



# Rambam

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## Yosef's Motive

Rabbi Shmuel Bornstein - the Sochaczev Rebbe - commonly known as the Shem MiShmuel, points out something very interesting in this week's Sidrah that many people tend to overlook. We all know what happens in the Parsha: Yosef's brothers come down to Mitzrayim to buy grain, and encounter Yosef, who is second in command over Mitzrayim. Yosef recognizes his brothers, but he is not recognized by them. He asks his brothers to bring Binyamin back in order to prove that they are not spies. When the brothers are ready to leave, Yosef commands his men to put his goblet in Binyamin's sack (44:2), and he then puts Binyamin in prison.

The Shem MiShmuel asks a simple question: Why does Yosef do this? Yosef, who is known as "the Tzadik", could not be doing this as an act of revenge for what his brothers had done to him so many years back. Why, then, would he cause his brothers and father so much distress?

Some answer that Yosef does this as a test for his brothers, to see what they would do when their brother is taken. If they would protest to Yosef, then it would be an act of Teshuva for what they had done to him.

However, the Shem MiShmuel does not understand this answer, as nothing gave Yosef the right to act like this? A Tzadik does not cause distress to other people. Just imagine how the brothers must have felt when they learned that they lost another one of their father's children! Also, even if this is Yosef's motive, how are his results conclusive? After all, the brothers took responsibility for Binyamin before leaving their father. If the brothers would speak up in Binyamin's favor, then it might only be because they had promised their father that they would bring Binyamin back, not for the sake of Teshuva! But if the deal they had with their father was not an issue, they might not have protested. So, what really was Yosef's motive?

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**Zach Sherman**  
*Senior*

## Where is Maseches Chanukah?

It is interesting to note that Chanukah does not have a masechta dedicated to expounding its laws. Though the gemarah in Shabbos does discuss various halachos of the holiday, Rabbi Yehuda HaNasi, the author of the mishnayos, did not create a masechta that exclusively deals with Chanukah. The only mentions of Chanukah in the mishnayos are incidental (see, for example, Bava Kamma 6:6, or some places in masechet Bikurim). Why does Chanukah not merit its own masechta?

There is an answer given, which is (questionably) attributed to the Chasam Sofer. The Chashmonaim defeated the Greeks to reclaim the Beis Hamikdash, but later, they declared themselves the rulers of Bnei Yisrael. They were from shevet Levi, however, while the kingship belonged to shevet Yehuda. For that reason, the Chashmonaim were totally wiped out (according to the Ramban). Rabbi Yehuda HaNasi, who himself was from shevet Yehuda, did not want to establish a masechta about Chanukah, which celebrates the victory of the Chashmonaim.

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**Rabbi Yosef Ziskind**  
*Rebbe*

## The Nature of Pidyon Ha'ben

Jacob  
Bernstein  
Senior

*Last week we presented two possibilities for the nature of Pidyon Ha'ben. Either it is a regular redemption (like what one would do to hekdesch), or it is a chov that the father is obligated to pay the kohein (like a regular debt). We also quoted a Halachah, which states that Pidyon Ha'ben can be paid off with a matana sh'al m'nas l'hachzir, a gift given on condition that it be returned. This seemed to imply that the Pidyon Ha'ben is a regular pidyon, as it is illogical to say a debt can be paid off with money that must be returned.*

A principle is found in the Kuntras Hasfeikos that helps clear up the issue we saw above by the case of “matana sh'al m'nas l'hachzir. This approach will also shed light on the entire nature of the mitzvah of Pidyon Ha'ben.

The Kuntras Hasfeikos regarding a principle in the topic of nezikin (damages). The rule of “Ha'motzi meichaveiro olav ha'rayah” is that whoever has a claim to an object or money that is in someone else's possession is responsible to bring proof to substantiate the claim; otherwise, the object is kept by its current “holder.” Another rule brought up by the Kuntras Hasfeikos is the idea of “safek d'oraisa l'hachmir”: when there is a doubt as to what to do by a Biblically dictated commandment, we rule more stringently.

The Kuntras Hasfeikos points out that these rules seem to be contradictory, in a case where one is in possession of disputed money. This is because there is a safek as to whether the person holding the money actually owns it or whether it belongs to the one who claims. This idea works based on the earlier principle of “safek d'oraisa l'hachmir”; since we have a safek (who owns the money), and we have an issur d'oraisa (Biblical prohibition) of stealing (because the person who actually is not the owner transgresses stealing), we should say the money automatically changes ownership (the more stringent ruling). However, we require a proof from the one who claims, and if he has none, we allow the “holder” to keep it. The question is, then - why is this so?

To answer this query about “Ha'motzi meichaveiro olav ha'rayah,” the Kuntras Hasfeikos clarifies the points made. The rule of “Ha'motzi meichaveiro olav ha'rayah” applies to the money, and determines that, without a proof, the money stays with the “holder.” Once this concept is accepted, we no longer have the safek of stealing. Since the ruling of “Ha'motzi meichaveiro olav ha'rayah” already required the one who claims to bring proof to substantiate his claim, as we said earlier, there is no potential problem of stealing here.

Based on this answer, one can propose an answer for the aforementioned question about the case of giving a “matana sh'al m'nas l'hachzir.” There are really two parts to the mitzvah of Pidyon Ha'ben: the pidyon from the kedusha and the chovas mamon. However, the foundation of the mitzvah is to redeem, and because of that foundation the father has a chov to pay the kohein. So, once “matana al m'nas l'hachzir” rules with regards to the actual foundation of the mitzvah (i.e., the pidyon), we know that one can use it to fulfill the core obligation of the mitzvah. Therefore, once the foundation of the pidyon is accomplished, the chov falls away as well. Another case brought up in the Gemara in Kiddushin is when a father only has enough money either to fulfill Pidyon Ha'ben or to fulfill the mitzvah of aliya l'regel (going up to the Beis Hamikdash at the time of the holidays) - but not both.

The Gemara suggests a possible answer: he should fulfill aliya l'regel first. The Chazon Ish has trouble with this, because according to him Pidyon Ha'ben is a debt (chov), and there's a rule that one should always take care of debts before mitzvos. If that's the case, he asks, then shouldn't Pidyon Ha'ben clearly win out!? We can answer this question using the concept introduced above. The chov is ingrained in the actual pidyon mitzvah. There is no problem with the Gemara's possible answer cited above, because the foundation of the mitzvah is the pidyon (ma'aseh mitzvah), and the way to fulfill it is the chov. When the Gemara is resolving which mitzvah to do first, it isn't focusing on the chov, which would cause problems; rather, the focus is on the mitzvah of redeeming the child.

Yosef has a unique intrinsic nature in that he doesn't change because of his surroundings. Whether he is in his father's house or in the Tumah capital of the world - which he is - he remains the same Yosef. Because of his unique nature, he is the provider of both the physical and spiritual needs of all his brothers. The brothers never realize this character trait of their brother, and they end up selling him. The potential of influence that Yosef could have on his brothers is destroyed.

Immediately after the episode of selling Yosef, Rashi (40:1) tells us how Yehuda is demoted as the leader of his brothers. This is, in fact, due to the absence of Yosef. Only after the brothers replace Yosef are they able to regain their old selves like they'd been when Yosef was with them. The Zohar HaKadosh says that this new "replacement" leader is Yosef's brother, Binyamin. During the interim period between Yosef and Binyamin, they knew that they were in distress, but didn't know why. Had they known the reason all along, they wouldn't have sold Yosef. The Shem MiShmuel brought in a similar case from Navi. He says that Eliyahu was the reason why some of the other Neviim got Nevuah. They didn't know this while Eliyahu was alive. In Melachim II (2:3) (while talking to Elisha) they called Eliyahu "Your Master". Rashi says there that they put themselves on the same level as Eliyahu. However, later (3:16) Rashi points out that they didn't know what happened to Eliyahu because they lost their Nevua with Eliyahu's death.

There is a parallel between the two stories. In both cases, the people don't know that someone else is the source of their power. By Yosef, while he is with his brothers, they think they're on the same level as him. When Yosef is gone, they understand that something is wrong, but not why it's wrong. When Binyamin is with them, they are back to normal.

Now we can answer our question about Yosef's motive. Yosef wants to reveal his identity at the most perfect moment. The problem is that they do not know that they need Yosef to complete themselves; after all, they have Binyamin with them to make their lives great. A reunion without the knowledge that they need Yosef would be lacking. So Yosef makes a plan to put the goblet in Binyamin's sack, thus separating him from them. By removing Binyamin, he is unable to influence his brothers, thus putting them in the same state in which they were when they sold Yosef. They have the same feeling of loss and imperfection as they had when they sold Yosef. They realize that Binyamin, who mitigates this feeling, is fixing a problem that is caused by the absence of Yosef. They finally understand that Yosef has been the reason for their success all along. Once the brothers understand this, it is then proper for Yosef to reveal his true identity. This is Yosef's true motive for keeping Binyamin - so that the brothers would realize that they need Yosef in order to thrive.

We can learn a very important lesson from this. We are no different from the brothers. We all need some object to keep us involved in Torah and to be constantly thinking of Hashem. Whether this object is a Rebbe, a chaver, or even a sefer, we all need to recognize and find this object and keep it close to our hearts and never abandon it, and, in this way, we will always be in a constant state of closeness to Hashem, hopefully, I"Y, bringing the Mashiach Bimheira Biyameinu.

**Where is Maseches Chanukah?***continued*

Many question whether the Chasam Sofer actually said this. It is very difficult to believe that Rabbi Yehuda would not write about the laws of Chanukah because he wanted to take personal vengeance on the Chashmonaim.

The Gra suggests another answer, based on the Rambam. The Rambam states that "Mitzvas ner Chanukah chaviva he ad meod", that the mitzvah of Chanukah is very precious. Apparently something is special about Chanukah that it deserves to be called precious. It seems that the uniqueness of Chanukah is in the fact that this was a nes for the sake of a mitzvah. All other nisim were done for the sake of Bnei Yisrael, and their survival, but the nes with the pach shemen was simply for the sake of the mitzvah. The fact that Hashem caused this special nes to happen shows that he loves us, which in turn makes Chanukah precious.

Based on this, we can explain why Rabbi Yehuda HaNasi did not write a masechta on Chanukah. The Rambam in Perosh Mishnayos says Rabbi Yehuda did not create mesechtos for mitzvos that were well known or popular. The examples the Rambam gives are tzitzis, tefillin, and mezuzah. Though at a later point, breisos which discuss tzitzis and tefillin were established, Rabbi Yehuda felt that they were well known enough that they did not necessitate their own mesechtos.

Ner Chanukah, due to the unique miracle associated with it, was popular and famous to all, and therefore there was no need to make a masechta regarding its laws. Furthermore, since all were familiar with the halachos, one can venture to say that it was actually assur to write down. The status quo since Matan Torah was that Torah Shebal Peh was not allowed to be written down. However, Rabbi Yehuda saw that many laws were being forgotten, so he wrote the mishnayos. However, if everybody knew the halachos, it was not necessary to write down, and by extension, writing it was forbidden. Since Chanukah and its halachos were well known, it was assur to write them down (though during the gemarah's time, it started to be forgotten, and had to be written down).

## Hilchos Chanukah

**Reb Noam  
Horowitz  
Rebbe**

As we mentioned last week, the mitzvah of lighting Chanukah candles is unique in that it possesses two layers of performance: the act of lighting itself, and the concept of *pirsumei nissah* (publicizing the miracle). *Pirsumei nissah* is more of a symbolic component, reflecting the nature of the institution of the mitzvah. Of course, every mitzvah possesses a level of symbolism that dictates what the religious experience should be when performing it. The symbolic characteristics, however, are not halachically incorporated into the mitzvah act itself. The mitzvah of lulav is to shake lulav, matzah to eat matzah, and tefillin to wear tefillin. Although these mitzos have reasons behind them and symbolism to which to relate, the execution of the mitzvah is defined by a specific act (although awareness of the symbolism definitely enhances one's personal experience). The symbolic component of Chanukah candles, however, plays a direct role in how we define our obligation of the mitzvah itself - something unique to this mitzvah. Through lighting candles on Chanukah, one fulfills both a mechanical mitzvah like any other, as well as a second facet of publicizing the miracle.

Seemingly, the two most noticeable applications of this duality are the timing and location of the mitzvah. The *gemarah* (Shabbos 21b) states that the candles should be lit during the time that the general public is returning from work. Additionally, the *gemarah* mentions that the menorah should be lit by the entrance of one's home. These two halachos clearly demonstrate the presence of *pirsumei nissah* as a true halachic component of the mitzvah.

Another potential manifestation of *pirsumei nissah* as a halachic element of the mitzvah is the *berachah* of *she'asah nissim*. The first *berachah* of *lehadlik ner* is clearly a *birchas hamitzvah* on the lighting of the Chanukah candles. Depending on how we define the second *berachah* of *she'asah nissim*, its presence may further demonstrate a second dimension of the mitzvah of lighting the menorah. One possibility is that it is a *birchas hashevach* - a *berachah* recited in praise of extraordinary natural or historic events. If this is the nature of the *berachah*, it would be difficult to say it represents a second component of the mitzvah itself. On the other hand, if we say that *she'asah nissim* is a second *birchas hamitzvah*, then it would be representative of *pirsumei nissah* as a second facet of the mitzvah of lighting.

A litmus test that may help us clarify the nature of *she'asah nissim* is to see at what point we say the *berachah*. The general rule is that a *birchas hamitzvah* is said immediately before the mitzvah act is done. On the other hand, a *birchas hashevach* is said in response to something. Therefore, whether we say *she'asah nissim* before or after we light may indicate what type of *berachah* it is, which in turn may tell us if *pirsumei nissah* is an integral part of the mitzvah or an independent entity. The *Ritva* and *Rama* (OC 670:2) *pasken* that the *bracha* should precede the lighting, along with the *beracha* of *lehadlik ner*. They seem to hold that it is indeed a *birchas hamitzvah* - indicating that *pirsumei nissah* is a part of the mitzvah. By contrast, there is a *mishnah* in *Maseches Sofrim* (20:6) which asserts that the *berachah* should be recited after the lighting - in response to the lighting as a form of *shevach* for the miracle which the lighting represents. *Rav Chaim* of *Brisk* brings a compromise. He holds that we should make the first *berachah*, then light one candle, followed by the second *berachah*, and then the lighting of the remaining candles. This way the second *berachah* (*she'asah nissim*) is recited both before and after lighting. (On the first night he says that we should say all *berachos* before lighting the candle.)

Understanding the nature of the *berachah* of *she'asah nissim* might have an impact on a debate regarding the conditions under which the *berachah* is recited. As we mentioned last week, the *gemarah* in *Shabbos* claims that *she'asah nissim* is recited even upon witnessing someone else's candles. There is a *machlokes*, however, whether reciting the *beracha* over one's personal lighting is preferable to saying it over another's candles. The *Rashba* claims that only one who will not light on his own later should say the *berachah* upon seeing lit candles. If one is planning on lighting later, however, he should reserve the *berachah* for his own personal act. *Rashi*, on the other hand, implies that one's personal lighting and that of another are parallel regarding the *berachah* of *she'asah nissim*. Therefore, one should say the *berachah* at the first opportunity, even if it is upon seeing the lights of another when he is planning to light his own later.

This *machlokes* seems to reflect our very question about the nature of the *berachah* of *she'asah nissim*. According to *Rashi*, the *berachah* is a *birchas hashevach*; it is a response to an event, and therefore it does not make a difference if it's said over one's own lighting or in response to that of another. If, however, we hold that the *berachah* is a *birchas hamitzvah*, we can understand that making the *berachah* directly over the act of lighting would be better than saying it as a response to merely seeing lit candles. This may very well be the reasoning driving the thought of the *Rashba* to say that we should prioritize the recitation of the *berachah* upon personal performance over second-hand experience.

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