

JUDGING FAVORABLY

by Shlomo Katz

Parshas Vayeishev

Judging Favorably

R' Elimelech Bar-Shaul z"l (1913-1964; Chief Rabbi of Rechovot, Israel) observes that our parashah opens and closes with the same lesson. He writes:

Rambam z"l describes the extent of the obligation to judge others favorably as follows: "If you see a person who is unknown to you as either a tzaddik or a rasha behaving in a way that is equally susceptible to a favorable or unfavorable interpretation, assume that the former interpretation is correct, and judge him favorably. If the person is known to you as a tzaddik, it is fitting to judge him favorably no matter how far-fetched the favorable interpretation of his actions seems to be. Since it is possible to judge him favorably, what right do you have to suspect him?"

R' Bar-Shaul continues: At the beginning of our parashah, Yosef dreams about ruling over his brothers. Our Sages teach that many dreams are merely expressions of the subconscious thoughts that a person has during the day, and it seems from the early commentaries that that's how Yosef's brothers interpreted his dreams. After all, who could have imagined the far-fetched chain of events that led to Yosef's becoming viceroy of Egypt and his brothers bowing down to him? In fact, Yosef had no subconscious thoughts of ruling over his brothers, and his dreams actually were prophetic. Had Yosef's brother judged him favorably, they would have been correct, as far-fetched as it would have seemed.

Similarly, the charges that Potiphar's wife leveled against Yosef sounded very plausible, while Yosef's defense (if he was even allowed to offer a defense) surely sounded far-fetched. Yet, we know which one was the truth. (Min Ha'be'er)

"Now Yisrael loved Yosef more than all his sons since he was a child of his old age, and he made him a ketonet pasim / fine woolen tunic." (37:3)

Rabbeinu Machir z"l Hy"d (14th century) writes: "Pasim" is an acronym for the four individuals or groups that persecuted Yosef: Potiphar, the socharim / merchants, the Yishmaelim, and the Midyanim. (Avkat Rocheil)

"Reuven heard, and he saved him [Yosef] from their hand; he said, 'Let us not strike him mortally . . . Throw him into the pit in the wilderness . . .'" (37:21-22)

The Gemara (Shabbat 24a) states that this pit was home to snakes and scorpions. The halachah is that if a man falls into a pit full of snakes and scorpions, he is deemed dead and his widow may remarry. Yet, the Torah refers to Reuven's act as saving Yosef!

In contrast, Yehuda convinced his brothers to remove Yosef from the pit and to sell him into slavery. Yet, the Gemara (Sanhedrin 6a) says that whoever praises Yehuda for this angers Hashem. Why?

R' Chaim of Volozhin z"l (1749-1821) explains: Reuven caused Yosef to be lowered into a pit full of snakes and scorpions, but the pit was in Eretz Yisrael. Yehuda saved Yosef's physical life, but he caused Yosef to be taken out of Eretz Yisrael. It is far better, said R' Chaim, to remain in Eretz Yisrael surrounded by snakes and scorpions than to live outside of Eretz Yisrael. (Quoted in the journal Yeshurun Vol. VI, p. 200)

"Returning to his brothers, he [Reuven] said, 'The boy [Yosef] is gone! And I -- where can I go?'" (37:30)

R' Avraham ben Ha'Rambam z"l (Egypt; 1186-1237) asks: Since Reuven did not participate in his brothers' sale of Yosef and did not approve of it, why did he never tell their father Yaakov the truth that Yosef was alive? R' Avraham offers three answers:

- (1) Reuven had pity on his brothers (who had sold Yosef).
- (2) Reuven reasoned that it was better that Yaakov write Yosef off for dead since there was no hope of ever seeing him again in any event.
- (3) Reuven kept the secret from Yaakov for the same reason that Yosef himself never wrote a letter home to his father Yaakov even after he (Yosef) rose to prominence and could have contacted Yaakov: to see how Divine Providence would cause matters to play out. (Lekket Mi'Peirush Rabbeinu Avraham Al Ha'Torah)

R' Yosef Bechor Shor z"l (Orleans, France; 12th century) offers a different explanation for why Yosef

never wrote home. It seems likely, he writes, that Yosef's brothers made him swear when they sold him that he would never come home or reveal himself to their father, would never inform their father that he was alive, and would never reveal his true identity to the Egyptians. (Bechor Shor Al Ha'Torah)

"They [the butler and the baker] said to him, 'We dreamt a dream, but there is no interpreter for it.' So Yosef said to them, 'Do not interpretations belong to G-d? Relate it to me, if you please'." (40:8)

Why did Yosef get involved? R' Hanoch Henach of Alesk z"l (chassidic rebbe; died 1884) explains:

We read in Tehilim (105:2), "Speak His wonders." Yosef wanted to bring honor to Hashem's Name by creating opportunities for the Egyptians to become aware of His wonders. And his plan succeeded, for Pharaoh said (in next week's parashah--41:39), "Since G-d has informed you of all this, there can be no one so discerning and wise as you." (Lev Sameach)

Chanukah

R' Alexander Ziskind z"l (Grodno, Poland; died 1794) writes: The sages of the Gemara spoke very emphatically of the care that one should take when performing the mitzvah of Chanukah lights and of the reward for doing so. They said (Shabbat 23b), "One who regularly lights [Chanukah] candles will have sons who are Torah scholars." Rambam writes in the fourth chapter of his "Laws of Megillah and Chanukah": "The mitzvah of Chanukah lights is a very beloved mitzvah and a person must take great care with it in order to publicize the miracle and add to the praise of G-d and the acknowledgment to Him for the miracles that He did for us."

R' Alexander Ziskind continues: Truth be told, there is no doubt that a person who has been given wisdom by Hashem to comprehend the deep secrets of the Arizal's meditations should take upon himself to meditate on those concepts. However, my intention in this work is to direct ordinary people like myself down the path that they should take so that they will not perform the mitzvot of Hashem Elokenu, may His name be praised, by rote. Therefore, I have come to counsel that one should not perform this beloved mitzvah without putting one's heart into it. Rather, it should be done with great joy and with simple intentions in mind, as appropriate for each of the blessings [that are recited]. . . When one says the words, "L'hadlik ner" / "To kindle the Chanukah light," one should feel immense happiness in his heart over the great miracle that took place at this time of year in the Bet Hamikdash involving the flask of oil as related in the Gemara.

When one recites the blessing, "She'asah nissim" / "That He did miracles for our fathers in those days at this time [of the year]," he should give great thanks in his thoughts and great praise to our Creator for all the miracles and the salvations that He did for our forefathers at this time of year. One also should try to imagine that the miracles and salvations were done for him personally. (Yesod Ve'shoresh Ha'avodah: Sha'ar Ha'meffaked ch. 1)

Shemittah

We continue to discuss the halachic controversy surrounding the "heter mechirah," the sale of the Land of Israel to a non-Jew for the shemittah year.

When discussing real estate transactions between Jews and gentiles, the Shulchan Aruch (Choshen Mishpat 194:2) states: In a place where the government has made laws about how land is to be sold, land should be sold according to those laws.

Based on this halachah, R' Yaakov David Willowsky z"l (Ridvaz; 1845-1913) objected before the shemittah of 5670 / 1909-1910 that the sale of Eretz Yisrael to a gentile was void because it was not recorded in the land records of the Ottoman Empire. Similarly, in later years, the sale of the Land to a gentile was not recorded in the land records of the British Mandate or the State of Israel; thus, the sale seemingly was void. How can this objection be overcome by those who permit the heter mechirah?

R' Shlomo Zalman Auerbach z"l (Yerushalayim; 1910-1995) explains: There is a halachic principle: "Dina d'malchuta dina" / "The law of the land is the law." The Shulchan Aruch (C.M. 369:11) clarifies that this does not mean that the law of the land trumps halachah. Rather, it means that when we are dealing with a matter in which the government or the general public has an interest, we respect the law of the land.

For example, writes R' Auerbach, halachah prohibits one Jew from suing another in secular court. Even so, if a hypothetical person (Reuven) sues another person (Shimon) in secular court and wins, Shimon would have to obey the ruling of the secular court. The government has an interest in seeing that its courts' orders are obeyed, so dina d'malchuta dina requires Shimon to obey the court's order. But, Shimon could be entitled according to halachah to turn around and sue Reuven for the return of whatever damages the secular court awarded because dina d'malchuta dina does not override halachah.

Similarly, writes R' Auerbach, the legal requirement that real estate transactions be recorded in the state's land records does not override halachic principles defining what is a valid sale. It is true that a secular court would not enforce the sale of Eretz Yisrael to a gentile if it is not recorded, but that

does not alter its halachic validity if it is otherwise valid. (Ma'adanei Aretz ch.18)

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