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# קול תורה

**Parashat VaYeitzei**

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## OPEN REBUKE, HIDDEN LOVE

by *Rabbi Michael Hoenig*

At the beginning of this week's Parashah, Ya'akov Avinu blatantly rebukes three unfamiliar shepherds who had seemingly taken a break from their work. Ya'akov exclaims, "*Hein Od HaYom Gadol Lo Eit HeiAseif HaMikneh HaShku HaTzon ULechu Re'u,*" "Look, the day is still long; it is not yet time to bring the livestock in; water the flock and go on grazing" (BeReishit 29:7). It is safe to assume that most people would be offended and quite defensive by a complete stranger's unsolicited critique. The shepherds, however, seem to take the rebuke seriously, and even attempt to offer an excuse for their lack of work.

Why didn't the shepherds start yelling or give a heated response to Ya'akov? At the very least, why didn't they tell him to mind his own business?

The Ponevezher Rav explains how Ya'akov was able to connect and offer rebuke to complete strangers. Upon meeting them, he utters an incredibly powerful word: Achai, my brothers. Had Ya'akov instantly attacked the shepherds and demanded an explanation for their laziness, they would have certainly become very defensive and inflamed. By the time Ya'akov offered rebuke, however, they already sensed his genuine care for them, and they were therefore able to receive his criticism.

The Gemara in Arachin (16b) describes the obligation and parameters of the Mitzvah of Tochachah (rebuke). There is a three way Machloket regarding when a person is absolved from his responsibility to rebuke his fellow man. When the offender either strikes, curses, or protests the individual offering rebuke, then the Mitzvah is no longer applicable. Rav Ya'akov Kamenetsky, in his Emet LeYa'akov, asks why the striking, curses, or protests of the offender absolves a person from the Mitzvah of rebuke. He points out that the Rambam (Hilchot Dei'ot 6:7) requires that a person rebuke in a pleasant and calm manner and clearly inform the offender that the rebuke is solely for his benefit. The offender must internalize the loving nature and compassion of the rebuke.

Based on this Rambam, Rav Kamenetsky explains why the striking, cursing, or protests of the offender excuse one from the

Mitzvah of rebuke. As soon as the offender strikes, curses, or protests, he is certainly not cognizant of the fact that the rebuke was offered for his ultimate gain and benefit. As a result, the Mitzvah is no longer present. We learn that the person must sincerely love the offender he rebukes.

Therefore, Ya'akov Avinu first demonstrated his love and compassion for the shepherds. Then, he was in the proper position to rebuke them for their work schedule.

In Melachim I (18:22-23), Eliyahu HaNavi offers a public challenge to the false prophets, allowing them to demonstrate their spiritual prowess. He allows them to offer an animal and attempt to entice their gods into bringing down a fire from heaven. He also harshly criticizes the spectators to commit themselves only towards Hashem. Once the false prophets are discovered as frauds, Eliyahu forcibly seizes and slaughters all of them.

Escaping a death threat from Izevel, Eliyahu escapes to a cave by Har Choreiv: "*VaYomer Tzei VeAmadeta VaHar Lifnei Hashem VeHineih Hashem Oveir VeRuach Gedolah VeChazak Mefareik Harim UMeshabeir Sela'im Lifnei Hashem Lo VaRuach Hashem VeAchar HaRuach Ra'ash Lo VaRa'ash Hashem VeAchar HaRa'ash Eish Lo VeEish Hashem VeAchar HaEish Kol Demamah Dakkah,*" "He [Hashem] said, 'Go out of the cave and stand on the mountain before Hashem.' And behold, Hashem was passing, and a great and powerful wind, smashing mountains, and breaking rocks went before Hashem. [But] Hashem is not in the wind! After the wind came an earthquake. Hashem is not in the earthquake! After the earthquake came a fire. Hashem is not in the fire! After the fire came a still, thin voice" (19:11-12).

The Malbim offers a beautiful explanation of the vivid imagery. By not appearing in the violence of wind, earthquake, or fire, Hashem meant to teach Eliyahu and other leaders that the preferable way to teach people is calmly and lovingly. Eliyahu was acting inappropriately as he displayed anger and force by bringing a drought and killing the false prophets.

We are sometimes surrounded by those who are struggling or deficient in certain areas of their observance. The Torah commands us, "*Hochei'ach Tochi'ach Et Amitecha,*" "You shall reprove your fellow" (VaYikra 19:17). As Ya'akov Avinu taught his descendants, the rebuke must always be accompanied with deep love and compassion.

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## YA'AKOV'S DREAM: TEFILLAH

by *Akiva Sturm* ('19)

At the conclusion of Parashat Toledot, last week's Parashah, Rivkah sends Ya'akov away to live with her brother Lavan (BeReishit 27:43) to prevent the death of either of her sons (27:45). This week's Parashah, Parashat VaYeitzei, begins with one of the greatest dreams in Tanach. Ya'akov goes to sleep, "And he dreamed, and behold a ladder set up on the ground and its top reached to heaven; and behold, angels of God were ascending and descending upon it" (28:12). What does this dream signify?

Ibn Ezra (ad loc. s.v. Sulam) quotes a simple yet profound opinion; according to him, the ladder represents the process of Tefillah – our prayers ascend towards Hashem, and His salvation comes back down to Earth. When Ya'akov wakes up, he proclaims "Surely God is in this place, and I did not know it" (28:16). He was afraid and said, "How awesome is this place! This is none other than the house of God; this is the gate of heaven" (28:17).

Rabbi Jonathan Sacks suggests that the synagogue is our "house of God," and that prayer is our "gate to Heaven." The most profound result of prayer is to realize that "Surely God is in this place, and I did not know it." Rabbi Sacks goes on to suggest that not only is the story of Ya'akov's dream one of the earliest examples of prayer, but it also influences the structure of our prayer today. The shape of Jewish prayer matches the idea of a ladder on which angels ascend and descend. If we examine our daily prayer carefully, we see that it has three fundamental sections. The first section of davening, Pesukei DeZimra, serves as a preparation for the rest of the service. Next, we have the Shema, its blessing, and the Amidah. During these sections, we are very much in the presence of Hashem. Davening then ends with a series of concluding prayers, including Aleinu. We can clearly see that prayer consists of an ascent, standing in the Shechinah, and then a descent. When we begin prayer, we leave behind our everyday concerns and become aware of the Creator. During the heart of prayer, we stand directly in front of Hashem. This is what Rambam considers the most essential part of davening. As Tefillah ends, we slowly make our way back to our mundane worries. However, if we have succeeded, we should not be the same as before. This third section of prayer brings a part of heaven back down with us. It allows us to realize that Heaven is not somewhere else, even when we are alone and afraid.

This was the lesson that Ya'akov learned on Har HaMoriah. He was running for his life and arrived there scared about what the future would bring. He turned to Hashem; this was the climb up the ladder. Then, Ya'akov

Avinu was strengthened by the words of Hashem; this was the descent from the ladder that reached the heaven. When Tefillah has an impact on us, then we can come to the same realization that Ya'akov had – "Achein Yeish Hashem BaMakom HaZeh," "Indeed, Hashem is in this place" (28:16).

## YA'AKOV'S ADHERENCE TO THE TORAH

by *Eli Schloss* ('19)

Parashat VaYeitzei records the following dramatic Pasuk: "*VaTeire Rachel Ki Lo Yaledah LeYa'akov VaTekanei Rachel BaAchotah VaTomer El Ya'akov Havah Li Vanim VeIm Ayin Meitah Anochi*," "And when Rachel saw that she bore Ya'akov no children, Rachel envied her sister; and she said to Ya'akov: 'Give me children, or else I die'" (BeReishit 30:1). The first part of the Pasuk makes sense – she was jealous of her sister because she had no children. However, the latter half, in which she considers herself to be dead, creates a challenge. It would have made more sense if Rachel said that there is no purpose for her to be alive, but to consider herself dead seems to make little sense.

In order to resolve this question we must delve into the question raised regarding Chazal's assertion that the Avot observed the entire Torah. Of course, the question that emerges is how could Ya'akov Avinu have married two sisters, which is explicitly prohibited in the Torah (if both sisters are alive)? My great-great-grandfather Rav Ephraim Conterman (who served as a Rav In New Orleans for many decades) answers based on a principle articulated in the Gemara (Bava Kama 89a) that if you are commanded to do something and do it, the reward is greater than if you voluntarily fulfill a commandment. A suggested reason for this is that Mitzvot are supposed to challenge you. If you are commanded to do a Mitzvah and you do it, you get a greater reward because you overcame your Yeitzer HaRa and performed the Mitzvah anyway. If you do fulfill a Mitzvah voluntarily, you don't get as great of a reward because you didn't overcome your Yeitzer HaRa in this action. The Avot weren't commanded to observe Mitzvot, so all of the good deeds that they performed during their lifetimes didn't have the maximum reward.

Before Torah times, the Avot were not obligated to abide by negative commandments when their reasons did not apply. This can possibly help us answer our questions. The Or HaChayim states that a man can't marry two sisters because a rivalry can be caused. Ya'akov knew that he wanted to marry two sisters, but he knew that there would be no rivalry between them because they were righteous people. Rachel and Leah knew that they loved each other, and that they'd never be jealous of one another. Moreover, Chazal teach that Rachel presented Leah with the secret identification code on her wedding night to avoid Leah's mortification on that night. Since the prohibition of marrying two sisters was not yet an official Mitzvah yet, and Ya'akov Avinu knew that the reason behind the prohibition (jealousy would be

caused) didn't apply to him, Ya'akov went ahead and married Leah and Rachel.

Returning to our question regarding Rachel considering herself to be dead, Chazal state that a Rasha is considered dead, even during his or her lifetime. What Rachel is expressing in this Pasuk is that she is jealous of her sister. Her jealousy is causing Ya'akov to sin, and Rachel is taking responsibility and deeming herself a Rasha, thereby declaring herself dead. We learn from this that we should always be responsible for our actions and try our hardest to not drag anyone down.

## A LECHI ON EVERY UTILITY POLE? - A REPORT FROM THE FIELD – PART ONE

by Rabbi Chaim Jachter

### *Introduction - The Dispute*

Whether or not to have a Lechi on every utility pole is undoubtedly the most important issue a community must grapple with in constructing its Eruv. Rav Yosef Gavriel Bechhoffer and Rav Moshe Heinemann advise many communities on Eruv construction and require a Lechi to be installed on every pole on which a utility wire does not run above the pole. On the other hand, both Rav Hershel Schachter (as heard by myself and Rav Michael Taubes) and Rav Mordechai Willig (personal communication) do not believe that Halachah makes this demand.

This dispute has enormous practical ramifications. Communities that abide by the stricter opinion need to install hundreds of additional Lechis compared to those communities which do not adopt this practice. At an average cost of seventy-five dollars per each Lechi installed by a professional, this strict ruling can add up to fifty thousand dollars in installation costs for an Eruv of an average size (not to mention much greater long-term maintenance costs in terms of inspection and repairs).

This issue has not been resolved – some communities adopt a lenient practice and others follow the stricter approach. In general, communities with a sizable Chareidi presence will follow the stricter approach and communities whose rabbis affiliate with Yeshiva University adopt the approach of Rav Schachter and Rav Willig, the two leading Halachic lights of the Modern Orthodox community.

### *Background Information - Tzurat HaPetach*

I will share perspectives on both opinions with our readers, based on my nearly thirty years of experience in advising dozens of communities throughout North America how to construct, expand and maintain their Eruvin. We shall focus on the construction of a Tzurat HaPetach (symbolic doorframes), which most often constitutes the bulk of a community Eruv.

The Gemara (Eruvin 11b) states that a Tzurat HaPetach consists of two vertical poles (colloquially known as Lechis) with a horizontal pole directly on top of each pole (“Kaneh MiKan VeKaneh MiKan VeKaneh Al GabeiHen”). The rationale behind this type of Mechitzah (Halachic wall), as explained by Rav Hershel Schachter (Journal of Halacha and Contemporary Society, volume 5 page 9), is as follows:

Since a house is most certainly a Reshut hayachid (private domain), even with its door(s) wide open, and even when it has several such doors, why shouldn't an enclosure surrounded totally by doorways (even when the doors are missing and only the doorframes remain) be considered a Reshut hayachid as well? All that is needed for such a doorframe mechitza is "a pole on one side, a pole on the other side, and a pole running across the two from above." Strictly speaking, there is no limit to the number of such tzurot hapetach which may be employed.

The horizontal wire must run above the Lechis. If it runs to the side (Tzurat HaPetach Min HaTzad), it is invalid due to its failure to resemble an actual doorframe. Sometimes there will be a series of utility poles over which a wire runs above each and every one of these poles. Such poles are ideal and all agree that a separate Lechi need not be attached to the pole. Most often, though, a wire does not run above a series of poles. In such a situation, a Lechi needs to be installed beneath one of the wires that runs along the side of the utility pole.

### *A Lechi on Every Utility Pole?*

Rav Bechhoffer (The Contemporary Eruv, third edition pages 132-133) frames the issue as follows:

There are rabbis involved in the construction and maintenance of metropolitan Eruvin that are not meticulous in ensuring that every pole in a series have a Lechi attached to it, so long as the first and last pole in that series have been rectified with Lechayayim<sup>1</sup>. Their rationale is that the longer Tzurat HaPetach between the first and last pole is sufficient<sup>2</sup>.

Rav Bechhoffer first criticism of this approach is the following:

<sup>1</sup> Plural for Lechi.

<sup>2</sup> This approach argues “Dal MeiHacha” (see Sukkah 2a), that we may ignore the middle poles and treat them as Halachically insignificant.



Its running afoul of the gezeiras haro'im (literally, the decree of the onlookers). This principle stated by the Magen Avraham (362:20) mandates the maintenance not only of the actual validity of an eruv, but also of the appearance of that validity. Accordingly, the Magen Avraham mandates the removal<sup>3</sup> of invalid lechayayim from the eruv, lest onlookers get a mistaken impression [that a tzurat hapetach min hatzad is acceptable].

Rav Bechhoffer does not cite any major recent Halachic authorities to support his application of the Magen Avraham to the contemporary utility pole. It should be noted, though, that two major twentieth century Halachic authorities disagree with Rav Bechhoffer. Rav Moshe Feinstein (as cited by Rav Moshe Heinemann and many other Rabbanim) did not make such a requirement. Rav Moshe's ruling was applied in practice by Rav Shimon Eider in the 1970's and early 1980's for the Eruvin he built following Rav Moshe Feinstein's specifications. Rav Moshe is quoted as saying that there is no limit as to the distance between the first and last Lechis on the series of wires, as long as the wire is relatively straight.

In Israel, the great Rav Zvi Pesach Frank (Teshuvot Har Zvi Orach Chaim 2:18:12), in a brief responsum addressed to rabbis and inspectors of communal Eruvin, clearly does not subscribe to Rav Bechhoffer's application of the Magen Avraham. The words of Rav Zvi Pesach are instructive:

Question: The iron (i.e. utility) [horizontal] wire of the Eruv runs along a very large area and along its path, the wire meanders and rests on the sides of the poles. However, this happens only on the middle poles. May we rely on the fact that the wires rests on top of first and last poles in the series?

Response: The Eruv is valid. See the Rambam (Hilchot Shabbat 17:14) who writes 'A tzurat hapetach that is one hundred amot<sup>4</sup> wide is permitted'. It is self-evident that the Rambam does not impose a specific maximum of one hundred amot. Rather a tzurat hapetach even wider than one hundred amot is acceptable<sup>5</sup>. Accordingly, there is no disqualification in the eruv due to the middle poles since we view them as if they do not exist. Thus the Tzurat HaPetach created by the lechis at the beginning and end

of the long stretch of poles is valid and the middle poles do not invalidate the eruv.

Note that Rav Zvi Pesach, similar to Rav Moshe, does not advise constructing a Lechi on the middle poles to satisfy the opinion of the Magen Avraham. The question is why these two great authorities did not advise satisfying the Magen Avraham, when it is codified by both the Mishnah Berurah (362:65) and Aruch HaShulchan<sup>6</sup> (O.C. 362:31). One may suggest that Rav Moshe and Rav Zvi Pesach believe that the Magen Avraham speaks of a situation where the poles were installed for the purpose of creating a Tzurat HaPetach. In such a situation, the existence of a pole on which the wire rests on its side and remains uncorrected by a Lechi misleads the observer. However, in the contemporary urban and suburban Eruvin which rely upon modifying preexisting utility poles to create a suitable Eruv, the observer is hardly misled. He realizes that the wire runs on its side not due to Halachic design but owing to the utility companies' design. Thus, Eruvin composed of utility wires need only be valid but need not appear valid<sup>7</sup>.

#### Conclusion

Next week we shall, God willing, conclude with a discussion of a second concern raised by Rav Bechhoffer, considerations regarding how this issue plays out in practice in community Eruvin, and Rav Hershel Schachter's compromise approach to this issue.

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<sup>3</sup> Of course, Rav Bechhoffer does not require the removal of the utility poles, but requires a Lechi to be installed beneath the wire that runs along the side, in order to eliminate concern for a mistaken impression.

<sup>4</sup> An Amah is explained as ranging from 18 to 24 inches.

<sup>5</sup> The Shulchan Aruch (O.C. 362:11), in describing a Tzurat HaPetach, does not mention a maximum distance between Lechis, which seems to support Rav Frank's approach.

<sup>6</sup> The Aruch HaShulchan explicitly states that the Eruv is not disqualified if the Gezeirat HaRo'im is not addressed.

<sup>7</sup> The fact that the Magen Avraham advises removing the pole indicates that he addresses a situation where Halachic authorities created and control the pole.