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THE ROLE OF SLEEP IN SPIRITUAL GROWTH

by Mr. Chanan Strassman

Parashat VaYeitzei opens with a description of Yaakov's flight from home. While en route to Charan, "*VaYifga BaMakom VaYalen Sham Ki Va HaShemesh, VaYikach MeiAvnei HaMakom VaYasem MeRa'ashotav VaYishkav BaMakom HaHu,*" "[Yaakov] encountered the place and he slept there, for the sun had set, and he took from the stones of that place and put them around his head, and he lay down in that place" (BeReishit 28:11). Rashi comments on the seemingly redundant clause that Yaakov Avinu "lay down in that place." Since we already established that he is going to sleep, what does this superfluous detail add to our understanding of the story? Apparently, Yaakov's actions *in that place* are noteworthy because they deviate from his *earlier* behavior in a *different* place. According to the Midrash, Yaakov spent fourteen years immersed in Torah study at the Yeshiva of Sheim and Eiver, and his learning was so intense that he did not sleep at night. Now, as the sun sets, Yaakov finally decides to lay down for a rest.

It is tempting to marvel at Yaakov Avinu's high spiritual level, as demonstrated by his ability to actively learn Torah for fourteen years without ever needing a break for sleep. Any serious Talmid Chacham would certainly aspire to reach such lofty heights, both in terms of scholarship and stamina. In fact, some opinions maintain that Yaakov is the prime example of one who acquires Torah by following the Mishnah's recommendation of "*Mi'ut Sheinah,*" "limitation of sleep" (Pirkei Avot 6:6). Rashi (BeReishit 28:11 s.v. *VaYishkav BaMakom HaHu*) appears to agree with this idea, as he opens his thought about Yaakov's untiring study habits with an introductory remark that employs the Mishnah's diction, "*Lashon Mi'ut,*" "a language of exclusion," or "an expression of limitation." On a simple level, Rashi understands that the Torah is hinting to Yaakov's limited sleep schedule. Yet, one could argue that Rashi's "*Lashon Mi'ut*" might also apply to Yaakov in a broader context.

It is rather striking to observe that up until this moment, the Torah provides no indication that Yaakov directly experiences any sort of divine instruction or acknowledgement from Hashem. Even though Yaakov demonstrated an ironclad

devotion to Torah study as a fixture in the world's premiere Yeshiva, God never spoke to him in all that time. What was missing? Is it possible that, in the midst of such incredible academic accomplishment, Yaakov Avinu was lacking in some fundamental area?

In light of this, one can appreciate another interpretation of "*Lashon Mi'ut*" as applied to Yaakov. It could be that Rashi's formulation of this Midrash as a "language of exclusion" actually points toward the reason for Yaakov's limited *Ru'ach HaKodesh*: Maybe he was not getting enough sleep. It is all too easy to imagine Yaakov as an all-star Tzaddik who possessed capabilities beyond our own, so his practice of learning without sleep is not typically construed as a spiritual handicap. Perhaps, though, there is a purposeful correlation between the limited quality of Yaakov's sleep and his limited connection with Hashem. This notion is especially compelling when one considers that Yaakov's first direct communication with God occurs after he finally settles down for a good night's rest. Furthermore, upon waking from his slumber, Yaakov immediately proclaims a heightened awareness of God's presence and a newfound appreciation for the significance of his surroundings. Clearly, the restorative benefits of sleep make an impact on Yaakov's spiritual functioning.

There is even room to suggest that Hashem may actively steer Yaakov in the direction of sleep. For instance, Rashi (ibid. s.v. *Ki Va*) notes that Hashem causes the sun to set earlier than usual in order that Yaakov should lie down for the night at Har HaMoriyah. Rashi could have explained the hastened journey in a different way, by saying that Hashem causes the earth to contract to shorten the distance Yaakov needs to travel to Har HaMoriyah. In fact, Rashi offers this exact explanation when Eliezer travels to his encounter with Rivkah at the well. Why does God not follow His own precedent and hasten Yaakov's journey by contracting the earth? Would Yaakov Avinu not have arrived at the mountain in less time? A possible answer to this question is that Yaakov's trip would have been quicker, but he would have arrived during the daytime. Such a scenario would not be problematic if God wished to speak with Yaakov while he was awake. However, Chizkuni believes that Yaakov had no intention whatsoever of stopping to rest while fleeing for his life. He only lies down "*BeAl Korcho,*" "against his will," when there is no light left and it is impossible to travel. Thus, it seems that Hashem specifically sets the stage for Yaakov to fall asleep, and in so doing, facilitates Yaakov's continued spiritual development.

While it is beyond our capacity to know Hashem's true intention in orchestrating Yaakov's bedtime, there is ample evidence to suggest that improving one's sleep habits can yield spiritual benefits. Not only does modern research show the

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negative impact of sleep deprivation on learning and cognitive function in general, but many studies indicate that the inverse is true as well: Sleep is a critical component in memory formation and retention, and it is even a significant factor in increasing one's achievement of learning goals during stressful periods of time. Whereas the initial acquisition of Torah must come through wakeful focus during study, as the Mishnah advises, the challenge of internalizing and retaining the Torah we learn may indeed require a proper night's sleep.

THE RECIPROCAL NATURE OF TRICKERY

by *Natan Lehman* ("19)

After Yaakov Avinu heroically removes a boulder from the well of Charan and is thanked by Rachel, Lavan, Yaakov's uncle, hears the news and goes out to greet his nephew. Yaakov accepts Lavan's offer of lodging and works for Lavan for a month; Lavan agrees to marry off either of his daughters -- Leah or Rachel -- to Yaakov as payment for an extended period of labor (BeReishit 29:1-17). When the Torah describes both Leah and Rachel's physical character it seems to be cruelly judgmental, describing that "*VeEinei Le'ah Rakot, VeRachel Hayetah Yefat To'ar Vi'fat Mar'eh*", "Leah had weak eyes; Rachel was beautiful" (BeReishit 29:17). Why would the Torah use such degrading words to describe the older sister, but go out of its way to effusively praise the looks of the younger? Shouldn't the Torah present the description of the sisters without any sort of pre-existing bias towards Rachel?

Chazal (*Tanchuma Buber* 12:1) teach us that Leah and Rachel were in fact equal in beauty, but Leah's eyes were weakened due to a more practical reason. When Rivka bore Esav and Yaakov, and Lavan's wife bore Leah and Rachel, Lavan and Yitzchak arranged that both their two eldest and two youngest would get married. As the years passed, Leah became increasingly worried about the prospect of marrying Ya'akov's eldest, Esav. Leah would constantly cry at the thought of marrying such a Rasha like Esav, which in effect weakened her eyes.

This is the Midrashic view of the Pasuk. Rashi (BeReishit 29:18), however, explains that the Torah didn't emphasize Rachel's prettiness to contrast with Leah's lack thereof; rather the Torah elaborates on Rachel's beauty to portray the thoughts that were running through Yaakov's head. Yaakov knew Lavan was a deceiver. By paying careful attention Rachel's physical characteristics, Yaakov thought that he would be able to distinguish one sister from the other and not get tricked by Lavan, as he eventually did. The Pasuk highlights how Yaakov believed that he had determined the difference between the sisters, and was nonetheless tricked by Lavan.

Rashi's comment implies that Lavan's trickery was not just a one-time event, rather it seemed to be Lavan's

defining vice. The first time the Torah introduces Lavan, he is called "*Lavan ben Nachor*", "Lavan the son of Nachor." (ibid. 29:5). Even though Betuel was Lavan's father (cf. 28:5), the Torah strangely writes that he was the son of Nachor. Radak (ad. loc.) explains that Nachor, Lavan's grandfather, was a well-known and honored man unlike Lavan's father Betuel. For his self-image and credentials, Lavan must have exploited his grandfather's good name, and the lie perpetrated about his paternity was to be but the first of many acts of deception committed by Lavan. Rashi (ibid. 29:13) presents another example of Lavan's selfishness. When Lavan hears that his nephew Yaakov is in town, he excitedly rushes over to greet and kiss Yaakov. Rashi explains that Lavan was running over to Yaakov in the hope that Yaakov brought camels laden with gold to give as presents, just like Eliezer had done in the past for his sister Rivkah (24:53). When Lavan hugged and kissed Yaakov, it was not a measure of goodwill; it was done to determine if Yaakov was carrying gold or precious stones on his body.

Furthermore, the Da'at Zekenim (29:22) explains that the giant party Lavan made to celebrate Yaakov's supposed wedding with Rachel was just another example of Lavan's deception. He threw the lavish party in order to intoxicate Yaakov Avinu, and ensure he would be unable to distinguish between Leah and Rachel.

These numerous examples of Yaakov being tricked beg the question of why Hashem would let the Yaakov Avinu, the "*Ish Tam*", "blameless man" (25:27), be constantly deceived, and specifically in the case of Leah and Rachel, where Yaakov had the means to distinguish between the two sisters. The Da'at Zekeinim (29:25) explains that when Yaakov realized what happened in the morning, he immediately confronted Leah about the deceptive marriage. Her response was that she and her father had actually learned the art of trickery from Yaakov - Yaakov obtained the firstborn blessing by tricking his father into believing that he was Esav. Therefore, Leah felt justified in fooling Yaakov into marrying her, instead of Rachel.

The fact that Leah acted based on an episode which occurred far in Yaakov's past -- over seven years, to be exact (29:20 and more according to Chazal) -- illustrates the importance of our behaving as best as we can, because the smallest action can have an immense effect on the observer's conduct towards others. Even though you may believe that no one is paying attention, there will be people looking to you and emulating your actions. As righteous as Yaakov was and as noble his intentions in marrying Rachel were, an unsavory moment from his past caused him great trouble in his stay with Lavan, forcing him to spend an extra seven years working for Lavan to marry Rachel (29:28). We should learn from Yaakov Avinu's mistake, and throughout our everyday conduct, we should be mindful of its long term effect and impact on how others might act towards us as a result.

SEPHARDIC BISHUL AKUM STANDARDS - PART

Two

by Rabbi Chaim Jachter

In our previous issue, we described the debate between Ezra Douek and his cousin Rav Gabbay. Ezra prepared a festive meal replete with grilled steaks and turned on the fire with which the Nochri workers would cook the steaks, in order to obviate the prohibition of Bishul Akum, the rabbinic prohibition to eat food cooked by a Nochri.

Ezra's cousin, Rav Ben Zion Gabbay, who served for years as a senior Kashrut specialist working for Hacham Ovadia Yosef, objected to this means of food preparation. He argued that Sepharadim require that the steaks must be placed on the fire in order to obviate the issue of Bishul Akum. Merely turning on the fire is insufficient, he argued. After insisting on following the Sephardic practice, Rav Gabbay proceeded to place the steaks on the fire, after which Ezra assented to his request.

Upon learning of this intense discussion, I was quite surprised (as was Ezra). After all, Rav Ovadia Yosef in Teshuvot Yechave Da'at (5:54) presented what seemed to me to be a cogently reasoned responsum explaining why Sephardic Jews can rely on the Ashkenazic standard of merely turning on the fire. While Hacham Ovadia concluded "HaMachmir Tavo Alav Bracha", it is preferable to be strict, Rav Yosef gave the right to Sepharadim to be lenient. If Ezra had every right to rely on merely turning on the fire, why did Rav Gabbay insist on placing the food on the fire?

We noted that although Rav Yosef Karo forbids Bishul Akum even if a Jew turned on the fire, serves as the Jew's employee and cooks on the Jew's premises, Hacham Ovadia develops a S'feik S'feika (double doubt) to be lenient. One doubt is that perhaps turning on the fire suffices to eliminate concern for Bishul Akum. The second doubt is perhaps the prohibition does not apply when the food is prepared in a Jewish home. There is even a third Safeik, perhaps the prohibition does not apply if the Nochri is an employee.

Last week we noted the objections of two other great Sephardic Poskim, Rav Shalom Messas and Hacham Bension Abba Shaul. They object to developing a S'feik S'feika whose both prongs run counter to Rav Karo's ruling or when Rav Karo (Maran) utterly rejects one of the opinions used as a component of the S'feik S'feika.

Rav Ovadia Yosef and Rav Yitzchak Yosef Respond - Yabia Omer and Yalkut Yosef

Hacham Ovadia, (Teshuvot Yabia Omer 9 Y.D. 6; printed in 2002) strongly defends himself against Rav Messas and Rav Abba Shaul's critiques. He cites source upon source (most prominently the Chida, Machazik Bracha 52:5) to uphold the validity of a Sefeik Sefeika even if both prongs run counter to a ruling of Rav Karo. He even cites a responsum of Rav Messas (Teshuvot Shemesh U'Magein Orach Chaim 29) where Rav Messas himself relies upon a S'feik S'feika whose prongs

both run counter to Maran. He concludes that even if this remains a disputed matter as to whether such a S'feik S'feika is permitted, regarding a rabbinic prohibition such as Bishul Akum one may be lenient.

Regarding Hacham Ben Zion's objection, Rav Ovadia writes "how can one say that all of the great Ashkenazic authorities who permit are as if they do not exist? God forbid to articulate such an approach!". Rav Ovadia believes that although Sephardic Jews do not follow the rulings of Rama, nonetheless the Rama's views can be taken into consideration for a Sefeik Sefeika since one cannot simply dismiss his opinions.

One can, however, detect a bit of a softening of Hacham Ovadia's position from that which he articulated in 1983 in Teshuvot Yechave Da'at. In Yechave Da'at he writes "there is a wide space for even Sephardic Jews to be lenient regarding this matter". In Yabia Omer, by contrast, he concludes "one should not admonish one who adopts the lenient approach since he has a basis on which to rely".

The Yabia Omer approach is reflected by Rav Yitzhak Yosef in the year 2000 edition of Yalkut Yosef. He writes "Sepharadim should Lechatchilah (ideally) adopt the strict position but those who are lenient in public venues have a basis upon which to rely". However, in the 2006 edition of Yalkut Yosef, Rav Yitzchak Yosef tilts even more towards strongly to the stricter view. He begins the discussion by asserting that

"Sepharadim should Lechatchila (ab initio) adopt the strict approach to this issue and ask the Mashgiach (Kashrut supervisor) to place the pot on the oven for the food he is ordering. However, one who is lenient in a situation of large scale food preparation has that upon which to rely".

Rav Yosef concludes "Every Kashrut agency should Lechatchilah take care that Jews should place the food on the fire since many of the patrons of their establishments are Sephardic Jews who follow the rulings of Rav Yosef Karo". Thus, we understand that while Ezra Douek and I were functioning in accordance with Hacham Ovadia's earlier Teshuva where he seems to reserve adopting the strict approach to an elite group of Jews who are extra cautious in their Torah observance, Rav Gabbay was more or less hewing to the newer approach of Rav Yitzchak.

Interestingly, Rav Yitzchak Yosef in Yalkut Yosef adds an intriguing argument to bolster the lenient approach. He sets forth as a possibility that the prohibition of Bishul Akum applies only when the Nochri prepares food for an individual and not when done for a large group. One could argue that sharing food with an individual builds a relationship but cooking for a large group does not. Thus in the latter setting, the reason for the Bishul Akum edict does not apply. There is no concern of bonding with a Nochri when the food is cooked for a large group¹. The advantage of this approach is that it

¹ One could argue, however, that just as Maran (Rav Karo) rules that Bishul Akum applies to an employee, even though the reason for the Bishul Akum restriction does not apply in this case, so too Maran would rule



does not clearly run counter to a ruling of Maran (Rav Karo) and thus Sephardic Jews may unquestionably utilize this opinion as a prong in a S'feik S'feika. Despite the cogency of this argument, though, Hacham Yitzchak nonetheless steadfastly encourages Sephardic Jews to adopt the stricter approach.

Conclusion

Rav Yitzchak Yosef's approach is significantly less enthusiastic than the original approach articulated by his father in Teshuvot Yechave Da'at. The compelling criticism expressed by Rav Messas and Rav Abba Shaul likely restrained Rav Yitzchak Yosef's wholehearted endorsement of Hacham Ovadia's opinion on this matter.

Nissim Douek reports that many Sephardic Jews request restaurants to ask the Mashgiach to place the pot in which their food will be cooked on the fire in accordance with the ruling of Rav Karo. What was only a few decades ago a nearly totally forgotten and neglected Halacha has once again returned to the consciousness of the Sephardic community and beyond.

In keeping with Hacham Ovadia Yosef's oft-repeated agenda of Hachazarat Atarah L'Yoshenah, restoring the Sephardic crown to its glory, a once nearly forgotten ruling of Maran, has been restored to the "Sephardic radar". However, since adherence to the strict approach to this issue is quite difficult at times, it is very comforting for a Sephardic Jew to know he can rely on a lenient approach developed by the two of the leading Sephardic lights of our times, Rav Ovadia Yosef and Rav Yitzchak Yosef.

Accordingly, Ezra Douek was certainly in his Halachic prerogative to rely simply on turning on the fire to obviate Bishul Akum. Rav Gabbay, though, did have a point in reminding us of the higher standard set by Maran Rav Karo, by which many Sephardic Jews today adhere.

Postscript - A Possible Precedent for Hacham Ovadia's Ruling

Despite Hacham Ovadia's firm stance regarding Sephardic Jews eating meat that meets the strict Halak Beit Yosef standards, he champions a lenient approach for a Sephardic Jew visiting an Ashkenazi friend or relative where obtaining meat that is Halak Beit Yosef is not a realistic option. In such a case, Hacham Ovadia (Teshuvot Yabia Omer 5: Y.D. 3) permits eating the meat even if it is not designated on the package as Halak Beit Yosef, as long as it is Glatt Kosher by Ashkenazic standards.

Hacham Ovadia cites the Devar Shmuel (number 320) who rules that one may rule leniently in such a situation due to a S'feik S'feika, a double doubt (one may rely on a S'feik S'feika, generally speaking, even regarding a Torah level prohibition). One Safeik is whether the meat satisfies the Beit Yosef standard, since meat labeled Glatt by Ashkenazic standards might be Halak even according to Maran. A second Safeik is that perhaps Rama and those who support him are correct. Thus, meat that

strictly even when the Nochri cooks for a large group and the reason for Bishul Akum does not apply.

is acceptable only for Ashkenazim, is viewed as possibly acceptable for Sephardic Jews.

The Dvar Shmuel's S'feik S'feika to allow a Sephardic Jew to eat with an Ashkenazic Jew despite concern for violation of a Torah level prohibition, serves as a precedent for Hacham Ovadia's S'feik S'feika permitting Sephardim to eat food prepared in accordance with the more lenient Ashkenazic standards. If we are willing to rely on a S'feik S'feika regarding a Torah prohibition we should certainly be permitted to rely on a S'feik S'feika regarding a rabbinic prohibition. Significantly, Dvar Shmuel permits relying on this S'feik S'feika even though Rav Yosef Karo utterly rejects the lenient Ashkenazic approach to the issue of Halak/Glatt in the strongest of terms (see Shulchan Aruch 39:10).

Although it is not a complete analogy since in the Dvar Shmuel's S'feik S'feika both prongs do not run counter to the ruling of Maran, it sets an example of trying to find a Halachic path permitting Jews to partake of each other's food even when their respective standards vary. Rav Ovadia Yosef elsewhere develops approaches to allow Sephardic and Ashkenazic Jews to eat each other's food even when their Halachic standards differ. Examples include permitting Ashkenazim to eat at a Sephardic home on Pesach despite the lenient approach Sephardim adopt regarding Kitniyot (Teshuvot Yechave Da'at 5:32) and in the aforementioned Teshuvot Yabia Omer, Hacham Ovadia disagrees with Rav Kook and permits Ashkenazim to eat animals slaughtered according to Sephardic Halacha, even though Ashkenazim follow Rama who adopted many Chumrot (stringencies) in regard to Shechita.

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