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Parshas Vayeitzei, Kislev 5785

Responding to the Lavans of the World

Tiferes Shlomo on the Parsha

ויפגע במקום וילן שם

He chanced upon the place

On this verse, Rashi brings the teaching of our sages that the word ויפגע, related to the term פגיעה, is a reference to prayer and that that Yaakov was Davening Maariv.

The Tiferes Shlomo finds an allusion about what we should be thinking about when we Daven.

Davening is in place of the Korbanos. The Mishna (Zevachim) discusses the thoughts that can invalidate a Korban. One is מחשבת הזמן - a thought relating to the time in which the Korban must be eaten. The other is מחשבת המקום - a thought relating to the place in which the Korban is eaten.

Rabbi Yehuda teaches that if a person offering a sacrifice first had an invalidating thought in relation to the "time" and then had an invalidating thought about the "place" (מקום), it is Pigul and one will incur Kareis for eating it. However, if the thought about the "place" (מקום) precedes the thought about the "time", there is no Kareis.

מחשבת המקום alludes to thoughts about Hashem, who is called המקום. מחשבת הזמן alludes to our thoughts about our personal needs that will change depending on different times and stages.

When we Daven, our initial and primary focus should be about Hashem. Only afterwards should one Daven for their own personal needs. One who first thinks about their own needs and only afterwards thinks about Hashem, is liable.

This is the meaning of the verse above. ויפגע במקום means that Yaakov Davened for Hashem (המקום). Only afterwards did he ask for his personal, material needs, that "Hashem be with me to guard me and give me food to eat and clothing to wear".

Yaakov is described as the Ish Tam Yoshev Ohalim. In contrast to his brother Esav, the man of the field, Yaakov is the simple, sincere Jew who sat in the tents of Torah study, separated from the outside world.

Yet, in Parshas Vayeitzei, Yaakov is called upon to "go out", to leave his familiar environment and the protective walls of the Yeshivah and the holy land, to travel to enter the material world - the home-turf of Lavan.

How would Yaakov be able to survive, let alone thrive, when faced with the likes of Lavan the skillful deceiver who would certainly seek to exploit him?

The word Tam can be interpreted as naïve. From the moment that he arrived, Lavan saw Yaakov as someone that he could exploit for his own interests. His outward displays of welcoming affection and warmth were just a show to disguise his machinations. His hugs and kisses were just an attempt to rob Yaakov of his riches.

Throughout the Parsha we read how Lavan tried to exploit and deceive Yaakov. After Yaakov worked for seven years to be able to marry Rachel, Lavan switched Leah in place of Rachel, forcing Yaakov to agree to work an additional seven years with no compensation. When Lavan agreed to compensate Yaakov for his work in the final six years, he constantly tried to switch the terms of the agreement to swindle Yaakov and benefit himself.

And even when Yaakov left, Lavan pursued him and tried to claim that all of his assets, his flocks and even his wives and children, belonged to him and that Yaakov had stolen them from him.

Despite Lavan's attempts, Yaakov prevailed. He won the hearts of Lavan's daughters, raised a family of Tzaddikim and acquired all of Lavan's wealth for himself. How was Yaakov the 'unworldly' Torah scholar able to achieve this?

When Yaakov first arrived in Charan and met Rachel at the well, he told her "that he is the brother of her father and that he is the son of Rivka". Rashi quotes the Midrash that Yaakov was saying that if Lavan will come against him with deceit and trickery, he will be his 'brother' in trickery. If Lavan will be decent and upright towards him, he too will be "the son of Rivka", the righteous sister of Lavan.

Yaakov stood by these words. If Lavan would be good to him, he would be upright and kind in return. But if Lavan would try to harm him and come to him with tricks, he would not naively take it, but would proverbially "fight fire with fire".

When Lavan tried to trick Yaakov with his wages, Yaakov used his own 'tricks' to acquire the flocks of Lavan

for himself. This is not what Lavan had had in mind from the naïve Yeshivah Bochar.

At the end of the Parsha, Lavan played the innocent victim, accusing Yaakov of being the villain who had swindled him. But Yaakov stood firm, pointing out the lies is Lavan's claims. Yaakov was the one who had tried to be peaceful and civil. Only when he was met with Lavan's attacks, was he forced to take action to protect himself, his family and their own interests.

There is an important lesson in all of this that is so relevant to what is happening in the world today as the nation of Israel faces the Lavans of the world.

The nations of the world expect that the Jewish people will naively follow their dictates and allow them to 'fool' us into compromising and sacrificing our security, territory and assets to our own detriment, to serve their purposes. There is an expectation that the Jewish people should be weak and non-confrontational and that our arms can be twisted until we buckle under the pressure, that we will not stand firmly to defend our interests and protect ourselves.

This has played out in all of the wars and rounds of conflict with the Arab nations and terrorist groups who seek our destruction, where Israel was pressured into ceasefires. It played out in the disastrous 'peace accords' where Israeli governments were pressured into making compromises to our own detriment, with little or no demands on the other side. And when we were forced to fight back to protect ourselves in response to our enemies' attacks, they turn around and play the victim, accusing Israel of being the aggressors.

We are the biggest lovers of peace. If our enemies would lay down their weapons and come to us seeking genuine peace, we would gladly be their brothers in peace. But until such time, we need to declare to our enemies and to the nations who try to pressure us, that we will be their 'brothers' in how we respond. We will fight to protect our people, our land and our interests, we will continue to call out the real evil and we will not allow ourselves to be swindled or pressured to compromise on our security.

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| 1. 51b | 10. O.C. 1:41 | 12. Y.D. 4:24 and O.C. 5:11 |
| 2. 12:12 | 11. Although this may support the need for a Mechitza at other gatherings. | 13. 1:77 |
| 3. O.C. 1:39 | | 14. 1:29 |
| 4. Shabbos 3:311 | | 15. Vol. 1 O.C. 10 |
| 5. O.C. 315:1 | | 16. 4:417 |
| 6. 315:3 | | 17. O.C. 8 |
| 7. 315:5 | | 18. Shaar halocha uminhog 3:243 |
| 8. Kiddushin 81a | | 19. 1999 p127 |
| 9. O.C. 1:41 | | |

Separate Seating at Events and Gatherings

Rabbi Yonason Johnson

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The source of having a Mechitza to separate between men and women is found in a Baraisa in Meseches Sukkah¹, which describes the Simchas Beis Hashoeiva celebration in the Beis Hamikdash.

“Originally they would have the women standing on the inside (the Ezras Nashim) and the men on the outside (on the Temple Mount), but this led to Kalus Rosh (inappropriate frivolous behaviour)... So, they enacted that the women should sit above and the men down below”. The Tosefta elaborates, describing how they would make elevated galleries for the women to stand on.

The Gemara questions how these galleries could be added, since every aspect of the Temple’s design had to be according to the instruction of Hashem through the Neviim? The Gemara answers that the sages found a Posuk which teaches that a separation between men and women is required. Zechariah² prophesies about the future Hespel for Moshiach ben Yosef, that the “The land will eulogise in families. The house of David on their own and their wives on their own...”

The Maharsha adds that it would also be permissible to add these structures simply in order to prevent people coming to an issuer.

A Mechitza for Davening

This Gemara is the basis for having a Mechitza in Shule. The need to have a Mechitza in a holy place at the time of davening is universally accepted as Halacha. Igros Moshe³ writes that this requirement in Mideoraisa, hence it could be added to the design of the Beis Hamikdash. Other Poskim view the Mechitza as a Rabbinic requirement.

At Other Gatherings

What about having a Mechitza at other gatherings such as a shiur or a Simcha, functions and concerts?

Concerning shiurim, the Mordechai⁴ refers to “the Mechitza at the time of the Drasha”. Halachic authorities including; the Maharil, the Ta”z⁵, the Alter Rebbe⁶, Mishna Berurah⁷ and Aruch Hashulchan, all refer to this Mechitza in the Laws of Shabbos. This type of temporary wall may be erected on Shabbos because it is put up purely for reasons of Tznius.

The source of this idea of having a Mechitza at a Drasha is based on the Gemara⁸ which describes how Abaye would set up ceramic barriers between the men and the women. Rashi says that this was at the time that they came

to hear the Drasha.

Concerning a Mechitza at other gatherings, in one Teshuvah, Igros Moshe⁹ writes that it may be required. A proof that a Mechitza is needed at such gatherings is brought from the very Pasuk used by the Gemara to derive the requirement of a Mechitza, which is referring to a Hespel rather than to prayer.

However, in a subsequent Teshuvah¹⁰, Igros Moshe writes that it appears that a Mechitza is not necessarily required. He brings a proof from the fact that men and women would eat the Korban Pesach together and a Mechitza was not required. On the contrary, a Mechitza would be problematic because the Korban Pesach must be eaten as one group¹¹.

Rav Moshe’s position is clear in later Teshuvos¹². All events which are open to the public require a Mechitza. A wedding however is a private (invitation only) affair and therefore a Mechitza is not required. Since a shiur is open to the public, a Mechitza is required min hadin. For Kiruv activities where there is no other option, and people will not come if there was a Mechitza, he is more lenient.

The Seridei Eish¹³ rules that due to present day circumstances, at gatherings such as weddings, speeches and Drashos, a Mechitza is not required. It is sufficient that the men and women sit separately. The Mordechai is describing an extra practise of Midas Chassidus (piety).

Other Poskim who require a Mechitza at all gatherings where men and women are attending include; the Shevet Halevi¹⁴, Divrei Yoel¹⁵ and Be’er Moshe¹⁶.

Interestingly, the Be’er Moshe writes that in Europe a Mechitza as not always used, but this was because the women kept to a very high level of Tznius in dress. Nowadays however a Mechitza is required.

Divrei Shalom¹⁷ distinguishes between Simchas and similar gatherings where there is a concern of Kalus Rosh and a Mechitzah is required min hadin, and a shiur where a Mechitza would only be a Midas Chassidus since it’s an atmosphere of Yiras Shamayim.

The Lubavitcher Rebbe

There is a famous letter of the Rebbe on this topic¹⁸. The letter referred to a shiur being given in Russia before the fall of Communism. Due to the unique needs of that time and place, the Rebbe gave an allowance and permitted the shiur to take place without a Mechitza. Even still, the Rebbe stresses that the men and women should

still sit separately.

Dvar Melech¹⁹ records the response of the Rebbe to a Shaliach who wished to host a mixed dinner, so as not to push away potential donors. The Rebbe replied, “Why should you push away certain Yiras shamayim (affecting all of the participants) on account of a Safek in extra money (from only a few people)”. See handwritten response below.

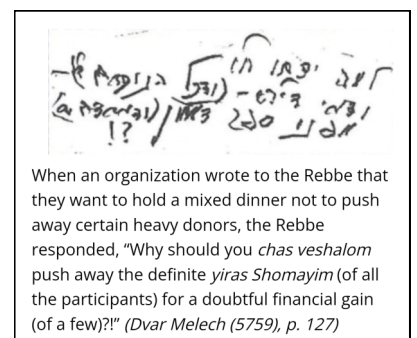
The singer Mordechai Ben David relates that when the first HASC concert was being organised, ticket sales were low, and they asked the Rebbe if they could have a mixed “family” section to encourage more attendees for this charity event. The Rebbe responded, “all that is written above does not change the Shulchan Aruch”. In a similar case, an organisation asked the Rebbe if they could have a mixed concert, writing that they would incur a financial loss if the seating was completely separate. The Rebbe responded, “Mixed seating is absolutely prohibited; The loss of money is only a doubtful possibility. The absolute has precedence...”

Conclusion

Whilst there are halachic authorities who permit separate seating at shiurim without requiring a Mechitza, there is certainly a Midas Chassidus and according to many authorities a halachic obligation to have a Mechitza. At Simchas there may even be stronger case for requiring a Mechitza due to the stronger possibility of Kalus Rosh.

Bnei Torah and Charedi Kehillos should certainly be strict in this regard.

For Chabad Chassidim and institutions under the auspices of Chabad, especially in light of the view of the Rebbe’s letter and responses quoted above, it is clear that they are required to have completely separate seating, and ideally a Mechitza, at all gatherings where both men and women are present, including shiurim, Simchas, Kiddushim, events and concerts.



Sources on reverse

