

לעילוי נשמת
מרת עקא עדנה
צפורה ע"ה וסרטל
בת משה מנחם הלוי ז"ל



על דשא

AL E DESHE

Weekly Torah Insights and inspiration on the Parsha from the Rosh Yeshiva Shlit"a of Gur

Hashem Has a Plan

ויצא יעקב מבאר שבע

Yaakov departed from Be'er Sheva

(Bereishis 28:10).

The Midrash in this week's parshah explains the pasuk in Tehillim שִׁיר לַמַּעֲלוֹת as referring to Yaakov Avinu as he left his father's home for Lavan's to find a wife. Yaakov Avinu said to himself, "When Eliezer

Internalizing that wherever life takes him Hashem is with him, gives a person the power to accept whatever challenges he is

It is said in the name of the Chiddushei HaRim¹ that we must not think that Yaakov Avinu diverted his attention from Hashem for even a moment. Precisely because Yaakov Avinu was constantly aware of Hashem, when the contrast between the way he was travelling and the way Eliezer travelled flitted across his mind, Yaakov Avinu wondered and said to himself, "Heaven forbid that I lose my faith in Hashem." This kind of struggle is not something we can ascribe to Yaakov Avinu. Rather, this was for the benefit of the later generations of Yaakov's descendants who are at risk of doubting and questioning Hashem. We draw our strength from Yaakov Avinu, who purified and perfected his unwavering trust in Hashem; he taught us, his children, how to maintain our *emunah* and to understand that our salvation comes from Hashem and no one else.

After Yaakov's prophetic vision of the ladder, we are told that יַעֲקֹב רָגְלָיו וַיֵּלֶךְ — *Yaakov lifted his feet and went to the land of the people of the east*. Rashi, citing Chazal, explains: "As soon as he received the good tidings that he was assured of Hashem's protection, his heart

went to bring Rivkah, he traveled with 'ten camels of his master's camels and he went with the best of his master's in his hands,' whereas I don't even have a single piece of jewelry." Yaakov then said, "Am I losing my faith in my Creator? Heaven forbid that I lose trust in my Creator, rather 'my help is from Hashem.'"

Finding Light in the Darkness

ויפגע במקום וילן שם.

And he encountered the place and he slept there

(Bereishis 28:11).

The Mishnah teaches³: אין קבע, *one who 'makes his davening fixed', his tefillah is not supplication*. The phrasing seems unusual: why did the Mishnah not say המתפלל דרך קבע, 'one who davens in a fixed way'? The answer is that if one 'makes' his davening fixed, i.e. he views his davening as a chore,⁴ that is not called davening, but 'making' or performing a *tefillah*.

When asked if he had yet davened so that he could be served breakfast, the Imrei Emes was wont to reply, "געדאוונט? געזאגט?—Did I daven?—I recited the words." Or, "אמאל, איך קען שוין נישט נאך אמאל"—*Did I daven?—I can't daven again.*"

The pasuk states, וַיִּפְּגַע בַּמָּקוֹם וַיֵּלֶן שָׁם, *and he encountered the place and he slept there*. Chazal explain that this means Yaakov Avinu instituted *Maariv*,⁵ regarding which the halachah is אין לה תפילת הערב *the evening prayer is not fixed*.⁶ The Gemara suggests that it might mean that *Maariv* has no set time, so long as it is recited during the night. The Gemara rejects that possibility—because the Mishnah could have said, *The time for Ma'ariv is all night*. We can suggest a deeper explanation why the Mishnah chooses the word קבע. It is known that that night symbolizes *galus* and a lack of clarity, whether on

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1 Likkutei HaRim pg. 75

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3 Berachos 4:4.

4 Mefarshim, ibid.

5 Berachos 26b.

6 Berachos 26a.

Hashem Has a Plan

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lifted his feet and he walked swiftly.” Notice that Yaakov was not promised that everything would be smooth and without setbacks. On the contrary, while living at Lavan’s house Yaakov Avinu faced a series of challenges. As Yaakov tells Lavan, “*Thus I was: in the day, heat consumed me, and frost at night; my sleep fled from my eyes.*”

Specifically in the midst of the darkness and struggle that he experienced in Lavan’s house, Yaakov experienced Hashem’s *hashgachah*

But the knowledge that Hashem would be with him every step of the way was sufficient to lift Yaakov’s spirits and carry him through all the hardships.

This is instructive for all of us, for any individual contending with any difficulty or challenge. Internalizing that wherever life takes him Hashem is with him, gives a person the power to accept whatever challenges he is

facing with a sense of mission and purpose, as he knows that he is fulfilling Hashem’s plans for him.

Further in the parshah, we are told that when Leah’s first son is born, וַתִּקְרָא שְׁמוֹ רְאוּבֵן כִּי אָמְרָה, *She named him Reuven, for she said, “Because Hashem has seen my affliction.”* Rashi, citing the Gemara,² explains: *She said: See the difference between my son and my father-in-law’s son. Esav sold the bechorah to Yaakov of his own free will, yet in the end it is written, ‘Vayisdom Esav es Yaakov.’ But Reuven did not sell the bechorah to Yosef; rather, it was taken from him against his will and given to Yosef—and he did not object. Not only did he not object; he even sought to save him from the pit.*

The *mefarshim* have difficulty understanding this Gemara. The pasuk already explains why Leah named her first son Reuven. Why do Chazal feel the need to give an alternative explanation?

We can explain that the explanation offered by Chazal is an outgrowth of the explanation given in the pasuk. Leah Imeinu found herself in very difficult circumstances, as the pasuk says, וַיֵּרָא ה' כִּי שָׁנוּאָה לָאָה—*Hashem saw that Leah was*

rejected. When Leah had her first child and called him Reuven because רְאוּבֵן ה'—*Hashem has seen my affliction*—she was expressing her firm conviction that the fact that Yaakov rejected her was no coincidence, but the workings of Hashem’s divine plans for her, who was with her in her pain and suffering. Reuven inherited this trait from his mother, so that even when he was deprived of the *bechorah*, he recognized Hashem’s hand and was not bitter or resentful.

We can learn another lesson from Reuven. A woman once complained to my grandmother, Rebbetzin Feiga Mintcha a”h, that while doing her weekly shopping, she had by mistake purchased from a more expensive vendor instead of getting a cheaper price elsewhere. The Rebbetzin reassured her, “My husband [the Imrei Emes] says that even the troubles we cause ourselves are ultimately from Hashem.” We can learn this approach from Reuven. Reuven lost his right to the *bechorah* by his own rashness. But even so, he realized that everything is from Hashem, and accepted the loss of the *bechorah* with grace and equanimity.

סעודה שלישית ויצא תש”פ מאמר א

Finding Light in the Darkness

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an individual or *klal* level. Perhaps the meaning of the Mishnah is this: when one davens during the night-times of life, when one finds oneself in dark places, there is no concern that one’s *tefillah* will be fixed. In times of crisis, one’s *tefillah* will certainly be sincere and heartfelt.

The pasuk states, אֶת עֲנִי וְאֶת יָגִיעַ כָּפִי רָאָה, *G-d saw my affliction and the toil of my hands, and he gave judgment yesterday.*

The *Degel Machane Efraim* points out that the choice of the word אמש for *yesterday* is unusual (the usual word is אתמול). Later in the narrative as well, when Lavan tells Yaakov אָמַשׁ אָבִיכֶם וַאֲלָקִי אָבִיכֶם—the *G-d of your father said to me yesterday*, the Torah again uses the word אמש. The *Degel Machaneh Efraim* offers a mystical explanation *al pi kabbalah*.

But the simple explanation would be that אמש means specifically *last night*,⁸ and also means *darkness*.⁹ This adds an additional layer of meaning to what Yaakov was saying. Specifically in the midst of the darkness and struggle that he experienced in Lavan’s house, Yaakov experienced Hashem’s *hashgachah* and came to learn that even when one has nothing else, the *Ribbono shel Olam* is there.

תשפ”ד סעודה שלישית מאמר ג

7 Bereishis 31:42

8 See Melachim 2, 9:26, Radak and Metzudos.

9 Cf. Iyov 30:3, אֲנִי שָׁנוּאָה וְנִשְׁאָה.

Inheritance of the Firstborn

As we discussed last week: When an estate is being divided among three brothers, and one brother refuses to recognize the *bechor's* right to a double portion and insists on taking an even third of the estate, the *Avnei Nezer*¹⁰ distinguished between the following two cases.

1. If that brother already holds a third of the estate: The *Avnei Nezer* holds that the resulting loss is shared between the *bechor* and the remaining brother. The *bechor* receives four-ninths of the *yerushah*, and the other brother receives two-ninths.

2. If the brother doesn't yet hold a third, but is threatening to ignore the *bechor's* entitlement: The *Avnei Nezer* rules that the *bechor* should yield, allowing the younger brother to take his rightful inheritance (one quarter of the estate) first and thereby avoid absorbing the loss.

The *Maharsham*¹¹ discusses a related case. A wealthy individual had died, leaving a vast estate to be divided between two sons and a daughter. According to halachah, the daughter would not be entitled to a share of the estate, leaving the *bechor* with two thirds and the younger brother with one third. But the daughter was not willing to abide by this and threatened to go to

the courts. The younger brother naturally assumed that if their sister succeeded in getting a portion of the estate it would be at the expense of the *bechor's pi shnayim*, while the *bechor* argued that he would get a double share of the remainder of the estate.

To complicate matters, one of the sons owed the father money. The question is: does that money go back into the estate to be divided among all the heirs, including the sister; or may the owing brother keep it, insisting that the estate should be divided only among the three brothers? By ignoring the sister's legally mandated share, he would effectively take an outsized portion of the debt he owes—claiming a full half for himself—thereby reducing what his brothers receive.

The *Maharsham* writes that since civil law grants the sister a full share of the estate, halachah views her as having already taken possession of her portion. Consequently, the estate available to the brothers is only the remainder after her share is accounted for. Therefore, the brother cannot hold onto a full third of the money owed; the sum must be returned to the estate and divided fairly in accordance with the sister's legal claim.

In any event, the *Maharsham* seems to disagree with the *Avnei Nezer*. According to the *Avnei Nezer*, so long as the sister had not actually seized a portion of the estate, the brother would be able to keep a full third of the money he owed instead of splitting it threeways.

In order to properly frame our discussion, it is important to clarify the difference between a *bechor's* entitlement to a double share, and *yerushah* in general. In the case of a regular *yerushah*, once the father dies, each son automatically becomes part-owner of the estate. Should any of them want to divest himself of ownership, a *kinyan* would be required. By contrast, the double share of a *bechor* is viewed as a gift, which he can refuse,¹² as the *pasuk* says,¹³ *כִּי אֶת הַבְּכֹר בֶּן הַשְּׂנוּאָה יִכִּיר לָתֵת לוֹ פִּי שְׁנַיִם*—*he shall acknowledge the firstborn, the son of the hated, by giving him a double portion*. We see from this that although the inheritance technically takes place automatically at the time of the father's death, the double portion of a *bechor* is viewed as a gift from the father.

The *Nesivos Hamishpat*,¹⁴ however, takes a different approach. The halachah is that if there are ten brothers and we don't know which of the two oldest brothers is the firstborn, the inheritance is divided

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¹⁰ *Choshen Mishpat* 14.

¹¹ *She'elos U'teshuvos Maharsham* 3:346.

¹² *Bava Basra* 124a.

¹³ *Ki Seitzei* 21:17.

¹⁴ 76:4, 278:9.



Vayetzet	Candle Lighting	Motzei Shabbos
Brooklyn	4:12	5:20
Lakewood	4:15	5:22
Baltimore	4:26	5:28
Chicago	4:01	5:07
North Miami	5:10	6:06
Los Angeles	4:25	5:25

Inheritance of the Firstborn

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evenly among the ten brothers, and neither of the two oldest receives a double portion.¹⁵

The Nesivos raises a difficulty: Why should the younger brothers receive any part of the *pi shnayim* at all? We know with certainty that one of the two oldest brothers is the *bechor*; the uncertainty is only which one of the two. The estate should therefore be divided into eleven shares, with each brother receiving one share, and the eleventh share—the *bechor* portion—split evenly between the two eldest. After all, the younger siblings have no legitimate claim to the double portion.

The Nesivos resolves the difficulty by viewing *pi shnayim* not as a preexisting entitlement, but as a *chiyuv* the Torah places on the younger brothers: they must give part of their inheritance so the *bechor* receives a double portion. If it were an entitlement, only the two eldest brothers could claim it, and the younger siblings would have no say. But as a *chiyuv*, the younger brothers are considered *muchzakim* (rightfully owning their share, by default), and since neither eldest brother can prove which one is the *bechor*, neither can collect.

Since the Nesivos understands *pi* we can also look

at it differently:

without the halachah of *bechorah*, each brother would have received one hundred dollars. So the *pi shnayim* nets the *bechor* only fifty dollars above the baseline *yerushah*. This distinction matters, because there are halachic differences between *pi shnayim* and the standard portion of the inheritance. One practical implication is that a *bechor* can disclaim the *pi shnayim* and prevent it from taking effect, whereas the ordinary *yerushah* cannot be disclaimed.

Clearly, the Avnei Nezer—who maintains that if one brother refuses to honor the *bechor's* right to *pi shnayim*, the compliant brothers must cover the shortfall to ensure the *bechor* receives a double portion of the remainder—disagrees with the Nesivos.

Rav Akiva Eiger, in a letter to his son Rav Shlomo Eiger,¹⁶ raises a similar question. Suppose there are three brothers, one of them a *bechor*, and the estate is worth \$300. The firstborn receives \$150, while the other two brothers each receive seventy-five dollars. How much of the firstborn's portion is actually attributable to his status as *bechor*? One way to view it is that his extra seventy-five dollars—beyond what his brothers receive—is the *pi shnayim*. But

This question hinges on whether we accept the approach of the Nesivos. If, as the Nesivos argues, the *pi shnayim* is created by the younger brothers giving part of their shares to the *bechor*, then the *pi shnayim* consists only of the fifty dollars that they collectively parted with. But those who disagree with the Nesivos, and hold that it is the father who grants the *bechor* a double portion—would define the *pi shnayim* as the full seventy-five dollars the *bechor* receives above each brother.

שיעור בישיבה גדולה פני מנחם ב' כי תצא תשפ"א

¹⁵ Bava Basra 127a, Choshen Mishpat 277:11..

¹⁶ She'elos U'teshuvos Rav Shlomo Eiger, kesavim 63:5.