

Parshat Toldot: Preferential Parenting

Based on a Naaleh.com shiur by Mrs. Shira Smiles

In Parshat Toldot, the Torah describes how Yitzchak loved Esav and Rivka loved Yaakov. How do we understand this? Does it mean they didn't love their other child? Yitzchak's love is written in the past tense while Rivka's love is written in the present tense. Why the difference? Why did Yitzchak favor Esav over Yaakov?

Rav Shwadron notes that the word *ish* is mentioned twice in connection with Esav and only once when referring to Yaakov. He explains that Esav was like two different people. He was an *ish sadeh*, a wicked, materialistic, person, but when he came before his father he was an *ish tzayid*, a trapper. He pretended to be a *tzadik*. He had tremendous academic prowess, but his Torah learning did not influence him. Yitzchak was fooled by Esav's righteous persona and that is why he loved him.

Torah is not just an intellectual endeavor. It's meant to affect who we are. If it doesn't impact our entire being, then there's something lacking in our Torah study. We often get excited by an idea, but then we leave it and don't allow it to impact our heart. Esav's head, which was filled with Torah, was buried in *Mearat Hamachpeila*. His body didn't merit to be buried with the *avot*, because his head and heart never connected.

The Torah says Yitzchak was fooled by Esav, "*Ki tzayid b'fiv*." He manipulated and bribed his father and that is why Yitzchak loved him. Chazal say bribery is like a stone. When it falls there are repercussions. Yitzchak wasn't even aware how the food Esav brought him and the pious questions Esav asked blinded Yitzchak from seeing the truth.

We learn from this the power of bribery. We are all judges. We make decisions and rationalize them by claiming that the ends justify the means. We are often blinded by our desires. After realizing that he had been fooled by Esav, Yitzchak shook when he saw *gehinom* opening up. The feeling was overwhelming. One day, we too might wake up to see we've been bribed by our own lusts and distorted interests. Let us be careful not to fall into the trap of the evil inclination.

The Maayanei Shel Torah explains that Yitzchak was an *oleh temima* (pure sacrifice). He was completely separated from the world. It never dawned on him that Esav could be fooling him. In a simple way, he took him at face value and loved him for his external righteous ways.

The Netivot Shalom writes that Yitzchak saw *chesed* (kindness) in Yaakov and *gevurah* (strength), his own attribute, in Esav. This is why he loved him. The verse says, "*Reishet chachma yirat Hashem*." The beginning of knowledge is fear of Hashem. *Yirah* and strength are interconnected. Yitzchak felt that Esav would be the one to transmit these attributes to the next generation. He saw that Esav's mission would be to elevate this world for Hashem. Therefore, Yitzchak wanted to bless Esav with the blessings of the physical world. The Malbim notes that ideally Esav and Yaakov could have formed a Yissachar-Zevulun type partnership. But when Esav gave up his firstborn rights, Yaakov took on his role. Chazal say that Hashem desires to live in the lower world. On a mystical level this means he wants to live in the world of *nisyonot* (tests). He desires our struggles and the strength we discover within ourselves when we transcend difficulties. Yitzchak loved Esav because he

saw in him a man of great struggle. He encouraged him to overcome his challenges. Although Esav failed, the message for us is still potent. In the secular world, success is measured by outcomes. In Judaism, it's the process that counts. Hashem values our efforts and it is the struggle itself that brings *nachat ruach* (pleasure) to Hashem.

Rav Belsky notes that Yaakov didn't need overt expressions of love from Yitzchak. It was manifested by their Torah learning together. But Yitzchak knew that Esav wouldn't respond to pressure. He would just run away. So he poured his love on him in the hope it would turn him over to Torah and *mitzvot*. Yitzchak asked Esav for tasty food so he could compliment him for his hunting skills. He wanted to win him over in a positive way. A parent's first instinct is often to be critical of a wayward child. But we learn from the parsha that this isn't the way. Yitzchak was able to contain Esav with his love. He knew his true personality but he wouldn't give up on him. The Torah writes about his love in past tense because he had to work on finding it. It wasn't constant like it was with Yaakov. And Esav responded by showing tremendous respect for his father. Rivka knew through prophecy that Esav was completely formed, that his evil character would remain as it was and no amount of love would change it. Therefore she loved Yaakov. For *chinuch* (child raising) to be potent, a parent has to strip away all the impediments that prevent him from reaching his child. This is what Yitzchak did. We may not always see a happy ending, but we must do our part. May Hashem help us to guide our children on the straight Torah path.

An Introduction To The Basic Halachot of Shmittah

Based on a Naaleh.com shiur by Dayan Shlomo Cohen

There may be times when you might decide to work on a specific *mitzvah*. You might do so for a week or a month. But as time goes on your resolve might weaken. Those who keep *shemita* therefore are called *giborei koach* (mighty men). They commit to an incredible act of faith for an entire year. They let their land lie fallow, they abandon their vineyards, they allow anyone who so chooses to enter their fields and take their choicest crops. This

is *malah mi'derech hateva*, above the normal way a person is expected to behave.

Chazal describe those who keep *shemita* by applying a verse to them. "*Oseh devaro l'shmoah l'kol devaro*." They fulfill His words and only afterwards do they listen. Similarly, at Har Sinai when the Jewish people accepted the Torah they proclaimed, "*Naaseh v'nishma*." We will do and we will listen. After they said

this, a heavenly voice rang out, "Who revealed this secret to my children? Only the angels know this." We see that *naaseh v'nishma* is an incredibly powerful level and is the secret of the greatness of the Jewish people. First we do, even if we don't understand the logic behind a commandment, and then we study its meaning. At Har Sinai, every Jew reached this lofty state of faith. We all have the innate power to reach this tremendous level of trust in

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Hashem promises that He will put a special blessing into the sixth year and that there will be enough crops for three years. The Kli Yakar asks, if so why would *shemita* be a test at all? He answers that Hashem will send incredible blessing, but it won't appear so at the beginning. There will be a normal crop in the sixth year. Then if we trust in Hashem, the amount of food that would normally last for a year will miraculously last for three years.

When the *mohn* fell in the desert, it didn't matter how much a Jew collected. Everyone got just what they needed. This teaches us an important lesson. It doesn't matter how hard you work. In the end, if you have total trust in Hashem, you will get what you deserve.

All produce of Eretz Yisrael that was grown on Jewish owned land has *kedushat sheviit* (the sanctity of *shemita*). Some farmers rely on the *heter mechira*. They sell their land to a non-Jew in the *shemita* year on condition that he will give it back at the end of the year. They then work the land normally claiming that it now belongs to a non-Jew. Some Rabbis are

in favor of this, while many are not.

When buying fruits and vegetables in Israel, one must be careful to verify where they came from and if they were grown in the sixth or seventh year. Therefore it's best to only patronize reliable shops with a proper kosher certification. Outside of Israel, there's much less of a problem although one must be careful to verify if the produce is from Israel.

One may not do business with *shemita* produce such as buying or selling. All fruits and vegetables that grow in the seventh year are considered ownerless. One may, however, pay for the expense of harvesting and bringing the produce to the shops.

Produce with *kedushat sheviit* may not be thrown away. Therefore people have a special *shemita* garbage can where they let the produce rot by itself, so it doesn't get damaged by the other garbage in the regular garbage can. If you use wine of the *shemita* year for *havdala* or *kiddush*, you shouldn't let the cup overflow. One may drink the wine in the normal

way.

Fruits that grow on their own in the seventh year shouldn't be used. They should not be exported out of Israel. If one is traveling out of Israel, one shouldn't take fruits and vegetables on the plane. If there's no choice one may take what one needs, but nothing more. Produce that has *kedushat sheviit* may only be used in the normal way of consumption. Using it an abnormal way is considered wasting. One may peel a *kedushat sheviit* fruit even if some fruit comes off with it. If one wouldn't normally eat the peel, one can throw it away. Likewise, one can remove the rotten part of a fruit and throw it away even though some of the good fruit may come off with it.

The Ktav Sofer writes that *shemita* is the root and foundation of all the *mitzvot* in the Torah. It symbolizes trust in Hashem, which is a fundamental aspect of our lives as Torah Jews. May we merit to attain true faith in Hashem.

Ask the Dayan 2 Part 2

Based on a Naaleh.com shiur by Dayan Shlomo Cohen

Question:

Mrs. Cohen bought a new second hand car. As she was driving out of the dealership, she noticed a chip on the windshield. She called the seller and said, "This chip wasn't there a week ago when I inspected the car. I want a partial refund so I can replace the windshield." The seller replied that the chip had been there all along and refused to reimburse her. Is the seller responsible to pay Mrs. Cohen?

Answer:

If the chip is something a normal second hand car buyer would be particular about, it may be a *mekech taut* (sale based on false premises). If only Mrs. Cohen is particular about it but most people are not, it would not be a *mekech taut*.

So let's say it was a defect that people

commonly consider significant. The seller claims Mrs. Cohen saw it, while she claims she did not. The first assumption the Torah makes is that every buyer wants top quality goods. If there is a defect, the sale is invalid. The buyer can return the merchandise and get a full refund, unless both sides decide on a different agreement. There are defects that are normal to fix.

If it can be proven that there was a *mekach taut*, the seller must give Mrs. Cohen money to fix the windshield. If the buyer knew the defect was there but nevertheless bought the item, he forgoes his right to a perfect product. A buyer can forgive a defect with the condition he knows what the defect is.

If the seller says there are defects in the car and offers to sell it ten percent cheaper

and the buyer says fine, the arrangement is invalid. This is because the buyer can't forgive if he doesn't know what to forgive.

If the seller believes that Mrs. Cohen didn't know about the chip, he has to refund her part of the money to fix the windshield because she never agreed to forgive the defect. But if he stands by his claim that she saw the defect and forgave, since she has already bought the car, she has no claim on the seller.

When there is a contradiction between the seller and buyer, the golden rule is *hamotzi mechavero alav haraya*. Mrs. Cohen has to prove she didn't know about the chip when she bought it. If she can't prove it, she will lose the case and will not be able to demand that the seller pay her for the repair.