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On the Parsha

"And Yehudah said to his brothers, 'What is the gain if we kill our brother and cover up his blood? Come, let us sell him to the Ishmaelites, but our hand shall not be upon him, for he is our brother, our flesh.'" (Bereishis 37:26-27)

In the battle for truth, we must be aware of a human frailty that often colors a person's decision making and account for it when convincing a person to do the right thing and to see things objectively. The human frailty of which we will speak is the harboring of Negi'os (prejudices and biases) and how it warps one's way of thinking. It is also important to realize that often, people are either unaware of their own biases or feel that their biases do not affect them. Researchers at Carnegie Mellon University found that only 1 in 661 people feel that they have more biases than the average person.

In this week's Parsha, the Seforno explains that the brothers were unable to judge their situation with Yosef fairly because they harbored a bias against Yosef (a trace of jealousy towards him or that Yosef was out to do them harm) Yehudah knew that attempting to convince them that they had misjudged Yosef would not work since he recognized the bias that they held against Yosef.

Instead, Yehudah did not engage the brothers regarding whether they had misjudged Yosef. He side-stepped the issue, granted them their (unfair) assessment of Yosef but added, "What is the gain if we kill him?" - if we want to rid ourselves of Yosef, better to sell him to the Ishmaelites and accomplish the same thing. That line of reasoning worked - Yehudah successfully convinced the brothers to sell Yosef instead of leaving him in the pit where he may have died.

We too have to be smart when we make decisions and account for the biases that we all have. We must remember that there are very few people that can eliminate their own biases. To help

ensure that we make the right decision, it is prudent to ask another who is not invested in the decision we are about to make, and therefore may be able to identify a bias in our thinking or actions.

Chizuk - Inspiration

In the summer of 1908, a 22-year-old ensign in the US Navy, Chester Nimitz, was given command of a destroyer named the Decatur. This was unheard of, as no one before or since had been given command of a destroyer at such a young age. The decision to give him the command was made by Rear Admiral Uriah Rose Harris.

On July 7, 1908, Mr. Harris's decision to give command of the destroyer to Mr. Nimitz was called into question. While in command of the Decatur, Mr. Nimitz had made two colossal errors within a week of his commission. While trying to enter Batangas Harbor, south of Manila Bay, he failed to check the harbor's tide tables. He also failed to take actual bearings, which is necessary to fix a ship's precise location and instead merely estimated his ship's position.

Shortly after entering the harbor, the leadsman shouted, "We're not moving, sir!" Apparently, the water level was just too low, leaving the Decatur stuck in the mud. The double error of not knowing the tide tables and the ships exact position, resulted in the Decatur having to be pulled out by a small steamer. Mr. Nimitz was relieved of his duties a mere 28 days after he began his command.

In addition to being relieved of his command, Mr. Nimitz was promptly court-martialed due to his negligence. During the court martial, however, he demonstrated a remarkable willingness to be honest and admit his mistakes. Due to his otherwise excellent record of service and his honesty in admitting his mistakes, he was issued a letter of reprimand, and was allowed to stay in the Navy rather than being dishonorably discharged.

Mr. Nimitz remained in the Navy and through a series of assignments and promotions rose to become the Chief of Naval Operations. He successfully rebuilt the devastated navy to an operational power within 3 months of the Japanese attack on Pearl Harbor and led the United States to complete victory over the Japanese in the Second World War. He became one of the U.S. Armed Forces' greatest heroes.

Halacha – Jewish Law

QUESTION: My friend's father is a manufacturer and occasionally goes to China for business purposes. As you likely know, China is a large manufacturer of counterfeit goods. On his next business trip, may I ask him to buy me a counterfeit Gucci Marmont GG bag (\$1800 real; fake \$25)? How about a Montclair coat (\$1500 real, fake \$200)?

ANSWER: Let's distinguish between American law and Halacha. According to the website, CustomsandInternationalTradelaw.com, generally speaking, it is illegal to import counterfeit merchandise into the United States. The word "counterfeit" is defined in the Lanham Act at 15 U.S.C. 1124, and the U.S. Customs applicable law allowing for the seizure of counterfeit merchandise is 19 U.S.C. 1526. That law gives U.S. Customs officers at the airport the authority to look through luggage and seize counterfeit merchandise.

According to Customs Directive No. 2310-011A dated January 24, 2000, "Customs officers shall permit any person arriving in the United States to import one article, which must accompany the person, bearing a counterfeit, confusingly similar, or restricted gray market trademark, provided that the article is for personal use and not for sale." Moreover, the Directive states that "Customs officers shall permit the arriving person to retain one article of each type accompanying the person."

Other restrictions are that one can only bring counterfeit items in every 30 days, it must "accompany" you which means no FedEx, UPS, or DHL packages, and it is only applicable to "one

article of each type". "Personal use" means for you, the traveler only. That means no counterfeit gifts for your friends and family.

That is the American law. According to Halacha, however, buying counterfeit merchandise is a Torah prohibition of Gezel (theft) according to Rav Mendel Shafran Shlita. According to Rav Nissim Karelitz ZT"l it is a Rabbinic prohibition (as related by Rav Shlomo Perlstein, a Dayan in Monsey and formerly of Bnei Brak).

Mussar – Introspection

We continue with our translation of the third chapter of the Chofetz Chaim's Sefas Tamim.

"Hagaah Addition: ...It is like it was in the Dor of the Mabul – the Generation of the flood. Through the brazen robbery, the flood was brought and they were eliminated from the Earth. And in particular, one who accustoms himself to steal and oppress, then his Mitzvos and good deeds are also considered as having been accomplished through stealing and oppression [because the funding for the Mitzvos came through ill-gotten gains], and there is no power within them to awaken [Hashem's] mercy. Indeed, the opposite is true – it invokes his guilt. As it states in the Zohar in Parshas Vayakhel on the Passuk in Yishayahu 58:7 'Extend your bread with the hungry [take care of their needs...]' It does not state "bread" but rather, "your bread." This is to demonstrate that it [your money to help people] may not come from oppression and stealing.