

### 3 messages for 3 situations

Everything that the Torah tells us is supposed to teach us something. As obvious as that is, we often fail to get the message, even as we study the Chumash over and over again through our lifetimes. You can review Parshat HaShavua week in and week out (whatever that expression means), year after year, and then, one time, something will go 'click' and you will have a flash of insight or inspiration - or both.

Let's take, as an example - oh, what shall we choose? - How about "living in Israel", a topic we rarely, if ever deal with in the pages of Torah Tidbits.

There are Jews who have been born and raised in the States, or anywhere else in the Diaspora, and continue to live their lives, hopefully as good people and good Jews there. Whose story "speaks" to them? Avraham Avinu's. He was told to leave his land, his birthplace, and his father's house and go (come) to Eretz Yisrael. He went and G-d gave him (and his descendants - us) the Land. Every Jew in galut is also being asked by G-d to come live in Eretz Yisrael.

Got good reasons (or even not so good reasons) not to live in Israel? Then Yaakov's message is for you too. But let's deal with Yitzchak's message first.

There are Jews who were born and raised in Israel, and who still live here. Like Yitzchak Avinu. When he had it rough, he thought of leaving. G-d told him not to. True, his status (because of the Akeida) was unique. But his message can be applied to many Jews who live here - including those who were born here and those who have come on Aliya. Stay in Eretz Yisrael, it's the place all Jews should be.

But Yaakov knew that too. Yet he had compelling reasons to leave - temporarily. So he did. And at the end of this week's sedra, he comes back. (We also know that he was not destined to remain in Eretz Yisrael, and only returned to be buried here. Yaakov's message is directed towards Jews who leave Eretz Yisrael, or who delay coming in the first place, for all sorts of reasons. There are as many different situations as

### 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...

**Chanuka is unique among the festivals of Israel in that it begins in one month and ends in the following one. As Chanuka begins, the moon has waned to a crescent in the pre-dawn hours of the night. Each night it will appear smaller and smaller until it will seem to disappear. By the end of Chanuka, the first phase of the waxing new moon will be visible in the evening sky right after sunset.**



**This simple scenario of nature carries with it part of the Chanuka message, and part of the story of the Jewish People.**

**The immediate pre-Chanuka part of Jewish history was a waning phase. The miracles and victories of Chanuka are symbolized by the growth of the new moon. The moon of our history continues to wax and wane, until the Complete Geula, may it come speedily in our time.**

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Correct for TT 743 • Rabbeinu Tam (l'm) - 5:52pm

<b>4:00pm</b>	Jerusalem	<b>5:14pm</b>
4:15pm	Raanana	5:15pm
4:16pm	Beit Shemesh	5:15pm
4:15pm	Netanya	5:15pm
4:16pm	Rehovot	5:16pm
3:55pm	Petach Tikva	5:15pm
4:15pm	Modi'in	5:15pm
4:18pm	Be'er Sheva	5:17pm
4:14pm	Gush Etzion	5:16pm
4:15pm	Ginot Shomron	5:15pm
4:00pm	Maale Adumim	5:14pm
4:16pm	K4 & Hevron	5:15pm
4:01pm	Tzfat	5:11pm

### OTHER Z'MANIM

Correct for Jerusalem

Ranges are FRI-FRI • 17-24 Kislev • (Dec 8-15)  
 Earliest Talit & T'filin - 5:32-5:37am  
 Sunrise - 6:26½-6:31½am  
 Sof Z'man K' Sh'ma - 8:58-9:02am (8:11-8:14am)  
 Sof Z'man T'fila - 9:49-9:53am (9:17-9:21am)  
 Chatzot (halachic noon) - 11:31-11:34am  
 Mincha Gedola (earliest Mincha) - 12:01-12:05pm  
 Plag Mincha - 3:32-3:34pm  
 Sunset - 4:40½-4:42 (4:35-4:37pm)

In the Wolinetz Family Shul  
 OHEL SHMUEL (entrance floor)  
 Shabbat Shiur 3:00pm Mincha 4:00  
**Yaacov Peterseil & Co.**  
 Motza'ei Shabbat 8:30pm  
**Rabbi Yaakov Moshe Poupko**

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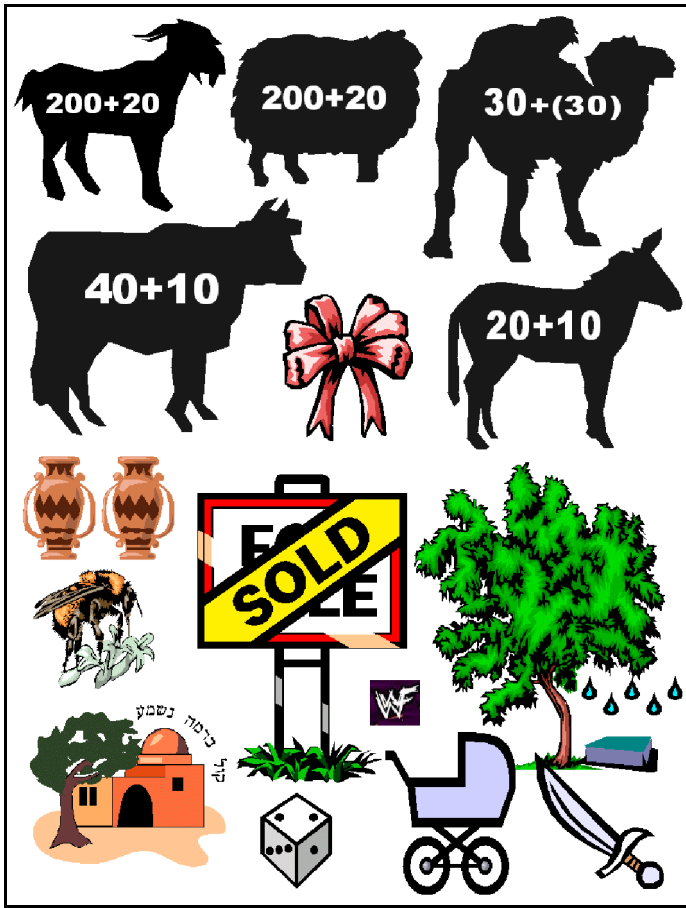
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This Shabbat is the 78th day (of 355) and the twelfth Shabbat (of 51) of 5767

וְיָבֵר צִיּוֹן יִתְהַיֶּה כְּלִיטָה וְיִתְהַיֶּה קָדְשׁ... עוֹבְדֵיהֶם אֵינִי

there are Jews, almost. We all need to be attuned to the varied messages of the Avot and Imahot, and all who came before us, so that we will act wisely and merit the Geula.



## Vayishlach STATS

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

Written on 237 lines in a Sefer Torah; rank: 11

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

## מִצְוֹת

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

**SDT** And Yaakov was extremely afraid, and he was distressed... says one of the commentators, his distress was due to his excessive fear. Yaakov realized that to be afraid was normal; but "very" afraid could indicate a lack of trust in G-d, and this distressed him. Fear is normal and does not per se indicate a lack of BITACHON and faith. But panic is another story...

## 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.

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.

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 - large flocks and herds, he does not have land. He has not (yet) benefited from the blessing (that Eisav felt was 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 - Second 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? Baal HaTurim shares an amazing calculation with us. 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.

Yaakov asks the angel who has wrestled with him to give him a

**SDT** 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 acknowl- edge you as having justly prevailed.

## Shlishi - Third 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,L183 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 inner- vating 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 "treibering". 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 animal'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'raitā 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, to use Rashi's word) 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. To be sure, it is a sad fact of Jewish Life. But do you know what would be sadder? Not remembering these words of R' Shimon bar Yochai.

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 kidnapping 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 - Fifth Aliya - 42 p'sukim - 34:1-35:11

The SDT on the previous page 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 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.)

Who was D'vora, the nursemaid of Rivka? Why does she rate mention by name? Why is her death mentioned? It has been suggested that she was one of Avraham and Sara's "converts", but that they purposely did not take her when they went to Eretz Yisrael, with "the souls they had made there". Rather, they left her as a tutor for Rivka Imeinu, someone to teach her and influence her to become worthy and fitting to be Yitzchak's wife and one of the Matriarchs of the Jewish People.

**[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 - Sixth 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 **UNTRANSLATED** 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 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.

## **Sh'vi'i - Seventh 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 Haftarot

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.

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

Lesson #358 (continuing with...)

### **Jurisdiction of a Beit Din**

As mentioned in previous lessons, the jurisdiction of the non-ordained judges extends to a variety of cases involving remedies for antisocial conduct. In Shulhan Aruch Choshen Mishpat, the first case of this type discussed by Rabbi Yosef Karo is that of theft. He states that the penalty for theft cannot be collected by non-ordained judges, since they are not authorized to collect penalties. However, they do have jurisdiction over the principal amount that was stolen and can collect it, because the case (1) is one of indemnification rather than a penalty, (2) is of a type that occurs frequently, and (3) involves a loss of money to the victim of the theft.

The next case involving a civil remedy for antisocial conduct is that of robbery. The Talmud in discussing the types of cases that non-ordained judges do not have jurisdiction to judge, states that robbery is one of them. This seems to establish conclusively that non-ordained judges do not have jurisdiction over civil cases arising out of robbery. However, Rambam (1135-1204) and many other authorities including Or Zarua (1180-1250), Smag (1200-1260), HaMachria (1200-1260), Asheri (1250- 1327), Tur (1270-1340), R. Yosef Karo (1488-1575), and Aruch HaShulchan (1829- 1908) cite Talmudic passages which indicate non-ordained judges did judge these cases. How can this apparent contradiction be reconciled?

One possible solution offered by Shach (1622-1623) is that non-ordained judges are denied jurisdiction only insofar as the penalty aspect of robbery is concerned; these judges may, however, collect the value of the article that was

robbed. This explanation, while certainly granting the widest possible jurisdiction over robbery cases to courts of non-ordained judges provides a somewhat unsatisfactory explanation of the Talmudic passage. A second approach offered by Tumim (1690-1764) and concurred in by Kezot (1745-1813) suggests that when ordination lapsed there arose concerns that robbers, aware of the fact that there were no longer any courts that had jurisdiction over them would rob with impunity. Therefore after ordination lapsed, courts of non-ordained judges were empowered to judge cases arising out of robbery. Similarly, outside of Israel where ordination was never practiced nonordained judges were given jurisdiction over these cases. A third explanation is that of Tosafot (12th-13th centuries). They explain that non-ordained judges generally have jurisdiction over cases of robbery, except for those cases that entail a physical struggle between robber and victim. According to this explanation of Tosafot therefore, the Talmudic passage which restrict the jurisdiction of the non-ordained judges over cases of robbery serves to limit their jurisdiction to some extent, while permitting them to exercise jurisdiction over all other cases of robbery, those that do not involve a physical struggle. A fourth resolution is advanced by N'mukei Yosef (early 15th century). Non-ordained judges have jurisdiction over cases of robbery where there is no force involved, such as wrongfully using a bailed article or denying a bailment. According to this view, if an individual lawfully obtained the bailed property, such as an article deposited with him for safekeeping only, and then wrongfully used the article, or denied that it had been given to him, the individual is considered a robber. In such cases of robbery, the non-ordained judges have jurisdiction. Robbery, then, is not only a case of obtaining possession of someone else's property by force or the threat of force, but also embraces the wrongful use of someone else's property under certain circumstances or the denial of the bailor's title. There are thus four possible explanations what the Talmud means when it states that non-ordained judges may not judge cases of robbery. The preferable view is that non-ordained judges have jurisdiction over all cases of robbery since many codes posit that non-ordained judges have jurisdiction over robbery cases without qualifying the statement.

Another case requiring a civil remedy for antisocial conduct is that of the informer. That the non-ordained judges have jurisdiction over this matter is derived from a case in the Talmud. In Babylonia, where there were no ordained judges, an informer was held liable for showing a victim's possession to robbers (T. Baba Kama 117a). The informer was held to be the indirect cause of the robbery. The authorities are in accord that the non-ordained judges have jurisdiction over such cases, since the payment collected from the informer is considered an indemnification and not a penalty. In the Shulhan Aruch, the case of the informers is the last one listed by R. Yosef Karo. However, in his emendations, R. Moshe Isserles (the Rama) adds a last case, that of refuted witnesses.

The testimony of a witness may be impeached in two ways. The first type occurs when his testimony is contradicted by

another witness so that the court is faced with conflicting testimony (hak-chasha). The second type of impeachment arises when his testimony is refuted (hazama). This refutation takes place when a second group of witnesses refutes the testimony of the first witnesses by testifying that the first witnesses were in another place when the incident in question occurred and therefore could not possibly have witnessed the alleged occurrence. The refuted witnesses are designated as Zomemim. By using the latter term in discussing the jurisdiction of non-ordained judges, Rama is referring only to the second type of case, that is a case of refuted witnesses (Zomemim). The criterion for allowing non-ordained judges to exercise jurisdiction over cases of refuted witnesses is whether the party against whom these witnesses testified actually paid money on the judgment that was obtained on the strength of the false testimony. In such a case, the refuted witnesses are the indirect cause of that party's monetary loss, if the party who collected the money does not make restitution or has left the jurisdiction. However, the non-ordained judges do not have jurisdiction over cases where the refuted witnesses, by their testimony, did not assist in obtaining a judgment requiring one to pay money. But rather helped to exonerate from liability one who should have rightfully paid. The testimony of the refuted witnesses in such a case is held to be only the remote cause of the party against whom they testified not being able to obtain a money judgment. Rama's holding that non-ordained judges have jurisdiction over cases of refuted witnesses can be traced to a holding of Chaneel Gaon (990-1055). Chaneel Gaon's view is also cited by Or Zaru'a (1180-1250), Mordechai (1250-1298), Hagahot Asheri (14th century), Lebush (1530-1612), and Aruch HaShulhan (1829-1908).

*The subject matter of this lesson is more fully discussed in Vol. 1, Chapter 1 of Jewish Jurisprudence by Emanuel Quint and Neil Hecht. Copies of both volumes can be purchased at local Judaica bookstores. Questions to quint@inter.net.il*

## Religious and Ethical Challenges of Money [5] by Dr. Meir Tamari

*Having finished his presentation of Yosef and his Brothers, Dr. Tamari is returning to the topic he presented during the Yamim Nora'im. After several weeks, he will IY"H resume with "B'reishit".*

## COERCION IN MARKETING

**QUESTION** (from the Av Bet Din, Akinou):

"Reuven has been conducting a business in our town for many years and now Shimon has opened a similar one. Shimon also has a store in one of the outlying villages, where in addition to his usual business, he has the monopoly of granting licenses to the peasants for collecting the empty cartridge shells from the army firing range, for sale to the smelters. Shimon has threatened the peasants that if they continue to buy from Reuven, then he will not grant them licenses."

**ANSWER:** *"According to Rabbi Huna [Bava Batra 21b], the original storekeeper cannot prevent newcomers from opening similar businesses, where this does not completely choke off the livelihood of the veteran. [This support of free*

entry of new firms is the halakhic norm. It recognizes people's right to do as they see fit with their assets, acknowledges the benefits of free competition and generally does not recognize any restrictive rights accruing to a veteran simply as a result of being the first]. However, we cannot apply this to our case, because of the ruling of Ibn Migas restricting a seller from distributing gifts to children [non-price competition] in order to encourage them to buy from him in preference to another storekeeper. Ibn Migash ruled that in cases where such non-price competition effectively prevented the customers from buying from a competitor, we rule like Rabbi Yehuda and not like the Sages who permitted giving of such gifts; normally the halakha in this regard would be like the Sages.

The restrictive law of fishermen having to distance themselves from one who had already spread his nets in a certain spot, could perhaps be used to prevent storekeepers from encroaching on an existing business. We could argue that just as the original fisherman was already certain of the fish in his territory, so too, the veteran storekeeper could be certain of his customers; therefore to permit newcomers would permit theft, just as in the case of the fisherman. That argument has not been accepted, since, unlike fish in the area of the net, one cannot be certain of the customers until a sale has actually been made, and therefore, the competition would be permitted (Ran - HaShutafim and also Rabbenu Tam, Kiddushin59a)

However, in our case none of these permissive arguments apply since Shimon competes through his threats not to grant the villagers their licenses for collecting the shells if they buy from the veteran. [This is *oshek* - coercion, which is tantamount to robbery]. Therefore, he is not allowed to open the new store. Even if he promises not to threaten the villagers, he may not open the new store, since such a person cannot be trusted to keep his promise. However, if he were to sign such an agreement before the Beit Din, then he may open his store."

Teshuvot Avnei Nezer 24; Avraham, Admor of Sochochow, 5668 [1908].

The moral issue of coercion in marketing is one that takes many forms, over and above the use of blatant force or of power. All these forms, in addition to the immorality inherent in their use, disrupt the efficient working of the market mechanism.

Advertising which exploits ethnic or racial differences in order to convince or prevent consumers from buying goods or services has often been used by majorities to harm minorities economically, as anti-Semites have done to destroy the economic basis of the Jews. Ironically, minorities have often used the same advertising to protect themselves, a form of sectarian or ethnic affirmative action: "Buy from or hire your own kind". Large firms in general, often exploit the small firms by delaying payments and, when they are the sole suppliers or customers, they use the power of their size to obtain price or marketing advantages.

High pressure salesmanship, badgering consumers especially the elderly and the poor, and taking advantage of people's ignorance of the market price or quality of goods and services, are all widespread examples of coercive marketing techniques that while they may be legal, are immoral.

All the Codes include coercion in their definition of *gezel*/robbery and trace it to coveting and lusting after the property of others.

"One covets another's possessions and wishes to buy them from

him, but the latter does not wish to sell [even at market price]. Then the buyer pesters him or uses his friends and relatives to bring pressure on the reluctant seller [like pressure on shareholders in a hostile takeover]. Such a one transgresses the negative commandment, "You shall not covet". If one lusts after another's assets and plots in his heart how to buy them [since the owner refuses to sell], one transgresses the commandment, "You shall not covet and you shall not lust after a neighbors house, nor a field... nor anything that belongs to your neighbor". That lusting leads to coveting, the coveting leads to robbery where the neighbor refuse to sell despite the buyer's raising the price or bringing social pressure on seller, and to murder when the owner resists" (Hilkhos G'zeila 1:3,9, 10 and 11).

There is a further negation of coercion in the protection granted halakhically through the concept of a just price, *ona'ah*. Thereby a transaction at a price differing from the market price by more than 1/6th may be cancelled or the price differential refunded. *Ona'ah* does not apply where both parties are made aware of market conditions. It does however apply where one of them claims that while he knew of the overcharge and agreed to it, nevertheless he only did so under duress. This is based on the Talmudical story of one, who fleeing from enemies who wished to kill him, agreed to the overcharging by a ferryman. When they arrived on the shore, he demanded a refund of the overcharge under the law of *Ona'ah*, since he agreed only under duress. The Rabbis upheld his claim. Subsequently, based on this Talmudical ruling, a rabbi upheld the claim of a clothing manufacturer to protection of *Ona'ah*, since, under pressure of fulfilling a major contract for army uniforms, he had agreed to the overcharge by his supplier.

It is both good and honest to do everything necessary in order to show the buyer the real value and beauty of the article [through proper advertising and attractive packaging]. However, for us to hide and cover defects [in information and pricing], is nothing less than deceit and is forbidden" (Ramchal, Mesilat Yesharim 21)

## **MISC section - contents:**

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[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 z"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 have been looking for a specific sefer that a rabbi of mine needs and have gone to a few stores which did not have it. I called a store with limited hours, whose owner offered to try to order it. Meanwhile, I am pressed for time and will anyway be in Meah Shearim, with its many sefarim stores, today (before the other store opens). Can I try to buy the sefer in Meah Shearim, or am I bound to give a fair chance to the one who said he would order?

**A** When two people not only agree on a sale in theory but make a valid kinyan (act of acquisition) neither side can back out of the deal. When money is paid but no valid kinyan is made, it is possible for either side to back out of the deal, but he is subjected to a severe, curse-like sanction, known as a Mi Shepara (Bava Metzia 44a). When only the sides' words are given, R. Yochanan and Reish Lakish disagree whether there is still a moral obligation, known as Mechusar Amana (lacking credibility) to go through with the sale (ibid. 49a). We accept R. Yochanan's opinion that this obligation exists (Shulchan Aruch, Choshen Mishpat 204:7). At first glance, we would say that if you agreed to buy the sefer you should follow through, but if you just indicated that you would likely buy the sefer if he receives it, you need not.

However, there are other halachic factors to consider. Perhaps Mechusar Amana applies only to a case where a kinyan is possible but was not yet carried out. In our case, in contrast, where the storeowner did not own the sefer and thus ostensibly could not transfer it, the matter is too far from a kinyan for any obligation to exist. The Rosh (Shut 102:10) seems to say just that. On the other hand, the Rambam (Mechira 22:3, accepted by the Shulchan Aruch, CM 209:6) says that if one made a kinyan on an item the seller does not yet possess and it has a set price, the seller must acquire it on the buyer's behalf or be subject to a Mi Shepara. The S'MA (ad loc.:23) says that this refers to a case where the object is readily attainable, in which case it is as if it was already in seller's possession (see Kesef Mishneh on Rambam, ibid.). The Shach (ad loc.:13) says that there is always a Mi Shepara in such a case even if the item was not readily attainable. Your case sounds as if the sefer is hard to come by. Therefore, if you agreed to buy the sefer, whether the agreement is semi-binding would depend on this machloket (see Pri Yitzchak I, 50).

There is also a machloket whether it is Mechusar Amana to back out when the item's price changed after the agreement (Rama, CM 204:11). One can investigate whether your need to obtain the sefer without delay is a comparable excuse to back out of the agreement. In any case, there is another reason to

exempt you from going through with the purchase. It appears that you did not agree on a price. If so, besides issues of accessibility, the agreement is not yet complete. Therefore, it is not Mechusar Amana to not go through with the purchase (Pitchei Choshen, Kinyanim 1:2).

One can ask whether you must compensate the storeowner for buying the sefer based on your request. It is far-fetched to say that he was acting as your agent if and when he bought it. However, spending money based on another's assurance, at times obligates the assurer to compensate. For example, if two are planning to travel in order to have a dispute adjudicated at a distant Beit Din and one tells the other: "Go and I will follow", and he does not, the former has to pay the latter's travel expenses (Rama, CM 14:5). While we cannot do the topic justice, let us mention but one way our case is different and you are exempt. Here, the storeowner has not lost money, as the sefer has value and can be expected to be sold some day.

In summary, you are not required to buy from the store that intended to order the sefer for you. Nevertheless, all things being roughly equal, you should try to keep your word or inform the storeowner not to order, apologize, and allow him to raise a grievance we are unaware of.

*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](http://www.ou.org) or [www.erezhemdah.org](http://www.erezhemdah.org). And/or you can receive Hemdat Yamim by email weekly, by sending an email to [info@erezhemdah.org](mailto:info@erezhemdah.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

**We cannot profit fully from our thought until we get over the fascination of being thinkers; it is only when thinking becomes like breathing to us, that we can reap its full reward.**

From "A Candle by Day" by Rabbi Shraga Silverstein

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

When Yaakov sends messengers to Esav, he instructs them to say to Esav as follows: "So said your servant Yaakov. I have sojourned with Lavan and lingered until now." Rashi comments that the word "garti" (sojourned) has the numerical value 613, and adds that Yaakov was saying: "Though I sojourned with the wicked Lavan, I observed (shamarti) the 613 commandments and I did not learn from his evil deeds." Commentaries on Rashi raise a very basic question. How could Yaakov possibly have observed all 613 commandments? Many of the commandments are applicable only in Eretz Israel, such as all of the agricultural laws, and Yaakov was outside the Land. Furthermore, many commandments are applicable only to the Jewish nation, such as appointing a king and building the Bet Hamikdash, and there was no Jewish nation yet.

In his commentary "Divrei David", Rabbi David ben Shmuel

Halevi (author of the TA"Z on Shulchan Arukh) suggests that the verb "shamarti", which we normally translate as "I observed", should be understood here to mean "I protected" or "I guarded". By studying the parts of Torah that were not applicable in his situation, Yaakov protected these laws from being forgotten. Yaakov felt their lack in his life and yearned to fulfill them. He wasn't content with the abridged Torah that could be implement in Galut. Instead, he delved into the laws that would take effect when he returned home. In so doing, he reminded himself that he was only living outside of Eretz Israel temporarily (the use of the word "garti" implies something temporary).

What Rashi is saying to us is that we too must realize that a Torah observant life outside of Israel is incomplete. While in exile, we have to keep the mitzvot that can't be observed in Galut in our consciousness so that they will give us the impetus to come home and implement them. May we all have the merit to participate in the building of the Bet Hamikdash and the activation of all of our Torah.

**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 HaShavu'a*

## [4] **Wisdom & Wit**

R' Yechiel Mordechai Gordon, the Lomza Rosh Yeshiva and thereafter in Petach Tikva, was in his yeshiva in Petach Tikva one Shabbos, when the administrator of the yeshiva came over to him. A man had come in to the yeshiva and asked if he could eat there over Shabbos. R' Yechiel Mordechai agreed to allow this, in accordance with (Yeshayahu 58:7), 'Share your bread with the hungry.'

After Shabbos, R' Yechiel Mordechai called the administrator over to his house and gave him a sum of money to cover the cost of the food. He reasoned the food in the yeshiva was only for those who studied there, yet on the other hand, one cannot drive away a hungry person. Thus he had decided that he would pay for the stranger's meals.

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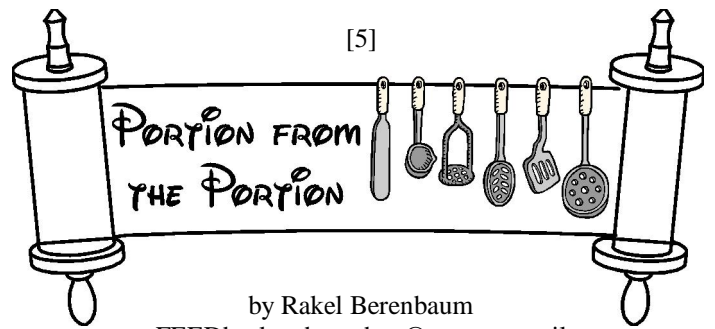
R' Chaim of Sanz said...

A person who points out to us the dangers of a poor road is as praiseworthy as one who tells us where to find the correct road.

*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*

Tenderize the boneless chicken breast halves by flattening them and marinating in lemon juice. Using a meat mallet, pound chicken breasts between sheets of plastic wrap to to inch thickness. Arrange chicken in glass baking dish. Pour lemon juice over cover and refrigerate 1 hour. Remove chicken from dish and pat dry with paper towels.

Bake chicken cutlets at 180C for 20 minutes. Simmer above ingredients with 2 Tbsp water added. Pour sauce over cooked shnitzels and bake for 30 min. (or leave on hotplate for 45 min.).



by Rake! Berenbaum  
FEEDback to berenbau@actcom.net.il

## **If Esav Hits One Camp the Other will Survive**

Yaakov was finally leaving Lavan's house and returning to his homeland. On one hand, he was happy, but on the other hand, he was nervous. How would his brother Esav treat him? Would he treat him as a brother or would he treat him as an adversary taking revenge on Yaakov for stealing his birthright and blessings?

In preparing for this encounter, Yaakov took every precaution. Rashi says he prayed to Hashem, organized a present for his brother, and just in case, prepared for war. He didn't want to take any chances and readied himself in various ways.

In preparing for the possibility of battle, Yaakov divided his family into two. He hoped that if indeed Esav were to strike the first camp of his family, the other one would be able to escape safely. At least that way not everything would be lost.

The Maharsham HaKohen sees in Yaakov's words a prayer, not only for himself at that time, but for future generations. The word "VEHAYA" usually is used for something happy. But what is happy in this verse about Esav striking out at his family? That whenever Hashem brings destruction on the Jews, it is only on one part of the nation, there will always be a ?camp that survives?.

When Hitler y"sh came to power and made it clear that he wanted to destroy all the Jews, one of the Roshei Yeshiva in Roden asked the Chofetz Chayim if he would succeed? The Chofetz Chayim told him that no one was ever able to destroy all the Jews, as it states in this verse "VEHAYA HAMACHANEH HANISHAR LIFLETA". The rabbi asked him if Hitler succeeds in killing the Jews in Europe, where will there be Jews left. The Chofetz Chayim answered him that that is written in a verse in Ovadya (1:17), ?And on the mountain of Zion there will be a remnant?, there would be Jews left in Eertz Yisrael.

## **Sweet and Sour 'beaten' Shnitzel**

This is a shnitzel recipe that is not fried - we will save the oily recipes for Chanuka. It is also sweet and sour to represent the good within the bad.

- ↔ 2 boneless chicken breasts (shnitzels), pounded thin
- ↔ 2 onions
- ↔ 1 large green pepper
- ↔ 1/2 lb. (approx. 250g) mushrooms
- ↔ 10oz (250/300g) apricot jam
- ↔ 2 Tbsp brown sugar
- ↔ 3/4 cup ketchup

## [6] Parsha Points to Ponder

### VAYISHLACH

1) The Torah relates that we are not permitted to eat from the gid hanasheh because the angel of Eisav injured Yaakov in his hip causing a limp (32:33). Why is this memorialized and what, in general, are we supposed to learn from the story of Yaakov fighting the angel?

2) The Torah relates that the place, Sukkot, received its name since Yaakov built huts for his cattle there (33:17). Why did making huts for his cattle warrant being memorialized forever through the naming of this location?

3) Why is the place where Devora, Rivka's nurse, died referred to as ALON BACHUT which focuses on the crying (BECHI) over her death (35:5) while the place where Rachel dies is called "KEVURAT RACHEL" (35:19) focusing on the burial and not the crying?

### THESE ARE THE ANSWERS

Ponder the questions first, then read here

1) The Sefer HaChinuch writes that this fight between Yaakov and the angel was actually a microcosm of the battle that between the Jews and the gentiles throughout history until the time of our final redemption. While the angel never succeeded in completely destroying Yaakov, he did cause Yaakov great pain and suffering. When we refrain from eating the gid hanasheh, we should recognize that all of the persecution which we suffer as a nation is part of our predestined lot as the chosen nation. However, just like the light of the sun healed Yaakov (32:32), so too, when redemption comes and brings us great clarity we will understand why we had to suffer and will be healed from our wounds.

2) The Ohr HaChayim suggests that Yaakov with his great compassion was the first person to build protective shelter for animals. That is why his building of the huts for the animals is recorded in the Torah to begin with and this special innovation showing care for animals deserved to be memorialized through the naming of the location.

3) Rav Moshe Feinstein answers that no one would ever doubt that there was significant crying over the death of Rachel. After all, aside from being one of the founding mothers of the Jewish people she also died young under tragic circumstances. Giving prominence to the place of her burial as a place for Jews to pray then became the focus. Devora, however was not known as a righteous woman and, therefore, the Torah records for all eternity that she was a person worthy of being cried over since she was a truly righteous woman as well.

*Parsha Points to Ponder is prepared by Rabbi Dov Lipman, who teaches at Reishit Yerushalayim, Tiferet, and Machon Maayan in Beit Shemesh and RBS and is the author of "DISCOVER: Answers for Teenagers (and adults) to Questions about the Jewish Faith", just re-published by Feldheim ppp@israelcenter.co.il*

## [8] Torah from Nature • Emperor Penguins

This fairly regular column in Torah

Tidbits is meant to offer glimpses of the vast and varied world that G-d created and in which He placed us. It is meant to cause the words of T'hilim 104:24 to pop to mind - MA RABU MAASECHA HASHEM, how manifold are your works, HaShem! And doing just that, the column is justified. Sometimes, it does even more. Sometimes, we get a sense of the next part of the pasuk - KULAM B'CHOCHMA ASITA, in wisdom you have made them all - for we sometimes see not only the beauty and variety of nature, but its Divine cleverness, as well. And once in a while, the column's topic goes even further, to give us an idea as to WHY G-d made for us, and shows us, so much of that variety. The following, from a Yahoo science news item, is an example of the latter.

When emperor penguins dive below the Antarctic sea ice in search of food, they can descend five times as deep as a human and can swim on a single breath for up to 20 minutes. Researchers are trying to find out how they manage these incredible feats to potentially help improve surgical procedures and anesthesia.

Emperor penguins are the tallest and heaviest species of penguin. During their harsh life cycle... dive into frigid waters to feed on krill and fish... researchers found that the birds could dive deeper than 500m ... the deepest a human can dive unassisted is less than 100m...

Researchers aren't sure how emperors can descend so deep without developing decompression sickness, or the bends... a condition that occurs in human divers in which under high pressure nitrogen builds up in the blood as it exchanges gas with the lungs, and that nitrogen is released as bubbles during ascent, causing itching, pain, and sometimes death. Whales hold the deep-diving record for air-breathers, but they do get the bends, too. Seals, which can dive even deeper than the emperors, avoid this condition because they deflate their lungs when they go down... it is unlikely that emperors do this because they structure of their lungs is different... also looking at how emperors can stay under water for such a long time on a single breath of air...They can swim and dive and function quite well when the oxygen level goes very, very low in the lungs... At the same oxygen levels, a human would go unconscious. Compared with humans, both seals and emperors have more oxygen circulating in their blood because they have a higher blood volume and more hemoglobin, the protein that carries oxygen through the blood. The penguins also have more myoglobin, which stores oxygen in muscle, in their bodies. "When they're swimming, they have an oxygen store right there that they can use". Ponganis (head researcher) said. And unlike humans, emperors decrease their heart rate when they swim, so they use up their stores of oxygen slower...

Ponganis is interested in how penguin physiology compensates in these conditions because it could improve anesthesia techniques and aid in research of how to avoid tissue damage when the body is deprived of oxygen.

Emperors are the largest of 17 species of penguins, and they spend their entire lives on the cold Antarctic ice and in its waters... the only animal that spends the winter on Antarctica's open ice... clump together in huge, huddled masses... take turns moving to the inside of the group... once

they've had a chance to warm up, they take their turns back on the circle's edges, giving fellow penguins time in the warmer center... these flightless birds breed in the winter (unlike most birds, which breed in the springtime)... a female emperor lays one egg and then leaves! Each penguin egg's father balances it on his feet and covers it with his brood pouch, a very warm layer of feathered skin designed to keep the egg cozy. There the males stand, for about 65 days, through icy temperatures, cruel winds, and blinding storms. And they eat nothing that whole time... after about two months, the females return from the sea, bringing food they regurgitate to feed the now hatched chicks... The males eagerly leave for their own fishing session at sea, and the mothers take over care of the chicks for about two more months... then the adults leave them in groups of chicks called creches while they leave to fish. They return with food they regurgitate for their young...



A new Torah Tidbits column with a Parshat HaShavua insight geared towards the young reader... or their parents and grandparents to read to them.

After spending twenty years with Lavan, Yaakov finally leaves to return to Eretz Yisrael. He arrived in Charan alone and penniless. He leaves with two wives, two maidservants, eleven sons, a daughter, and many servants and sheep, camels, cattle. But he is worried about meeting his brother Esav. Perhaps Esav still hopes to kill him for having taken the brachot.

One night, he moves his family and belongings across a stream and when he is left alone on one side, a stranger appears and begins to struggle with him. The struggle continues throughout the long, dark night until the sun rises. But Yaakov is stronger, and the stranger (who was actually the guardian angel of Esav) begs Yaakov to release him before daybreak. He asks Yaakov's name and then says: "You will no longer be called by your name Yaakov, but rather Yisrael, for you have struggled with G-d's angels and with people and you have prevailed."

A new name always signifies a new destiny, new strengths, a change of status, a new future. What does this new name - Yisrael - mean? Yisrael is Yashar E-I... one who walks straight and upright with G-d. Not a trickster, not a cheat. A truthful man. You have now fought against Esav and the blessings you obtained before have now been won openly and with dignity. Yisrael is Sar E-I... a prince of G-d; a warrior for G-d. Yisrael means Sarita im Elokim... You have struggled with G-d's angel and with people, and you were victorious.

The rabbis said Hashem attached his name to ours so that we will never be lost among the nations. Like Yaakov, we will survive. Like Yaakov, we will dream, struggle, wrestle with the world and eventually, after a long night, we prevail. We are Yisrael.

Twenty years earlier, when Yaakov set out for Charan, the sun was setting and darkness descended. Now, on

his way back to Eretz Yisrael, Yaakov receives his new name as the dawn breaks and a new day, a new future, begins.

He called the name of the place Peniel, "for I have seen G-d face to face (panim el panim) and my life was saved. And the sun rose as he passed Penuel."

But not everything was perfect. Although Yaakov was victorious during his struggle with the angel, his thigh was wounded and he was left limping until Hashem cured him. When he arrived at the city of Shechem, he was shaleyem - intact, complete, well. This too is a sign for Yaakov's children. So long as we are still "on the road", we will face many struggles. We will, with Hashem's help, survive and overcome all our enemies and challenges but the way will not always be easy. We may be left "limping" for a while, but a bright, new day is out there waiting for all of Am Yisrael!

## [9] New guest DT series

*This is the first of a planned series of guest Divrei Torah, submitted by young men and women from abroad who are learning in Israel this year. Submissions for publication should be sent to [abaumol@ouisrael.org](mailto:abaumol@ouisrael.org) and be approx. 550-600 words long including a short blurb about your school.*

### What's in a Name?

**by Nicole Grubner, Tif'eret Center for Women**

Parshat Vayishlach discusses the struggle between Yaakov and the angel of Esav. Yaakov was found alone with the angel and the two wrestled until dawn. As dawn broke, the angel asked Yaakov to release him, however, Yaakov refused to let go until the angel blessed him. The angel asks Yaakov for his name and then proceeds to bless him with his new name, Yisrael. A name describes a person's essence. When parents are naming their child, they are said to have Ruach Hakodesh so that the name fits the child. Yaakov's name is changed to Yisrael, and at this point, he goes through a transformation from being the Yaakov, father of twelve sons, to Yisrael, the father of a nation.

After the gall of asking for a bracha, Yaakov pushes further and asks the angel his name. Yaakov therefore, asked the angel to describe his essence. The angel responds, "Lama ze tish'al lishmi?" "Why do you ask my name?" (Bereishit 32:30). We learn in the Sichos Mussar that, although the angel was seemingly avoiding the question, he was in fact, providing an answer. The angel responded with his name, "Why do you ask my name?" This name demonstrates the essence of the angel, and more profoundly, the essence of the Yetzer Hara. The Yetzer Hara, at a glance, appears to be a powerful entity, but when questioned, is nothing more than an illusion. In the movie, "The Wizard of Oz", when Dorothy first meets the Wizard, he presents himself as this huge, fantastic, all powerful figure, but when Dorothy looks further and pulls back the curtain, she finds nothing more than a feeble old man. This is the Yetzer Hara. As soon as the Yetzer Hara is examined, its mask is removed and its true nature is revealed as an illusion.

When faced with challenges of the Yetzer Hara, all we need to do is pull away the curtain that reveals the true nature of the Yetzer Hara. When we do this, we will find that

undoubtedly, the Yetzer Hara is nothing more than that feeble old man. Yaakov knew this, and challenged the angel to explain his essence. Yaakov knew that if the angel revealed his name, all future generations would be able to defeat him. When we know someone's name - their essence - we can never lose to them. The angel answered Yaakov with, "Why do you ask my name?" He was saying, "I am strong when you don't question me, but if people take pause and examine my essence, my illusion will be revealed."

*The Tiferet Center for Women provides an environment that allows its students to have a clear view of their goals. Tiferet is located in the quiet of Ramat Beit Shemesh, with nearly all the staff living within a ten minute walk from the school. The entire staff acts as a constant support system for the students. This warm and nurturing environment allows students to have a clear mind, and just as Yaakov pulled the curtain to reveal the nature of the Yetzer Harah, Tiferet's students are able to make the decisions to truly maximize their potential.*

## [10] MicroUlpan



Two or more electrical wires sharing the same insulation is called a CABLE. The correct pronunciation of the Hebrew is KEVEL, not KABAL or K'VIL.

## [11] G'matriya Match

VAYEI'AVEIK ISH IMO, and a man wrestled with him. ISH IMO, a man with him - who was it?

**ISH+IMO = 311+116= 427.**

**EISAV+EDOM = 376+51 = 427.**

## [12] Divrei Menachem

Parshat Vayishlach returns us to the perennial problem of how we treat our adversaries: Do we ignore or appease them? Do we flee or attack them? Ya'akov, returning to Eretz Yisrael through Edom and on a collision course with his vengeful brother Esav, cannot avoid these questions.

One rabbinic view of Ya'akov endorses his approach to this matter as he learned of a strong army moving ominously in his direction. Thus, Ya'akov is praised for not relying on his righteousness or on miracles, but taking practical measures that were expressed in prayer, gifts (appeasement) and preparation for combat.

In contrast, while Ya'akov seemingly conceived of all possible options, the Midrash castigates him for "taking the dog by the ears". Moreover, by sending messengers to Esav who addressed the Edomite as "My Lord" no less than eight times, Ya'akov earned further scorn in the rabbinic epithet that, "He who acts like a kid - the wolves devour him."

The Midrash consequently indicates that a corresponding eight kings arose in Edom prior to the rise of a Jewish king. And for Ramban such self- debasement before the tyrant led to the fall of the Maccabean rulers before the Romans. Yet, the Midrash also concludes that rabbis who later interceded

with the Romans studied Ya'akov's actions before they met the emperors. Clearly, these questions remain to haunt us in our times.

**Shabbat Shalom, Menachem Persoff**

## Towards Better Davening and Torah Reading

### The difference between a PASHTA and a KADMA.

Take a look at part of B'reishit 33:10 -

וַיֹּאמֶר יַעֲקֹב אֶל-נָא אִם-נָא מִצָּאתַי וְזֶן בְּעֵינַיךָ...

VAYOMER YAAKOV AL NA IM NA MATZATI CHEN B'EINECHA...

AL NA (please no), IM NA... (if I found favor in your eyes)...

The two words NA have TROP marks that look the same. The first one, however, has the mark at the extreme left of the word. The second NA has its mark over the middle of the word (actually, over the middle of the accented syllable, which in this case is the whole one-syllable word).

The first NA's mark is a PASHTA, which is a third level "pause causer", and so the word NA is followed by a slight pause. (The word CHEIN above, also has a PASHTA.)

The second NA's mark is a KADMA (often, but not always, paired with an AZLA), which is a "linker", without a pause after it, connecting itself to the next word.

A skilled BK (Baal Kri'a, a.k.a. Baal Korei) will "sing" the PASHTA and KADMA differently, but at least one should be careful to pause where a pause belongs and not pause where one doesn't. (Sometimes - not in this case - the meaning of a phrase can be changed by switching these notes.)

### 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.*

### Distance Learning - SUCCESS [3]

It all started when the Mikdash community in Yerushalayim realized that even experienced Mikdash-Shlichim and their families abroad admitted a certain inevitable disconnection with the Mikdash while they were serving in Chutz La'aretz and that when their children returned to Eretz Yisrael, they frequently had difficulty reintegrating into the Mikdash Yeshivot. The Segan had established the Mikdash Committee for Distance Education (MCDE) to explore their options and ascertain if it would be possible to exploit the new developing technologies of distance education to address the problem, Meir Hakohein would be the chairman. With the guidance of Chaya Devorah, distance education expert, the MCDE decided to organize a pilot project, an on-line Shi'ur for 20 students from Chu"l featuring an introduction to Avoda 101, and that it would 'meet' three times a week. Each student from abroad would be paired with an age-background matched student from the Beit Midrash Hagadol on Har Habayit. Before each Shi'ur, the 'Chulnikim' would be able to learn with their Chevrusa from the

Beit Midrash Hagadol via the internet.

Addressing the Mikdash leadership which had convened to hear the results of the pilot project, Chaya Devorah asked: "Why have the basic pedagogic methods used in our great Yeshivot persisted over the millennia,? The answer is simple: it works. A Yeshiva is an incredibly effective venue for learning to take place, and the underlying reason is that learning in a yeshiva is student-driven. Responsibility for learning rests squarely on the student not on the teacher. While there are some formal lessons, most of the learning in a Yeshiva takes place in Chevruta, when two students study together, grappling with the texts on their own. In keeping with the latest in pedagogical theory, the role of the Rav is not to be the "sage on the stage" but rather the "guide on the side". In our distance education program, we provided the opportunity for chulnik students to be paired with Chevruta partners from Eretz Yisrael via internet telephone. The Magid Shi'ur was available to answer questions during the Chevruta preparation period. During the Shi'ur itself, the students simultaneously logged into the same web site and listened to the Magid Shi'ur 'together', even though they were physically in different locations. The fact that the students could ask questions and hear the answers in "real time" meant that we could almost approximate a classroom atmosphere. MCDE decided that the first series of Shi'urim - 'Distance Learning - Basic Mikdash Studies 01' would be based on Eizehu Mekoman, the 5th perek of Mishnat Zevachim, an excellent introduction to Avoda 101. We found an extremely talented Magid Shi'ur who expertly stimulated interaction with and among the students in a resource-rich environment; information and interchange flowed in both directions between student and teacher as well as from student-to-student. The Mishnayot came alive. Captivated, the students participated enthusiastically. Weekly online quizzes were given to enable the students to test their knowledge and understanding. After the session ended, we emailed feedback questionnaires to all the participants. Even before we had a chance to collate and analyze the results, we were inundated with requests from scores of young Kohanim from all over the world requesting permission to join the Shi'ur. With the encouragement of the Segan - and a special budget - within a few weeks, we opened nine more Shi'urim. I will not say that there were no problems, there were, particularly in finding suitable Magidei Shi'ur. Since then, the program has snowballed. This was a year and a half ago."






"We ran the pilot program for two five-month sessions in the standard experimental/control model in which pre-tested groups of eligible students from roughly the same background were selected to participate. The control groups consisted of young Kohanim of roughly the same background who did not participate in our program. Comprehensive examinations in what the MCDE termed "Mikdash studies" were administered to both groups and all the students averaged approximately 27% correct on the pre-test. Since the questions were primarily four-choice multiple-choice, the baseline for students was only slightly above random. After participating in the program post-test scores of students in the experimental group rose to an average of 85% as compared to a 55% score of the control group. Statistically speaking, there was less than a 1% chance ( $p < 0.01$ ) that this difference occurred by chance. The administrators also noted a significant increase in motivation in the students participating in the program. Equally important, the Magidei Shi'ur in Avoda 101 noticed a marked difference between our 'graduates' and the students who had not been exposed to our program. Weekly quizzes fired up the students'

competitive instincts. In a physical classroom, where everyone is present in the same place, a good teacher can usually see who is 'getting it' and who is not. In our virtual classroom, the constant quizzes fulfill this function."


"We had originally designed the program to meet the needs of young Kohanim abroad, but very rapidly, we found that perhaps the greatest need for such a course was in Eretz Yisrael! Older Kohanim who wanted to refresh their knowledge, Avoda 101 students, and even students from 'Practical Korbanics 3 and 4' wanted to sign up. Eventually, we exhausted the pool of potential Chavrutot from the Beit Midrash Hagadol and we had to turn to the other Yeshivot where the study of Kodashim is pursued. After initial hesitation, many of them stepped into the breach. With the encouragement of the Segan, we expanded our technical staff to meet the increased demand. Our initial courses were in Ivrit; however, soon the MCDE was overwhelmed with requests to organize programs in English, French and Russian. It did not take long until thousands of Ba'alei Batim from all over the world were knocking at our door. After much - unintended I might add - publicity in the media, the Mikdash website started getting thousands of hits a day from Bnei No'ach and other non-Jews, then tens of thousands. They wanted to learn philosophy and ethics. They wanted to approach the Kadosh Baruch Hu. They entreated us to fulfill our 'ordained role as humanity's moral teacher'. We began to believe that we were involved in something awesome and tremendous. When the website buckled for the first of many times, we were convinced. We were doing nothing less than helping to actualize the prophecy of Yeshiyahu HaNavi. "And it shall come to pass in the end of days, that the mountain of the House of the Lord shall be established as the chief of the mountains, And it shall be exalted above the hills; and all nations shall flow unto it. And many peoples shall go and say: 'Come ye and let us go up to Har Hashem, to the House of the G-d of Jacob - the Beit Hamikdash - and He will teach us of His ways and we will walk in His paths.' For out of Zion shall go forth the law and the word of the Lord from Jerusalem."


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


## 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".
-  The ribbon bow among the silhouettes represents the fact that the animals were a gift.
-  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...
-  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.

 Kever Rachel is Kever 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. You know the answer, but show it to your children and guests and see if they can figure it out.

 That leaves a soda can with a straw and a knife with a blade. Forget the can. It's the STRAW we're after. And the blade of the knife. KASH and LEHAVA. As in the pasuk from the haftara that compares Beit Eisav to straw and Beit Yosef to the flame of the fire that is Beit Yaakov.

## 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] his name's meaning accompanies not just his birth

On the word BA-GAD, which is written as one word but pronounced as if it were two words - BA GAD, GAD HAS COME, Rashi explains - based on Targum Yonatan b. Uziel) that BA GAD means BA MAZAL TOV. Which means that the meaning of the name GAD is MAZAL TOV, a greeting that accompanies not just his birth, but many, many other births.

#### [2] Alternate ending of 2810: And you get 392

B'reishit 28:10 is the first pasuk in the sedra: And Yaakov went out from Be'er Sheva and he went to Charan. The TTriddle suggests an alternate ending to the pasuk: VAYEITZEI YAAKOV MIBE'ER SHEVA, AND YOU GET 392. This makes sense only in a G'matriya context. We will say that the pasuk talks about the numerical value of Yaakov coming out of the numerical value of Be'er Sheva. Be'er Sheva is  $2+1\ 200 + 300+2+70 = 575$ . Yaakov is  $10+70+100 +2 = 182$ . Take Yaakov from Be'er Sheva is like subtracting 182 from 575, which gives you 393. So how come the TTriddle says 392? Good question - two answers. First answer (not true): Baal HaTurim g'matriyas (and those of others, as well) are often one off, and that seems not to matter. There is an accepted idea in G'matriya which adds 1 for the word itself, to the G'matriya of a word. So the inclusive g'matriya of Yaakov would be 183, rather than 182, and subtracting that from 575 would give 392, as stated in the TTriddle. Second answer (true): Some- one goofed in the original calculation when the TTriddle was made up.

#### [3] You never saw a purple cow. What about pinque sheep?

Frank Gelett Burgess (1866-1951), American humorist, author, and illustrator, wrote and illustrated a number of popular books... educated as an engineer and worked briefly for a railroad... taught topographical drawing at the University of California... founding editor of Lark, a humor magazine... One of his best-known works was a humorous poem: I never saw a purple cow, I never hope to see one; But I can tell you, anyhow, I'd rather see than be one.

In describing the sheep (maybe goats) of the Yaakov and Lavan deal, the Torah uses the terms: AKUDIM, N'KUDIM, and V'RUDIM - meaning, striped, spotted and speckled. V'RUDIM is a sound alike for the color pink. Which, in the statement of the TTriddle is misspelled as PINQUE, to match the incorrect spelling of V'RUDIM with a BET rather than a VAV, or vice versa.

#### That's it for this week's TTriddles. Slim pickins'...

### This week's TTriddles:

[1] Could be Robert E's Biblical reference

[2] Or is it Nabeel Mazwed's title?

[3] His namesake founded Telshe-Stone?

[4] Yaakov and Yeshayahu ask it of G-d once; David HaMelech asks it almost 20 times

[5] an ellipsis, a url, & the animaniacs

[6] All in Vayishlach: It's a specific animal and a general place, the specific place's father is the same animal

[7] The ambassador and the chipmunk in the mall on the "blessed" hill

[8] Famous inventor who has something in common with 3640