

This Shabbat is the 73rd day (of 383); the 11th Shabbat (of 55) of 5765

וַיִּזְכֹּר יַעֲקֹב לְבָדּוֹ וַיֹּאבֶק אִישׁ עִמּוֹ עַד עֲלוֹת הַשָּׁזָר: בראשית לביכה

Halacha Hi B'Yadu'a...

The second word is HEE as in the English word HEED, not the friendly "hi" that it looks like. The title is the first part of R' Shimon bar Yochai's statement as taught to us by Rashi: It is a well-known fact that Eisav hates Yaakov. Try not to view that as pessimistic, just realistic. In fact, the full statement is about as optimistic as it gets - that the Eisavs of the world have their moments when they are genuinely fond of the Jewish people. Moments. It doesn't seem to last. In this week's sedra, Eisav's idea of reconciliation was joining together. The problem with that is that we tend to lose sight of our goals. Our spiritual goals. Sh'chem and Chamor's idea of loving us was total intermarriage and assimilation. Not a good idea for us. That's what the Greeks of pre-Chanuka times seemed to want. And many others.

Let's apply some of the above to Christian support for Israel. Is it sincere? Well, some of it is for the purpose of winning us over to their beliefs. That's like the opinion that Eisav's kiss was not sincere. The support is there, but the goals are potentially harmful to us. We must be on our guard. But some of the support is warm, wholehearted, totally sincere - just like the opinion of R' Shimon bar Yochai. Sincere. At this moment. But what about the Agenda. The history and the principles of Christianity vis-a-vis the Jews echoes the Halacha B'Yadu'a. And even those groups who repudiate the attitudes of mainstream Christianity - what do they really want. They want the Jews to flourish in the Holy Land. That's good, because so do we. But they look forward to the day when we will accept their ideas of faith and stop being so stubborn.

This Tidbit is not making any statement about Jewish communities or organizations who accept financial support from Christian sources. Yaakov did not refuse Eisav's kiss. But he was cautious as to how close he and Eisav were to become. And we too must be careful. Very careful. The Jewish people must make arrangements to co-exist with other peoples. But not at the expense of our identity and destiny. Vayishlach's lesson is about being careful. About drawing lines. About what to accept and what to stand up to. And about resisting pressure to capitulate.

Word of the Month



A weekly feature of Torah Tidbits to help clarify practical and conceptual aspects of the Jewish Calendar, thereby better fulfilling the mitzva of HaChodesh HaZeh Lachem...

Winter means cloudy or rainy nights, the frequency of which varying from location to location. Depending upon where you live, this can result in not being able to say Kiddush L'vana for many nights in a row.



This month, the calculated deadline for Kiddush L'vana is Shabbat morning (8:45 to be specific). This means that the last opportunity for K.L. is all Friday night.

Most authorities agree that one does not generally say K.L. on Leil Shabbat or Leil Yom Tov. However, if the last op for K.L. is Leil Shabbat (or Yom Tov - that can happen with Pesach or Sukkot), then one DOES say K.L. rather than missing out on the bracha altogether.

What if Leil Shabbat is the next to the last op? Here there is a dispute: some say you can say it on Leil Shabbat; others say no. If it happens, ask a Rav.

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22 Keren HaYesod • POB 37015 • Jerusalem 91370
phone: (02) 566 7787 • fax: (02) 561-7432
email: tt@ou.org • website: www.ou.org/torah/tt

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OTHER Z'MANIM

Correct for Jerusalem
Ranges are THU-THU 12-19 Kislev (Nov. 25 - Dec.2)

Earliest Shacharit - 5:23-5:28am
Sunrise - 6:16-6:22am
Sof Z'man Sh'ma - 8:51-8:55am (8:04-8:08am)
Sof Z'man T'fila - 9:42-9:46am (9:11-9:14am)
Chatzot (halachic noon) - 11:26-11:28½am
Mincha Gedola (earliest Mincha) - 11:57-11:59am
Plag Mincha - 3:31-3:31pm
Sunset - 4:41-4:40pm (4:36-4:35pm)

In the Wolinetz Family Shul
OHEL SHMUEL (entrance floor)
Shabbat afternoon shiur 3:00pm
Rabbi Binyamin Wolff
Mincha 4:00pm
Motza'ei Shabbat, 8:00pm
Rabbi Ephraim Sprecher

| Candle Lighting and Havdala Times | |
|--|---------------|
| Standard (Winter) Time | |
| Correct for TT 644 • Rabbeinu Tam (I'm) - 5:52pm | |
| 4:01pm | Jerusalem |
| 4:20pm | Gush Katif |
| 4:16pm | Raanana |
| 4:15pm | Beit Shemesh |
| 4:15pm | Netanya |
| 4:17pm | Rehovot |
| 3:56pm | Petach Tikva |
| 4:16pm | Modi'in |
| 4:18pm | Be'er Sheva |
| 4:15pm | Gush Etzion |
| 4:15pm | Ginot Shomron |
| 4:00pm | Maale Adumim |
| 4:07pm | Tzfat |
| 4:16pm | K4 & Hevron |

Vayishlach Stats

8th of 54 sedras; 8th of 12 in B'reishit

Written on 237 lines in a Sefer Torah; ranks 11th

9 Parshi'ot - 6 P'tuchot; 3 S'tumot

153 p'sukim - 4th (1st in B'reishit)

Same number as No'ach, but more words and letters

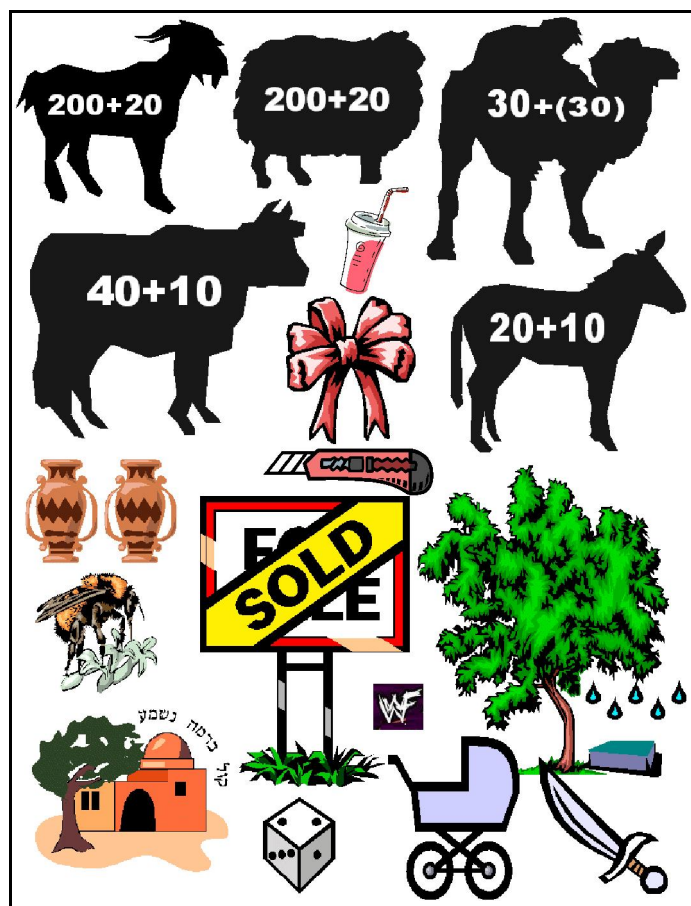
1976 words - 6th (4th in B'reishit)

7458 letters - 6th (4th in B'reishit)

The drop in rank for words and letters is because its p'sukim are well below average in number of words and letters (but not as low as No'ach). In other words, Vayishlach has many relatively short p'sukim

Mitzvot:

1 of the 613, the first prohibition of the Torah's 365; the only one in B'reishit - GID HaNASHEH



Aliya-by-Aliya Sedra Summary

Numbers in [square brackets] are the Mitzva-count of Sefer HaChinuch AND Rambam's Sefer HaMitzvot. A=ASEI (positive mitzva); L=LAV (prohibition). X:Y is the perek and pasuk from which the mitzva comes.

[P> X:Y (Z)] and [S> X:Y (Z)] indicate start of a parsha p'tucha or s'tuma respectively. X:Y is Perek:Pasuk of the beginning of the parsha; (Z) is the number of p'sukim in the parsha.

Kohen - First Aliya - 10 p'sukim - 32:4-13

[P> 32:4 (47)] Yaakov sends messengers to his brother Eisav with a message of conciliation (and warning?).

SDT Onkeles seems to consider the messengers that Yaakov sent to be human (IZGADIN are runners or messengers); Rashi states that the word MAL'ACHIM is to be taken literally, as heavenly angels. Commentaries point to the

end of last week's sedra (which tells of Yaakov's encountering the "camps" of angels upon his return to Eretz Yisrael) as support for Rashi's point of view. Bartenura further explains that Biblical references to angels always include something they said or a prophetic message. When Yaakov encountered the angels, nothing is said. It could be argued, that the Torah mentioned the angels in connection with Yaakov's sending them to Eisav. Other commentaries say that Yaakov sent angels because humans might be affected by Eisav and angels would be able to "read" the situation accurately.

SDT One of Yaakov's statements was that he had been living with Lavan and was delayed until now. Rashi learns, that "he lived with Lavan but did not learn from his evil ways". Some see this as a compliment to Yaakov, that he was able to maintain his complete adherence to the Torah in such an alien atmosphere. Others see an implied criticism: All those years in Lavan's home, and he did not learn from Lavan's evil ways... how to channel the cunning and enthusiasm he witnessed towards his own service of G-d. There are lessons to be learned even by negative example.

Yaakov announces to Eisav that he has "oxen, donkeys, sheep, servants".

SDT Why does Yaakov tell this to Eisav? Is he boasting about wealth that he has amassed in Lavan's house? No, just the opposite. Yaakov is telling Eisav that although he has much material wealth and large flocks and herds, he does not have land. He has not (yet) benefited from the blessing (that Eisav felt should have been his) of "from the dew of the heavens and the fertility of the ground..." Therefore, Yaakov hoped that Eisav would not be angry with him.

Side note: Yaakov is, so far, blessed with the Shehakol type of wealth. The other 5 of the 6 brachot for food are all related to that which comes from the ground, the blessings of TAL HASHA MAYIM & SH'MANEI HA'ARETZ, which Yaakov has not yet received.

The report of Eisav's pending arrival with 400 men prompts Yaakov into three modes of action. He first divides his camp into two, so that one will be able to escape if the other is attacked. Then he prays to G-d for His help and the fulfillment of promises made. (the third phase is in the next portion.)

SDT Commentaries point out that he asks G-d to save him "from my brother - from Eisav". This is not a redundancy. The Jew faces two enemies: The Eisavs of the world who would destroy the Jewish people, and the "friendly brothers" who would gladly permit us to assimilate into their cultures - thereby also bringing about the destruction of the Jewish People. Yaakov prays for salvation from both threats.

Similarly, in the very first pasuk of the sedra, Yaakov sends the angels (or messengers) to his BROTHER EISAV. Yaakov is always aware that Eisav is both, and he must be weary of both persona.

The Beit HaLevi puts it this way. Danger #1 is war. Danger #2 is a treaty with Eisav that can also be disastrous. Does this say anything to us today?

Levi - 2nd Aliya - 17 p'sukim - 32:14-30

Yaakov next prepares elaborate gifts from his flocks and herds for Eisav to be delivered with a good-will message of appeasement.

SDT Baal HaTurim points out that there are two p'sukim in the Torah in which every word ends with a "final mem".

Here in Vayishlach (32:15): 200 she-goats, 20 he-goats... and BaMidbar (29:33): And their (referring to sacrifices) flour-oil offerings, their wine of libation, for the oxen... Is there a connection? Yaakov sent 550 animals as an appeasement to Eisav, even though G-d had assured him that He would protect him. Yaakov's descendants were destined to offer 550 animals per year as Musaf sacrifices. (The numbers need work, and years differ from one another in number of days, but the final results bear out the Baal HaTurim's remarkable observation.)

He instructs his servants what to say when they meet up with Eisav.

During the night before his encounter with Eisav, Yaakov finds himself alone. (This is one of the sources for the rule that a person should not go out alone at night.)

SDT Commentaries tell us that Yaakov had returned across the Yabok River to retrieve small flasks of oil that had been left behind. Some say that this was the oil with which he anointed the altar and monument he built in G-d's honor, and that this flask of oil was the antecedent of the sole flask of oil found by the Hashmona'im many centuries later. This is another of many examples of MAASEI AVOT SIMAN L'BANIM.

Yaakov battles with a "man" (whom we are taught is the guardian angel of Eisav). Yaakov prevails in this struggle but is injured. He receives an unusual blessing from the angel in the form of an additional name - Yisrael.

SDT Yaakov asks the angel who has wrestled with him to give him a bracha. Rashi says that he was asking that the angel acknowledge the brachot that Yaakov had received from Yitzchak, which Yitzchak had intended to give to Eisav. Perhaps what prompts Rashi to this explanation rather than the situation being simply that Yaakov was asking for a new bracha, is the unusual word BEIRACHTANI (which relates to the past) and not BOR'CHEINI (bless me now).

Note that the angel does not declare that Yaakov will no longer be his name, but rather Yisrael. He does say that it will no longer be said that he is a "Yaakov" (one who holds onto his brother's heel to hold him back) but rather he will be referred to as Yisrael, the one who prevailed before G-d and man. Unlike Avraham, whose previous name is no longer used after he is renamed Avraham, Yaakov carries both names. In fact, the second word after the angel's declaration of the new name is Yaakov. Similarly, when G-d confirms the name Yisrael upon Yaakov, he (Yaakov) is still called Yaakov, and sometimes Yisrael. This is the flavor of Rashi's commentary on LO YAAKOV, which he explains thus: People will no longer call you "the one who held your brother back", but they will acknowledge you as having justly prevailed.

Shlishi - 3rd Aliya - 8 p'sukim - 32:31-33:5

MITZVA WATCH

The perennial battle between Eisav and Yaakov, which this battle typifies, is "commemorated" by the prohibition of "Gid HaNasheh" [3,183 32:33]. Even though the Torah introduces this mitzva in the context of the story, the mitzva is considered part of the Revelation at Sinai, as if it would have said: "And G-d spoke to Moshe saying - command the People not to eat the Gid..." The only "negative" mitzva in the book of B'reishit is this prohibition against eating the "Gid HaNasheh". Removal of the "gid" and its innervating branches in the thigh and leg of the animal, as well as the fats and flesh in the

area, is required, and difficult. Further problems result from blood vessels that must be removed from that part of the animal's body. The process of removal of the GID and other vessels is known as "Nikur" or "treiberung". It is, in most cases, not economically feasible to remove the "gid". The whole hind section of the animal is generally sold as non-kosher (thereby removing the GID from the rest of the cow's body). This is the standard practice in the U.S. In Israel, however, where there is not a so readily available non-kosher market, nikur is done. This means that some fancy hind cuts of meat are available to the kosher consumer. (Tenderloin, sirloin, porterhouse...)

Yaakov sees Eisav and his men coming; he pushes his family behind him and repeatedly bows to his brother. Eisav runs towards him embraces him, k*i*s*s*e*s him, and weeps.

SDT Mishlei 24:16 says: For a righteous person will fall seven times and rise up... Baal HaTurim relates this pasuk to Yaakov's bowing 7 times before Eisav.

Finally, Yaakov and Eisav - brothers, twins! - are face to face, and Eisav runs towards Yaakov and embraces him, hugs him, and kisses him. Asterisks on the word VAYISHAKEIHU. The Scribal custom is calling our attention to something important. A message we dare not overlook or ignore. Rashi tells us that our Sages in a Midrashic B'raita debate the message of the six dots written above the word. Some explain the dots by saying that the kiss was not sincere. Eisav still resented (hated) Yaakov, and absence did NOT make the heart grow fonder. Rabbi Shimon bar Yochai disagrees. But he does not take the opposite point of view. Not exactly. He says (as Rashi quotes him) that it is a well-known truism (a halacha, in the wording of Rashi) that Eisav (and his descendants, and his spiritual heirs) hates Yaakov. Fact of Life. At this moment of their reunion after so many years of separation, says R' Shimon b. Yochai, Eisav was overwhelmed with brotherly feelings and he kissed Yaakov "with all his heart".

That's nice. It really is. But Eisav still hates Yaakov. And the descendants of Eisav still hate the children of Yaakov. And other people throughout the generations, up to and including today, and probably for a couple of tomorrows as well, still hate the Jewish People. And even when they are pressured and blackmailed into condemning terrorist acts, they proclaim that such acts are not in THEIR best interest, but do not condemn terror out of a desire for peace with Israel. (Just an example.)

Eisav asks about the women and children and Yaakov prepares to introduce his family to Eisav.

R'vi'i - Fourth Aliya - 15 p'sukim - 33:6-20

Yaakov humbles (humiliates?) himself before Eisav as he presents his family to him, all of whom bow to Eisav. Yaakov presented his wives and 11 children.

SDT Why did Yaakov hide Dina from Eisav? Some explain that Yaakov did not want Eisav to take Dina as a wife and thereby subject her to his wickedness. For this, Yaakov was punished, because Dina might have been (probably?) a positive influence in Eisav's life. (The very next portion of the Torah tells us of the kidnap and rape of Dina and the subsequent debacle of the revenge exacted by Shimon and Levi.) Commentaries ask whether Yaakov should be praised, rather than punished, for protecting Dina. Bartenura says that

Yaakov's reason for hiding Dina was not the fear of anything negative happening to her, but the fear that she would succeed in reforming Eisav, which would make him worthy of the blessing that he would dominate his brother.

Eisav asks about the groups of animals that he met on his way. Eisav at first refuses to accept the gifts, but eventually takes them. Then Eisav suggests that he and Yaakov join together. Yaakov adamantly refuses.

NOTE: At first, Yaakov seems to want to avoid antagonizing Eisav, even to the point of humbling himself before his brother. However, when the possibility of subjecting his family to the influences of Eisav is at issue, Yaakov boldly risks confrontation. Lesson to learn.

[S> 33:18 (3)] Yaakov travels to the Sh'chem area where he purchases land and builds a Mizbei'ach.

The land that Yaakov purchased was later used for the burial of Yosef's remains.

Chamishi - 5th Aliya - 42 p'sukim - 34:1-35:11

The SDT to the left about a connection between Yaakov's hiding Dina and the episode of her abduction is borne out by the juxtaposition of the two portions, but more so by the fact that VATZEITZEI DINA is a Parsha S'tuma, a closed parsha, which means more of a connection to the previous parsha than a P'tucha would indicate. And add to this that the parsha after the Dina episode is p'tucha.

[S> 34:1 (31)] Dina (who had been hidden from Eisav) now goes out to explore the "local attractions". She is kidnapped and raped by Sh'chem who then falls in love with her. His father proposes an alliance with Yaakov's family for the purpose of intermarriage and fusing of their cultures. Shimon and Levi trick Sh'chem and his people into circumcising themselves. When the people are weakened, Shimon and Levi kill them to avenge what was done to Dina. Yaakov is upset at what they have done (perhaps not - some commentaries say he was upset at not being consulted in the first place), but they defend their actions.

[P> 35:1 (8)] G-d tells Yaakov to move to Beit-El and build an altar there. Yaakov rids his household of idols. G-d prevents the locals from pursuing Yaakov and family to avenge the killing of the people of Sh'chem.

Rivka's nurse Devora dies and is buried. (There is a Tradition that Rivka died at this point too. Some suggest that the Torah was silent about Rivka's death because Yaakov was not around to tend to her burial, only Eisav was.)

[P> 35:9 (14)] G-d appears once again to Yaakov and blesses him. He confirms the new name Yisrael (which is used alongside the name Yaakov, each having different connotations).

Shishi - 6th Aliya - 37 p'sukim - 35:12-36:19

G-d reiterates His promise of the Land to Yaakov and his descendants. Yaakov erects another monument to mark the place at which G-d appeared to him. Rachel gives birth to Binyamin (11th of Cheshvan) and dies in childbirth. She thanks G-d with her dying breath for her having a second son. She is buried on the "road to Efrata"

and her burial place is marked "even unto this day".

Reuven "commits an indiscretion" with Bilha...

SDT The Gemara states: Anyone who thinks that Reuven actually slept with Bilha, as the literal translation of the pasuk would indicate, is grossly mistaken. Some say that Reuven moved Yaakov's bed from the tent of Bilha - where Yaakov had placed it after Rachel's death - into his mother's (Leah's) tent. The Torah's cryptic description of what he did is considered a sharp rebuke of his actions, which were disrespectful to his father. Nonetheless, he was motivated by protective jealousy for his mother Leah. The Mishna states that when the Torah was translated into Aramaic during public Torah reading, this pasuk was not translated. It was read, but it was left without TIRGUM so as not to mislead and confuse the people. This is a glaring example (of which there are many more, as well as more subtle ones) of the inability to understand the Written Word without its inseparable partner, the Oral Torah. This is so for "story" parts of the Torah, as well as Halachic texts. This is the tragedy of the translation of the Written Torah into other languages. This is the tragedy of the nations of the world clutching their bibles and thinking that they hold in their hands the Word of G-d. They hold only part of the Word of G-d which is so easily misunderstood and perverted in the absence of its Oral part.

[P> 35:23 (7)] ...the sons of Yaakov are 12.

SDT This statement is part of the same pasuk (although it begins a new parsha) as the statement about Reuven's deed. This is considered proof of the Talmudic statement mentioned above. Had Reuven actually sinned, he would not immediately be acknowledged as one of the sons of Yaakov, he would have been ostracized, or worse. Additionally, he is identified as Yaakov's B'CHOR in the very next pasuk.

Yaakov's sons are enumerated. Yaakov returns to his father's home. Yitzchak dies at 180 and is buried by Yaakov and Eisav.

[P> 36:1 (19)] Eisav's descendants are enumerated.

The fact that this is done at this point in the Torah, before the Torah continues with the accounts of the family of Yaakov seems to say: Let's finish up with Eisav first, before we continue with the important line of descent. Eisav is a force in this world, but he is not the reason for its existence. I (says the Torah, so to speak) am not yet ready to continue telling about Israel; I'll get to it after this business is out of the way.

Another reason offered for the detailed presentation of Eisav's lineage is a rebuke of sorts for Yaakov's humbling himself before Eisav. Call him your master and you his servant, says G-d (so to speak), then I will establish him and his line of royalty in their own land many years before you and your descendants are ready for nationhood and their own kings.

Shvi'i - 7th Aliya - 24 p'sukim - 36:20-43

[S> 36:20 (11)] The Torah continues naming the descendants of Se'ir the Chori. These are the people who lived in the land of Edom before Eisav's clan received it. Eisav married Oholivama of Se'ir and Eisav's eldest son Elifaz married (actually, took as a concubine) Timna from Se'ir. Eisav "had a life" in Canaan, and then when the clan moved to Se'ir there are other wives and children who become family heads.

[P> 36:31 (13)] Finally, the Torah enumerates the kings that ruled the city-states of Eisav/Edom/Se'ir, "even before

there ruled a king in Israel". Israel must still go through many stages of refinement and pass through many trials and tribulations before they are to emerge as The People of Israel.

The last 4 p'sukim are reread for the Maftir.

Haftara - 21 p'sukim - The book(let) of Ovadya

Some communities read different Haftaras.

The ongoing battle between Yaakov and Eisav is the main theme of the prophecy of Ovadya. The prophecy focuses on the ultimate judgment that Eisav's descendants face; G-d will emerge as the true King of all. The Haftara "answers" the question raised in the sedra as to what are the real feelings of Eisav to Yaakov.

from page 3 PARSHA PIX

Silhouettes of the animals Yaakov sent as gifts to Eisav. Each animal has the number of males and females sent. The second 30 on the camel is not mentioned in the text, but is based on Rashi, that there were an equal number of males that accompanied the "nursing camels". This Rashi got from a Midrash. The plain reading (assisted by the TROP notes) is that female camels and their male offspring together totalled 30.

Another note about the animals in Yaakov's gift to Eisav. In reference to donkeys, the Torah mentions 20 ATONOT. ATON is a female donkey. And AYARIM, 10 of them. AYAR is a male donkey. Plural, AYARIM. When the connecting VAV is added to it (see B'reishit 32:16), the VAV gets a PATACH and the CHATAF-PATACH of the AYIN changed to a SH'VA, rendering the word a little difficult to pronounce. First syllable is VAV/PATACH and AYIN/SH'VA NACH. For Ashkenazim who don't give any sound to the AYIN, the syllable seems to be open, but it is really closed.

One the lighter side of this word for male donkey, one can wonder if there is a connection between the Hebrew word and the name of Winnie the Pooh's donkey friend EYORE.

The ribbon bow among the silhouettes represents the gift aspect of the animals.

The two ancient-looking jugs are the small vessels that Yaakov went back for after he brought his family across the YABOK river.

Notice between the SOLD sign and the tree is the emblem of the WWF. We do not know if Yaakov and/or the Sar shel Eisav were members, but see if your kids can identify the emblem and make the connection.

The SOLD sign over the FOR SALE sign is for the purchase of the land in the Sh'chem area by Yaakov Avinu for 100 K'sita.

D'vora (the bee) was buried under the crying tree. The baby carriage is for Binyamin.

Keve Rachel is Keve Rachel.

The sword was used by Shimon and Levi to avenge what happened to Dina.

The die with six dots, for the six dots over VAYISHAKEINU. (In past years it was a visual TTriddle - but now we give it away. You can still use it on your children and guests (if they don't read TT) and see if they can figure it out.

That leaves us with two unexplained elements, this week's visual TTriddles.

By the way, we haven't pointed him out in a while, but the Pink Panther is the mascot of ParshaPix because they have the same initials. Maybe we'll let Peter Pan take over the job for a while. And maybe not. Every so often we wonder how many things get past the readers of TT without raising their curiosity.

THE JERUSALEM INSTITUTE OF JEWISH LAW Rabbi Emanuel Quint, Dean

Lesson # 260 • Pleas of the Paid Bailee

As seen from prior lessons, there are two distinct pleas that the bailee can put forth to absolve himself of liability for the loss of the object:

- (1) he may admit that he was a paid bailee but is absolved from payment for the loss of the object since it was lost through force majeure; or
- (2) he denies that he was a paid bailee, or claims that he returned the object to the owner. There is also another possibility:
- (3) he admits liability and wants to pay for the lost object.

The first plea is that the loss of the object came about through force majeure. The unpaid bailee is not liable if the object he is guarding is lost or stolen; he is liable only if the loss came about from his negligence. The paid bailee is liable not only for the loss occasioned by his negligence but also if the loss was occasioned by loss of the object or by theft; he is not liable if the loss or damage to the object resulted from force majeure.

The parties may between themselves agree to terms other than that of the law; such as the paid bailee always being liable for loss even if occasioned by force majeure, or he is never liable even if the loss is occasioned by his negligence, or any other agreements they may enter into.

Assume that the paid bailee pleads that the loss came about through force majeure, and there were witnesses to the occurrence. He must produce witnesses or he will be liable for the loss. If there were no witnesses present he may take the bailee's oath.

There are three oaths involved.

- (1) The bailee takes an oath that the object is not in his possession, and the loss was occasioned by force majeure.
- (2) The bailee takes an oath that he was not negligent in causing the loss of the object, nor was it lost by him, nor was it stolen from him.
- (3) The bailee takes an oath that he did not make unauthorized use of the object.

If the force majeure consisted of an armed robber, and he is then found, the bailee must bring the robber to Beth Din and prosecute the case for a money judgment against the robber, which money is paid to the owner.

The second plea is that there are other reasons that the bailee is not liable. He may plead that the conversation between himself and the owner did not establish his role as a bailee, or that he was an unpaid bailee rather than a paid bailee, and is not liable if the object was lost or stolen, or that there were stipulations regarding his liability and as a result of such stipulations he is not liable to the owner. Or the second party pleads that the owner never entrusted him with the object to guard. The second party takes a hesseth oath that what he claims is the accurate state of facts and is absolved of liability.

There is a third possible plea: the bailee admits liability, as for example he admits that the object was stolen and he desires to pay for the object. Assume that the object is (1) of the type that is readily available and may be easily purchased by the bailee, and (2) is of uniform quality. He pays for the object and is free of any oaths. If one of these two criteria is lacking, he goes through the procedure of the next paragraph.

If the object is unique or a type that is not readily available in the marketplace, the procedure is different. The unpaid bailee takes an oath instituted by the Rabbis of the Talmud similar to the first oath listed above. The bailee then makes payment for the object. If there is a dispute between the owner and the bailee as to the value of the object, the bailee takes an oath as to its value. Although the bailee must take oath, he is absolved from taking the other two oaths. There is authority that the owner can require the bailee to take oath (1) even if he has already accepted payment of the object from the bailee.

If the object was lost because it was stolen, and the bailee paid the owner for the lost object, and the thief is found, he pays the value of the object to the bailee.

The Bailee Hires the Owner

The bailee is not liable to the owner for not returning the object to him if the owner was present and working for the bailee when the bailee took possession of the object. This is true even if the owner was not working for the bailee at the actual time when the object was lost even by the negligence of the bailee. However, the bailee is liable if he intentionally damages or destroys the object.

The owner entrusts an object with any of the four types of bailees. The bailee hires or borrows the services of the owner together with the delivery of the object to the bailee, or the owner was already in the employ of the bailee as a paid employee or his services were borrowed. The bailee has no liabilities to the owner even if the bailee is negligent in how he guards the object. (The bailee is liable if he intentionally damages or destroys the object.) But if the bailee first became a bailee of the object and there- after hired or borrowed the services of the owner, the bailee is liable the same as any other bailee; he must pay for the loss even if the owner was present when the loss occurred. Conversely, if the owner was hired or borrowed when the object was delivered to the bailee, the bailee is free of liability even if the owner is not present when the loss of the object occurs.

There are thus situations when a bailee will not be liable to the owner of the object he is guarding even if the bailee is negligent, because the owner of the object is in the employ of the bailee. There are situations where Reuven and Shimon exchange services, each guarding the object of the other, or one guards and one borrows, or both borrow. The lender renders a service to the borrower, albeit small, when he prepares the object to be loaned. In the reported cases, the person is either liable because he is not a bailee who has hired the owner, or he is not liable because he has hired the owner under the conditions as set forth above, such as the owner being in the employ of the bailee when the bailee takes possession of the object. Since the law is the same in all four classes of bailees, it also applies to the borrower, who is one of the types of bailees. There is an authority that lending does not constitute being hired by the borrower, and thus those laws that follow in which the lender is considered to be an owner hired by the borrower do not apply and the borrower or other person who is guarding the object is liable.

The subject matter of this lesson is more fully discussed in volume VIII chapters 305 of A Restatement of Rabbinic Civil Law by E. Quint. Copies of all volumes can be purchased via email: orders@gefenpublishing.com and via website: www.israelbooks.com and at local Judaica bookstores. Questions to quint@inter.net.il

MEANING IN MITZVOT

by Rabbi Asher Meir

Each week we discuss one familiar halakhic practice and try to show its beauty and meaning. The columns are based on Rabbi Meir's Meaning in Mitzvot on Kitzur Shulchan Arukh

Tearing the Hair in Mourning

"You are the children of HaShem your G^d; don't cut yourselves, nor make baldness between your eyes for the dead" (Devarim 14:1). The second half of the verse forbids a pagan mourning custom of tearing out the hair; it is clear that "between your eyes" actually refers to the hair above the forehead (SA YD 180:9-12).

Several Rishonim explain that this mitzva is the basis for the directive of our Sages forbidding excessive mourning (Ramban and Chinukh, as ruled in SA YD 394). The usual understanding is that excessive mourning shows a lack of faith in HaShem's providence and in the World to Come.

Rav Natan of Breslav in Likutei Halakhot on this mitzva adds an additional consideration: excessive mourning involves a preoccupation with death. "Thus we are commanded not to grieve too much over the dead, so as not to invite the aspect of death, G^d forbid; rather, we need to put it out of our mind and forget it."

Rav Natan explains that a defining characteristic of pagan worship is that it reconciles itself to the reality and importance of death. This contrasts with the Torah, which is a Torah of life, affirming the reality and ultimate sanctity of life in this world. (This is explained in depth in Rav Kook's Orot HaKodesh vol.II p. 488.) As a result, idolaters are constantly concerned to remind themselves of death, and when they mourn they strive to make a permanent reminder. "Idol worshipers, who are far from sanctity... are from the Other Side, the side of death, therefore they want to augment, G^d forbid, the Other Side, and thus they make baldness or cuts on their dead in order to remember them."

(This approach is strengthened by the fact that this law primarily prohibits a permanent uprooting of hair, just as cutting the flesh creates a permanent scar and the related prohibition on tattoos forbids a permanent mark in the flesh.)

We explained last week that the expression "between your eyes" regarding the head tefillin also refers to the scalp above the hairline, and that this is learned from the prohibition on tearing the hair in mourning. Rav Natan explains that these commandments are intimately related: we are constantly concerned to remind our-selves of holiness, thus we bind tefillin specifically to the top of our heads, the place of our highest faculties; we may point out that part of the mitzvah is not to distract ourselves from their presence (SA OC 37:2). Idol worshipers choose this exact place to make a remembrance of death.

Let us sharpen this contrast a bit. The Torah also commands the mourner to make a permanent reminder of his or her loss, by tearing the garment. The tear for a parent may never be permanently mended (YD 340:15). Yet the true symbolism of this mitzva is exactly the opposite of preoccupation with death; the deeper message is one of renewal. The ultimate result is that the old, torn garment is put aside and a new garment is acquired. Thus, the prohibition on mending the original torn garment is an impetus to make an even more thorough renewal than would otherwise take place.

Please note: The manuscript for Meaning in Mitzvot on the Kitzur Shulchan Arukh is in its final stages of preparation. The book will be distributed IY"H by Feldheim. There still might be an opportunity for anyone who would like to make a dedication or otherwise be a partner in the publication of the first printing of the book. Please contact Rabbi Meir by e-mail: mail@asherandattara.com

Rabbi Meir authors a popular weekly on-line Q&A column, "The Jewish Ethicist", which gives Jewish guidance on everyday ethical dilemmas in the workplace. The column is a joint project of the JCT Center for Business Ethics, Jerusalem College of Technology - Machon Lev; and Aish HaTorah. You can see the Jewish Ethicist, and submit your own Qs — www.jewishethicist.com or www.aish.com

TANACH

Spiritual and Ethical Issues in the Historical Books of Tanach; JOSHUA, JUDGES, SAMUEL, KINGS (Nevi'im Rishonim) by

Dr. Meir Tamari

A Halt in the Slide to Destruction and Exile (4)

The Diplomatic Exchange that was a Theological Discussion (Melachim Bet 18,19)

A new power had arisen in the Middle East and the political vacuum in which the Jewish political entity had flourished in Eretz Yisrael since the Exodus, came to an end. For over 1000 years the two super powers, Egypt and Bavel were equally powerless to exert authority over the Fertile Crescent, but now Assyria in Northern Mesopotamia had defeated both of them and began destroying the many smaller kingdoms as well; Aram, Edom, Moav, Tyre and Zidon all collapsed. The Assyrian king Sargon then carried the 10 tribes of the Northern Kingdom of Israel into exile and destroyed that kingdom. His son, Sennacherib, now turned to Judah and Chizkiyah's king. He levied a heavy tax for which the king had to remove even the golden hinges of the gates of the Temple. When the king as a ruse to gain time to fortify the city and bring the waters of the Gichon by the Shilo'ach tunnel into the city walls, thus denying them to the enemy, failed to fulfill the rest of the levy, the Assyrians attacked. First they besieged Lachish a major fortified city south of Kiryat Gat. In the British Museum we have the casts of the huge carvings that Sennacherib adorned the walls of his palace in Nineveh, describing in great detail the siege, capture and exile of its citizens. However, our interest must surely lie in the religious nature of the message borne by the delegation of notables that he sent to Yerushalayim demanding not tribute, but total surrender.

The three delegates of high-ranking army and administrative officials came with an army and, finding the gates of Yerushalayim closed before them, camped on the grounds of what today we call the Russian Compound. Rabshakeh, an official title and not his personal name, the leader of the delegation, according to Chazal, was a Jew, an apostate to idolatry (Sanhedrin 60a); perhaps even a son of Chizkiyah and a brother to the idolater son Menasheh who succeeded as king (Targum Kohelet 10:9); a phenomenon that unfortunately is well known to us from every period of our history. Some say that he believed in idols while others hold that, like Achav, he worshiped Hashem together with others; in both cases that is idolatry. He spoke Ivrit so that all the people gathered on the

city walls would understand Sennacherib's threat of destruction and exile, much to the chagrin of the Israeli delegation that did not wish to alarm the informed public; that obviously was Rabshakeh's plan. Furthermore, he used his knowledge of Torah to carefully point out the difference between the scorched earth that the Assyrians meant to leave behind in Judah and the land that they would be exiled to. "I will take you to a land of grain and wine, a land of bread and vineyards... of olives and honey" (32). He knew that these words would conjure up in the minds of the Jews Hashem's Promised Land: "Of wheat, barley, vines, figs, pomegranates, olives and date-honey" (Dvarim 8:8).

We are told right at the beginning of his reign, that Chizkiyah, "trusted in the G-d of Israel; there was none like him [in that trust], among the kings of Judah neither before him nor after him" (5). The main thrust of Rabshakeh's argument was to challenge and question that trust.

His strategy to prove that nothing could save Yerushalayim, was two-pronged, one political and the other spiritual-religious:

He mocked the ability of Egypt to be of any military help, either in horses for chariots or horsemen and soldiers, to the Judean revolt.

Far more startling is the challenge to Chizkiyah's belief and trust in Hashem.

First, Rabshakeh's argues that the gods of other nations, including the kingdom of Israel-Shomron, were powerless to save their followers and there is no reason to trust that Israel's G-d will be more successful. Then he argued that Chizkiyah's destruction of the idols, asherahs and altars to avoda zara that the people had believed in, had left Yerushalayim defenseless. Finally, the Assyrians were to destroy the city as a G-d-given duty before which there was no protection. In this he referred to the prophecies of Isaiah that G-d would send Assyria to destroy Yerushalayim (Isaiah 7:17; 8:8-9)

However, he left out of his political-religious case the possibility and promise of teshuva, that ever-present Divine Mercy grants to all humanity; the teshuva that would postpone the fate prophesied by Yeshayahu.

Chizkiyah demonstrated teshuva by the eradication of the bamot, both those to Hashem and those to avoda zara, purifying the Mikdash and calling Israel to the mass celebration of Pesach. Now he rent his kingly garments, as did David and others, in abasement and sorrow and fear at any wrong actions; all the rules of teshuva- acknowledgement of the sin, shame, and actions to correct wrongdoing. Then he prayed, a prayer that echoes many phrases from those of David and Shlomo and that have entered our siddurim. [the bracketed phrases are Abarbanel's comments]:

"Lord G-d of Israel [it is proper that You take pity on Your people], Who dwells between the Cheruvim [how can You therefore let Sennacherib destroy Your dwelling place?] You alone are G-d of all the Kingdoms of the Earth [so how can he call himself the great king]. You made the heavens and the earth [so it is easy for You to destroy the enemy]...Deliver us from his hand so that all the kingdoms of Earth should know that You are the Lord G-d alone [that salvation will thereby be a Kiddush Hashem]".

Yeshayahu replied to that prayer: "Concerning Sennacherib, the daughter of Zion, you have insulted and blasphemed ...and through your messengers you have insulted Me and threatened Me [Sennacherib thought he would first destroy G-d's House here on Earth and then later destroy His dwelling above (Radak

based on Sanhedrin94b)] ...He shall not enter this city neither shall he shoot there an arrow... By the way he comes to attack so he shall return. And I will protect this city to save it for My sake".

G-d passed over Egypt and killed their first-born without Israel having to do anything. Moshe at the Red Sea had told Israel, "The Lord will fight for you, you shall hold your peace". So too now, "That night at midnight, an Angel of the Lord went out and slew 185,000 of the camp of Assyria... And Sennacherib turned and went away and returned to Nineveh. While he was prostrating himself in the temple of his idol, his two sons rose up and slew him" (19: 35-37).

"Hashem is a man of war, Hashem is HIS NAME" (Exodus 15:3), and David said: "For the battle is the Lord's" (Shmuel Alef 17:47).

This is the 60th installment in Dr. Tamari's series on "Tanach and its messages for our times"

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[9] From the desk of the director

[1] From the virtual desk of the OU **VEBBE REBBE**

The Orthodox Union – via its website – fields questions of all types in areas of kashrut, Jewish law and values. Some of them are answered by Eretz Hemdah, the Institute for Advanced Jewish Studies, Jerusalem, headed by Rav Yosef Carmel and Rav Moshe Ehrenreich, founded by HaRav Shaul Yisraeli zt"l, to prepare rabbanim and dayanim to serve the National Religious community in Israel and abroad. Ask the Rabbi is a joint venture of the OU, Yerushalayim Network, Eretz Hemdah... and the Israel Center. The following is a Q&A from Eretz Hemdah...

Q When taking part in a kiddush after davening on Shabbat morning, what are the requirements of how much of what food(s) I have to eat?

A We will start with the background and the standard instructions for eating after making or hearing kiddush. We will then see some points of possible leniency. It is noteworthy that common practice is to employ leniency regarding this kiddush, and that Poskim confirm the appropriateness of that tendency. Although the basic principles are much the same for kiddush at night and day, the practice and the lenient approach is much more prevalent in the kiddush of the day, to which our discussion is limited.

The gemara (Pesachim 101a) brings the opinion of a few Amora'im that kiddush needs to be made at the place of a meal,

and the Shulchan Aruch (Orach Chayim 273:3) rules this way. The source is the pasuk in Yeshaya (58:13), "and you shall call Shabbat a delight", from which we derive that the proclamation of the day of Shabbat (kiddush) should be connected to partaking in delights (a meal). Yet, in describing an actual case, the gemara talks about tasting something after kiddush, from which halachists of all generations understood that a full meal is not necessary to validate the kiddush. But the question remains: how much is needed and of what foods?

The Tur (Orach Chayim 273) cites the Ge'onim as follows: "Even if he ate a little bit or drank a cup of wine upon which he is required to make a beracha, he fulfilled [the obligation of] kiddush... but only if he ate bread or drank wine, but fruit, no." The Acharonim (including the Magen Avraham 273:10) reason that the need to have enough for a beracha must refer to the beracha after eating, as before eating, one requires a beracha on any amount. The amount one needs to eat is, therefore, a kazayit (the size of an olive, or, roughly, 1 fl.oz.) of solid food or a revi'it (roughly, 3 fl. oz.) of wine. (One can argue that revi'it is too much or too little (see Mishna Berura 273:22,29). We anyway advise avoiding using wine or grape juice to fulfill the meal requirement, because at many (most?) public kiddushes there is not sufficient wine for many people to drink so much. Of course, derech erez is an important concern from any healthy, Jewish perspective.)

The Magen Avraham (ibid.:11) uses the Ge'onim's logic to extend the list of foods one can eat. This is because food made from the five major grain species are more meal-like than wine, as we find in the context of the requirements of seuda shlishit. Most Acharonim assume that such foods need not be pat haba'a b'kisnin (cake and the like, which are closer to bread). Rather, any food that gets the beracha acharona of "al hamichya" suffices (see Shemirat Shabbat K'hilchata 54:22).

The preceding are the standard recommendations for meeting the halachic requirements of kiddush. However, we want to mention some less standard, yet legitimate, lenient positions. The Chayei Adam (6:22) says that if one is somewhat weak and does not have grain-based food, he can rely on the opinion that even fruit (or, apparently, any food) is sufficient. The Sha'arei Teshuva (273:7) says that every person who wants to use the kiddush to eat and/or to fulfill the mitzva must himself eat the requisite amount of the correct foods. However, B'tzel HaChochma (IV 2) brings a minority view that it is sufficient for one person from a group that took part (recited or listened) in a given recitation of kiddush to eat. Once someone connects the kiddush to a meal, others can rely on the kiddush without connecting it to their own meal. One should know these opinions before correcting others (which should generally be avoided when not absolutely necessary) and to use in extenuating circumstances. Several poskim indicate that circumstances need not be dire in order to apply reasonable leniency in this matter, which, while we do not treat it lightly, is not a particularly severe area of halacha. Such situations include (but are not limited to) cases where there is not enough cake for all or when a person has health concerns about eating carbohydrates at that time.

Ask the Rabbi Q&A is part of Hemdat Yamim, the weekly parsha sheet published by Eretz Hemdah. You can read this section or the entire Hemdat Yamim at www.ou.org or www.eretzhemdah.org. And/or you can receive Hemdat Yamim by email weekly, by sending an email to info@eretzhemdah.org with the message: Subscribe/English (for the English version) or Subscribe/Hebrew (for the hebrew version). Please leave the subject blank. Ask the Vebbe Rebbe is partially funded by the Jewish Agency for Israel

[2] ArtScroll Series • Mesorah Publications Ltd.

A TOUCH OF WISDOM A TOUCH OF WIT by Shmuel Himelstein

Two wealthy merchants came to R' Binyamin Diskin to rule on a complicated case. There were 5000 rubles involved, and they entrusted this sum to him until the conclusion of the case.

A few days later, one of the merchants approached R' Binyamin and begged, "Rebbe, I am in urgent need of 2000 rubles to pay a note that has come due. Please do me a favor and lend me the money from the amount we left with you. In a few days, I'll return the sum to you."

R' Binyamin did not answer him. "Don't you trust me Rebbe?", the man asked.

R' Binyamin answered, "Of course I trust you, but the other merchant already asked me to lend him 4000 rubles of the money in my safekeeping."

"Rabbi", said the man angrily, "How could you lend him the money without my being present or knowing about it?"

"Don't worry", said R' Binyamin. "I only said that he asked for the money. I acted according to the law and didn't give him a single ruble."

Shmuel Himelstein has written a wonderful series for ArtScroll: Words of Wisdom, Words of Wit; A Touch of Wisdom, A Touch of Wit; and "Wisdom and Wit" — available at your local Jewish bookstore (or should be). Excerpted with the permission of the copyright holder

[3] Candle by Day

There is hardly a more worthwhile investment than the paying of attention. - From A Candle by Day by Rabbi Shraga Silverstein

[4] CHIZUK and IDUD

(for Olim & not-yet-Olim respectively)

The struggle between Yaakov and Esav that began in their mother's womb was waged, according to Rashi (Bereishit 25 22), over who would rule both this world and the World to Come. Yaakov believed that both worlds belonged to him because the eternal sanctity of the World to Come finds expression also in this world which serves as a corridor to life in the World to Come. Esav - whose understanding of eternity detached it from true sanctity - fought to make both worlds his own.

Midrash Yalkut Shimoni (Toldot 111) teaches that this prenatal conflict was resolved by awarding this world temporarily to Esav and the World to Come to Yaakov. Esav later confirmed this settlement with the sale of his birthright. When Esav saw that Yaakov was returning from Lavan laden with the material blessings of this world, he protested: if God has given Yaakov so much of what is not his domain, how much more will he give Yaakov in the World to Come which is his by agreement?

Yaakov, however, did not see the wealth that he amassed outside of the Land of Israel as anything but a means to strengthen his ownership of the Land of Israel. Declaring "the wealth of Chutz LaAretz unworthy of being retained by him" (Rashi Bereishit 46 6), he first used it to bribe Esav and then left it all to Esav in return for Esav's share in Ma'arat HaMachpela (Tanchuma Vayishlach 11).

By doing so, Yaakov set an example for all times; we today should see material success in Chutz LaAretz as Yaakov saw it: as a means to facilitate Aliya and redeem the Land of Israel.

Rabbi Jonathan Blass, Neve Tzuf

TORAH THOUGHTS as contributed by Aloh Naaleh members for publication in the Orthodox Union's 'Torah Insights', a weekly Torah publication on Parshat Ha'Shavuah

[5] MicroUlpan

You know the thing above some doors that automatically close the door after someone opens it and passes through? MEIGIF DELET - What's it called in English?

Different kind of word to share with you this time. A word everyone knows but some people mispronounce some of the forms of the word. Ready? Queen? MALKA. Correct. Queens? M'LACHOT (not MALKOT). Queen of? MALKAT. Queens of? MALCHOT (not MALKOT).

[6] Torah from Nature **Gila Monster**

Reptiles subdivide into four categories (orders): Chelonia (turtles, tortoises, terrapins); Chrocodillia (alligators, caimans, crocodiles, gavials); lizards and snakes; and the tuatara we met two weeks ago.

There are about 3000 species of lizards, of which only two are poisonous: the beaded lizard of Mexico and the Gila Monster of southwestern USA.

The Gila monster is a large, heavy-bodied lizard reaching up to 40cm... large head, small, beady eyes; short and fat tail... powerful jaws, short sturdy digging legs... gaudily patterned and has brightly colored bead like scales on its back... black tongue... most commonly found in mountain foothills... may use burrows dug by other animals, or construct burrows of its own. ... prey on newborn rodents, rabbits, and hares, ground nesting birds and lizards, eggs from birds, lizards, snakes and tortoises... active mainly during the day from March through November... spend most of their time in their subterranean shelters... average of 5 eggs, but as many as 12... laid in late summer... venom is produced in glands in the lower jaw and expressed along grooved teeth as the animal bites (not injected, as in snakes). Once the lizard bites, it generally holds on and chews more of the venom into its victim... rarely life-threatening to humans, but... venom is a defensive weapon... does not need venom to subdue its defenseless prey... but the intense pain caused by the venom readily causes a predator to change its mind... it will bite with amazing speed...

[7] **SDT** One Chassidic Master put it this way: When a Jew is facing a threat from an Eisav-type and needs help, he may even bother heavenly angels for their support.

[8] **Rabbi Emanuel Quint is Number Nine**

Halacha, Jewish law deals with all aspects of a Jew's life. It tells one what to do from the time he wakes up in the morning, until he goes to sleep at night, and from the time he is born until he dies.

Many people including some observant Jewish people do not realize that Jewish law also includes monetary law. Too many people think that Jewish law encompasses only the laws of the Sabbath, Jewish holidays, laws of what is kosher, and synagogue ritual. Perhaps the reason for this is although much has been written about Jewish ritual law, there have heretofore been only eight codes since the close of the Talmud dealing comprehensively with this subject matter.

The eight codes are:

R. Isaac b. Yaakov Alfasi. (Rif; 1013-1103) The first major code and is an abridgement of the Talmud. Generally follows the Sephardic traditions.

Maimonides. (Rambam; 1135-1204) The greatest attempt ever made to arrange the entire mass of the Oral Law in a clear, orderly, logically coherent manner.

R. Asher b. Yehiel (Rosh; 1250-1327) His compendium, like that of Alfasi is an abridgement of the Talmud and also gives expression to the traditions of the Franco-German scholars.

R. Jacob b. Asher (Tur; 1280-1340) Arranged all of the laws that Jews practice today in four rows (Arba Turim) according to subject matter.

R. Yosef Karo (Shulchan Aruch – set table; 1488-1575) Wrote a commentary on Tur and digested this large work into the Shulchan Aruch. Sephardic approach.

R. Moshe Isserlis (Mapa - tablecloth to the Shulchan Aruch of R. Karo; 1520-1572) These are additions to the laws as stated by R. Karo and set forth the Franco-German views.

R. Mordechai Jaffe (Levush, 1530-1612) Followed the order of the Tur and Shulchan Aruch and set forth the decision as he saw them in practice and often gives reasons for his decisions.

R. Yechiel Michel HaLevi Epstein (Aruch haShulchan, 1829-1908) novellae and halachic rulings on the four parts of the Shulchan Aruch

Rabbi Quint enters into the pantheon of this illustrious group by completing his Restatement of Rabbinic Civil Law. With the just published Volume Ten, the set completes all 427 chapters of the totality of Jewish Civil law as organized by Tur and Shulchan Aruch. What makes this work so user friendly is that Rabbi Quint's chapters correspond to the chapters of the Shulchan Aruch. His copious footnotes elucidate the text when necessary.

Restatement of Rabbinic Civil Law is the first restatement of Jewish Civil law in English and thus makes the knowledge of Jewish Civil law accessible to tens of millions of people who do not read or understand Hebrew.

More importantly, it is written for educated laymen and one does not require any knowledge of either law or Jewish or Rabbinic literature to comprehend the subject matter. The style is a lucid and clear prose and gives the reader insight into areas that he didn't know even exist in Judaism. He realizes that those areas that he thought are only part of 20th-21st century matters in business, commerce and every day living are also included in Jewish law.

The subject matter of the volumes are as follows:

Volume 1: Laws of: Judges; Evidence; Role of the Woman in the Beth din System

Volume 2: Laws of Loans

Volume 3: Laws of: Pleadings; Oaths

Volume 4: Laws of: Collection of Debts; Collection from Heirs; Mortgages; Agency; Guarantee; Presumption of Ownership of Real Estate

Volume 5: Laws of: Presumption of Ownership of Real Estate; Injuries to Neighbors

Volume 6: Laws of: Partnerships; Agents; Sales;

Volume 7: Laws of: Discrepancies in Sales; Gifts of a Healthy Person; Gifts Causa Mortis;

Volume 8: Laws of Lost and Found Objects; Inheritance; the Unpaid Bailee;

Volume 9: Laws of: the Paid Bailee; the Lessee; Labor; Borrowing of Objects; Stealing; Robbery

Volume 10: Laws of Torts

Each volume has its own index. There will be a cumulative index of all ten volumes published shortly.

Today, more and more Jews are relying on having their business deals and commerce governed by Jewish law, and by having their disputes adjudicated by a Beth Din according to Jewish law. This work can help understand the process and laws regarding a Beth Din.

These volumes will make a welcome addition to the libraries of individuals and certainly to libraries of synagogues, schools, and general libraries.

Rabbi Quint, is an attorney by profession. He was also a volunteer Rosh Yeshiva at Yeshiva University Kolel both in America and Jerusalem. He and Rabbi Steinsaltz organized the Jerusalem Institute for Jewish Law, and Rabbi Quint is the dean and Rosh Kolel. He, together with Professor Neil Hecht, authored a two volume work called "Jewish Jurisprudence". These two volumes bear the approbation of the Gaon, Rabbi Joseph B. Soloveitchik.

The Israel Center proudly salutes Rabbi Quint for this monumental achievement.

[9] **Divrei Menachem**

Parshat Vayishlach recalls one of the most dramatic epics recorded in the Torah: Yaakov, fleeing from the wicked Lavan, returns to his homeland, only to face a more treacherous adversary, his brother Esav.

Before the fateful encounter, and with all desperate measures taken, the lonely Ya'akov confronts "a man". There is a struggle; Ya'akov is wounded. Yet Ya'akov prevails over the persistent antagonist, designated by our rabbis as Esav's guardian angel.

When the sparring partners are done, Ya'akov asks his opponent to identify himself - but the angel refuses to comply (Bereishit 32:30). Ostensibly, says Rashi, because the names of angels change according to their designated assignments.

However, when it comes to our human enemies, it is clear that whatever their guise and by whatever name they are known they share but only one ugly goal. And in the face of that reality, we, like Ya'akov, hold steady to the exalted name of Yisra'el, an accolade that reflects Ya'akov's potential to rise above his wounded pride and the lowly image thrust upon him by his dastardly detractors. And thousands of years later we still declare: "Shema Yisra'el HaShem Elokeynu HaShem Echad!"

Shabbat Shalom, Menachem Persoff

SHEYIBANEH BEIT HAMIKDASH...

A series of articles on Beit HaMikdash-related topics by Catriel Sugarman intended to increase the knowledge, interest, and anticipation of the reader, thereby hastening the realization of our hopes and prayers for the rebuilding of Jerusalem and the Beit HaMikdash.

Logistical Speculations!

One of the goals of this series of articles on the Beit HaMikdash is not only to "increase the knowledge, interest, and anticipation of the reader" but to also stimulate TT readers to actively study Hilchot Beit HaMikdash, Korbanot, Tum'a & Tahara, etc. in our classical sources. Review the Chumash, the Mishna, Gemara, Rambam, the Meforshim, historical works and read some of the excellent new books now available! Try to understand the underlying philosophy of the Mikdash as elucidated by the Ramban, the Malbim and so incisively explained by Harav Shimshon Raphael Hirsch! I always love to grapple (I try to anyway!) with some of the logistical problems which cropped up in the day to day life in the Mikdash. Recently I received an email containing some fascinating speculations and I want to share them with you. While I do not vouch for the accuracy of the numbers cited, I found them extremely interesting. Think Mikdash!

"Catriel, let's make a rough calculation: In a total population of 2 million people, 1 million are men. In a traditional Jewish population, 1/12 or 1/13 would have been from the Tribe of Levi (1,000,000/12 = or 83,333) [more now with the Lost 10 tribes, but I am being conservative in my calculations]." (Some 80 years after Cyrus King of Persia first permitted the Jewish exiles in Bavel to return home, Ezra HaSofer led a group of returnees back to Jerusalem (458BCE). This group numbering 1496 men and their families, but did not include "sons of Levi". Ezra, distressed by this deficiency, later persuaded 38 Levites to join him (Ezra 8:15-19). Because of the minute number of Leviyim, after the passing of Nehemiah, the 'large tithe', which had Biblically originally been assigned to the Leviyim, was somehow "redirected" to the Kohanim. The Talmud asks, "Why were the Levites penalized (by being deprived) of the tithe? Because they did not go up (on mass to Jerusalem) in the days of Ezra." Yevamot 86b. Though no doubt many other Levites returned to Eretz Yisrael over the years, their percentage of the total Jewish population cannot have been very large. But unlike the Leviyim, most of the Kohanim did return. C.S.) If one out every 10 Leviyim were Kohanim, we have 8333 male Kohanim in the population. Divide that by 24 (each Kohein was assigned to one of 24 Mishmarot) and we have 347 Kohanim in each Mishmeret. (During Bayit Sheini, the Kehuna was divided into 24 subdivisions which were called Mishmarot - literally "watches". The Mishmarot changed every week and the Kohanim of the new Mishmeret would begin their Avoda on Shabbat. Each Mishmeret in turn consisted of smaller family divisions called Batei Av. Every day another Beit Av served in the Mikdash and on the Shabbat, representatives from all the Batei Av participated in the Avoda. During the Shelosh Regalim when more Kohanim were required, Kohanim from all the Mishmarot served in the Mikdash.)

"However, only Kohanim between the ages of 20 (or 25 or 30) to 50 served in the Mikdash which is about a third the normal life span, we have 347/3 or 116 Kohanim. Not all Kohanim were physically fit to serve. For example, lefties were left out. Lefties constitute about 1/11 of the population. Along with other disqualifications, there might be another 10% or so of the

Kohanim who could not serve. Let's say a total of 20% of the Kohanim were disqualified. $116 \cdot 0.2(116) = 93$ 'survivors'. (The Torah ordains, "For any man who has a blemish may not approach, a man who is blind or lame or flat nosed or (who has) one limb longer than the other; or a man who has a broken leg or arm; or has abnormally long eyebrows, or a membrane in his eye, or a blemish in his eye, or a dry skin eruption or a moist skin eruption, or has crushed testicles. Any man among the descendants of Aaron the Priest who has a blemish shall not approach to offer the fire offerings of G-d (Vayikra 21:18-21). In the 8th chapter of Hilchot Bi'at HaMikdash, Rambam list 90 disqualifications!) Thus, for every one million males in the Jewish population, about 100 fit Kohanim were available on a regular week for service in the Beit HaMikdash. With a population of 3 million males, 300 Kohanim would come.

On the holidays, however, there would be 24 times the Kohanim (and Leviyim). So for Pesach, Succot and Shavu'ot, with a population of 3 million males, some 7200 Kohanim would be present to serve in the Mikdash. And what about the Leviyim? If there are 9 Leviyim for every Kohein, then at least (since the disqualifying blemishes for the Leviyim were considerably less stringent) 64,800 Leviyim would come each holiday (and probably more like 75,000) or some 2700 for a regular week. The bottom line is that with a total Jewish population of some 6 million Jews over 3300 Leviyim and Kohanim would come to serve each week and over 82,000 on the holidays. (Historians vary considerably in their populations estimates of Diaspora Jewry, as well as the size of the Yishuv in Eretz Yisrael in Mikdash days. 6,000,000 might very well have been the total population of world Jewry, at least two-thirds of whom were disbarred from regular pilgrimage to Jerusalem because of distance. Therefore the number of required and available Kohanim and Leviyim would be considerably lower.) Somehow we forget the numbers. There are really only a handful of key jobs to be performed in the Temple. How many people do you need altogether? (True, not many Kohanim were required to offer the communal Korbanot but there were numerous private Korbanot as well. Large numbers of Kohanim were required just to sacrifice the two birds that every parturiens was obligated to bring. And Kohanim were accepting Bikurim throughout the summer and fall.) How many gates did the Leviyim have to guard? What was everyone else doing? Let's say that during a normal week we would have 2700 Leviyim. Assume 1/10 could sing and play instruments. That means some 270 were Meshoririm, singers. 270/7 days a week would leave us with 39 (say 40) singing and instrument playing Leviyim each day. Sounds reasonable. (Philo of Alexandria saw Levites cleaning the courtyards and doing repairs. They were not gate keepers nor were they singers or musicians.) There are 2700-270 = 2430 Leviyim left to guard the 12 gates. 2430/12 = 202 Leviyim per gate. There was probably multiple Leviyim guarding any one gate at the same time. Let's say four, two on the other side of the gate. There are 168 hours in a week. For each gate, we need 4 x 168 man-hours = 672 total man-hours. This we divide by 202 (672/202) and we find that each Levy will do a total of about 3.3 hours of guarding during his week (that's 200 minutes). On each holiday, either we increase the number of guards (logically given the increased crowds) or we reduce their time. Say we do both. If we multiply the number of Levite guards by four (resulting in 16 Leviyim at each gate) and we have 24 times the number of Leviyim and it comes out that each Levi at the gate will be on duty for only 1/6 x 200 minutes or 33 minutes for the entire Yom Tov. That's it." (Hey you out there! Can you do better?)

Towards Better Davening and Torah Reading

Couple of fine-tuning points from VAYISHLACH (but they can be applied to davening and even regular Hebrew speaking).

- Children. Y'LA-DIM. The children (as in B'reishit 33:5). Not ha-y'la-DIM, but hai-la-DIM. That's a little hard to get used to, but there are a lot of words that work the same way. The SH'VA under the YUD in Y'LADIM is a SH'VA NA. With the HEI prefixed to the word, the SH'VA becomes a SH'VA NACH and the YUD/SH'VA joins the HEI in the word's first syllable, rather than attaching itself to the LA syllable, as would happen with a SH'VA NA.

What makes this example more interesting is that it is a YUD whose SH'VA changes. That means that with a SH'VA NA, the YUD sounds like the consonant sound of a Y. Y'LADIM. But with a SH'VA NACH, the YUD is like the vowel sound of Y. Specifically, the combination of the PATACH under the HEI followed by a YUD comes out sounding similar to a long i sound as in the word rice. Not exactly, but close.

This last observation will probably produce feed-back from some of our veteran experts, but that's okay, because we haven't heard from them in a while.

- Look at 34:29. There's a word with two possible meanings, depending upon accent. SHA-vu means they returned. But sha-VU means they captured. Rashi points this out and explains why the word is to be pronounced MILRA. This would then be an example of a switched accent which changes the meaning and therefore, if read MIL'EIL, it would require rereading.

- He's another word to read carefully. 35:17. T'R'I. Rachel's midwife tells her not to fear - it's a boy. The first syllable is "ti" (as in drinking tea). The second syllable is R'I. If one mispronounces this as tir-i, the word changes meaning to "will see".

Better to "warn" the Baal Korei in advance if you think he doesn't know these fine distinctions, rather than waiting to catch him in a goof.

ParshaPix

Silhouettes of the animals Yaakov sent as gifts to Eisav. Each animal has the number of males and females sent. The second 30 on the camel is not mentioned in the text, but is based on Rashi, that there were an equal number of males that accompanied the "nursing camels". This Rashi got from a Midrash. The plain reading (assisted by the TROP notes) is that female camels and their male offspring together totalled 30.

Another note about the animals in Yaakov's gift to Eisav. In reference to donkeys, the Torah mentions 20 ATONOT. ATON is a female donkey. And AYARIM, 10 of them. AYAR is a male donkey. Plural, AYARIM. When the connecting VAV is added to it (see B'reishit 32:16), the VAV gets a PATACH and the CHATAF-PATACH of the AYIN changed to a SH'VA, rendering the word a little difficult to pronounce. First syllable is VAV/PATACH and AYIN/SH'VA NACH. For Ashkenazim who don't give any sound to the AYIN, the syllable seems to be open, but it is really closed.

One the lighter side of this word for male donkey, one can wonder if there is a connection between the Hebrew word and the name of Winnie the Pooh's donkey friend EEYORE.

The ribbon bow among the silhouettes represents the gift aspect of the animals.

The two ancient-looking jugs are the small vessels that Yaakov went back for after he brought his family across the YABOK river.

Notice between the SOLD sign and the tree is the emblem of the WWF. We do not know if Yaakov and/or the Sar shel Eisav were members, but see if your kids can identify the emblem and make the connection.

The SOLD sign over the FOR SALE sign is for the purchase of the land in the Sh'chem area by Yaakov Avinu for 100 K'sita.

D'vora (the bee) was buried under the crying tree.

The baby carriage is for Binyamin.

Kefer Rachel is Kefer Rachel.

The sword was used by Shimon and Levi to avenge what happened to Dina.

The die with six dots, for the six dots over VAYISHAKEINU. (In past years it was a visual TTriddle - but now we give it away. You can still use it on your children and guests (if they don't read TT) and see if they can figure it out.

That leaves us with two unexplained elements, which are this week's visual TTriddles.

By the way, we haven't pointed him out in a while, but the Pink Panther is the mascot of ParshaPix because they have the same initials. Maybe we'll let Peter Pan take over the job for a while. And maybe not. Every so often we wonder how many things get past the readers of TT without raising their curiosity.

TTriddles...

are Torah Tidbits-style riddles on Parshat HaShavua (sometimes on the calendar). They are found in the hard-copy of TT scattered throughout, usually at the bottom of different columns. In the electronic versions of TT, they are found all together at the end of the ParshaPix-TTriddles section. The best solution set submitted each week (there isn't always a best) wins a double prize a CD from Noam Productions and/or a gift (game, puzzle, book, etc.) from Big Deal

Last issue's (Vayeitzei) TTriddles:

- [1] Lavan gave, Yaakov got and gave Who got from Yaakov?
- [2] Prominent common verb of the BASH p'sukim of the sedra
- [3] Plymouth ball? No, that's not it
- [4] His uncle and first-cousin-once-removed each had these
- [5] [6] [7] 3 elements from the ParshaPix

And the envelope, please...

[1] VAI-CHABEK, and he hugged... There are other variations of this root, which are not part of this TTriddle, but the word VAV-YUD-CHET-BET-KUF only occurs twice in Tanach (both in B'reishit). Lavan gave Yaakov a hug (in Vayeitzei) and Yaakov gave a hug to Efrayim and Menashe in Vaichi.

[2] The BASH p'sukim, as in AT-BASH, are the second and next-to-the-last p'sukim (as BET is the second letter and SHIN is the penultimate letter of the ALEF-BET. The verb that appears in both of those p'sukim is VAYIFGA and VAYIF-G'U. Same root.

[3] Didn't want to give this away so easily. Decided to make it a two-step TTriddle. Not Plymouth (nor Buick, Potiac, Chevrolet...) but Dodgeball. That's similar enough to MACHANAYIM.

[4] The Torah tells us in Vayitzei that Yaakov's maternal uncle, Lavan, had SH'TEI VANOT, two daughters. The only other person that is described as having two daughters is LOT, Yaakov's first- cousin- once removed. (Yitzchak and Lot were first cousins.)

[5] Three unexplained elements from the ParshaPix. One is old, but special. The Torah Tidbits logo reminds us that Lavan gave us an unexpected endorsement when he said, "TOV T.T."

[6] Later in that same statement, we find the word MITITI, which is what is written in musical notes - MI (E), TI (G), TI (G).

[7] The laughing girl is a variation of one of last years visual TTriddles. She is HA-GAL, referring to the mound of stones made by Lavan at the end of the sedra. What is noteworthy is the repetition of the word HAGAL - it appears six times with in B'reishit 31:46-52 - and nowhere else in all of Tanach.

This week's TTriddles:

[1] Yaakov twice; Bnei Yisrael once - but different

[2] 32 of the 48 occurrences are in Vayishlach. The word can be described as 1006 (how so?)

[3] Battle of Pampeluna antagonists make an appearance this week

[4] Twins each had grandsons with the same name

[5] He gets this regardless of his son's behavior

[6] This week's connection to the 44th

[7] Yaakov ___ Beit El; who ___ whom?

[8] Avraham, Eliezer, 2Lavan, Eisav, ?Gershon, Aharon

[9] 20 in the first; 7700 in the last

[10] G-d, Rivka, and Yaakov

[11] plus two unexplained elements from the ParshaPix