

Volume IV Issue 9  
Written by Rabbi Yair Hoffman

Parshas VaYeishev, 26 Kislev, 5784  
December 9, 2023

-- Sponsored anonymously L'Ilui Nishmas Sara Eidel Bas Mordechai --

## On the Parsha

“And Yosef brought evil tales about them [the brothers] to their father [Yaakov].” (Bereishis 37:2)

The Baal HaTurim asks why Yosef was punished. Yosef was thrown in a pit, he was sold into slavery and went to prison. Surely, Yosef believed that he was telling the truth to his father about his brothers' behavior? The Baal HaTurim explains that nonetheless, he should not have brought this information to Yaakov because it was him alone who witnessed his brothers' behavior.

This is a fascinating statement. It seems that the Baal HaTurim believes that even if what Yosef said was true, and even if Yosef's intentions were to have Yaakov correct their behavior, he still should not have told his father.

Why is this so? Telling a parent about a child's misbehavior could potentially save that child from a great deal of harm?

We may be familiar with the Gemora that states: “The Holy One, Blessed be He, hates... one who witnesses a licentious, immoral matter performed by another person and testifies against him in court alone. His testimony is meaningless, as he is the only witness [and two are necessary for the court to take action]... ‘One witness shall not rise up against a man.’ (Devarim 19:15).” (Pesachim 133b) The Gemora continues to explain that since there is only one witness, the court cannot take action and all the witness has done is sully the reputation of the person he spoke about.

Is it possible that the Baal HaTurim had this Gemora in mind when he wrote that Yosef should not have told his father about his brother's behavior? Since Yosef was only one witness, perhaps the Baal HaTurim feels that, like the Gemora said above, all Yosef would be doing is sully the reputation of his brothers.

In all likelihood, this is not what the Baal HaTurim had in mind. The Gemora above is not comparable to the case of Yosef and his brothers. The Gemora refers to one witness who comes to court. Since there is only one witness, the court cannot take action. Therefore, there is no purpose for the witness to come to court. However, Yaakov trusted his son and recognized his righteousness. He would have believed Yosef, and Yaakov (who unlike the court in the Gemora above) could have acted to correct the brothers. Why then should Yosef have refrained from reporting his brothers' behavior?

Regarding the brothers' behavior, the Talmud Yerushalmi explains that the brothers and Yosef each had their own understanding of an underlying Halacha which determined whether the brothers' actions were sinful or permissible. The Sifsei Chachomim notes that “he [Yosef] had thought that what he saw was the truth, but he was, in fact, mistaken [the brothers were correct, and their behavior was permissible.]”

Perhaps the answer is that the Baal HaTurim believes that whenever there is only one witness, there is always the possibility that when one witness observes something, he may not realize what he is seeing and may come to the wrong conclusion. This is human nature and applies even to the righteous. The need to have two witnesses rather than one – even if the one witness is righteous like Yosef and one who we would otherwise believe, is an insurance policy that the Torah employs to help ensure that the absolute truth will always emerge. Yosef should have realized that since he was the only witness, he could have been mistaken (and he was according to the Sifsei Chachomim above). Therefore, informing his father of what the brothers had done was not permitted and is the reason why he was punished.

## Halacha – Jewish Law

Reuvin and Shimon decided to purchase two lottery tickets together and split their potential

winnings. They reasoned that since the Gemorah says that the Mazel of two is greater than one (Bava Metzia 105a) they had a greater chance of winning. Reuvain bought one ticket for himself and one ticket on Shimon's behalf. With help from above, Reuvain's ticket won the lottery. Reuvain, not wanting to share the winnings with Shimon, decided to test Shimon. He called Shimon on the phone and said, "Shimon! Your ticket won the lottery. You have won a half-million New Israeli Shekels! You do remember our agreement though, right? Please honor it and split your winnings with me."

Shimon responded, "Look Reuvain, we discussed the lottery and what we would do if we won, but by no means was this an agreement. I will give you something, but I certainly do not intend to split the winnings with you."

Reuvain responded, "It is quite clear that you had never intended from the beginning to honor our agreement. Since that is the case, I will not honor our agreement either. To tell you the truth, it was not your lottery ticket that won, it was mine – and I will not be splitting my winnings with you, the same way you would not have split the winnings with me if your ticket had won."

Is Reuvain justified in not honoring their agreement after he discovered that Shimon would not have honored the agreement if he would have won? In the work entitled, "Zichru Eliyahu Moshe" by Rav Yechiel Michel Stern Shlita (p.98), the following ruling is cited: The Gemorah in Bava Basra 106b concludes that when brothers divide their father's estate between them by lottery to determine which brother is to receive which portion, once the lot for one of the brothers is drawn, no one can retract their decision to divide the estate by lottery even if the brothers are now unhappy with the portion they received. Rav Ashi explains that with the satisfaction that each brother receives from the fact that they agreed to accept the results of the lottery, they fully transfer ownership to each other.

Rav Stern notes that the Rashbam (ibid) explains that we may extend the above ruling to cases of partnership as well (as in our case where Reuvain and Shimon bought two lottery tickets together and decided to split the

winnings). We may also extend the above ruling that dealt with inheriting land to cases of moveable objects (Metaltilin – as in our case with Reuvain and Shimon). Therefore, it would seem that in our case, since Reuvain and Shimon agreed to split the winnings of the two tickets they bought together, it is binding and Reuvain must split the winnings of his ticket with Shimon regardless of Shimon's reaction.

### Chizuk - Inspiration

A woman that was living in New Jersey was

diagnosed with a rare malignant tumor. At the time, there was no standard protocol for treatment that was being administered by hospitals in New Jersey for her particular type of cancer. However, the protocol for treatment was being administered in New York. However, her insurance company would not cover the cost of treatment because it was in New York and she lived in New Jersey. Her "out of state" claim was denied and the cost of the treatment without coverage would have been prohibitive. Many people advised her to create a phony home address in New York to have the insurance cover the cost of the treatment.

This woman and her family knew that it was a life and death situation (Pikuach Nefesh), but were still uncomfortable about lying about their home address. She and her husband sought the advice of Rav Yoel Teitelbaum ZT"L, the famed Satmar Rebbe who rebuilt the Chassidic Torah world after the Holocaust.

The Rebbe responded, "Do you intend to lie?" The couple responded affirmatively as it was a matter of Pikuach Nefesh.

The Rebbe responded, "So you are saying that people die in New Jersey, but they live if they reside in New York? This cannot be. (What the Rebbe meant was, "Do the right thing and Hashem will help you.")

The couple took the Rebbe's advice and did not create a phony New York address. The couple checked again in their home state of New Jersey and lo and behold, found a hospital that was administering the treatment that she needed. She began treatment and was cured of her cancer.