

Vayeitzei is the 68th day (of 354); the 10th Shabbat (of 50) of 5766

...כִּי־יֵשׁוּרִים יִדְרְכֵי ה' וְצַדִּיקִים יִלְכוּ בָּם וּפְשָׁעִים יִפְשְׁלוּ בָּם: הוֹשַׁע יְדִי: (הפטרה)

"You know I don't work like that!"

"And after, a daughter was born, and she called her name Dina" (B'reishit 30:21). In the span of 28 p'sukim, 29:32-30:24, the Torah tells us of the births of 12 of Yaakov's children: six boys and Dina from Leah, two each from Bilha and Zilpa, and Yosef from Rachel (Binyamin will be born in next week's sedra). For all of the births, the Torah says that she (the mother) was pregnant and gave birth. Only with Dina is there no mention of pregnancy. Some of the commentaries say that "some say" that Dina was a twin of Zevulun. Most m'forshim, on the other hand, say that Leah's pregnancy was not with Dina, but rather with Yosef, and that Leah prayed to G-d that her unborn child should be a girl, so that Rachel would not be shamed. Leah, it is explained, knew (by Ru'ach HaKodesh) that Yaakov was to have 12 sons. She had already borne 6 of them, and Bilha and Zilpa had two each. If she (Leah reasoned) were to have a seventh boy, then Rachel would have at most one boy, and would be shamed to have fewer than either Shifcha (one of the terms for Bilha and Zilpa, daughters of Lavan, we are taught, from a concubine). Her motive was pure and her prayer was answered, the fetus changed, and Dina was the result.

Halacha tells us that if one's wife is pregnant, he should not pray to G-d that the baby should be a boy (or a girl) specifically, since it is what it is already. Such a prayer is called a T'filat Shav, a wasted prayer. (Some say such a prayer is permitted until 40 days after conception.) Others criticize that kind of prayer because it asks for a miracle to be performed, something we have no right to ask for.

We can say that Leah's case was the exception to the rule and that G-d answered her favorably because of the selflessness of the request.

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...

Thursday night, Dec. 8 is just over 7 full days from the molad and time for Kiddush L'vana for all (with the exception of Motza'ei Shabbat only people). If you just prefer Motza'ei Shabbat, but accept that KL can be said on week nights, then don't wait for Motza'Sh because weather conditions might work against saying KL.



More on days of the week for dates on the Jewish Calendar. Most dates follow the LO ADU rule of Rosh HaShana - generalized, there are four possible days of the week for each date, and three impossible days. This applies from the first of the Adar right before Nisan until the 29th of Cheshvan. In that range, which covers 9 months (265 dates), there are no variables. 30 Cheshvan is a variable. Some years have one, cont. p.2

TORAH Tidbits AUDIO
www.radiou.org and www.israelnationalradio.com
New shows from Thursday

OTHER Z'MANIM
Correct for Jerusalem

The OU Israel Center and Torah Tidbits do not necessarily endorse the political or halachic positions of its editor, columnists, or advertisers, nor do we guarantee the quality of advertised services or products

Candle Lighting and HAVDALA
Standard (Winter) time

Correct for TT 694 • Rabbeinu Tam (J'm) - 5:53pm		
4:00pm	Jerusalem	5:16pm
4:15pm	Raanana	5:16pm
4:16pm	Beit Shemesh	5:17pm
4:15pm	Netanya	5:16pm
4:16pm	Rehovot	5:17pm
3:55pm	Petach Tikva	5:16pm
4:15pm	Modi'in	5:16pm
4:18pm	Be'er Sheva	5:18pm
4:15pm	Gush Etzion	5:16pm
4:14pm	Ginot Shomron	5:15pm
4:00pm	Maale Adumim	5:15pm
4:16pm	K4 & Hevron	5:17pm
4:06pm	Tzfat	5:12pm
4:15pm	Tel Mond	5:16pm

Ranges are FRI-FRI 8-15 Kislev (December 9-16)

Earliest Talit & T'filin - 5:33-5:38am
 Sunrise - 6:27½-6:32am
 Sof Z'man K' Sh'ma - 8:59-9:03am (8:11-8:15am)
 Sof Z'man T'fila - 9:50-9:53am (9:18-9:21am)
 Chatzot (halachic noon) - 11:31½-11:35am
 Mincha Gedola (earliest Mincha) - 12:02-12:05pm
 Plag Mincha - 3:33-3:35pm
 Sunset - 4:40½-4:42½pm (4:35-4:37pm)

OU ISRAEL CENTER
Seymour J. Abrams • Orthodox Union
Jerusalem World Center

Yitzchak Fund, President
 Rabbi Emanuel Quint, Senior Vice President
 Prof. Meni Koslowsky, Vice President
 Rabbi Dovid Cohen, Vaad member
 Moshe Kempinski, Vaad member
 Sandy Kestenbaum, Vaad member
 Simcha Rock, Vaad member
 Zvi Sand, Vaad member
 Harvey Wolinetz, Vaad member
 Menachem Persoff, Director of Programs, Israel Center
 Phil Chernofsky, Educational Director and TT editor

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

Orthodox Union • National Conference of Synagogue Youth
 This publication and many of the programs of the Israel Center and NCSY in Israel are assisted by grants from The Jewish Agency for Israel
 Produced and printed "in house" at the Israel Center

In the Wolinetz Family Shul
 OHEL SHMUEL (entrance floor)
Shabbat afternoon Shiur
 3:00pm, followed by Mincha
 at 4:00pm
Yaacov Peterseil & Co.

It is sad that a bitter rivalry developed between Leah and Rachel, which mushroomed in the next generation, because each of the sisters had sacrificed greatly on behalf of the other.

Explanation of the Title: Bill Cosby in his early years as a stand up comic had a routine called Noah and the Lord. It was a humorous presentation of the dialog between G-d and No'ach about the impending Flood and No'ach's preparation for it. One of the exchanges was more than humorous, it was profound. The Lord tells Noah to take one of the hippos out of the Ark and bring in another. Noah, exhausted from his labors asks why. The Lord tells him that they are both male. "So change one of them", Noah says in exasperation. The answer: "You know I don't work like that!"

We would qualify that answer with the word, usually. G-d does not usually do things like Noah was asking Him to do. But once in a rare while... Hence, Leah's prayer. And His answer to it.



Word of the Month cont. from box on front page
 some years don't. 30 Cheshvan can be on SUN, TUE, THU only.
KISLEV 1-29 are the most "flexible" dates in the calendar. They each can occur on 6 of the 7 days of the week. In other words, each has only one day it cannot fall on.
 1 Kislev, for example, cannot fall on Shabbat. It follows that 8,15,22, and 29 Kislev cannot be Shabbat either. It also follows that 2,9,16,23 cannot fall on Sunday. Etc.
 30 Kislev is different, since it exists only in some years, not all of them. 30 Kislev can fall on MON, TUE, THU, and Shabbat - not Sunday, Wednesday, or Friday. (coincidentally, 30 Kislev is also LO AD"U.)
 1 Tevet through 30 Shvat (59 days) have their own patterns. 1 Shvat, for example, can fall on five different days: All but THU and Shabbat. So too for 8,15,22,29 Tevet. (Tevet has 29 days always.) 1 Shvat can't be SUN or FRI. So too for 8,15,22,29 of Shvat. (Notice that TU BiSHVAT is one of those dates. The other days of Tevet and Shvat work similarly.)
 What's left is 1-30 Adar Alef. 1 Adar Alef, for example, can be MON, WED, THU, Shabbat. LO AG"U (same as Yom Kippur).
 That's it. $265+1+29+1+59+30 = 385$, the total number of Jewish dates.

VAYEITZEI STATS

7th of 54 sedras; 7th of 12 in B'reishit
 Written on 235.3 lines in a Sefer Torah, rank 12
 Vayeitzei is one single long (closed) Parsha, which fits with the fact that it is a continuation of the To-l'dot story. It is the Torah's longest closed parsha, and second only to the open parsha that is all of Mikeitz (254.6 lines)
 148 p'sukim - rank: 6th (3rd in B'reishit)
 2021 words - ranks 4th (3rd in B'reishit)
 7512 letters - ranks 5th (3rd in B'reishit)

MITZVOT:

None of Taryag are from Vayeitzei

Aliya-by-Aliya Sedra Summary

This slot, between the words Aliya-by-Aliya... and Kohen... is for the explanations of the way parshiyot and mitzvot are designated in Torah Tidbits. Vayeitzei has none of the Torah's 613 mitzvot, and as mentioned earlier (see STATS) is one single long Parsha S'tuma, as indicated at the beginning of the Kohein Aliya.

Kohen - First Aliya - 13 p'sukim - 28:10-22

[S> 28:10 (148)] Yaakov leaves Be'er Sheva and goes to Haran.

SDT There are different explanations concerning the wording of this pasuk. As to why the Torah mentions Yaakov's departure (especially having mentioned it a couple of times at the end of Toldot), Rashi explains that a prominent person not only influences his surroundings, but his absence from a place is also felt, in a negative way. Therefore, the Torah not only tells us that Yaakov went to Haran; it also tells us that he left Be'er Sheva, and his absence was felt - even though Yitzchak (and Rivka) remained there. (Perhaps, especially because Yitzchak and Rivka remained in Be'er Sheva - they would feel Yaakov's absence the most!)

Another explanation - In leaving Be'er Sheva, Yaakov was fulfilling the wishes of his mother Rivka, who feared that Eisav

would kill Yaakov if he remained. In going to Haran, Yaakov was fulfilling the wishes of his father, Yitzchak (and also his mother's), who sent him there to find a suitable wife. The pasuk tells us of Yaakov's departure from Be'erSheva AND his journey to Haran, to show us that it was important to satisfy the wishes of BOTH his parents. (It seems that Rivka did not tell Yitzchak about the danger to Yaakov if he were to remain home.)

He encounters "The Place" (it is unidentified in the text, but is traditionally considered to be Har Moriah, the site of the Akeida, and the location of the future Beit HaMikdash) and stays the night. He dreams of a ladder with its feet planted in the ground and whose top reaches the heavens. Angels are ascending and descending the ladder.

SDT The S'fat Emet points out that the ladder in Yaakov's dream is described first as having its feet planted on the ground (representing worldliness and/or basic decency) and then its head reaching the heavens (representing spiritual pursuits). This is consistent with the famous maxim from Pirkei Avot - Derech Eretz Kodma laTorah, worldliness (should) precedes Torah.

SDT This represents the "Changing of the Guard". Angels that accompanied Yaakov in Eretz Yisrael are not the same as those outside Israel, just as Shabbat angels differ from those of weekdays. Our weekly counterpart to Yaakov's dream is the Friday night song, Shalom Aleichem, which refers to the changing of the angels. (Note that in Shalom Aleichem, we greet the Shabbat angels before saying farewell to the weekday angels. This gives us an overlap of angels rather than an angel-less gap. In Yaakov's dream, the angels are spoken of as ascending and descending, leaving a momentary gap. Commentaries point out that G-d was "standing watch" over Yaakov because there was a gap between the ascension of the angels and the descending of the new ones - OLIM (and then) V'YORDIM BO.

SDT A person should realize that wealth is not permanent; it can be lost as easily as it is gained. Therefore, if one is blessed with wealth, he should use it wisely, constructively, charitably. This idea is symbolized by the ladder, and the ups and downs that take place on it - the SULAM, with the angels OLIM V'YORDIM BO. SULAM (ladder) is numerically $60+6+30+40=136$. MAMON (money) is also $40+40+6+50=136$. And so is ONI (poverty) $70+6+50+10=136$.

More... KOL, voice (prayer) and TZOM, fasting are also equal to 136, perhaps saying that prayer and petition of G-d can be effective in resulting in a blessing of wealth rather than one's being poor.

In the dream, G-d appears to Yaakov at the head of the ladder and reiterates to him the promises made to Avraham and Yitzchak. These oft-repeated promises have consistently included the possession of the Land and the "countless" nature of their descendants. This prophecy also includes G-d's promise of protection for Yaakov on his sojourn.

Yaakov awakens from his sleep and acknowledges the sanctity of the Place. When Yaakov awakens in the morning, he takes the stone (formerly referred to in the plural) that was at his head, and erects it as a monument which he then anoints. He names the place Beit El. Yaakov vows allegiance to G-d.

SDT Shulchan Aruch, based on Midrash, says that a person should/can take a vow, pledge, etc. to increase and enhance performance of mitzvot and giving of tzedaka during troubled times. The precedent for this is Yaakov's vows at this "low point" in his life. This is notwithstanding the recommendation to avoid taking vows. Tzedaka is another story (sort of).

SDT "And I will return to my father's home and HaShem will be for me G-d." Ramban explains the connection between Yaakov's return home with his "acquisition of G-d". The Gemara in Ketuvot states that he who lives in Eretz Yisrael is like one who has G-d; he who lives outside Israel is like one without G-d. Yaakov's return from Lavan's house to his father's was a physical and spiritual Aliya - as is Aliya to Eretz Yisrael in our own time.

Levi - Second Aliya - 17 p'sukim - 29:1-17

Assured of G-d's protection upon leaving the Land (something Yaakov had reason to be unsure of), his pace quickens. He sees a well in a field, with three flocks of sheep gathered around. The well is covered by a large rock. It was the practice of the shepherds to gather at the same time each day so that they would have the manpower necessary to remove the rock and then replace it after the sheep drank. (This, to prevent water from being stolen by one shepherd or another.) Yaakov asks the shepherds who they are and why they gather so early in the afternoon to water the sheep.

When they tell him that they work for Lavan, Yaakov asks about his well-being. The shepherds point out the approaching Rachel, daughter of Lavan. They explain to Yaakov that they must cooperate with each other in order to physically remove the stone from the well. Just then, Yaakov sees Rachel, his cousin, and approaches the rock and single-handedly removes it from the mouth of the well in order to give water to his uncle's sheep. Yaakov kisses Rachel and weeps bitterly. (He weeps because he sees with Ru'ach HaKodesh that they are destined not to be buried together.)

Yaakov tells Rachel who he is - what their relationship is - she runs off to tell her father. When Lavan hears, he runs to welcome Yaakov, and brings him home to tell "the whole story". Lavan "offers" Yaakov a job and tells him "to name his price". Lavan had two daughters - Leah, the older one and Rachel, the younger one. Leah had "weak" (sensitive) eyes and Rachel was very beautiful.

Shlishi - Third Aliya - 31 p'sukim - 29:18-30:13

Yaakov loves Rachel and offers to work for seven years in exchange for her hand in marriage. Lavan agrees and the time flies by in Yaakov's eyes because of his great excitement. At the end of the seven years, Yaakov asks that the marriage take place.

Lavan gathers the locals for the festivities and substitutes Leah for Rachel.

SDT Although Lavan was the deceiver, and for his own motives, our Sources indicate that it was Rachel who facilitated the switch, motivated by love and compassion for her sister. Rachel gave her private "signals" to Leah to save her from a probable marriage to Eisav, Yitzchak's biological elder. This compassion serves her descendants well many years later, when she "intercedes" before G-d following the destruction of the Beit HaMikdash. Tradition tells us that G-d "softened" the punishment with a promise of return, only after Rachel pleaded before Him. The Avot and Moshe Rabeinu had not succeeded in their pleas on behalf of the people. There was also "knowledge" via some kind of RU'ACH HAKODESH, that was given to Rachel and Leah that "The Tribes of G-d" were to come from more than just Rachel.

When Yaakov confronts Lavan about the deceit, Lavan says that it is improper to marry off the younger before the older. (this is the minhag in many communities, despite the fact that its origin is Lavan.)

Yaakov agrees to work an additional seven years for Rachel. Zilpa and Bilha are the handmaidens of Leah and Rachel respectively (commentaries say they too were daughters of Lavan, from a pilegesh). Yaakov showed his obviously greater love of Rachel. As a result, G-d made Leah fertile and Rachel barren.

Next the Torah tells us, in rapid succession, of the births of Reuven, Shimon, Levi, and Yehuda. Leah names each son (Levi was named by Yaakov or perhaps by an angel) with a name that expresses her thanks to G-d and her feelings under the unusual circumstances of her life.

Rachel, jealous of Leah, complains to Yaakov that she has no children. Yaakov gets angry with her, saying that it is G-d's doing, not his.

Rachel gives Bilha to Yaakov to have children whom she will raise as her own. Dan and Naftali are born. Leah, realizing that she has stopped having children, gives Zilpa to Yaakov. Gad and Asher are the results.

SDT Notice the rapid fashion the Torah employs to tell us of the build-up of Yaakov's family. With Avraham and Yitzchak having such a difficult time fathering children, Yaakov has fathered 10 sons in the span of 16 p'sukim!

R'vi'i - Fourth Aliya - 14 p'sukim - 30:14-27

Rachel begs Reuven to give her the special (fertility) herbs (DUDA'IM, mandrake) that he had gathered for his mother, Leah. When Leah complains to her, Rachel promises that Yaakov could sleep with her that night in exchange for the herbs. When Yaakov returns from the fields, it is Leah who goes out to greet him. G-d answers Leah's prayers of despair, and she gives birth to Yissachar and then Zevulun. Then Leah gives birth to a girl, Dina. Finally, G-d "remembers" Rachel and she too becomes pregnant. She gives birth and names her son Yosef, praying that she will have yet another son (giving her not fewer than the hand-maidens had).

After Yosef is born, Yaakov asks his leave of Lavan. He

desires to return to his fathers' home. He asks for his wives, children, and compensation for all the work he has done for Lavan. Lavan acknowledges that he has been blessed because of Yaakov.

Chamishi - Fifth Aliya - 32 p'sukim - 30:28-31:16

They make an arrangement by which Yaakov will be paid. Lavan repeatedly attempts to minimize the births of the goats and sheep that will be Yaakov's. G-d has other plans and Yaakov becomes very wealthy. The details of the speckled, banded, spotted animals and how which gave birth to what, are obscure. The bottom line is that Lavan attempts to cheat Yaakov (again) and is completely unsuccessful. Lavan's sons feel as if Yaakov has cheated their father. G-d tells Yaakov to return to his birthplace. Yaakov calls to his wives and explains the situation to them. He tells them of being instructed by an angel as to what to do with the animals. Rachel and Leah feel as strangers in their father's house, as if they have no share in Lavan's wealth, and they will do as G-d commands.

Shishi - Sixth Aliya - 26 p'sukim - 31:17-42

Yaakov prepares to leave. Meanwhile, Rachel takes her father's terafim in his absence. When Lavan becomes aware of Yaakov's departure, he sets out in pursuit. G-d appears to Lavan in a dream and warns him not to harm Yaakov in any way. When Lavan catches up to Yaakov, he confronts him about the unannounced departure and the missing terafim.

Rav Aryeh Kaplan z"l in The Living Torah, explains Terafim according to different opinions. Some say they were idols that were worshiped. This opinion adds that Rachel took them to save her father from the sin of idolatry. Others are of the opinion that they were meditative devices that would enable Lavan to divine the whereabouts of Yaakov. Thus Rachel's motive was to prevent Lavan from pursuing Yaakov & Co.

Yaakov answers in kind, expressing his anger at Lavan's repeated attempts to cheat him. As to the terafim, Yaakov permits Lavan to search for them and boldly declares that the one who took them shall not live. Lavan fails to find his terafim because Rachel convinces him not to search her person or belongings. Had it not been for G-d's protection, Yaakov tells Lavan, you would have left me with nothing.

KI VARACH... The Midrash, based on the same phrase being used, says that it was Amalek who told Lavan that Yaakov fled, and later told Par'o that Bnei Yisrael did so too.

In the Hagada we read/say: VAYEIRET MITZ-RAI-MA (Yaakov went down into Egypt), and this is qualified by, ANOOS AL PI HADIBUR, usually translated as Forced by Divine Decree. There is another explanation offered: It

was Yaakov's DIBUR, his statement that forced himself down into Egypt. How so? He inadvertantly condemned Rachel to an early death by his words to Lavan. This can be construed as taking a life B'SHOGEIG. Punishment (and atonement) for that is EXILE. (Really, to a city of refuge, but for this "drash", exile to Egypt will do.) Not only does this explanation fit the DIBUR part, but it can also explain why the Hagada connects Yaakov's descent into Egypt with Lavan.

Sh'vi'i - Seventh Aliya - 15 p'sukim - 31:43-32:3

Lavan answers that the women are his daughters, that the children are his (grand)children, and the animals are his as well. Yaakov and Lavan make a pact and form a mound of rocks as a sign of their agreement. Yaakov offers a sacrifice to G-d and swears to the covenant. In the morning, Lavan kisses his children and grandchildren, blesses them, and returns home.

Yaakov continues on his journey and encounters angels (of Eretz Yisrael - the sedra thus comes full circle) on the way, Yaakov names the place Macha- nayim. Last 3 p'sukim are Maftir.

Haftara - 28+2* p'sukim - Hoshe'a 12:13-14:10

S'faradim read the 17-pasuk portion of Hoshea that precedes the Ashkenazi reading, 11:7-12:12.

Chabad does also, but they continue for two more p'sukim - namely, the first two p'sukim of the Ashkenazi reading.

*Chayei Adam suggests concluding the haftara with Yoel 2:26-27, in order to end the haftara on a better note than Hoshea ends with.

This concluding portion of the book(let) of Hoshea begins with reference to Yaakov's journey to Aram to find (and work on behalf of) a wife (wives) - hence its obvious connection to the sedra. The prophet points out to the People of Israel their humble origins, in an attempt to put things in perspective and restore their faith and reliance upon G-d.

THE JERUSALEM INSTITUTE OF JEWISH LAW - Rabbi Emanuel Quint, Dean

Lesson # 310

Indirect Damage

In this lesson and the following one, I have divided damage caused by Reuven to Shimon into two major categories: (1) direct cause and (2) indirect cause. I have divided the indirect cause category into two subcategories: (a) proximate cause (which in halacha is termed *garmi*) and (b) remote cause (which in halacha is termed *gerama*) (There are no consistent definitions of *garmi* and *gerama* among the commentators to the Talmud. What one may call *garmi* another calls *gerama*.)

A direct cause is when Reuven strikes Shimon and injures him;

or when Reuven picks up Shimon's vase and throws it to the ground causing the vase to break. In these situations Reuven is always liable for the injuries and/or damages that he causes by his action. When the action is not the direct cause of the damage and/or injury it is regarded as some type of indirect cause. The discussion here defines the proximate cause as the indirect cause closest to the direct cause; and the remote cause as the furthest from the direct cause of damage.

We open this lesson with a few of the many definitions of proximate and remote causes of damage. The great medieval commentators and decisors give many definitions, at times conflicting each other. What to one commentator is a proximate cause may be a remote cause to another commentator.

There are many definitions of the terms "proximate" and "remote" cause of damage. None of these definitions deal with situations in which Reuven is the direct cause of the damage.

A few of the many definitions as they appear in the Codes, commentaries, and responsa literature are as follows:

1. All that is done by Reuven so that the damage is instantaneous although perhaps not discernible is a proximate cause; all that is done by Reuven but the damage is not instantaneous is a remote cause.

2 If the damage is inevitable it is due to a proximate cause; if it is not inevitable, it is due to a remote cause.

3. If there is something physically lacking in the property as a result of Reuven's action, then the action is the proximate cause of the damage.

4. If the damage is not unusual and it is the natural result of an act, then the act is a proximate cause. If the resulting damage is not usual nor the natural result of the act, then the act it is the remote cause.

5. There are authorities that hold that there is no difference regarding liability between a proximate cause and a remote cause. Thus if one holds that one of them, either a proximate cause or a remote cause, is liable in Beth Din, then the other cause is also liable in Beth Din. If one holds that an individual is not liable in Beth Din for a proximate cause of damage, he is also not liable for a remote cause and vice versa.

Liabilities and reasons therefore

There are two distinct views regarding the source of liability for indirect damage caused by Reuven.

(1) There are authorities that hold that in all cases of indirect causes of damage - proximate, remote, indiscernible damages, and nullifying the creditor's lien - the Torah's view is that there is no liability. The Rabbis of the Talmud, however, imposed liability in the form of a penalty in cases of proximate cause, as they did in the cases of indiscernible damages and nullifying a creditor's lien, but not in cases of remote cause. Therefore in cases of proximate cause, Shimon can be compensated in Beth Din. Since according to this view the payment made by Reuven is as a penalty, if Reuven dies before it is paid, his heirs do not have to pay it.

(2) There are authorities that hold that according to Torah law there is liability in cases of Reuven being the proximate cause of damage. Reuven is liable whether he acts intentionally, inadvertently, or accidentally. Also, if he dies before compensation has been made for the damages, then Shimon can collect the damages out of the estate.

As was stated in a prior lesson, Reuven is not liable for

indiscernible damages if he acts inadvertently. This is because the Rabbis of the Talmud exonerated Reuven for the reason that, if he acts inadvertently and knows that he will be free of liability, he would be more likely where he rendered Shimon's food ritually unclean to notify Shimon that his foods are now unclean. The current position of the halacha is that if Reuven's act is proximate cause of the damages or the damages are indiscernible then Reuven is liable in Beth Din for the damages as if he were the direct cause. If Reuven is the remote cause of the damages he cannot be found liable in Beth Din but he is liable to the judgment of Heaven.

When as a result of Reuven's tort actions he is liable to Shimon, and assume that he has no cash to pay; he pays out of real estate. Halacha divides real estate into three categories regarding payments of debts. Assuming that Reuven has all three types of real estate, and Shimon so requests, he may collect from the best of Reuven's real estate, the IDIT (as is the term in the Talmud) for compensation for a tort.

(IYH, in the next lesson thee shall be definitions of proximate and remote cause with examples of each.

The subject matter of this lesson is more fully discussed in volume X chapter 386 of A Restatement of Rabbinic Civil Law by E. Quint. Copies of all volumes can be purchased via email: orders@gefepublishing.com and via website: www.israelbooks.com and at local Judaica bookstores. Questions to quint@inter.net.il

Meaning in Mitzvot

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 by

Rabbi Asher Meir

"Wise One of Secrets" on a Torah Scholar

Last week we discussed the blessing "The wise one of secrets" (CHACHAM HARAZIM), recited on seeing a multitude of Jews. The simple understanding of the wording is that God alone possesses the wisdom to fathom the secret and private point of view of each and every human being. However, we added that according to many Rishonim this blessing can also be made on (seeing) a Torah scholar of surpassing stature. We explained this ruling by pointing out that Moshe requested that Hashem provide a leader who would be able to understand and empathize with each Jew; ever since, this is considered to be the hallmark of inspired Torah leadership.

However, the passage which teaches this ruling is cryptic, to say the least:

Rav Papa and Rav Huna son of Rav Yehoshua were walking in the way, when they encountered Rav Chanina son of Rav Ika. They said to him, when we saw you, we made two blessings: "Blessed is He who shared of His wisdom with those who fear Him" [recited on an accomplished Torah scholar], and "she-he-che-yanu" [said when encountering any friend after a prolonged separation]. He said, I too when I saw you considered you like 600,000 of Israel and I made three blessings: those you mentioned and also "wise one of secrets". They said to him, are you then so wise? They gazed at him and he expired (Berakhot 58b).

This gaze which bears a curse is encountered a number of times in the Talmud, in general towards those who show an unusually

callous disregard for the honor of Torah scholars. (Cf. Shabbat 34a, Bava Batra 75a, Sanhedrin 100a.) The simplest understanding here is that Rav Chanina is indeed being "overwise", creatively taking a blessing intended for Hashem and applying it to flesh and blood, thus altering the usage prescribed by the sages. But then we cannot understand why the Tur and others learn from this passage that it actually is appropriate to say a blessing on an outstanding figure like Rav Papa - that Rav Chanina son of Rav Ika was indeed "so wise".

This question is asked by a number of commentators, and many deep and instructive answers are found. Let us examine the explanation of Rav Kook in Ein Ayah on this passage.

Rav Kook distinguishes between the ability of Torah sages to encompass and connect with ordinary Jews on two levels: spiritual and secular. Regarding the spiritual connection, he writes: "Outstanding, selected individuals of the generation can be found who encompass all aspects of consciousness which can possibly be found in each individual in Israel, each one distinguished in his characteristics, his education, and his spiritual qualities." This reflects what we mentioned, that despite the fact that Hashem is "the wise one of secrets", the outstanding Torah leaders can also attain a deep connection with each Jew.

However, this is at the level of spirit. But at the level of secular existence, it is not so. These same sages "know also that despite all their inclusion, general and particular, of the private views which can be found in the mass of mankind which is suited for the source of Israel, despite this, if they are people who are involved also in the temporal existence of the community and the individuals, they will recognize that the true fulfillment of this light will never be found in individuals." Despite the fact that the most essential part of our existence is the spiritual, yet the temporal, material aspect of our existence is not negligible or unimportant. A great spiritual leader may encompass every spiritual insight attainable by all the common people, but he will never be able to encompass all of their worldly achievements.

Rav Kook's explanation that part of the "wisdom of secrets" is to understand and encompass people's worldly pursuits is supported by the original passage in the gemara presenting this blessing. Following the ruling that on a multitude of Israel we recite "wise one of secrets", the gemara adds that Ben Zoma used to recite something else: "Blessed be He who created all these to serve me!" Ben Zoma goes on to explain that in order to eat bread, Adam had to sow, plow, gather, winnow, mill, knead, and bake; but Ben Zoma, living in an urban society, had only to go to the bakery and buy a loaf. When there are many people living together, we benefit at the basic material level from the marvelously varied talents and abilities of all; and this is also part of the praise of the Creator.

Rav Kook explains that Rav Chanina was so totally connected to the world of spirituality that this aspect of the "wisdom of secrets" was negligible for him; thus, the fact that the scholars he encountered were "general souls" on the spiritual level sufficed for him to recite the blessing. As a result, however, his detachment and ascent from temporal existence was so complete that he died "with a kiss", a term used by Chazal and Rashi for being simply summoned on high by God.

Rabbi Asher Meir has two wonderful books in print - Meaning in Mitzvot (ask for it at your local s'farim store) and The Jewish Ethicist, available at some bookstores and through the Business Ethics Center of Jerusalem, (02) 632-0222. Both works are highly recommended

TANACH

SPIRITUAL AND ETHICAL ISSUES IN THE BEREISHIT STORIES by Dr. Meir Tamari

Avraham, Lot, and Sedom [1]

The people of Sedom and her four neighbors are evil and sinful and the cry of the oppressed has reached Heaven, yet why is it essential that they be destroyed? Were they then worse than any other people or nation? Ramban sees the reason in the very nature of Eretz Yisrael: "The people of Sedom were no worse than those of the other nations yet as they were living in Eretz Yisrael, a spiritual Land that cannot bear iniquity and evil, they had to be destroyed. All other nations, irrespective of their misdeeds, will strengthen and support the hands of the weak and poor, yet in Sedom they trod on them and oppressed them. So our sages said (Sanhedrin 109a) that although they had all the evil midot, Hashem only destroyed them because they did not support the hands of the poor". "Since Avraham's merits were Chesed and Tzedaka, and Sedom utterly rejected these, its people had to be cast out of the Land that was Avraham's inheritance. Furthermore the destruction of Sedom came during the time of Avraham whose merit is Chesed and not Yitschak, who is Din, in order to teach that unlimited Chesed is pernicious and has to be tempered with Justice" (Shem Mi Shmuel).

Before destroying the five cities, Hashem reveals His intentions to Avraham and gives a reason for this foreknowledge: "So that he will teach the members of his house to keep the way of Hashem to do tzedaka - benevolence as a duty and mishpat - justice, that G-d may bring upon Avraham that which He has spoken of him" (B'reishit 18:19). "How can I destroy the five cities some of which are in the territory that I have promised to Avraham and his descendants and others which belong to their neighbors, and not reveal it to him?" (Midrash Tanchuma). "Hashem informed Avraham of the destruction of Sedom so that his descendants should know that He punishes the wicked and that the destruction was not due to natural phenomena but an act of G-d. Therefore, they themselves should be careful not to imitate Sedom. Rather they should do benevolence and justice otherwise they might suffer a similar fate" (Radak). Rabbi Hirsch sees the explanation in that: "The Abrahamic way constitutes the most complete contrast to Sedom, the tzedaka contrasting with their immorality and the Mishpat with their hardness of heart. We see in the same verse in B'reishit that Avraham will first teach his descendants to keep the way of G-d, since a pure moral life before G-d is the preliminary condition for a truly just life of righteousness with our fellow men; Bein Adam laMakom is the root of bein Adam l'Chavero. Usually Mishpat in the Torah precedes Tzedaka since to rob or act dishonestly with one hand and then to give charity with ill gotten wealth is an abomination to Jewish ideas. Yet here Tzedaka comes first since in Sedomic justice only achievement, but not necessity, is considered grounds for a claim; wretchedness is despised; rich strangers like Lot may be admitted but begging is prohibited and hungry unfortunates are treated as criminals. Justice without Tzedaka becomes perverted into harshness and uncharitable acts". "Avraham will father a great and populous nation and his name will be famous to his descendants and to the nations of the world, so that if I withhold this knowledge from him future generations will say that this great tzaddik was cruel since he did not pray for his neighbors. Furthermore, I know that he will bear witness that I only do

Justice with Tzedaka so he will pray for them and, when convinced that they deserve the punishment, will agree that it is righteous" (Ramban).

"It is written: 'I have no pleasure in the death of the wicked rather that he turn from his way and live' (Yechezkeil 33:11). So He made His will known to Avraham in order that he should be their advocate; immediately we read 'and Avraham stood before Him in prayer'" (Midrash Tan- chuma). He did not base his plea on the presence of his kinsman Lot in Sedom; his concern went beyond the family, tribe or nation just as Moshe protected the daughters of the non-Jew Yitro. He did not invoke mercy nor did he argue that Sedom was not evil rather his question was if Divine Justice could be reconciled with punishing tzadikim because of the evil-doers. "Applied to the whole world this would not be justice, but destruction of the whole world, since most of Mankind are evil" (Sforno). We see that Hashem had actually answered this question in verse 21 where there is a pause between "whether they have done as the cry of the oppressed that has reached Me" and "Kalah" which can mean I will destroy but also all of them, so that there were no protesters against the evil. This would make the evil in Sedom not merely the acts of individual criminals but rather a corruption shared in by all ["All that it takes for evil to triumph is for good men to be silent"]. Because of this communal effect, Avraham made his pleas in tens; that being the minimum for an EIDA as we learn from the 10 Spies called by Hashem EIDA (Bamidbar 14:27). Five cities, so he starts with 50, 10 tzadikim in each city, then 40 assuming the destruction of 1 city, and down to 10 assuming the salvation of only 1 city. " The number 45 [which departs from this pattern] is the sum of 9 tzadikim in the 5 towns and Hashem joins each city as the 10th to the minyan in each" (Rashi); a marvelous teaching of Hashem's mercy as is the use of the Name that symbolizes His Chesed throughout the story of Sedom.

Lot was definitely of an inferior moral and religious caliber than Avraham. His choice of living in Sedom knowing the evil and sins of its people, rather than remaining attached to Avraham, attests vehemently to this. Yet he risks his life when he welcomes guests in opposition to the laws of Sedom. That chesed was a family trait is shown by Rivke when Eliezer was at the well and even by the acceptance by Lavan of the penniless Yaakov when he fled there. Those sparks of divinity came back home to the Abrahamic nation and to Jewish Royalty with Ruth of Moav and Naamah of Ammon, descendants of Lot from Sedom.

This is the 106th installment in Dr. Tamari's series on "Tanach and its messages for our times"

MISC section - contents:

- [1] Vebbe Rebbe**
- [2] Candle by Day**
- [3] From Aloh Naaleh**
- [4] A Touch of Wisdom, A Touch of Wit**
- [5] Parsha Points to Ponder**
- [6] Micro Ulpan**
- [7] Portion from the Portion**
- [8] Torah from Nature**
- [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: I was teaching the laws of meat and milk, including that one who is within six hours of eating meat should not eat pareve at a table with those eating milk without a reminder in place. One of the students asked if sitting around in a kumtitz where there are milchig refreshments on nearby tables is considered eating at one table.

A: [We orally received more information regarding this question, enabling us to discuss the background of the matter with the fine, young teacher. The class was learning from a sefer in English, written, to a great extent, for yeshiva students who are new to preparing food. The students were primarily from "Modern Orthodox homes."]

Although the question is a perceptive one, excuse us that we want to concentrate on the assumption that introduces it and the phenomenon of which it is representative.

The mishna and gemara (Chulin 103b-104b) give instructions to avoid accidental eating of milk and meat together. One step is that one who is eating cheese should not bring meat, including poultry, to the table. The gemara is bothered that, if, as we rule, poultry with milk is forbidden only rabbinically, then this is a gezeira l'gezeira (an injunction on an injunction). In other words, the mistake that the Rabbis' legislation is intended to avoid is itself only a rabbinic prohibition. As a rule, this is an improper injunction. The gemara, after pointing out that there is a Torah prohibition only when the milk and meat have been cooked together, concludes that without a gezeira, one might come to mix the two in a boiling pot on the table. Therefore, the gezeira is "legal."

Several Acharonim cite the Beit Yaakov, who extends (as you read) the aforementioned gezeira to one who is not eating meat now but did so within six hours and thus may not yet eat milk products. Most of those who cite this opinion reject it (see a summary of the opinions in Darkei Teshuva, YD 88:16 and Badei Hashulchan, Biurim to YD 88:1). The most prominent of those who reject the stringency (chumra) is the Pri Megadim (YD 88, MZ 2), who cryptically makes the following points that strike a strong chord for us. One is that the gemara was concerned that the gezeira regulating people eating milk and meat at one table at the same time was over-extended. It finally constructed a case where one might violate a Torah law. However, in the case at hand, meat is not present. Rather Chazal extended the prohibition of eating meat and milk that were cooked together to waiting six hours (according to the most stringent opinion) after meat. We have no right to extend the gezeira even further than the gemara and Shulchan Aruch spell out.

The Pri Megadim and others make a general point, which it is crucial to teach your students. He writes: "I have not seen people being careful about this." What difference do regular people make in the face of the scholarly opinions of the Pri

Megadim and Beit Yaakov? The answer is that the great majority of halachic authorities have taken the minhag ha'olam (common practice) very seriously when determining halacha. You, we, and your students have grown up in observant homes and have visited many others. I dare say that few have even heard of this chumra. Now, if a consensus of sources indicates that a minhag ha'olam appears to violate a Torah law, it is a serious matter, requiring rabbinic guidance. In this case, most poskim reject the chumra, and the worst-case scenario is on an extended Rabbinic prohibition. In our opinion, the author of the sefer erred in his ruling. Perhaps, he intended the sefer for those who believe in adopting every chumra they can find. However, you are teaching a group that was not brought up to do so. It is complex enough (requiring its own discussion) to deal with cases where they learn that their parents have clearly been acting incorrectly. A teacher's experience and sensitivity should help determine what is a chumra that cannot be accepted at face value, even if it is in print. If one is not sure, he should ask, rather than assume that he and many others have been doing the wrong thing.

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] **Candle by Day** by **Rabbi Shraga Silverstein**

There are two types of sheltered existences, one good. the other bad. The first is being sheltered from the rain; the second, from a knowledge of the rain's existence.

Limited Offer: A Candle by Day • The Antidote • The World Of Chazal by Rabbi Shraga Silverstein Now available at 054-209-9200

[3] **CHIZUK and IDUD**

(for Olim & not-yet-Olim respectively)

Many years ago, I heard Elie Wiesel give an interesting interpretation of Yaacov's dream. Mr. Wiesel said at the time that he had heard it in his youth from a chasidic rebbe.

When you walk down the street and see a ladder leaning against the front of a house, you assume that the house is being painted or repaired or perhaps some building is going on. When weeks or months go by, and the ladder is still there, the neighbors get upset. The ladder is an eyesore. They urge the owner of the house to get rid of it.

Yaacov was leaving Eretz Yisrael. He was going into Galut. Before leaving Israel, he was shown a ladder to symbolize the fate of the Jew in the Diaspora. Throughout the history of our Galut, Jews were welcomed into societies when they needed our talents. When an economy needed building up, when trade and commerce were faltering, the Jew was invited to come and build or repair. However, once the job was done, like the ladder, the Jew was an eyesore to be removed from view.

The angels ascending and descending represent the status of the

Galut Jew, initially ascending but, ultimately descending. Yaacov was being cautioned that Galut is always temporary and precarious. Only in our own land can we stop being a ladder to be used and then cast away. Only here can we build for ourselves and our future.

Rabbi Yosef Wolicki, Beit Shemesh

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

[4] A Touch of Wisdom, A Touch of Wit

R' Shmuel Ostraha of Brody would gather children from the neighborhood to test their Torah knowledge, and reward each one with a candy.

A freethinker wished to poke fun at R' Shmuel. He found a non-Jewish child in the area who knew Yiddish, and taught him a single Mishna perfectly. He then sent the child along with the others one Friday.

As soon as the child began reciting the Mishna, R' Shmuel stopped him, and the child left empty-handed.

"That child", explained R' Shmuel, "is not Jewish." They checked and found that he was correct. Everyone believed that R' Shmuel must have Ru'ach HaKodesh (Divine inspiration). "Not at all", said R' Shmuel. "The non-Jewish child remained motionless as he recited the text, whereas a Jewish child would rock back and forth."

#####

R' Aharon of Karlin would say: We are commanded to give every person the benefit of the doubt - and, all the more so, must we give G-d the same benefit.

Shmuel Himmelstein 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

[5] Parsha Points to Ponder - VAYEITZEI

1) Rashi teaches that the Torah says VAYEITZEI regarding Yaakov leaving Canaan to teach that when a righteous person leaves a place it leaves a void (See 25:1). Why didn't the Torah teach this point when Avraham traveled from his home?

2) Rashi quotes the Chazal that the name Reuven describes that Reuven was much greater than Esav (See 29:32). The Torah already explains very clearly that Leah named her son, Reuven, because G-D HAS SEEN MY AFFLICTION so why did our Sages feel the need to teach a completely different reason for his name?

3) Why does the Torah relate the seemingly insignificant event that a bunch of stones were piled up as a marker and that Lavan and Yaakov gave the pile names? (See 31:46-47)

THESE ARE THE ANSWERS

Ponder the questions first, then read here

1) The Chatam Sofer answers that when Yaakov left home, Yitzchak and Rivka, people who could appreciate holiness, were left behind. Thus, a void was felt as captured by the word VAYEITZEI. No one in Avraham's homeland could appreciate the decrease in holiness when he left. Therefore, the Torah does not describe the void.

2) The Vilna Gaon notes that for every other son, the Torah first gives the reason for his name and only then teaches the name. However, regarding Reuven, the name comes first and then the reason. Based on this, our Sages understood that there must have been an additional reason for Reuven's name.

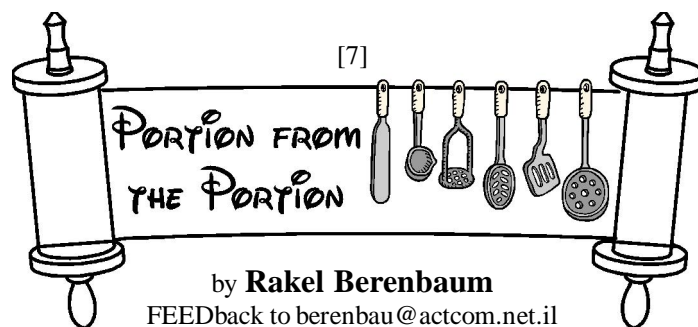
3) The Seforno answers that the message of this incident lies in the contrast between the Aramaic name which Lavan gave the pile (Yegar Sahadusa) and the Hebrew name which Yaakov bestowed upon it. (Gal-ed). This teaches us that Yaakov never changed his language. This act of specifically giving it a Hebrew name after it was given an Aramaic name laid the groundwork for the Jews to have the strength to maintain their unique language while they were slaves in Egypt.

Parsha Points to Ponder is prepared by Rabbi Dov Lipman Mashgiach Ruchani, Yeshivat Yesodei HaTorah in Bet Shemesh, author of "DISCOVER: Answers for Teenagers (and adults) to Questions about the Jewish Faith", soon to be republished by Feldheim - ppp@israelcenter.co.il

[6] MicroUlpan

A long time ago, we learned the correct Hebrew word for pudding, Raf-refet. That term would include chocolate and vanilla pudding, made from starch powder and flavorings, or the Carlo, Dani types of premade puddings available in a one-serving cup. The dessert dish made with egg yolks, milk, sugar, flavoring and gently steamed in a double boiler is custard, in Hebrew - CHAVITZA.

חֲבִיצָה רַפְרֶפֶת



Yaakov came to a familiar place - BAMAKOM - and had a vision in a dream. A ladder was standing on the ground, its top reached up toward heaven. G-d's angels were going up and down on it. What was this familiar place and what was the meaning of this dream?

There are many interpretations of this dream. For example the dream can be talking about different types of angels, the revelation at Sinai or the service in the Temple.

Rashi says that the angels who were with Yaakov in Eretz

Yisrael were returning to Heaven (so as not to go to Chutz L'Artez) and the angels who would go with him to the Diaspora were coming down to be with him in Lavan's house. The message to Yaakov being that whatever type of protection he needed, Hashem was providing it for him. He needn't fear going to Lavan because G-d's angels were with him.

In looking at the whole Parsha there seems to be a difference between the behavior of the angels at the beginning and at the end. When Yaakov leaves Eretz Yisrael, first the Eretz Yisrael angels go up (leaving him alone) before the Chutz L'Artez angels come down. On his return from Lavan (32;2-3), the angels from Eretz Yisrael came to accompany him before the angels from Chutz L'Artez left. He was not left alone; in fact he had two encampments of angels - MACHANAYIM - with him. Why this difference?

Oznayim LaTora says that G-d never left Yaakov alone. At the beginning the angels left him by himself so he could be alone with Hashem. Yaakov at that moment was in the Place that would later become the Holy Temple. He rested his head on the rock, the EVEN SHTIYA of the Holy of Holies. He was like the Kohein Gadol on Yom Kippur who goes in to Kod'shei Kodashim by himself. Hashem was showing Yaakov that he had been right to take the bechora (birthright) from Esau and his descendant's future service in the Temple would therefore be accepted.

Wherever he went Yaakov was furnished with Divine protection. This is a sign to all generations for what it says in T'hilim 91:11 - that G-d will command His angels to protect us in all our journeys.

(An interesting point about angels. The Avnei Nezer says that just like there are angels for Eretz Yisrael and for Chutz LaArtez there are also different angels for Shabbat and for weekday. That's why we sing Shalom Aleichem (may your coming be in peace) - to the Shabbat angels and immediately Tzeitchem L'Shalom (may your departure be in peace). We're not being rude and kicking the angels out right away. We're just saying goodbye to the weekday angels.)

Angel Food Cake

1¼ cups cake flour

1¾ cups white sugar

¼ tsp. salt

1½ cups egg whites (11-13 eggs)

1 tsp. cream of tartar (needs hechsher, can substitute 3 tsp. lemon juice or vinegar)

½ tsp. vanilla extract

½ tsp. almond extract

Let egg whites stand till room temperature. Beat until stiff peaks form (2½-3 minutes). Do not over-beat till dry. Add cream of tartar, vanilla and almond extract.

Sift together flour, sugar and salt - repeat five times. Gently combine egg whites with dry ingredients. Pour into ungreased 10 inch tube pan. Place cake pan in a cold oven. Bake at 325°F (165°C) for about one hour, until cake is golden brown. Invert cake, and allow to cool in the pan. When thoroughly cooled, remove from pan.

Up & Down Angel Food Cake

1 angel food cake (store bought or home made)

Amaretto

1 pint whipping cream (whipped fluffy)

Slivered almonds

Confectioners' sugar to taste

1 tsp. Vanilla extract

Honey

Slice cake into three equal layers. Place bottom layer on large platter and drizzle with Amaretto. Don't soak it but be generous. Add vanilla and 1 tsp. Amaretto and sugar to whipped cream. Spread about ¼ cup whipped cream over first layer of cake. Sprinkle a generous portion of slivered almonds over the top. Repeat with next two layers. Smooth whipped cream on the side, cover with almonds and another layer of cream. Drizzle honey on top. Cover cake and freeze for a couple of hours.

[8] Torah from Nature

Continuing last week's MRMH column, the smallest primate is the mouse lemur of Madagascar. Adults weigh about an ounce (30g). Some gorillas reach 300kg, equal to 10,000 mouse lemurs!



[9] Divrei Menachem

Parshat Vayetze describes the suffering of our matriarchs and their consequent recompense. Leah is described as being less loved than Rachel. But Rachel, like Sarah and Rivka before her, suffers from barrenness. Leah, meanwhile, gives birth to Reuven, and five more sons from Ya'akov.

Each of Leah's children has a name of significance, as indicated in the Torah text. Reuven's name means, "See, [I have] a son!" signaling G-d's compassion. Rashi, however, infers a deeper interpretation of the name from a play on words: "Re'u Bein..." meaning, 'See [the difference] between...'

Leah, using the gift of prophecy, compared her first-born son Reuven with the son of her father-in-law, Esav: Esav despised the birthright, sold it contemptuously to Ya'akov, and then threatened to kill him. Reuven, however, lost his cherished birthright to Yosef (Divrei Hayamim I, 5:1) yet saved Yosef's life.

Our rabbis teach that we can learn much from our names. Yehuda, Leah's fourth son, indicates the debt of thanks Leah felt for exceeding the quota of children allotted to each matriarch (cf. Rashi on Breishit 29:35). The name Yehuda contains the Hebrew letters of G-d's name. So it is not surprising that we, whose collective identity revolves around thanking G-d, should have been called Yehudim.

Shabbat Shalom, Menachem Persoff

SHEYIBANEH BEIT HAMIKDASH...

by Catriel Sugarman

A series of articles on Beit HaMikdash-related topics 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.

When is the Pure Bird Impure?

In Parshat Acharei, we read, "And every soul that eats what dies of itself (N'veila, natural death) or was torn (by animals, T'reifa) - the native (Yisrael) or the proselyte - shall wash (i.e. immerse) his garments and himself in the water (i.e. a Mikveh) and he is impure until evening. But if he does not wash his garments or immerse his flesh (before entering Mikdash grounds or eating Kodashim e.g. sacrificial meat), he shall bear his iniquity" (Vayikra 17:15,16). The use of the two terms, N'veila and T'reifa, intimate that death was not caused by the prescribed method of kosher slaughter. Rashi explains, "Scripture speaks of the carcass of a clean bird which does not render impure except when it is swallowed (and is in) the esophagus. (The Pasuk) teaches you that it (the N'veila and T'reifa of the pure bird) cause impurity when it is eaten and not when it is touched. The use of the term T'reifa is an explanation. (Without it) I might have thought that the carcass of an impure bird causes impurity when it is in the esophagus; therefore Scripture uses the expression T'reifa - that which has a category of T'reifa. This excludes an impure bird which does not have a category of T'reifa." Rambam writes that we know that the aforementioned Pasuk refers to carrion of a pure bird Mipi Hashemu'a i.e., a Halacha L'Moshe MiSinai - a Halacha orally revealed to Moses on Sinai (Hil. Avot Hatum'ot 3:1). The Gemara elucidates, "R. Yehuda derives the exclusion of bird from N'veila. R. Yehuda taught, 'You might think that the N'veila of an impure bird defiles garments (when its flesh) is in the esophagus. For (this reason the Torah) says, 'He shall not eat N'veila or T'reifa to defile himself ...' (Vayikra 22:8): only that (defiles) whose prohibition is based on "Do not eat N'veila." This is why an impure bird is excluded. The prohibition of eating an impure bird is not derived from the prohibition of N'veila: the prohibition of eating an impure bird is based on the prohibition of eating non-kosher birds. It would not matter if an animal mauled and killed a non-kosher bird or not, it would be forbidden to eat in either case.

Paraphrasing the Sifra (Vayikra 124), the Torah Temima (70) comments, "The Pasuk specifically wanted to emphasize that (impurity is created) only if the person swallowed it, because only then the soul benefits. As long as the piece of the carcass is in the person's mouth, the soul does not benefit from it." The Gemara (Chulin 120a) notes, "If someone dissolved the carcass of the pure bird in fire and gulped it (the resultant liquid) down, he becomes impure (and renders the clothes he was wearing at the time impure as well)... But does not the Pasuk say 'eating'?" ("And every soul that eats...") Resh Lakesh replied, 'the Pasuk says "soul" to include one who drinks". Listing the categories of impurity, the Vilna Gaon writes, "Carrion of an pure bird has but one kind of impurity - when there is a KaZayit (olive's bulk) of it in the eater's esophagus; but an impure bird, pure and impure fish and locusts, have no impurity at all" (Eliyahu Rabba - a commentary on the Mishnaic order Tahorot). The Yisrael eating the N'veila of the clean bird becomes a "father of

impurity as soon as an olive's bulk of meat comes into contact with his esophagus. At that moment he conveys first degree impurity to garments that he is wearing and vessels that he touches or carries. However, after he swallowed the olive bulk of meat, his "level of impurity" diminishes and he ceases to be a father of impurity. He then becomes a Rishon L'tum'a, a bearer of first degree impurity, and he can only ritually defile food and drink, but not people and vessels.

Fools Rush in where Angels Fear to Tread...

I have reviewed various Gemarot, Midrashim, and commentaries and I was unable to find a satisfactory reason for this very unusual form of Tum'a, the impurity resulting from eating the N'veila (carrion) of the clean bird. The laws of Sh'chita are considered Halachot L'Moshe MiSinai. This is intimated in the Pasuk; "...you may slaughter from your cattle and from your flocks... as I have commanded you..." (D'varim 12:21). This Pasuk is one of the classic proofs of the existence of Torah She'b'al Peh (The Oral Torah) from the written Torah because nowhere in the written Torah are there commandments ordaining how an animal or bird should be slaughtered. The Gemara says, "This verse teaches us that Moshe was instructed concerning the gullet and the windpipe; concerning the greater part of one of these organs (that must be cut) in the case of (the slaughter of) a bird, and the greater part of both organs in the case of cattle" (Chulin 28a). The Yisrael is permitted to eat (kosher) birds and animals only if they were slaughtered according to these rules. Even a kosher animal that was not slaughtered according to these regulations was considered N'veila and was forbidden to the Yisrael. However, when a Yisrael wanted to have a beefsteak, lamb chops or squab for dinner, the temptation to slaughter the larger animals in a non-kosher manner was not as great as the temptation of wringing a pigeon's neck. Ordinarily, birds were never sources of impurity. Nevertheless, the moment the Yisrael began to eat a pure i.e. kosher bird killed in an improper manner, impurity suddenly appears! Is it possible that one Halacha L'Moshe MiSinai (the resultant impurity arising from eating the N'veila of a kosher bird) was divinely ordained to "support" another Halacha L'Moshe MiSinai, the laws of bird Shechita? (IMHO)

You are not Alone... (from the introduction of the Rambam)

If you think that the laws and philosophic concepts behind the laws of Tum'a and Tahara are incredibly difficult to understand, you are not alone. Read Rambam's advice from his introduction to Seder Tahorot! "I want to emphasize something here. If you are one of those who have an ever increasing desire to know the laws of impurity and purity and to understand everything that is included in this Seder (The Mishnaic Order Tahorot), you should first learn by heart all the introductions and commentaries which I have written until you know them extremely well. They should be so "fluent in your mouth" (Shagur Beficha) and to such an extent that you do not have to strain your mind to remember them. It will not be sufficient for you simply to read and review them, even if you do so a thousand times, unless you learn my introductions and commentaries by heart. They must be "fluent in your mouth" just like K'ri'at Sh'ma and then maybe (ULAI) if you have a good memory, you will understand what is included in this Seder because its contents are very difficult. There are many ambiguities and it requires study in depth. Moreover, if the great Sages of the Mishna - upon them be peace - considered the laws of Tum'a and Tahara so weighty (Chamurim), then certainly we should. See what Eliezer ben Azaria said to one like R. Akiva (upon them peace), "Akiva, what do you have to

do with Agada? Confine yourself to (the study) of N'ga'im and Oholot, (very difficult tractates in Seder Tohorot where his expertise was universally recognized).

Catriel's book in progress: The Temple of Jerusalem, A Pilgrim's Perspective; A Guided Tour through the Temple and the Divine Service

How do we know that Yaakov Avinu wore a Kipa? Vayeitzei

from page 3 PARSHA PIX

Yaakov, and Yaakov went out... Would he go out without a kipa?! Old joke, represented by the KIPA

The road sign could have been at the side of the road that Yaakov traveled at the beginning of Vayeitzei, with Be'er Sheva behind him and Charan still to come. En route, Yaakov encounters "The Place" where he spent the night and had his famous dream.

Speaking of which, there's the rock he put by his head and the ladder standing on the ground climbing heavenward

U'FARATZTA, and you shall spread out in all directions, is represented by the compass.

Yaakov promised to give G-d (so to speak) MAASER, one tenth, .1

There are 10 babies in cradles, with an 11th one facing the other direction (for Dina) and then a 12th one in the boy direction, for Yosef.

The plant above Yaakov's pillow-rock (also the rock he moved from the mouth of the well) is a mandrake, the DUDA'IM that Reuven collected for his mother.

There are two of the sticks Yaakov used to induce the production of the striped, speckled, and plain sheep and goats.

Ice cream, G'LIDA, which is the Targum of KERACH in Yaakov's tirade about his cold nights spent watching over Lavan's flocks.

The Torah Tidbits logo with a thumbs up signal is for Lavan's endorsement- TOV T.T.

The sine wave is a GAL (not the English gal, the Hebrew for wave), as in the pile of rocks at the end of the sedra.

3 items unexplained: Visual TTriddles.

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 (TO-L'DOT) TTriddles:

[1] The T-shirt TTriddle: To which Jerusalem neighborhood did Rivka send Yaakov? 1st correct answer wins a T-shirt from Not Just T's, Rechov HaHistadrut, off Ben Yehuda. Whether or not you get this TTriddle, it's K'DAI to check out Not Just T's. Tell them Torah Tidbits sent you.

[2] Two others who prayed the same way

[3] Gerar, Charan, Timna

[4] Author of N'KUDOT HAKESEF

[5] plus two elements from the ParshaPix

And the envelope, please...

[1] Solutions for the T-shirt TTriddle should be submitted the same way solutions for any TTriddles are submitted: email to tt@ou.org or phone to (02) 566-7787 ext. 207. They should not be submitted to Not Just T's. As stated, the first correct solution wins a custom-printed T-shirt from Not Just T's.

This TTriddle has nothing to do with Charan or Padan Aram, since it was Yitzchak that sent Yaakov there, not Rivka. True, it was Rivka's idea, and she told Yaakov to flee Eisav, but she prompted Yitzchak to do the sending. Earlier, Rivka sent Yaakov to bring her two goats, so that she could prepare the special dishes for Yitzchak. The Jerusalem neighborhood associated with two goats is Emek Refa'im, a.k.a. the German Colony and Baka. On Rechov Emek Refa'im, there is a metal sculpture of two yellow goats. In TTriddle-land, they obviously mark the spot that Rivka sent Yaakov for the two goats.

Honorable mention to JS for Bayit Vegan, since he was going to family, it would feel like home (BAYIT) but he would be GONE from his real home. And to the E family for Mattersdorf, which means Mother's City. No winner yet, as of Sunday (when this page is printed); if a winner is declared before TT is completed, an announcement will appear elsewhere in this issue.

[2] There are many terms in the Torah for prayer. Prominent from the beginning of Parshat To-l'dot is the word VAYE'TAR. Yitzchak (and Rivka) prayed for children, and that is the term used for their prayer. A search in Tanach reveals that the others that VAYE'TARed were Moshe Rabeinu and Mano'ach, father of Shimshon HaGibor.

[3] Many TTriddles are born from rare words of phrases in the sedra. If a word or phrase is unique, it doesn't usually end up as a TTriddle. And, of course, if a word or phrase occurs very often, it doesn't make a good TTriddle either. The phrase ANSHEI HAMAKOM, the people of the place, i.e. the locals, occurs twice in the same pasuk in To-l'dot (26:7). In this pasuk, the locale is GERAR. In this week's sedra (Vayeitzei) the phrase appears again, referring to Lavan's friends and neighbors, the wedding guests, so the locale is CHARAN (or Padan Aram). In Vayeishev, Yehuda goes looking for Tamar (he didn't know it was Tamar) and inquires of the locals, the people of Timna.

[4] Rabbi Shabtai b. Meir HaKohein (1621-1662) of Vilna is better known in the yeshiva world as the SHACH, an acronym for Siftei Kohein. That phrase comes from the haftara of To-l'dot. Among his other works is N'KUDOT HAKESEF, a response to the comments of the TAZ, the other main commentary on the Shulchan Aruch.

[5] The two unexplained elements in the ParshaPix both play off the tow truck. The tow truck by itself was a Hebrew play on words for GERAR. Above the truck is the emblem of NAHAL, as part of IDF. Combined with the truck it reads NACHAL GERAR, the place where Yitzchak settled after Avimelech kicked him out of Gerar.

From the back of the tow truck is an arrow pointing to the computer icon for a DOS prompt. Together it gives the Ashkenazit pronunciation of the sedra, TOW-L' (to, that's the arrow) DOS.

This week's TTriddles:

[1] Who = No'ach + Lavan, childwise?

[2] Rachel, Yonatan b. Evyatar, an angel

[3] Why Bet-El is reluctant to field sports teams

[4] Going and returning is common to these two sedras

[5] first 4 here; 1st & 4th with last 2 in last

[6] plus 3 elements from the ParshaPix