

# MDTorah WEEKLY

	ירושלים	בית שמש	בני ברק
הדלקת נרות	4:00	3:59	4:14
צאת השבת	5:15	5:15	5:16

Parshas Vayeishev/Chanukah - וישבחנוכה  
Nov 30, 2002 – כ"ה סלו תשס"ג – Vol. 4 No. 9

## Talking Business

Everyday Jewish Business Law



## Living Education

Principles of Education Gleaned from the Weekly Parsha

### An Unelevated Load

#### Question

Shlomo was having building work performed in his apartment. He had the heavy blocks and other building materials loaded into the elevator. The elevator made it to the fifth floor, where he lived, but developed a permanent tilt to the right! A week later, his neighbour, Dovid, started work on renovating his apartment. He also overloaded the elevator with building materials, but was not so fortunate. The elevator was midway between the ground and first floors when it broke down. The question is who has to foot the bill for the expensive repair which is now needed. Shlomo argues that he is exempt from paying, since the elevator continued operating after he overloaded it. Dovid admits that his overloading contributed to the breakdown, but argues that he should not have to foot the entire bill. When he loaded his materials, the elevator was already in need of repair as a result of Shlomo's previous overloading. How should we distribute the cost of repair?

#### Answer

Reuven dug a pit in the middle of the street which is nine *tefochim* (handbreadths) deep. Shimon deepened the pit by one *tefach*, making it ten. Who is liable for any damage caused by falling into this pit? According to the first opinion in the *beraisa* (Tractate *Bovo Kamo* 51a), only



Shimon is liable for such damage.

*Rebi disagrees, arguing that Reuven's nine tefochim was enough to injure. Therefore, if injury is caused, Reuven is liable. All*

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### One Good Midah

"Reuven was a ball of fire in class today," explained the history teacher at the weekly teachers' meeting. "He just couldn't sit still."

"At least he wasn't *chutzpadick* to you," said the math teacher. "When I told him to write an assignment on the board he told me that he had better things to do."

The gemorah Rebbi added that also in the morning, although Reuven does the work, he does it grudgingly, as though someone was forcing him to do it.

"Gentlemen," interrupted the principal, "is Reuven a rebellious son? Can we not find one good characteristic in him?"

"What will it help to mention a good *midah* of his if the boy is full of so many problems?" asked the history teacher. "Can one good *midah* cancel out all the bad ones?"

"Excellent question," retorted the principal. "The answer is Yes! Let me explain why!"

"What is the connection between the name Chanukah and the finding of one casket of pure oil? I'll tell you! Chanukah is derived from the root *chinuch*—education. Therefore, while Chanukah deals with the Jewish people as a whole, we can relate its message to the field of education. Just as the discovery of one pure casket of oil was the beginning of the spiritual rebuilding of the Jewish people, the discovery of one good *midah* in a child can be the beginning of his own spiritual development."

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## Rav Leff Speaks

### Chanukah Insights

The Midrash says on the verse in Shir HaShirim: *Hadudaim nasnu raiach* (the mandrakes gave fragrance)—*zeh Reuven shehitzil es Yosef* (this refers to Reuven, who saved Yosef). *Hapischeinu kol megadim* (our doorways are laden with fine fruits)—*zeh ner Chanukah* (this is the light of Chanukah). What do the *dudaim* (there is a dispute among rishonim whether this refers to mandrake or jasmine) which Reuven brought to his mother have to do with saving Yosef?

Reuven was gathering *dudaim* at the time of the wheat harvest. This was at a time when everybody else was concerned with one thing only, namely wheat, the staple food which is the basis of survival. At that very time, Reuven was gathering *dudaim*, which are inedible, and whose only value is its

fragrance. The roots are used as a fertility drug, but the top part is for fragrance only. While everybody else was concerned with wheat to preserve their bodies, Reuven showed his sensitivity to smell, an ethereal property associated with spirituality. That was the same Reuven that saved Yosef. When the brothers were discussing all the physical reasons why Yosef should be killed, Rashi tells us that a *bas kol* issued forth and said, "We'll see what will be with the dreams of Yosef." It says that Reuven heard this, and saved Yosef. The Midrash says that only Reuven heard the *bas kol*, no one else. Because they were preoccupied with their arguments over Yosef, while Reuven was attuned to the spiritual dimension.

Likewise, the Chashmonaim. When everybody else was occupied with the military victory, they were sensitive to

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### MAZEL TOV

to

Rabbi & Mrs. Yoel Moore  
Rabbi & Mrs. Yirmiyah Abramov  
Rabbi & Mrs. Uriel Abramov

on the birth of a grandson/son

May they merit to raise him to a life of Torah and Mitzvos and receive much nachas from him.

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Rebbeim & Talmidim

## Parsha Points to Ponder

### Sacrifice and Light

The law of the blessings recited for the Chanukah candles is unique among the mitzvos whose purpose is the announcement and commemoration of a miracle. When a person sees and hears someone else reading or listening to the Megila on Purim, he does not recite a blessing. But if he has not lit the Chanukah candles, knows that he won't get to light them and that no one in his home is lighting for him, he recites the blessing "who performed miracles for our fathers" and, on the first night, the shehechyanu blessing as well when seeing candles lit by others.

There are two aspects to the mitzvah of lighting Chanukah candles. One, is that it is like a sacrifice: the oil that is burned rises through the flame like the flesh of sacrifices that were once placed on the flaming altar of the Beis Hamikdash. The second is that it gives forth light, like the menorah in the Beis Hamikdash—a light which can be compared to the light which glorifies the Palace of the King. Because the Chanukah candles have these two aspects, there are two aspects to the mitzvah of lighting them: One is that they be lit, the other is that they be seen, i.e., that they burn and give forth their light. These two aspects of the mitzvah are ordinarily fulfilled together: the candles are lit and burn for the appointed time. But one can be fulfilled without the other. We see that in the law that requires a person who does not light the

candles to recite a blessing upon seeing their light.

Based on sefer Shem Mishmuel

### Yearning for Torah

These are the offspring of Yaakov: Yosef... (Bereishis 37:2)

It is written that "the house of Yaakov is fire and that Yosef is a flame". Yaakov is fire because Yaakov is Torah and the words of Torah are compared to fire. The comparison to fire suggests how exalted the Torah is - exalted far above our lives in this world. Nevertheless, the light of Torah is not inaccessible to us. Yearning and enthusiastic devotion draw its light into a person's soul. Yosef is compared to a flame. Just as a flame can spread - reach out and burn something that is not right next to it - yearning extends a person to the exalted heights of the Torah and he receives its light into his soul. Even in exile, and even when a Jew has relatively little knowledge, his yearning brings the Light of Torah into his life, for the further a person is from the object of his desire, the greater his yearning. This passage, "These are the offspring of Yaakov: Yosef..." suggests that it is through the yearning for Torah, Yosef, that the Jewish people remain the offspring of Yaakov.

Based on sefer Sefas Emes MD

(Living Education—Continued from page 1)

"Our student, Reuven," continued the principal, "while he has lackings in many areas, he certainly does have a number of good middos to work with. If we pick just one, dwell on it, compliment him for it, and look for constructive ways for him to express that *midah*, before long we will see that Reuven has improved his other middos as well."

"This is the message we learn from Chanukah: it doesn't matter how limited a *midah* is at first for it to become a wellspring of great achievement. But it does matter that it is refined, just as the oil was limited in quantity but was of pure quality."

"What good *midah* does Reuven have?" muttered the math teacher. "Of course," he remembered, "he's always on time."

"Perfect," responded the principal, "we can put him in charge of attendance at *mincha* (the afternoon prayer), give him extra credit on his tests for coming on time to class and grant him the honor to hit the gong when recess is over."

"The miracle of the lighting of the menorah on Chanukah teaches us that not only can a small, though pure beginning lead to great heights, but it can allow one to reach levels he never dreamed possible; and so can happen with Reuven."

The Chumash teacher asked, "Of course the boy's good *midah* can be harnessed and expanded, but who says it can affect his other middos?"

"Let me explain," answered the principal, "I saw in *Michtav M'Eliyahu* (Book 2 p.112) the following: Why do we celebrate Chanukah today, as we are so removed from the time of the actual miracle? For the *teshuvah* of the Chashmonoim was so intense and so deeply rooted, that not only were they able to affect their generation, but future generations as well.

"Now, if one person can affect other people and even other generations, surely he can positively affect his own other middos as well."

"If we are sensitive enough and concerned enough, we can find a refined *midah* in each and every child. One is happy, one is quick, one is strong, one is sharp, one is organized, one is generous, one has great concentration and one has great respect for others."

Maybe this is the meaning of the *tefilah*, "ותן חלקנו בתורתך" - "and give us our portion in your Torah!" That each one's portion is the starting point through which he can fulfill the whole range of Torah and mitzvos.

On this point, the last Mishnah in *Me-seches Makos* (23b) concludes, "Rebbe Chananya ben Akashya says, Hakadosh Boruch Hu wants to bring merit upon the Jewish people, therefore He gave them a multitude of Torah (to learn) and mitzvos (to fulfill), as the posuk says, וה' הפץ למען צדקו (ישעיהו מ"ב:כ"א)".

At first glance, the Mishnah seems to suggest that our merit stems from the magnitude of our involvement in Torah. However,

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Shimon achieved was to make it possible for this pit to kill. He is only liable if falling into the pit causes death. *Tosafos* explain that the only reason why the first opinion holds Shimon exclusively responsible is because he created a new type of pit, one which can kill. Had Reuven dug eight *tefochim* and Shimon added the ninth *tefach*, both having dug a pit which can cause injury, he would agree that both are liable for any resultant damage.

How would the cost of damages be divided amongst them in such a case? The *Shulchan Oruch* (*Choshen Mishpot* 410:13) rules that each one pays for the damage that he actually caused. What the *Shulchan Oruch* means is that *Beis Din* must assess how severe the damage would have been had the pit only been eight *tefochim* deep. This is what Reuven has to pay. Shimon will only be liable for the additional damage caused by the extra *tefach*, if the injury is greater on account of the pit being deeper.

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Five people placed their loads on a donkey. When the sixth person added his load, the donkey dropped dead. Who has to pay for the donkey? The *Shulchan Oruch* (Ibid. 383:4, based on the *Rambam*) rules that if the animal was able to walk till the last person added his load, only he is liable for the donkey. Should the animal already have been brought to a halt by the previous loads, he is exempt from payment. If we are in doubt as to the situation prior to his placing the load, all six share the cost equally. This ruling raises a question. Why do we distribute the payment equally amongst all the damagers? Why is this case different from that of the pit, where each one pays for the proportion of the damage he actually caused? Rav Tzvi Spitz (*Mishptei Hatorah, Bovo Kamo* No. 73) explains that in the case of the overloaded donkey, there was only one damaging result - the donkey's death. It is possible that each load contributed to the animal's demise. That is why we make them all share the payment equally if we are unable to determine what actually happened. On the other hand, in the case of the pit, the injury caused by nine *tefochim* is clearly different from that caused by eight.

Our case is similar to that of the pit. Shlomo already partially damaged the elevator by his overloading. He must therefore pay for the cost of repair had Dovid not caused his additional damage. Dovid pays for the difference between this and the actual cost of repair, even if his load could have caused the breakdown on its own. MD

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*(Living Education—Continued from page 2)*

the Rambam, in his commentary on this Mishnah, explains that the emphasis here is not on quantity, but on quality. He says that "one of the foundations of belief in Torah is that when one properly and fully fulfils even one *mitzvah* of the *taryag mitzvos*, without absolutely any side- or self-interest, but only from and for the love of G-d, he merits a portion in the World-to-Come.

The Rambam is teaching us that one *mitzvah* done with purity of intention and completeness of action has the power to affect one's whole future spiritual standing. So too, one pure *midah* in a child can affect his whole spiritual development.

Maybe this is the meaning of Ben Azay's statement in *Avos* (4:3), "אל תהיה ברוך לכל, אדם... שאין לו שעה." — "Don't deride any person...for each and every person has his time."

One should not deride, belittle or discount any person, or in our case, any child, for even though in general his actions may be faulty, each child has a time (or *midah*) which he does excel in, to some degree. If it is appreciated and he is given support and guidance, this small beginning may develop to the point where the child, once thought to be "a lost case," may become even greater than the parent or teacher who prematurely judged him.

The comparison of Chanukah and Chinch sheds light on the great role of a teacher.

The Mishnah in the end of Gemorah *Makos* (23b) says that if one guards himself from theft and adultery, he will bring merit, not only to himself, but to all of his future descendents until the end of time.

If so, why is the miracle of Chanukah so special in that its effect is felt on future generations? Even one who restrains himself from any *mitzvah* in the Torah apparently has the same effect. The answer is, that while an individual's actions affect only his direct descendants, on Chanukah, the Chashmonaim, whose efforts were spirited by the concern for Kall Yisroel as a whole, affected the Jewish people as a unit and not as individuals.

A teacher or *mechanech*, as well, is not only concerned with his personal *avodas Hashem*, but he merits to be involved with the betterment of all those *neshamos* who sit in front of him each day. Therefore, he too has the ability to affect, not only his only direct descendants, but those of the greater community as well.

May the purity of the light of Chanukah give us, as teachers and parents, the ability to see and appreciate the positive *middos* in our children/students, and offer them the support and the guidance they need in order to improve and prosper in all their ways. MD



## Be in Touch

*Now his brothers went to pasture their father's flock in Shechem. (Bereishis 37:12)*

In the Hebrew text, the word *et*, which indicates a direct object, has unusual points above it. Rashi comments that they teach us that the brothers actually went to pasture themselves. The Chizkuni explains that the points suggest that we should understand the sentence as though the word *et* wasn't written there. In that case, the verb "pasture" would have no direct object, and the sentence would mean that they went to pasture themselves

with their father's sheep.

The *Prinei Daas* comments that the Torah here suggests the reason that the brothers never really understood Yosef. They were too involved in themselves. When a person is involved in himself, he doesn't concern himself with other people. He's not in the habit of connecting what he sees people doing, to their needs, their burdens and their concerns. That makes it hard for him to interpret conduct which offends him in a positive and compassionate way. To do that, you've got to be in touch—and to be in touch, you've got to care about people. MD

*(Rav Leff—Continued from page 1)*

the spiritual victory over the Greeks. We don't celebrate Chanukah by making a *yom tov* on the physical victory; but with *ner Chanukah*, because the primacy of their victory, a spiritual one, was reflected in the miracle of the oil.

The secondary nature of the military victory was confirmed by the continuing warfare after the victory of the Chashmonaim. In *Sefer HaMacabbees*, it records that after the miracle of Chanukah, the *goyim* were incensed that we regained the *Bais Hamikdash* and decided they would destroy us completely. Rome was the heir to Greece, and they soon entered the picture. The victory over Greece gave us the strength to continue fighting, this time against the Romans. Ultimately, the whole dynasty of the Chashmonaim were massacred by Herod. It was a *geulah*, but far from complete. And for that reason there was never a communal *todah*, thanksgiving offering made by the Chashmonaim.

The return of the Jews to the Temple initiated a regenerative process. First, they came into the *dvir beisecha*. *Dvir* refers to the Holy of Holies, where the word of G-d issues forth from between the *keruvim*. There they brought back the Divine Presence. That energized them for the next stage: *Pnu es heichalecha*, they cleared out your *heichal*. They were able to remove the effect of the idol that

*shecha*, they kindled the lights in the courtyards of your sanctuary. That's the *Ezras Yisrael*, were the lights were. They lit there rather than inside in order to publicize the miracle.

All this delineates a process of expansive, outward movement. The form of the *mitzvah* reflects this, as well. *Ner ish ubeiso* is the essential *mitzvah*, one candle per household. *Mehadrin*, more candles, *mehadrin min hamehadrin*, more people lighting.

*Zos Chanukah*: *Zos* chanukas hamizbeach; they took seven days to rebuild the altar, and they inaugurated it on the eighth day. Chanukah wasn't a complete redemption in itself, but an episode of survival that enabled them to go on to struggle through the succeeding exile: Rome. For that, they needed two things: the *menorah*, which is the symbol that the Divine Presence and Torah is in *Klal Yisrael* and the *mizbeach*. The *mizbeach* represents *Avodas HaShem*, *mitzvos*, *karbonos*. But without Torah lighting the way, the *avodah* can become an *avodah zara*. As the Gemora says in *Yoma*, they

**Without Torah lighting the way, the *avodah* can become an *avodah zara*. As the Gemora says in *Yoma*, they were literally killing each other over it. That's why the *menorah* was restored first, to light the way for the *avodah*.**

made the *avodah* into an *avodah zara*, and literally killed each other over it. That's why the *menorah* was restored first, to light the way for the *avodah*. That's why it says that a person who learns Torah at night merits a special kindness in the day. *HaRina v'HaTefila*. First there's *rinah*, the joyous song of Torah, then the person's *tefila* is accepted. Because then, and only then, can he know what is truly good for him. Without Torah, people can *daven* for the wrong things, that are not for their own good. MD

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**Halacha L'Maase**  
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**The Oil That's Left Over**

1. According to the Tanchuma (Parshas Nasso 29), it is forbidden to make any use of the oil that is left over from the Chanukah candles because it was designated for a mitzvah. Therefore, it should be discarded by burning it separately. A person shouldn't say "I am not going to fulfill the mitzvos of the Elders since they are not from the Torah." G-d says to him, "My son, you are not permitted to say that. You should do everything they ordained...for I agree to all their decisions."
2. It is forbidden to derive benefit from the oil or the wicks of the Chanukah candles even if they went out after they had burned the full time required to fulfill the mitzvah. This prohibition applies not only to the one candle that is required to fulfill the mitzvah, but also to the additional candles we light as *hidur* mitzvah, for they, too, have been set apart to be used in the performance of the mitzvah.
3. Oil that remains in the bottle is not prohibited even though the oil that was used in the menorah was taken from it.
4. Oil that is left over from the Chanukah candles should not be saved to be used the following year. Since it is forbidden to derive benefit from it, we are afraid that it will be used, if only accidentally. Even if it is stored in a container which is repellent, it may not be saved.
5. Since we benefit from the light of Shabbos candles, they may not be lit from oil that is left over from Chanukah candles. For the same reason, it is forbidden to use oil that is *Orlah* for Shabbos candles.
6. If oil that is left over from the Chanukah candles mixes with other oil, it may be used if there are sixty parts of the permitted oil against one part of the forbidden oil. If there are fewer than sixty parts of permitted oil, there is disagreement among the poskim whether it is permitted to add permitted oil to the mixture. In practice, the later poskim are *machmir* and prohibit it.
7. It is important when burning the oil and wicks that are left over from the Chanukah candles not to touch them with a knife or fork, for they will absorb the prohibited oil. If that happens, they can be kashered by *hagala* (immersion in boiling water). *Libun* is not necessary.
8. Oil that remains from Shabbos candles after they have gone out may be used for any purpose. When oil remains from a *yahrtzeit* candle after it has gone out we are careful not to use it. According to the book of the customs of the Jewish community of Worms (Rav Yuzpa Shamash part two, page 249), a wax candle that has been lit in a synagogue may be lit only in a synagogue, for we enhance but do not diminish kedushah. The remains of a *yahrtzeit* candle may not be used for the same reason. **MD**

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