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BAD SAMARITANS: WHAT IS THE STATUS OF THE KUSIM?

Adapted from the writings of Dayan Yitzhak Grossman

AP News reports:

The oldest known stone tablet inscribed with the Ten Commandments sold for more than \$5 million at an auction on Wednesday.

Sotheby's said the 155-pound (52-kilogram) marble slab was acquired by an anonymous buyer who plans to donate it to an Israeli institution.

The New York-based auction house said the final price exceeded the presale estimate of \$1 million to \$2 million and followed more than 10 minutes of "intense bidding" during the global competition.

The tablet dates from 300 to 800 [CE] and is inscribed with the commandments in Paleo-Hebrew script—the only complete example of its kind from antiquity, according to Sotheby's.

It was unearthed during railroad excavations along the southern coast of Israel in 1913 and was not recognized as historically significant at first.

Sotheby's said the tablet was used as a paving stone at a local home until 1943, when it was sold to a scholar who grasped its significance.

"A tangible link to ancient beliefs that have profoundly shaped global religious and cultural traditions, it serves as a rare testament to history," the auction house said. The text inscribed on the slab follows the Biblical verses familiar to Christian and Jewish traditions but omits the third commandment against taking the name of the Lord in vain. It includes a new directive to worship on Mount Gerizim, a holy site specific to the Samaritans, Sotheby's said.¹

After the exile of the *Aseress Hashvatim* (Ten Tribes) from Shomron to Ashur (Assyria), the Assyrian king brought people from multiple lands—Bavel, Kusa, Ava, Chamas, and Sfarvayim—and settled them in the newly-vacated territory.²

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1AP News: <https://apnews.com/article/ten-commandments-sothebys-auction-f68da9c26bb38bf62c6c998962a8561e3>.
2Melachim II 17:24.

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PARSHAS VAYECHI WORDLESS WAIVER

Excerpted and adapted from a *shiur*
by Rav Moshe Ze'ev Granek

Thus shall you say to Yosef: "Please forgive the spiteful deed of your brothers and their sin for they have done you evil..."

Bereishis 50:17

Yosef's brothers ask him in their father's name to forgive them for selling him, but the Torah never says that Yosef did so. According to Rabeinu Bachyei, he did not, so the *asarah harugei malchus* were killed by the Romans in atonement.

How is Rabeinu Bachyei to be understood? According to R' Chaim Palagi (Chayim Bayad 57), Yosef certainly did forgive them, but not verbally, and *mechilah baleiv* (mental forgiveness) does not suffice. But according to R' Aharon Leib Steinman (Ayeless Hashachar), Rabeinu Bachyei only means that if Yosef truly forgave them, he would have done it verbally, so he must have felt he could not forgive them completely for some reason. But forgiving in the mind might be valid even according to Rabeinu Bachyei. Chut Shani (R' Nissim Karelitz) quotes the Chazon Ish as saying that *mechilah baleiv* is valid, because the

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A Must-Read

Q When called up for Maftir, do I need to read the Haftarah along with the *ba'al korei*? Does everyone else?

A Originally, there was no *ba'al korei* at Krias HaTorah, and each of the *olim* would read aloud for the *tzibur*. In the time of the early *Rishonim*, when some people were unable to do it, the practice of appointing a *ba'al korei* developed.

The *Rishonim* write that the *oleh* must read along quietly, because if he doesn't, his *brachos*

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They converted to Judaism, but whether the conversion was sincere or driven by ulterior motives is the subject of debate in the Gemara.³ Known in the Gemara as Kusim (and elsewhere as Samaritans), they altered the text of the Torah in the service of their Mount Gerizim-centered religion:

It was taught in a *breisa*: R' Elazar the son of R' Yosi said: In this matter, I showed the sifrei Torah of the Kusim to be false. I said to them: You falsified your Torah, and you have accomplished nothing thereby. For you say that Eilonei Moreh is Shechem. We also agree that Eilonei Moreh is Shechem, but whereas we learned this by means of a *gzeirah shavah*, how did you learn it?⁴

How does the Kusim's interpretation of a *pasuk*—unjustified as it may be on the basis of their own exegetical principles—constitute a falsification of the Torah? The Yerushalmi's version of this passage clarifies that the Kusim are being indicted for having actually doctored the Torah text by adding the word "Shechem" to the *pasuk* in question:

R' Elazar beR' Shimon said: I told the scribes of the Kusim: You falsified your Torah and did not benefit yourselves at all. For you wrote in your Torah, "...Near Eilonei Moreh, Shechem." Is it not known that this is Shechem? But you don't derive by means of *gzeirah shavah*, and we do derive by means of *gzeirah shavah*...⁵

Elsewhere, the Gemara addresses the Kusim's idolatrous pursuits on Har Grizim:

What was the reason (that R' Meir decreed that the wine of Kusim is forbidden)? Rav Nachman bar Yitzchak said: They discovered that Kusim had the likeness of a dove at the top of Har Grizim that they were worshiping. R' Meir followed his own reasoning that we are concerned for a minority, and he forbade the wine of Kusim on account of the minority who worshiped the dove. And Rabban Gamliel and his court (who disqualified all Kusim from shechitah) also held like R' Meir.⁶

The Gemara proceeds to explain that these decrees of R' Meir and Rabban Gamliel were not accepted by the people, but R' Ami and R' Asi issued a later decree against the Kusim that was:

R' Yitzchak ben Yosef was sent by R' Abahu to bring wine from the area of the Kusim. A certain old man met him and said to him, "There are no *shomrei* Torah here." R' Yitzchak went back and related the matter before R'

Abahu, and R' Abahu went and related the matter before R' Ami and R' Asi, and they did not budge from there until they declared the Kusim complete idolaters.

The Kusim's replacement of Har Habayis in Yerushalayim with Har Grizim is alluded to in the Mishnah:

One who makes a vow prohibiting benefit from "those who ascend to Yerushalayim" is forbidden to benefit from Jews, but he is permitted to benefit from Kusim.⁷

The Rambam explains:

That the Kusim despise Yerushalayim and curse it is well known throughout the land. The reason for this is that which is explained in the book of Ezra, and a fortiori they do not perform *aliyas haregel* (Festival pilgrimages) to [Yerushalayim].⁸

As Sefer Ezra recounts:

The enemies of Yehudah and Binyamin heard that the people of the exile were building a Sanctuary for Hashem, G-d of Yisrael. They approached Zrubavel and the heads of families and said to them, "Let us build with you, for, like you, we will seek your G-d; it is to Him that we have been sacrificing since the days of Eisar Chadon, king of Assyria, who brought us up here.

But Zrubavel, along with Yeishua and the rest of the family heads of Yisrael said to them, "It is not for you together with us to build a Temple for our G-d; rather we, by ourselves, will build [it] for Hashem, G-d of Yisrael, as King Koresh (Cyrus) king of Persia has commanded us." Then, people of the land weakened the hands of the people of Yehudah and frightened them from building. They hired advisers against them to disrupt their plans, all the days of Koresh king of Persia, until the reign of Daryavesh (Darius) king of Persia. During the reign of Achashveirosh, at the beginning of his reign, they wrote a calumny against the inhabitants of Yehudah and Yerushalayim...

The "enemies of Yehudah and Binyamin"—the Kusim—wrote to Artachshasta alleging that "the Jews who went up from you to us have arrived in Yerushalayim. They are constructing a rebellious and villainous city..." The king accepted the slander and responded by ordering that "this city shall not be built until a decree is issued by me," and in accordance with his order,

The work of the Temple of G-d in Yerushalayim was thus halted, and remained halted until the second year of the reign of Daryavesh king of Persia.⁹

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would be *levatalah* (Shulchan Aruch O.C. 141:2); this applies to the Haftarah too. Later *poskim* (see Bais Yosef O.C. 141) say that *bedi'eved* (ex post facto)—due to the principle of *shomeia ke'oneh* (hearing is like speaking)—the *Rishonim*'s requirement of reading along can be satisfied by listening to the *ba'al korei*'s reading.



For the same reason, a blind person may receive an aliyah. Though he cannot read, he can listen (Mishnah Brurah 139:12).

During *Krias* HaTorah, the *tzibur* should remain silent and listen, but they may read along quietly (Mishnah Brurah 285:14).

The Magein Avraham (284:5) cites the Arizal that for kabbalah reasons, the *tzibur* should read along with the Haftarah (but not the Torah). Some *poskim* offer a halachic basis for this: If a printed Navi is used rather than a *klaf*, the *tzibur* does not fulfill its obligation with the *ba'al korei*'s reading, so they must read for themselves (see Mishnah Brurah 284:11, citing Ma'aseh Rav, and Shu"t Chasam Sofer O.C. 68).

The Magein Avraham rules that the *tzibur* should read along quietly, allowing the *ba'al korei*'s voice to be clearly heard. But the practice in many Chasidish communities is for the *tzibur* to read aloud. In some congregations, the people listen quietly or read quietly along with the *ba'al korei*.

There is extensive literature on the halachic status of Kusim in numerous different contexts,¹⁰ but a detailed discussion of this topic is beyond the scope of this article.

³See, for example, Bava Kama 38b.

⁴Sotah 33b.

⁵Yerushalmi ibid. 7:3. Cf. Sifri ibid.

⁶Chulin 6a.

⁷Nedarim 310.

⁸Peirush Hamishnayot ibid.

⁹Ezra 4.

¹⁰For an extensive survey thereof, see Mipreda Talmudis: Kusim.

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key element of forgiveness is relinquishing one's grudge against the offender.

In the opposite case—where one forgives verbally but doesn't

really mean it—some authorities, including R' Yosef Engel and R' Reuven Grozovsky, say it's valid, because (Kidushin 49b) *dvarim shebaleiv einam dvarim* (mental stipulations don't matter). But according to the Chazon

Ish, perhaps the key criterion of *mechilah* is the *feeling* of forgiveness, and without it the *mechilah* is invalid.

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