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Founder and President

# HEMDAT YAMIM

## PARASHAT HASHAVUA

Miketz, 28 Kislev 5775

### Reading Between the Polite Lines

Harav Yosef Carmel

One of the topics that we often like to focus on is the connection between the weekly *parasha* and the *haftara*. Although this year we will be reading the special *haftara* for Chanuka (which needs no connection to the *parasha*), it is worthwhile to see what *Chazal* saw in common between the set *haftara* and the *parasha*.

In this case, there seems to be a clear connection in that both start with an important dream of a king, a young King Shlomo, in the case of the *haftara* (Melachim I, 3:15). In the past, we also noted the overlap of the wise heart that Hashem promised Shlomo, reminiscent of the wise heart that Paroh discerned in Yosef after Yosef correctly interpreted his dream. This time we want to point out a shared expression in the *parasha* and the *haftara* and learn from it about the relationship between Yosef and his brothers.

Shlomo was presented with a judicial challenge – to determine which of the arguing women was the mother of the live baby and who of the dead baby. Was it the woman who presented the whole story in the first place, or the woman who, in short, rejected the former's story and said that the live baby boy was hers? The Malbim claims that the responder, who mentioned the live boy before the dead one, was the mother of the live baby. The woman who spoke first, who focused on the dead baby, was the one who accepted the idea of splitting the surviving baby, and was not the latter's mother.

Others say it was the original presenter who had pity on the baby and offered him to her rival. A proof offered is that we find her using the same expression twice, in the early speeches of first speaker and in the clinching plea to spare the life of the baby. The phrase "*bi adoni*" (please, my master) shows proper etiquette in speaking to the young king. The original presenter is the one who used the phrase a second time in her speech that proved that she was the live baby's mother.

The dispute between Yosef and his brothers had all the potential to rip the nascent Nation of Israel into shreds. The death verdict the brothers handed down against their divisive brother was like a sword that would cut the nation into pieces. The conflict, which is behind the scenes in Vayeishev and Miketz, comes to its climax in Vayigash when Yehuda approaches Yosef with his strong claims – claims that were introduced with the words "*bi adoni*" (Bereshit 44:18). Yosef's hard heart is softened, and he finally reveals his identity to his brothers.

One of the lessons for generations like ours is that even when there are harsh disputes between people, certainly between brothers, it is crucial to speak with respectful language. This advice is true even when matters of life and death are on the line. As Shlomo himself said: "A soft response pushes back fury" (Mishlei 15:1).

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by Rav Daniel Mann

## Chanuka Candles and *Havdala* – Which Comes First?

**Question:** I never got a clear answer as to whether, on *Motzaei Shabbat*, we light Chanuka candles before or after *Havdala*. Can you clarify the matter?

**Answer:** In terms of practice, we can clarify only a few things. The *minhag* in *shuls* is to light Chanuka candles first (based on Terumat Hadeshen 60, Shulchan Aruch and Rama, Orach Chayim 681:2). Regarding the home, Sephardim do *Havdala* before Chanuka candles (Kaf Hachayim, OC 681:4; Yalkut Yosef; Mikraei Kodesh (Harari), Chanuka 11:10). Among Ashkenazim, some schools of thought have clear rulings (which vary one from another); we will not provide lists of the opinions. However, the standard approach, to which we subscribe is that this is a case where one may follow the approach he wants (see Mishna Berura 681:3). We note that not only are both approaches well grounded, but also the question is only of preference; following the “incorrect” approach is not a “violation.” We will survey some of the indications presented by prominent protagonists.

The Terumat Hadeshen’s reason for lighting Chanuka candles first is the *gemara*’s (Pesachim 105b) concept that we delay *Havdala* (i.e., put it at the end of the series of *berachot*) and, thereby, the exit of Shabbat, so that Shabbat not appear as a burden. The Taz (OC 281:1) counters the Terumat Hadeshen’s assumptions on two fronts. First, he argues that *tadir kodem* – a more common *beracha* is recited before a less common one – is a stronger factor than delaying the end of Shabbat. Additionally, argues the Taz, doing Chanuka candles before *Havdala* is not even a correct application of delaying the end of Shabbat. This is because lighting candles itself contradicts the continuation of Shabbat, for if it were still Shabbat, lighting a candle would be forbidden.

The following discussion in Tosafot (Shabbat 23b) can shed light on the relative strength of the factor of *tadir kodem*. The *gemara* says that if one has enough money only for Chanuka candles or wine for *Kiddush* (which is more *tadir*), Chanuka has precedence because *pirsumei nisa* (publicizing the miracle) is more important. Tosafot asks why, regarding Rosh Chodesh on Chanuka, we read the *haftara* of Chanuka, yet read the Torah portion of Rosh Chodesh before that of Chanuka. Tosafot’s first answer, which the Taz cites as support, is that the advantage of *pirsumei nisa* prevails when only one of the *mitzvot* can be fulfilled, whereas *tadir kodem* is the key factor regarding the order when both are done. However, points out the Eliyah Rabba (681:1), Tosafot’s other two answers diminish the importance of *pirsumei nisa* only regarding the Torah/*haftara* readings. This implies that when *pirsumei nisa* applies, as it does to Chanuka candles, it has order precedence over the more common *Havdala*.

R. Yaakov Emden (Mor U’ktzi’ah 681) rejects the Taz’s claim that lighting Chanuka candles contradicts the idea of delaying *Havdala*/end of Shabbat. He points out that after *Havdala* in *davening* or *Hamavdil*, we are allowed to do work (including *Yom Tov* candles and *Borei Me’ore Ha’eish*) before doing *Havdala* over wine, and yet we delay the *beracha* of *Havdala*.

Some cite a proof that Chanuka lighting precedes *Havdala* from the Yerushalmi (cited by the Shulchan Aruch, OC 581:1), that one should not use the Chanuka candles for *Borei Me’ore Ha’eish*. This implies that the Chanuka candles are lit first.

Is there any logic, other than *minhag*, to switch the orders in *shul* and at home, as Sephardim and some Ashkenazim do? The Maharal (Ner Mitzva, p. 28) cites, as a reason to do *Havdala* first, the concern that one who one did not say *Havdala* in *Shemoneh Esrei* will light in violation of Shabbat. The Eliyah Rabba points out that in *shul*, we trust that the person appointed to light will be a diligent person who will not forget. It is also possible that since *pirsumei nisa* is a heightened element and exists for a shorter time in *shul*, we do it as soon as possible. The Kaf Hachayim (681:4) claims that after men have heard *Havdala* in *shul*, delaying the one at home is less important.



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# Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

## When the Greeks Entered the Temple

(condensed from Ein Ayah, Shabbat 2:11)

**Gemara:** When the Greeks entered the *heichal* (*Beit Hamikdash*), they defiled all the oils in the *heichal*.

**Ein Ayah:** *Chazal* already highlighted the viewpoint of Israel on the wisdom, culture, and practices of the nations of the world. In comparing apparently contradictory criticism of the Israelites regarding following the practices of the other nations or not following them (Yechezkel 11:12 & 5:7), the *gemara* (Sanhedrin 39b) explains: “Like their proper practices you did not do; like their corrupt ones you did.” [In other words, there are some practices we should follow.] However, even when following the nations’ good practices, one must exercise caution, as it can cause one to be drawn to their corrupt practices as well.

The reliable principle that Israel should cling to in this regard is to be very vigilant, when occasionally seeing a good practice which they want to adopt, to not allow the overall spirit of the source nation in along with the practice. For once that spirit enters, there may be no stopping its progress, and the spirit of Israel will be pushed away from its place. This would be against the instruction that “no foreigner shall sit on his throne,” as the spirit of Israel must be strong and set. Rather, Torah and *mitzvot* must be the strength of Israel.

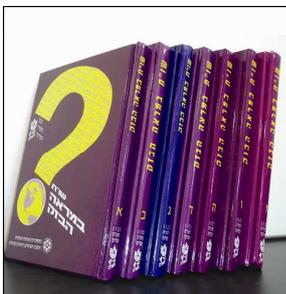
In an external manner, there is sometimes a need to improve society by taking a good practice from our neighbor nations. As long as our nation is firmly keeping Hashem’s Torah, adoption of such a practice does not mean that nation has encroached upon our borders. Rather, it is either that we go to take something from them or they bring to us something fitting to receive. This is as *Chazal* (Yoma 10a) learn about our relationship with Yefet – the *yafyufit* (attractive elements) of Yefet shall be found in the tents of Shem.

The spirit of Greece infiltrated into the sanctity of Israel and their warped values created new desires that entered into people’s inner lives. This created a situation that can be described as their entering the *heichal* and defiling all its oils. It is not only in areas in which Greek culture opposed ours that their negative impact was felt. Rather it affected Israel’s whole set of beliefs and characteristics, thereby lowering the sanctity and preventing goodness from Hashem’s nation.

It is important that we should have a firm pillar that teaches us in our time of exile to know how to interact with the non-Jewish nations and deal with their wisdom and practices. This teaching should help preserve the “Temple” within our lives and midst. We should not think that if there are just certain specific areas of integration of non-Jewish culture that the impact will be limited in scope to those areas, although that too would be enough reason to stay away from them.

Unfortunately, those with weak ideas think we can be comforted by that which remains intact and the many elements of light which will give strength despite the points of contamination which entered deeply within us. Therefore, the Rabbis taught us that as soon as the Greeks (i.e., their cultural spirit) entered the *heichal*, (i.e., deep into our spiritual/intellectual Torah lives), they already defiled all the oils within the *heichal*. No corner survived, as their spirit spread like the venom of a snake through the body of the nation. They ruined the belief and the purity. All the “holy anointing oil of Torah,” which sanctifies and lights dark places that arise in all situations, were all affected. Even if individual acts of Torah remain despite the foreign regime, they will be performed by rote by those who were seduced by the foreign spirit. Generally only secondary elements survive, and this “impure oil” did not have the power to light the holy lights.

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# P'ninat Mishpat

## Sellers from Outside Town at Market Day

(based on Shoel U'meishiv II:III:21)

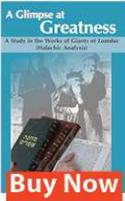
**Case:** A merchant from Zemigrad rented a booth at the weekly market day in Riminov and would bring merchandise there to sell. The Jewish merchants of Riminov complained of *hasagat g'vul* (unacceptable competition). The Rabbi of Zemigrad wrote a letter justifying his townsman based on the *gemara* (Bava Batra 22a) that says that people from outside a town may sell on a *shuk* day because these days attract extra buyers, which makes it appropriate for there to be extra sellers. The Rabbi of Riminov cited a responsa in Shoel U'meishiv (I:I:41), in which Rav Nathanson distinguished between a big *shuk* day, in which people come from all over the region, and a weekly market day (as in this case), which is made for the local populace of buyers and sellers. The Rabbi of Riminov countered that since that ruling cited the Bach, that the restrictions of *hasagat g'vul* do not apply even to a weekly market day, one cannot apply the restrictions on free commerce out of the doubt raised by the *machloket*. The Rabbi of Riminov asked Rav Nathanson to comment on the matter.

**Ruling:** I already argued clearly with my ancestor, the Bach, and demonstrated that one cannot prove from the Mordechai that a *shuk* is a less expansive market event than a *yerid*, and I brought strong proofs from Shas to the contrary. Therefore, only in for a major market event, where people come from all over to buy and sell, may a seller come from out of town. In cases like in Riminov, where out-of-town buyers will not come even if we increase the number of sellers, we apply the regular rule that people from outside the city may not take away the livelihood of the locals.

The Rabbi of Zemigrad cited the Mabit, who said that anyone who is under the same government is considered one who pays the *karga* (tax), who is not bound by the rules of *hasagat g'vul* (Bava Batra 21b). However, the Nachalat Shiva and several sources you (the Rabbi of Riminov) correctly brought reject the Mabit's approach.

The Rabbi of Zemigrad's stronger point is that we should be lenient on the visiting merchant out of doubt due to differing opinions. It is true that regarding the question which the *gemara* leaves unsolved, whether members of one section of town can prevent the competition from residents of another section of town, the *gemara* leaves the question unsolved (*teiku*) and the *poskim* say we therefore allow the competition.

However, the Ra'avan and others ask why in a case of money we are "lenient" with one party even though it is at the expense of another, and the former is in danger of violating theft. Certain cases deal with acts of unclear damage, in which case out of doubt we do not need to apply restrictions on possible minor infractions. Sometimes, one side is not taking something from the other, but only withholding profit opportunities from him. My other ancestor, the Rama, was stringent regarding putting a store at the entrance to a one-way street when an existing business of the same type is further down the street. People wondered how he could be stringent on that open question. The answer is that a matter of definite loss is involved there, in which case the logic to not intervene does not apply. In our case, as well, we view the merchant from Zemigrad as arguably stealing (i.e., causing direct loss) from the people of Riminov, whereas the people of Riminov are only withholding an opportunity from him. Therefore the benefit of the doubt goes in favor of the merchants of Riminov.



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