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Parashat VaYigash

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FATHERLY ADVICE

by Rabbi Ezra Wiener

In Parashat VaYigash, Yosef reveals his identity to his brothers. The Pasuk states, "VaYomer Yosef El Echav, 'Ani Yosef; HaOd Avi Chai?' VeLo Yachlu La'anot Oto Ki Nivhalu MiPanav," "Yosef said to his brothers, 'I am Yosef. Does my father still live?' And they could not answer him because they were frightened by his presence" (BeReishit 45:3). Several commentators have been puzzled that Yosef inquires about his father's well-being immediately after revealing his identity to his brothers. Yosef recently asked about his father at the end of Parashat MiKeitz, so why is he asking again? In addition, at first glance, such an inquiry is not the logical literary succession. After saying "I am Yosef," asking about Yaakov does not seem to flow.

A well-known interpretation of this Pasuk is discussed in the Malbim and the Beit HaLevi. These commentators posit that Yosef's question is a rebuke and criticism. He is really saying, "Did you even consider my father's feelings, his suffering and emotional turmoil, when you decided to sell me? Could my father possibly still be alive after all that you put him through? Where was your compassion?"

Although this is not the simple understanding, and in other contexts, the question "Does my father still live" has different meanings, the Gemara in Chullin (4b) seems to follow this approach. It reads: "Rabi Elazar, when he came to the [following] verse, wept: 'And they could not answer him because they were frightened by his presence.' Now if the rebuke of flesh and blood be such, how much more so the rebuke of the Holy One, Blessed Be He!" The difficulty with Rabi Elazar's statement is obvious: where lies the rebuke in the Pasuk? After all, Yosef mentions nothing yet of the sale to Egypt. Apparently, Rabbi Elazar understands that "Does my father still live?" is indeed an admonition.

Rashi writes that the brothers were "frightened by his presence" because of the embarrassment. Apparently, no formal rebuke was required. Yosef's brothers were overwhelmed with shame and guilt by the mere fact that they were standing in front of Yosef. Perhaps this is the intention of Rabi Elazar. If when standing in front of Yosef they were confounded due to embarrassment without Yosef even saying any actual words of rebuke, how much more so when we stand before the Creator of

the world? He won't need to say anything. We will be overwhelmed with shame by our shortcomings, the spiritual potential that we never achieved.

This interpretation, though, is homiletical. What is the simple understanding? Why does "Does my father still live?" follow "I am Yosef"?

When we examine the character of Yosef, both in the text and Midrashim, we see an individual who had a very close relationship with his father. He was Yaakov's favorite child, he received the special coat, he learned with his father, and he even has the facial features of his father. According to the Midrash, it was his father's image that kept him from sin in Potifar's house and perhaps his entire sojourn in Egypt.

When Yosef has his brothers detained, Yehudah constantly speaks of "Avi," "my father." Yosef cannot contain himself. He hears that Yaakov is Yehudah's father, not his, and starts to cry.

When Yosef reveals himself, the first thing that he wants to do is acknowledge that Yaakov is his father. He is saying, "I have been asking you about *your* father, but he is really *my* father too." Yosef does not say "Avinu," our father, but rather "Avi," my father, the father with whom I have had such a close relationship.

If we try to apply this to our relationship with Hashem, we can glean the following idea: How often do different sects of Jews claim that God is "Avi," "my father," implying that only they have it right? To the other Jew who is standing before them, it seems as though he is left out and has no connection to God. Every Jew can have a strong connection because God is *our* father and we are all his beloved children.

AL TIRGEZU BADARECH AS A PERSONAL STATEMENT

by Aryeh Brusowankin ('18)

Parashat VaYigash begins with the well-known story of Yosef revealing himself to his brothers in Egypt. After Yosef describes how he was elevated to such glory in Egypt, he sends the brothers back to Canaan in order to pack up the family belongings and come to Egypt with Yaakov and his family, where they can wait out the famine in the lap of luxury in Goshen. When the time comes for the brothers to leave, Yosef gives his brothers one piece of seemingly random advice: "VaYomer Aleihem Al Tirgezu BaDarech," "He said to them, 'Do not quarrel on the way'" (BeReishit 45:24).

This piece of advice appears to be out of place; why does Yosef tell his brothers not to quarrel instead of imparting more practical ideas for the long journey? Additionally, why does Yosef admonish the brothers at the very instant that they leave, and not while he tells the brothers earlier in the Perek how their selling of

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Yosef and everything that happened to him afterwards was part of God's plan?

Rashi (ad. loc. s.v. Al Tirgezu BaDarech) explains that the simple meaning of the Pasuk is that Yosef is worried that the brothers will argue over who was to blame for Yosef's sale. While this explains what the brothers could possibly argue about, it still doesn't account for the unusual timing of the advice; again, why doesn't Yosef tell his brothers this earlier, during his big reconciliation speech, in which he had been talking to the brothers about that same topic, the sale of Yosef!

Rashbam is clearly also bothered by these questions, and he therefore writes that Yosef is telling the brothers not to be afraid of bandits on the road, because "Shalom Li MiKol Tzad," "Peace surrounds me on all sides" (Rashbam ad. loc. s.v. Al Tirgezu). While this explanation seems to solve the curiosity surrounding the timing of the advice, as advice about traveling would be relevant right when they are going on the road, it in fact gives rise to a bigger question. When describing why the brothers shouldn't be afraid of the bandits, Rashbam says that there is peace all around Yosef. Yet the wording he uses is interesting—"Peace surrounds *me* on all sides," implying that the peace that exists surrounds only Yosef and apparently has nothing to do with his position within the context of the Egyptian government. Rather, it seems, according to the Rashbam's wording, that it is a personal peace, a peace that exists only for Yosef.

To understand what Rashbam means when he explains that Yosef tells his brothers "Shalom Li," it is necessary to go back to the beginnings of Yosef's story. In the beginning of Parashat VaYeishev (37:12-13), Yosef's brothers go to Shechem to tend to Yaakov's sheep. Upon hearing this, Yaakov decides to send Yosef to find out what they are doing. The Netziv (Ha'amek Davar 37:12 s.v. VeAmar Lechah VeEshlachacha Aleihem) asks why Yaakov has to send Yosef to ascertain the status of his children, as he could have sent a servant. The Netziv answers that the fiasco where Shimon and Levi massacred the inhabitants of Shechem made Shechem a dangerous place for anyone associated with Yaakov. If Yaakov had sent a servant, the servant would have certainly been attacked. However, Yaakov knew that if he sent Yosef, he would not have to worry about his safety, as he was certain that Yosef's righteousness was such that Hashem would protect him and no one would touch him.

This idea is key to understanding Rashbam's explanation of what Yosef means when he says "Al Tirgezu BaDarech" to his brothers. Yosef clearly has a special purpose in life and a special connection with God. Even the brothers could understand that this was the case, as after all, no one survives being thrown in a pit and ends up second in command of the most powerful country on the face of the planet through pure determination or talent. Therefore, when Yosef reveals himself to the brothers and tells them that what happened to him wasn't their fault,

that it was all part of God's plan to save Yaakov and family from a famine, the brothers understand it, as God clearly is playing a role in Yosef life. Yet what they did not yet truly understand, neither here in Parashat VaYigash nor back in Parashat VaYeishev when they threw him into the pit, is that Yosef is not just a pawn in the larger game. Rather, he is indeed special, and just as in Shechem, God is protecting him because of how righteous he is.

With this in mind, we can understand the Rashbam, and in turn, what Yosef truly means when he says Al Tirgezu. Rashbam explains that Yosef says "Shalom Li" because the peace that surrounds Yosef is indeed specific to him. As a result of the level of righteousness he has attained, Hashem protects him and he is surrounded by peace. Yosef is telling the brothers, according to this understanding of Rashbam, that they need not fear bandits, because God's personal protection of Yosef will extend to the brothers for this trip. Once we understand this, the timing and the deeper meaning of Yosef's statement begin to make more sense. Yosef says Al Tirgezu right before they leave because it is a relevant piece of travel advice. However, Yosef also chooses to say Al Tirgezu at this point for a separate reason: The fact that Yosef is protected due to his own status is something that the brothers never understood, and it was this lack of understanding that led them in Parashat VaYeishev to throw Yosef into a pit. Yosef tells the brothers specifically at this point that he is and was protected by Hashem due to his righteousness because if the brothers go back to Yaakov without understanding the truth about Yosef's innate qualities and the valid reason Yaakov had for favoring Yosef, Yosef's message and the entire journey of the brothers to Egypt would be for naught. Thus in saying the three innocuous words "Al Tirgezu BaDarech," Yosef in a way reveals his true self to the brothers, knowing that when the brothers go back home to face their father, they will have a broader understanding of the facts of the entire story of Yosef's life.

This approach also helps explain Rashi's approach to the Pasuk. Why is Yosef so worried that the brothers will get into an argument regarding blame for the whole saga? He knows that giving the brothers the inside scoop and an enriched perspective will upset them, as they will finally realize that they never fully understood the Yaakov-Yosef dynamic and Yosef's true essence. As a result, they will ask themselves how it was possible that they could miss something so clear, and eventually, they may start blaming each other for what happened. Therefore, as Yosef tells the brothers the truth about himself right before they leave, Yosef also tells them not to relive the past by trying to find the one at fault for the sale of Yosef.

EGLAH ARUFAH: YAAKOV'S CLOSURE

by Ned Krasnopol'sky ('19)

The Torah states that Yaakov receives the news of Yosef's survival in a unique fashion: "VaYar Et HaAgalot Asher Shalach Yosef LaSeit Oto, VaTechi Ru'ach Yaakov," "[Yaakov] saw the wagons that Yosef had sent to carry him, and Yaakov's spirit was revived" (BeReishit 45:27). A famous comment of Rashi (ad. loc.

s.v. Et Kol Divrei Yosef), based on BeReishit Rabbah 94:3, explains that the wagons are integral to Yaakov's recognition that Yosef is alive, as they constitute a very specific missive from Yosef. The last thing Yosef and Yaakov learned together was the topic of Eglah Arufah, the "broken-necked calf." Since the word Agalah, wagon, shares the same Hebrew letters as Eglah, Yaakov understands that it is indeed Yosef who is sending him a message. But besides for the very fact that Yosef is alive, what else does his message carry?

First presented in Parashat Shofetim, the case of Eglah Arufah is rather complex. A body is found between two cities, and the killer is unidentified. The Beit Din must get involved to figure out which city is responsible for the death. The Zekeinim and Shoftim (elders and judges) from the city closest to where the body is found must bring a calf that has never performed work and decapitate it in a valley. Following an assessment performed by the Kohanim, the Zekeinim of the closer city wash their hands over the calf and recite the following phrase, "Yadeinu Lo Shafchu Et HaDam HaZeh, VeEineinu Lo Ra'u," "Our hands did not shed this blood, nor did our eyes see [the crime]" (Devarim 21:7). Following this procedure, the Kohanim pray that Hashem should forgive Bnei Yisrael's sins and that He should not let innocent blood be shed among Bnei Yisrael. Following all of this, the Torah states that the blood of the calf functions as an atonement for the crime.

But for what exactly does the blood act as an atonement (Kaparah), and why would the Zekeinim even require atonement at all, as they state their innocence through the aforementioned formal declaration (21:7)? Rashi, quoting the Sifrei and the Gemara in Masechet Sotah 45a, explains that the case refers not to a deliberate murder but rather to a death by starvation while travelling, for which the Zekeinim take responsibility. They "did not see" the man leaving their city without food and water, and so they indirectly caused his death to occur. However, the Talmud Yerushalmi (Rosh HaShanah 3:1) takes a different approach, understanding the Pesukim in Shofetim as referring to the Zekeinim's lack of immediate action in identifying the murderer; the murderer's anonymity yields a lack of justice for which the Zekeinim must be atoned. In fact, even after the Zekeinim are atoned, if the murderer is discovered, the Gemara (Bavli Sotah 47b) explains that justice must still be carried out. The institution of Eglah Arufah does not override the pre-existing judicial process, and the murderer must be executed. Regardless, the approaches provided by the Bavli and Yerushalmi both highlight the fact that Eglah Arufah deals with shortcomings in the community's institutions.

There is a debate as to whether or not Yaakov ever discovers that the brothers sold Yosef. Once Yaakov passes away at the end of Parashat VaYechi, the brothers fear that Yosef will take revenge on them for selling him. They therefore tell Yosef that Yaakov commanded him to forgive them for their wrongdoings (BeReishit 50:15-17). According to the Gemara (Yevamot 65b), this is a lie, and the brothers only say this to "maintain peace." Similarly, the Ramban (BeReishit 45:27 s.v. VaYedabru Eilav Et Col Divrei Yosef) explains that the brothers' claim is false, as they would have asked Yaakov to directly speak to Yosef before

Yaakov's death if they wanted to ensure that Yosef would not take revenge on them.

However, Rashi (50:16 s.v. Avicha Tzivah) understands that Yaakov does know about the brothers' involvement in the sale. However, he does not command Yosef to refrain from taking revenge on the brothers, as he knows that Yosef would never even contemplate such an action.

If we interpret these Pesukim according to Ramban and the Gemara in Yevamot, Yosef's message of the wagons becomes all the more clear. The perpetrator of the crime is unknown to Yaakov. He has no idea as to who sold Yosef! As such, Yosef decides to notify Yaakov using a medium which connotes an established Halachic principle that deals with anonymity in sin—Eglah Arufah, as established by the Yerushalmi's approach. In a certain sense, Yosef is providing Yaakov with judicial closure by showing that he is alive through the Eglah Arufah. As previously noted, if the murderer is discovered after the calf is decapitated, the murderer is executed to ensure that the judicial process is completed, but the judicial process is also completed if the murder never happened in the first place! The identity of the "murderer" is irrelevant if the murder never took place. In Parashat VaYeishev, the Torah notes that Yaakov "refused to be comforted" after he was notified of Yosef's death by the brothers (BeReishit 37:35). This was due to a lack of closure. Yosef, in sending the message of Eglah Arufah, is finally able to provide Yaakov with closure regarding his fate while implying that, because he was not murdered, no vengeance should be visited on his brothers. The case was finally closed, and Yaakov was finally revived.

KINYAN KESEF

by *Sammy Schwartz* ('11)

This Shiur was first presented by Shmuel Tzvi (Sammy) Schwartz's at his Chosson's Tisch upon his marriage to Julianna Stadtmauer.

The Gemara (Kiddushin 2a) teaches that a man can be Koneh (acquire) a woman with Kesef (money), Shtar (a document), and Bi'ah (sexual relations). What exactly is this Kinyan Kesef (acquisition)? It sounds like the man is purchasing the woman!

There are many indications, though, that this is not the case, that the man is not "buying" the woman. First of all, what would such an "acquisition" mean? Does that mean he owns her physically? That is certainly not true. It is not even clear that the Kinyan would be a license for Bi'ah, because there is a Machloket (dispute among) Rishonim as to whether Bi'ah is permitted on a Torah level both before and after the Kinyan Kesef.

Moreover, many Rishonim explicitly state in various contexts that men do not purchase women. One example is that the Rishonim ask why various kinds of Kinyanim that work to acquire objects, such as Kinyan Hagbahah

(acquiring an object by lifting it) and Kinyan Meshichah (acquiring an object by pulling it), don't work to betroth a woman. The Rishonim who discuss this question explain that when you perform a Kinyan Hagbahah, you take the object that you are purchasing and pick it up, but in the context of Kiddushin, there is no purchased object. The Kinyan is of a different nature, so there is nothing to physically lift and take.

There are a number of indications from various sources that a Kinyan Kesef is not "purchasing" a woman.

The **Rambam** in the beginning of Hilchot Ishut states that before Matan Torah (the Sinaitic revelation), a man would meet a woman in the marketplace and decide he wanted a relationship. He then would just take her home, and the couple would be regarded as married by Noahide law. However, after the Torah was given, that way became invalid; rather, a Kinyan must first occur. What the Rambam seems to be saying is that the **Torah does not want us to enter into physical relationships without first having an expression of seriousness and commitment.** Rambam is saying that there *were* forms of marriage before Matan Torah—men did not just grab women in the marketplace for a night or two—but there was no expression of seriousness or commitment.

This notion of seriousness is significant because Kinyanim in general are expressions of seriousness. When you want to transfer an object, the Gemirat Da'at (expression of seriousness of intent) of both parties does not suffice; a symbol is necessary to demonstrate that this transaction is truly intended and is not mere frivolity. Accordingly, the role of the Kinyan, broadly speaking, is to display seriousness in what occurs. Therefore, in the context of Kiddushin, when the Torah states "Ki Yikach Ish Ishah," "When a man takes a woman" (Devarim 24:1), it's saying that before a couple marries and engages in a physical relationship, a display of seriousness and commitment is required. The Gemara (Kiddushin 2a) then searches for another context where Kinyan Kesef is made, Avraham Avinu's purchase of Me'arat HaMachpeilah to bury his beloved deceased wife Sarah Imeinu, and we borrow the Kinyan from this context.

This leads us to a well-known machloket that rages between the Sma and the Taz: In Siman 190 of Choshen Mishpat, a major Machloket emerges that addresses the fundamental nature of Kinyan Kesef. Many transactions may be conducted utilizing Kinyan Kesef. For example, someone who wishes to purchase a house for a purchase price of one million dollars may effect the transaction by giving the seller a quarter with the intent to acquire the title to the property. **How does the quarter effect the Kinyan/property transfer?** We can understand this impact of the quarter in two ways:

Sma views the quarter as a down payment. The assumption is that the buyer will, of course, pay the remainder of the sale price, but the quarter is the first step towards payment, and it thereby creates the acquisition. This quarter is called Kesef Shivyon (value of what is being purchased) or Kesef Pira'on (a portion of the payment).

Taz argues that Kinyan Kesef cannot be Kesef Shivyon or Kesef Pira'on because Kinyan Kesef can also be utilized for

Kiddushin. Taz states that a woman has infinite value and cannot be purchased. Kinyan Kesef therefore must be **symbolic**.

In addition, there is a discussion between the Avnei Milu'im and Penei Yehoshua as to why a woman cannot be Halachically married to two men simultaneously. Is it a matter of the Kinyan itself or of Ervah (forbidden relations)?

The **Avnei Milu'im** understands that a woman becomes forbidden to all other men through marriage, and since a marriage cannot be validly contracted through Ervah, she is unable to marry another man.

Penei Yehoshua states that the nature of the Kinyan of marriage is that the woman is Makneh ("sells") herself by restricting her commitment to one, and only one, man. Thus, she cannot marry a second person. Why is not possible for her to marry a second man? Teshuvot **Chavatzelet HaSharon**, an early twentieth-century authority, explains that this is characteristic of the process of Kiddushin. There is an expression of seriousness and a formation of a relationship. In the case of a woman, this expression of seriousness is an exclusive commitment, and by definition, a woman makes such a commitment to only one man.

It's a true Kavod and a privilege to be experiencing this Sugya (topic) this evening. I thank the Ribono Shel Olam for allowing me to reach this great moment today and to have the ability to perform this Kinyan later on with Julianna by expressing my ultimate commitment to her as we begin to build a family and a home together. Mazal Tov.

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