruling of the Shulchan Aruch E.H. 22:11 and all the poskim. See, however Kuntres Toras ha-Yichud who quotes an oral ruling from Harav S.Y. Elyashiv that nowadays we can be lenient and allow yichud with a boy till age eleven. No other poskim, however, mention this leniency.*

*22 There is a disagreement among the poskim if the leniency of pesach pasuch may be relied upon when the baby-sitter and the child share a close, personal relationship which could be described as libo gas bah. One should be stringent – Igros Moshe E.H. 4:60; 65-9.*

*23 E.H. 22:9.*

*24 The 10 p.m. deadline was given by the Chazon Ish (Devar Halachah 3:14) as the time that is considered as “late night hours” in the city of Bnei Brak during the 1950s. Each location, depending on its population and lifestyle, must determine its own “late” hours.*

*25 The poskim rule that during the late night hours, when people are not on the streets, the leniency of an open door does not apply – see Be'er Heitev and Pischei Teshuvah E.H. 22:9, and Igros Moshe E.H. 4:65-5. When the house is lit, however, there are poskim who are lenient – see Devar Halachah 3:15.*

*26 Ruling of Harav S.Y. Elyashiv and Harav C.P. Scheinberg (Kuntres Yichud pg. 25) as a compromise between those who require the door to be completely open and those who allow yichud as long as the door is not locked.*

See Igros Moshe E.H. 4:65-4, who is lenient even when the door is locked, as long as there is a possibility that someone would come knocking on the door and would need to be let in. Most other poskim do not agree with this leniency.

27 Since even a completely open door should not be relied upon late at night. Even lighting the house would possibly not be sufficient in this case – see Devar Halachah 3:15.

28 Devar Halachah 3:3 quoting the Chazon Ish and Dovev Meisharim.

29 Noda B'yehudah E.H. 1:77; Igros Moshe E.H. 4:65-2; Devar Halachah 3:10.

30 See note 27.

31 Beis Shemuel E.H. 22:9; Chochmas Adam 126:5-9.

32 E.H. 22:10.

33 See Devar Halachah 4:2-3 for all the various views. A sister of any age over five serves as a guardian – see note 3.

34 Rama E.H. 22:5; Chasam Sofer E.H. 2:96. Even if the child is presently up, once it is past his normal bedtime we are concerned that he may fall asleep at any time and will no longer serve as a guardian. The same halachah applies during the day if the guardian is actually sleeping.

35 Chazon Ish Kiddushin 45; Devar Halachah 4:9.

36 A married couple is preferable since they can come together to check on the house, thus avoiding a possible yichud problem between the baby-sitter and the neighbor. Even in a situation where a yichud problem does not exist, two neighbors should be asked to check the house, since we are fearful that one can forget or fall asleep.

37 Devar Halachah pg. 188-189. See further clarification in Avnei Yashfei 2:185.

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## Using Hashem's Name

### Rabbi Yirmiyohu Kaganoff

The posuk in parshas Vayeishev (Bereishis 39:3) says that Yosef's master, Potifar, recognized that Hashem was with Yosef. Rashi, quoting the Bereishis Rabbah, explains that this means that Yosef frequently referred to Hashem, thus introducing our topic for this week.

#### Question #1: Nasty Neighbor

Mrs. Goodhearted asks: "I have a disturbed neighbor who often spews out abusive invective. I am concerned that her cursing may bring evil things upon me. What should I do?"

#### Question #2: A Friend in Vain

Mr. Closefriend inquires: "A close friend of mine often makes comments like 'for G-d's sake,' which I know are things that we should avoid saying. I wanted my friend to be one of the witnesses at my wedding, but an acquaintance mentioned that my friend may not be a kosher witness because he uses G-d's name in vain. Is this really true?"

#### Introduction

Although both words "swear" and "curse" are often used to mean "speaking vulgar language," for this entire article, I will not be using these words in this sense, but "swear" in the sense of "taking an oath," and "curse" to mean "expressing desire that misfortune befall someone."

#### Ten prohibitions

The Rambam counts a total of thirteen different mitzvos, ten mitzvos Lo Sa'aseh and three mitzvos Aseh, which are included within the context of our discussion. The ten Lo Sa'aseh prohibitions are:

1. Not to break an oath or commitment that one has made. The Torah's commandment concerning this law is located at the beginning of parshas Matos. It is counted and discussed in the Rambam's Sefer Hamitzvos as Lo Sa'aseh #157 and in the Sefer Hachinuch as Mitzvah #407.

2. Not to swear falsely (Sefer Hamitzvos, Lo Sa'aseh #61; Sefer Hachinuch, Mitzvah #227). This is derived from the words, lo sishav'u bishmi lashaker, "you shall not swear falsely in My Name," which appear in parshas Kedoshim.

3. Not to deny, with an oath, that one owes money. This mitzvah is also located in parshas Kedoshim and is derived from the words lo seshakru ish ba'amiso, "do not lie to your fellowman," which Chazal interpret as a prohibition against swearing a false oath denying that one owes money (Bava Kama 105b; Sefer Hamitzvos, Lo Sa'aseh #249; Sefer Hachinuch, Mitzvah #226).

4. Not to swear an oath that has no purpose (Sefer Hamitzvos, Lo Sa'aseh #62; Sefer Hachinuch, Mitzvah #30). This mitzvah is derived from the words of the Aseres Hadibros: You shall not take the Name of Hashem, your G-d, in vain.

5. Not to cause someone to swear in the name of an idol (Sefer Hamitzvos, Lo Sa'aseh #14; Sefer Hachinuch, Mitzvah #86). This mitzvah is derived from the words, vesheim elohim acheirim... lo yishama al picha, "You should not cause the names of other gods to be used in an oath" in parshas Mishpatim (23:13; see Sanhedrin 63b).

6. Not to curse Hashem (Sefer Hamitzvos, Lo Sa'aseh #60; Sefer Hachinuch, Mitzvah #70).

7. Not to curse one's parents (Sefer Hamitzvos, Lo Sa'aseh #318).

8. Not to curse the king of the Jewish people or the head of the Sanhedrin, who is called the Nasi (Rambam, Hilchos Sanhedrin 26:1; Sefer Hamitzvos 316; Sefer Hachinuch, Mitzvah #71). This mitzvah is derived from the words, venasi be'amecha lo sa'or in parshas Mishpatim.

9. Not to curse a dayan, a judge presiding over a beis din proceeding (Sefer Hamitzvos, Lo Sa'aseh #315; Sefer Hachinuch, Mitzvah #69; Rambam, Hilchos Sanhedrin 26:1). This mitzvah is derived from the words, Elohim lo sekaleil in parshas Mishpatim.

10. Not to curse any Jew (Rambam, Hilchos Sanhedrin 26:1; Sefer Hamitzvos 317; Sefer Hachinuch, Mitzvah #231). This mitzvah is also derived from a verse in parshas Kedoshim, since it is included under the Torah prohibition

do not curse someone deaf. As the Sefer Hachinuch explains the mitzvah, “do not curse any Jewish man or woman, even one who cannot hear the curse.”

Four in one

We should note that the above-mentioned mitzvos are not mutually exclusive, and one could violate several of them at the same time. For example, the son of the Nasi of the Sanhedrin who curses his father violates four different Lo Sa’aseh prohibitions: for cursing (1) a Jew, (2) his father, (3) a dayan, (4) the head of the Sanhedrin (Sefer Hachinuch, Mitzvah #231).

As we will see shortly, violating most of these prohibitions is punishable by 39 malkus, lashes (Temurah 3b). This is highly surprising, since usually violating a Torah mitzvah through speech does not lead to this sentence (Temurah 3a). However, these laws are exceptions to the usual rule, which demonstrates the severity of these prohibitions.

Three positive mitzvos

In addition to the ten Lo Sa’aseh mitzvos that this topic covers, there are also three positive mitzvos involved:

1. A mitzvah to fulfill something that one has accepted to do, located at the beginning of parshas Matos (Sefer Hamitzvos, Mitzvas Aseh #94; Sefer Hachinuch, Mitzvah #406).

2. Fearing Hashem, which includes treating His Name with respect (see Temurah 4a).

3. The Rambam counts a positive mitzvah of taking an oath (Sefer Hamitzvos #7).

What does a curse accomplish?

At this point, I would like to explain a very important and often misunderstood concept. When someone curses an innocent person, the curse causes no harm. To quote Rav Moshe Feinstein, “when someone curses his fellowman, the prohibition is not because it causes harm to the other person. First of all, Heaven will ignore a curse that was performed in violation of the Torah. Second of all, a curse without basis does not bring harm.” Rav Moshe refers to the verse in Mishlei (26:2): an unjustified curse affects only the one who uttered it. a curse of this nature causes no harm.”

Furthermore, even the curses and evil intended by sorcerers (kishuf) do not affect Jews, since we are directly connected to Hashem, and therefore not affected by kishuf (Ramban, Bamidbar 24:23).

Rav Moshe concludes that although a curse of this nature does no harm to its intended target, the one who cursed a fellow Jew is punished because he embarrassed someone, and because he acted with disdain for Hashem’s Holy Name.

Based on this, Rav Moshe explains that there is a difference in halacha between cursing someone else and cursing oneself. When the Gemara (Shavuos 35a) states that cursing oneself is prohibited min HaTorah, Rav Moshe explains that, in this instance, the sinful act of cursing will

bring upon himself punishment and harm (Shu”t Igros Moshe, Orach Chayim 3:78).

Based on Rav Moshe’s analysis of the mitzvah, we can now understand several other halachos of cursing. Cursing a child old enough to understand what was said is liable to the same level of punishment as cursing an adult. This is because it is prohibited to hurt a child’s feelings, just as it is forbidden to insult an adult. However, cursing a dead person is exempt from the punishment of malkus (Toras Kohanim on Parshas Kedoshim; Rambam, Hilchos Sanhedrin 26:1-2). This is because the dead feel no pain when someone curses them.

In one situation, cursing a dead person is indeed punished - cursing one’s parents after their demise is a fully culpable crime (Sanhedrin 85b, quoted by Kesef Mishneh, Hilchos Sanhedrin 26:2).

Cursing without using Hashem’s Name

Cursing a person without using G-d’s Name does not incur the punishment of malkus. However, the beis din has the halachic right and responsibility to punish the offender in a way that they feel is appropriate (Rambam, Hilchos Sanhedrin 26:5).

Having seen Rav Moshe’s explanation of the mitzvah, we can now explain why someone who curses without using Hashem’s name is not liable. The most severe violation, which incurs the punishment of malkus, is violated only if one committed both aspects of the sin – he demonstrated total disregard both for G-d and for man, by desecrating G-d’s Name and by offending someone. However, one who cursed without desecrating Hashem’s Name is spared from receiving corporeal chastisement, because his infringement was not of the highest level. This is similar to cursing a dead person, as explained above. Although Hashem’s Name has been desecrated, no living person is offended; hence, there is no malkus.

At this point, we can address our first question above. Mrs. Goodhearted asks: “I have a disturbed neighbor who often spews out abusive invective. I am concerned that her cursing may bring evil things upon me. What should I do?” I would advise her to avoid her neighbor when she can, but for a different reason. Mrs. Goodhearted is concerned that she will be damaged by the neighbor’s curses – but according to Rav Moshe, there is no cause for concern. However, if her neighbor is sane enough to be responsible for her actions, the neighbor will be punished for cursing and for hurting people’s feelings. Mrs. Goodhearted should try to avoid giving her neighbor an opportunity to sin.

Cursing in English

Does cursing using G-d’s Name in a language other than Hebrew violate this prohibition? The Rambam rules that cursing someone using a vernacular Name of G-d is also prohibited min haTorah and is chayov malkus (Hilchos Sanhedrin 26:3; see also Shulchan Aruch, Choshen Mishpat 27:1).

What type of oath?

Having discussed the prohibitions against cursing one's fellow Jew, let us now discuss the prohibitions against swearing in vain. What type of oath did the Torah prohibit taking?

In general, the Torah prohibits taking any type of oath, even when the oath is true, because it is an oath that has no purpose (Temurah 3b). For example, someone who swears truthfully that he did not eat anything today violates the *Lo Sa'aseh*, You shall not take Hashem's Name in vain, since this oath accomplishes nothing.

Someone who swears an oath that is false, such as one who falsely swears that he did not eat breakfast that day, violates both the proscription for swearing a false oath and also for swearing a vain oath, since it serves no purpose.

Two exceptions

There are two instances when the Torah permits someone to swear a truthful oath (Temurah 3b). This is derived from the fact that the Torah says in two different places (Devarim 6:13; 10:20), *uvishmo tishavei'a*. We will see shortly that the halachic authorities dispute whether the words *uvishmo tishavei'a* should be translated as "in His Name you shall swear" or as "in His Name you may swear."

Encouraging mitzvah observance

What are the two exceptional instances in which the Torah permits swearing?

(1) The first is when someone swears an oath as an incentive to support his efforts at growth and self-improvement. One may take an oath to encourage himself to perform a mitzvah that he might otherwise not perform (Temurah 3b). For example, one may swear to donate to *tzedakah* or to say a chapter of *Tehillim* every day.

Bear in mind that in general, although permitted, it is not a good idea to create oaths or vows upon oneself (see *Nedarim* 22a). Someone who takes an oath or a vow is now bound to observe it, and failure to do so is a grievous sin. Therefore, although reciting such an oath (that has a purpose) does not violate the Torah's prohibition against taking Hashem's Name in vain, it is usually recommended not to do so.

A better approach is to accept the new practice *bli neder*, which means that one is hoping and planning on it, but without the obligation and inherent problem of making it an obligation on the level of a *shavua* or a *neder*, a vow.

When required in litigation

(2) The second situation in which the Torah permits swearing an oath is within the framework of halachic litigation. There are instances in which the *psak halacha*, the final ruling of a *beis din*, requires a litigant to take an oath in order to avoid paying or to receive payment. When the *beis din* rules that one is required to take an oath, the *Gemara* (Temurah 3b) concludes that the person swearing does not violate the Torah's prohibition against swearing unnecessarily.

Permitted or a mitzvah?

It is important to note that in this last situation, the authorities dispute whether the halacha is that one may take an oath, but there is no mitzvah to do so, and we would discourage the oath, or whether, in this situation, it is a mitzvah to swear an oath. The Rambam (Hilchos Shavuos 11:1 and *Sefer Hamitzvos*, Positive Mitzvah #7) contends that someone who swears because of a *din Torah* fulfills a positive mitzvah of the Torah, *uvishmo tishavei'a*, "in His Name you shall swear." Others contend that this verse means simply "in His Name you may swear," but that there is never a mitzvah of taking an oath (Ramban, *Sefer Hamitzvos*, Positive Mitzvah #7). Still others contend that even though the verse says, "in His Name you may swear," this does not mean it is permitted to swear, but that one who swears is not punished for taking an oath (Shu"t Chasam Sofer, *Choshen Mishpat* #90). However, this last authority contends that one should avoid taking an oath even under these circumstances, and thereby explains why the custom is to pay large fees or fines rather than swear an oath that is fully truthful.

Testimony without oaths

It is worthwhile to note that testimony in halacha does not require one to swear an oath. This can be juxtaposed to the secular legal system, in which one must take an oath or pledge; otherwise, one's testimony cannot be considered perjury. This is not true in halacha. A Jew's word is sacrosanct, and any time he testifies or makes a claim in court, whether as a litigant, a witness or an attorney, he is halachically bound to tell only the truth. It is therefore a serious infraction of the Torah for someone to file a legal brief that includes false statements. In addition, filing these statements may involve many other violations, including *loshon hora*, *rechilus*, *motzi shem ra*, *machlokes* and *arka'os*.

Oath without G-d

Does swearing an oath without mentioning Hashem's Name qualify as an oath? This question is discussed extensively by the *rishonim*, who conclude that someone who commits himself to doing (or refraining from doing) something, using terminology that implies an oath, is now bound to observe the pledge, whether or not he mentioned Hashem's Name (Rambam, *Hilchos Shavuos* 2:4; Rashba, *Shavuos* 36a; *Shulchan Aruch*, *Yoreh Deah* 137:1). Nevertheless, according to most authorities, swearing an oath that mentions Hashem's Name is a more serious Torah violation (Rambam, *Hilchos Shavuos* 2:4).

Taking Hashem's Name in vain

It is also prohibited *min haTorah* to use Hashem's Name unnecessarily, even when one is not taking an oath. This is prohibited as a *mitzvas Aseh*, since it violates the words of the Torah, *es Hashem Elokecha tira*, "You shall fear Hashem your G-d" (Devarim 6:13). Thus, it is prohibited *min haTorah* for someone to say as an expletive, "For G-d's sake," "Oh, my G-d in Heaven" or similar exclamations.

In this context, the following halachic question is raised: "Is there anything wrong with saying: 'Just as G-d is True, so this is true!' Does halacha consider this to be an oath?" This question is discussed almost five hundred years ago by the Radbaz (Shu"t #17), who writes that these types of declarations are serious infractions of the Torah and are considered blasphemous. Anyone who makes such statements should be severely reprimanded and punished, so that he realizes how sinful this is and will take it upon himself to do teshuvah on his crime. The Radbaz states that it is very wrong to compare the existence and truth of anything else to Hashem's existence and truth. Furthermore, someone who makes such a declaration about a falsehood denies the Creator and forfeits his share in the World to Come.

A friend in vain

At this point, we have enough information to examine Mr. Closefriend's question posed above:

"A close friend of mine often makes comments like 'for G-d's sake,' which I know are things we should avoid saying. I wanted my friend to be one of the witnesses at my wedding, but an acquaintance mentioned that my friend may not be a kosher witness, because he uses G-d's name in vain. Is this really true?"

Although Mr. Closefriend should convince his close friend that this irreverent referring to Hashem and His holy Name

is prohibited, this use does not qualify as making an oath in vain, but as a violation of the mitzvas Aseh of fearing Hashem (Temurah 4a). As such, there is a difference in halacha:

Two categories of people are disqualified as witnesses because they are sinners.

One is someone who has demonstrated that he will compromise halacha for monetary benefit (Rambam, Hilchos Edus 10:4).

The other category is someone who violatoo cues a sin so severe that, during the time of the Sanhedrin, he could be punished with malkus (Rambam, Hilchos Edus 10:1-3; Sefer Hamitzvos, Lo Sa'aseh 286; Sefer Hachinuch, Mitzvah 75). Therefore, someone who curses people using G-d's Name or one who swears is not a valid witness at a wedding ceremony. However, although it is highly sinful to violate mitzvos Aseh, one who violates them is not invalidated as a witness.

Conclusion

In addition to the above-mentioned reasons why one should be careful how and when one uses Hashem's Name, the Sefer Hachinuch (Mitzvah 231) mentions other reasons not to curse people. Cursing creates conflict, something we certainly want to avoid. Furthermore, we want to learn to develop our self-control.

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לע"נ

שרה משא בת ר' יעקב אליעזר ע"ה  
ביילא בת (אריה) לייב ע"ה  
אנא מלכה בת ישראל