



BEIT MIDRASH ZICHRON DOV

TORONTO TORAH

PARASHAT VAYEISHEV

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This issue of Toronto Torah is dedicated by Brian & Robbie Schwartz, in memory of Brian's parents, Frank (Ephraim ben Noach) and Lyla (Masha Leah bat Zev) Schwartz.



DVAR TORAH VAYEISHEV RABBI YEHUDA MANN, ROSH BEIT MIDRASH

The Awesome Power of Free Will

Fifteen years ago, my friend Yitzhak wanted to learn with me on a Friday morning after the early minyan (prayer service) at the Lechu Neranena synagogue in Ra'anana. I knew Yitzhak and knew it would be hard for him to wake up early, but he assured me, saying, "Don't worry! I'll be there." Indeed, I woke up early for the early minyan, but Yitzhak was nowhere to be found. Even half an hour after davening, Yitzhak had not arrived.

Later that day, Yitzhak called me and explained that he had difficulty getting up on time and told me how sorry he was that I woke up early for nothing. However, he surprised me with the following statement: "I don't need to apologize to you!" Yitzhak explained, saying that we learned in Jewish Philosophy class that one cannot harm another without Divine decree. Therefore, even though he did a bad thing by not coming, it was decreed for me to wake up early and wait in vain for half an hour, and thus, he didn't need to apologize to me.

Is this true? Is it really the case that when one person harms another, it is necessarily decreed for the harmed person to suffer? In this week's parasha, we see that it's not necessarily true.

As is known, Yosef's brothers were angry

with him for bringing their bad report to their father. Therefore, when they saw Yosef from a distance, they spoke among themselves and expressed their intention to kill him. The Torah describes how they took Yosef, but Reuven arrived and saved Joseph from the brothers, putting him in a pit. However, Rashi brings the interpretation of the Sages regarding this pit, suggesting that it wasn't necessarily a life-saving act.

The Torah describes the pit as "empty, there was no water in it" (Bereishit 37:24). The Rabbis in the Talmud (Shabbat 22a) questioned the redundancy of the phrase "there was no water in it," reasoning that if the pit was empty, it obviously had no water. They explained: "It has no water, but it has snakes and scorpions." In other words, the pit was empty of water, but it contained other harmful elements—snakes and scorpions.

Given this interpretation, one might wonder how the Torah testifies that Reuven saved Yosef by throwing him into a pit where he would presumably die in the morning, filled with snakes and scorpions?

Various commentators have provided answers to this question, but the most significant answer comes from Rabbi Chaim ibn Attar, in his commentary the *Ohr HaChaim*.

The *Ohr HaChaim* suggests that Reuven did not intend to save Yosef's life but rather wanted to save him from the "free will" of man. According to him, human beings have the power of choice, and they can even change G-d's decree concerning a particular individual. Even if G-d decreed a long, happy life for Yosef, the brothers, with their power of choice, could still cause harm to Yosef that was not decreed. Such a unique power of choice is exclusive to humans.

In contrast, other creatures, including snakes and scorpions, lack the ability to choose against G-d's will and decree. Therefore, Reuven did not intend to kill Yosef if it wasn't decreed for him. He knew that the brothers had the power to harm Yosef even if it wasn't decreed, so he left Yosef's fate in G-d's hands by placing him in a pit with potential dangers. If harm came to Joseph, it would be solely a result of Divine decree, not the interference of human choice.

From this idea, we learn about the immense power in our hands—the power of choice to do things even if they are not decreed by G-d. May we use this powerful ability in our hands to do only good for others. And a no less important conclusion—Yitzhak owes me an apology after all.



Yirmiyahu 2

In Chapter 1 Hashem spoke to Yirmiyahu; in Chapter 2 Yirmiyahu criticizes the Jews.

The initial sentences are positive, a message that Hashem remembers how we followed, loyally, through the wilderness. Hashem promises to protect us, descendants of those great ancestors, destroying our enemies (2:1-3).

But everything after this is harsh, beginning with Hashem asking how we could have abandoned Him for *hevel*—evanescent futility. How could we not seek Hashem, who performed miracles for us in our early years, bringing us to a wonderful land? (2:4-7)

Now, though, we have contaminated that wonderful land. More, our leaders are corrupt; the kohanim fail to guide us toward Hashem, the teachers of Torah pursue it only as an intellectual study, and the false

prophets lead us to the Baal. We have earned Divine rebuke (2:7-9 as explained by Radak).

Yirmiyahu then turns to his main critique of the chapter: Unlike any other nation, we abandoned an effective Deity, turning to idols and other nations for protection. We have committed a double crime, leaving Hashem and doing so when Hashem is clearly providing our needs. Yirmiyahu asks: Why do you look to Egypt and Assyria for support? And he pledges that the nations where we sought help will turn around and attack us (2:10-19).

Speaking through Yirmiyahu, Hashem complains that after He freed us from Egypt we pledged to adhere to Hashem's commands, and instead we erected idols on every hill and beneath every fruitful tree. Hashem invokes the image of a vineyard, saying that He planted us as a fine grape vine, and we

became a wayward, alien vine. We strayed and became foreign, unadapted to our soil and our task. Hashem warns that our sins will not be easily cleansed, and that we dare not deny what we have done (2:20-23).

We have been like a wild donkey, which cannot be caught by its pursuers—and when it can be caught, such as when it is ready to give birth, it still does not listen. The good prophets warn us to abandon our wandering, to no avail; kings, nobles, kohanim and false prophets are not interested. We are like a bride who has forgotten her beloved (2:24-33).

Finally, Yirmiyahu criticizes the Jews for harming each other; the blood of the needy has been shed, and yet we claim that we have not sinned. But punishment is coming; we will be forsaken even by Assyria and Egypt.



Week 3: Two Aspects Within the Courts

As noted last week, Ran argues that there are two goals of the Jewish legal system: 1) The general goal to maintain order and 2) the desire to express Torah law and have God's presence expressed in the world. He argues that the first goal is taken by the king who is thus able to legislate temporary laws as needed, while the second goal is taken by the courts.

However, the Talmud rules that the courts have the ability, when necessary, to punish extra-judiciously. The courts, beyond their goal to keep the letter of the law, are also tasked with being sensitive to the needs of the time and are empowered to go beyond Torah law. This implies that the distinction is not as sharp as he suggested. Ran, however, pushes back, arguing that courts are only so empowered when there is no king. Then, the courts are acting both as courts and king.

"It was taught: R. Eliezer ben Yaakov said: 'I have heard that

beth din administers stripes not according to the Torah—not to transgress what is written in the Torah, but to make a fence for the Torah"—which seems to imply that beth din is appointed to legislate in accordance with the exigencies of the times. It is not so. In those times when there was a Sanhedrin and a king in Israel, the Sanhedrin would judge the righteous judgment alone and would not institute anything beyond this unless they were empowered by the king to do so. But when there was no king in Israel, the judge embodied two functions, that of the judge and that of the king. (Derasha 11, Silvestein translation)

Others, however, do not accept this argument. Abarbanel (Devarim 16:18, Fifth Issue) highlights the weakness of this defense. Instead, he accepts the dual role of the government but argues that the court system is tasked with both intrinsically, keeping the letter of Torah law and going beyond those laws to maintain order when necessary.



Gambling on Dreidel Games

Question: Hello Rabbi! Our family custom is to play the dreidel game, and we wager on candy. Is this halachically permitted?

Answer: There is an important halachic principle called "Asmachta." It states that when a person claims to give something under certain conditions, even if those conditions are met, they are not obligated to fulfill their obligations because they didn't genuinely intend to give, thinking the conditions wouldn't be met. For example, if someone says they will pay \$100 if they don't repay a \$50 loan by a certain date and they believe they can easily repay it, they are not obligated to pay \$100 because their intention was not sincere, believing they will manage to pay the \$50 on time. According to everyone, an *asmachta* of this kind is not considered a commitment, so if someone takes the money from the one who committed, that money is considered stolen.

In gambling games like dice and slot machines, the Shulchan Aruch and Rema disagree on whether this is considered an *asmachta*. According to the Shulchan Aruch, a game like dice is an *asmachta* because a person puts money and says they will pay if a certain number comes up, and if in fact a different number comes up, they didn't genuinely intend to pay. Therefore, the money would be considered stolen. On the other hand, the Rema believes that gambling games like dice are allowed because, unlike the example mentioned earlier where the person has control over repaying the loan, in a game like dice the outcome is beyond their control, and as a result they genuinely commit to bringing the money if the desired number doesn't come up. However, the Rema also agrees that one should not engage in gambling games like dice when there is no other profession for the person, as it could lead to a wasted and degrading lifestyle.

As a result, the consensus among halachic authorities is that it is forbidden to play gambling games that involve skill, where a person can influence the outcome, such as poker, because the commitment to bring the money is made with the belief that they can win and they do not pay in good faith. However, for games of pure chance like dice and dreidel, opinions differ. According to the Shulchan Aruch, it would be forbidden because the participants do not intend to commit to bringing the money if they lose. According to the Rema, it would be allowed because the participants decided in their minds to bring the money in case of a loss since they had no control on the outcome. In general, Sefardim follow the ruling of the Shulchan Aruch, whereas Ashkenazim follow the ruling of the Rema.

This Halacha was discussed in one of the many Halacha shiurim given by Rabbi Mann. If you are interested in joining, please see back page for the times and locations of his shiurim.



Week 1: You Never Know...



Adjusting Sights
By Haim Sabato
The Toby Press, 2003

שמע חייל, חוזר הנהג ואומר, יש כאן מניין לתפילת ערבית בעוד שני רגעים, בבית-הכנסת של חסידי אמשינוב. ואפשר כבר לקדש את הלבנה, בחורף לא כדאי להמתין, שלא להחמיץ את המצווה, מי יודע מה יהיה, חוששים ליום המעונן.

—כן, נכון, אסור להחמיץ, מי יודע מה יהיה, אני משיב ומציץ שוב בשעון. שש-עשרה שעות נותרו לי. עוד כמה רגעים ואהיה בבית, כולם ממתינים... אבל לא כדאי להחמיץ את המצווה. מי יודע. (תיאום כוונות, 37)

"[My driver said to me,] 'Listen, soldier. The Amshinov Hasidim will be praying in another minute. You can sanctify the new moon with them. In winter it isn't worth

In the passage above, Sabato is given a brief leave, away from the northern front during the Yom Kippur War. As he approaches home, the man who gave him a lift encourages him to find a minyan for Maariv and to recite Kiddush Levana, the once-a-month blessing recited when seeing the waxing moon unobscured.

While the comment is directed towards a particular blessing with a 14-day timeframe, the message can apply much more broadly. As a soldier on the front lines, Sabato understands that every moment he has is precious. In all areas of his life, he painfully understands the risk of procrastination. As the Mishna in Pirkei Avot (1:14) states, "If not now, when?" Like Sabato, may we capitalize on the time we have and may we not delay the most important things in our lives.

Adjusting Sights can be purchased from Koren Publishers at tinyurl.com/KorenBMZD. Use the code TorontoTorah for a 10% discount on this or any other book on their website.



TABLE TALK RABBI NOAH SONENBERG, DEAN

Source: Bereishit 40:23

"And the chief cupbearer did not remember Yosef; he forgot him."

Rashi:

Because Joseph had placed his trust in him that he should remember him he was doomed to remain in prison for two years.

Questions to Discuss

- When did you last place your trust in Hashem?
- In that situation, did you put any personal effort into the situation?
- Does trusting in Hashem mean that a person shouldn't put in any effort?
- What should Yosef have done?

After Shabbat, please share your family's answers with us at nsonenberg@torontotorah.com to enter our raffle for a challah and six bilkas from Richmond Bakery to enjoy at your Shabbat table next week!

WEEKLY SCHEDULE

Shabbat	Halacha from the Parasha	Clanton Park	After Hashkama Minyan	Rabbi Mann
	Gemara	BAYT	Between Mincha & Maariv	Rabbi Gutentberg
Sunday	Tzurba M'Rabanan – Halacha	Yeshivat Or Chaim	8:30 AM	Rabbi Shor
	Men's Semichat Chaver: Hilchot Smachot	Clanton Park	9:00 AM	Rabbi Spitz and Rabbi Mann
	Shiur b'Ivrit	BAYT (Milevsky/Mizrachi)	9:00 AM	Rabbi Mann and Rabbi Lax
Monday	The Torah: A Psychic Turn. Psychological Theories in the Eyes of Tanach	Zoom: tiny.cc/idanrak	2:00 PM	R' Rakovsky
	Men's Halacha	Shomrai Shabbos	Cancelled this week; resumes after Chanukah	Rabbi Mann
	University Women's Beit Midrash	Yeshivat Or Chaim	7:45 PM	Rabbi Anstandig
	Introduction to Gemara: Learn how to learn	Yeshivat Or Chaim	Cancelled this week; resumes after Chanukah	Rabbi Sonenberg
Tuesday	Then and Now: Returning to the Land of Israel – a Study in Tanach	Zoom	1:30 PM	Rabbi Horovitz
	Women's Gemara Shiur	Yeshivat Or Chaim	8:30 PM	Rabbi Anstandig
	Women's Contemporary Halacha Shiur	Clanton Park	Cancelled this week; resumes after Chanukah	Rabbi Mann
Wednesday	Men's Contemporary Halacha	Clanton Park	Cancelled this week; resumes after Chanukah	Rabbi Mann
	Men's Gemara Bekiut	Yeshivat Or Chaim	8:30 PM	Rabbi Sonenberg
	Eliyahu HaNavi: A Prophet of Fire & Water	Shaarei Tefillah	Cancelled this week; resumes after Chanukah	R' Rakovsky
Thursday	Tanach: Sefer Shmuel	Zoom: tiny.cc/BMZDTanach	1:30 PM	Rabbi Horovitz
	Men's Tzurba M'Rabanan	Yeshivat Or Chaim	8:30 PM	Rabbi Turtel
	Men's Gemara Iyun	BAYT (Milevsky/Mizrachi)	8:00 PM	R' Diena
Sun-Thu	Men's Community Night Seder	Yeshivat Or Chaim	Cancelled this week; resumes after Chanukah	
	Pre-Maariv Shiur	Yeshivat Or Chaim	Cancelled this week; resumes after Chanukah	

UPCOMING PROGRAMS

Rabbi Toczyner Scholar in Residence	BAYT	December 15-16, 2023	
Rabbi Toczyner: 'I Don't Understand! A Jew Responds to Tragedy'	Shaarei Shomayim	December 16	Motzei Shabbat
Tanach in a Day	Yeshivat Or Chaim	December 17	9:00 AM - 3:00 PM

YOUR BEIT MIDRASH

Rosh Beit Midrash

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