



## Parshat Vayechi: Evil Eye

Based on a Naaleh.com shiur by Mrs. Shira Smiles

In Parshat Vayechi, the verse states concerning Yosef, "A charming son is Yosef, a charming son to the eye." The sages teach us that Yosef and his descendants were *olei ayin* – above *ayin hara* (the evil eye). Yaakov blessed Yosef's children, "V'gidgu la'rov." Just as the sea covers the fish so that *ayin hara* doesn't affect them, you will be impervious to the evil eye.

The Maase Rokem explains that a person is affected by *ayin hara* when another person exclaims in wonderment over what he has accomplished. This creates a reality separate from its source, which in turn causes Hashem to open up the books in heaven to determine if the person really deserves the good he received. However, if the person immediately attributes his gifts to Hashem, *ayin hara* cannot affect him.

Rav Naftali Ropshitzer taught that the whole world is really a shadow of what is above. Our task is to connect everything back to its root, Hashem, and to remember that everything we have is a gift from Him. With constant cognizance of His presence, we can ward off *ayin hara*.

The Massei Rokem notes that Yosef and his children were above *ayin hara* because Yosef had Hashem's name constantly on his lips. He told Paroah, "Elokim ya'aneh et shalom Paro." Hashem will respond to your dream. It is not my wisdom. I'm just an emissary. Yosef had the attribute of *bitul* (self-nullification), which evokes the image of fish covered by water. When a person looks at water from above, he only sees water, but no fish. Yosef attributed his successes to G-d, in a sense acting like a fish who is not seen.

Bilam wanted to harm the Jewish people with *ayin hara*. But he saw how they were encamped, how one tent didn't face the other, how each person knew their place and didn't need to look at his neighbor to see what he was missing. Then he was forced to bless them.

*Ayin hara* has the numerical value of 400. Esav came with 400 people to meet Yaakov. He wanted to destroy all the blessing Yaakov had with *ayin hara*. When he saw Yaakov with his family and possessions, he asked, "Whose are these? How did you deserve all this?"

Yaakov answered, "Asher chanan Elokim et avdecha." Hashem gave it to me as a free gift. He immediately attributed credit to the source and Esav could not harm him.

The *mishkan* stood in Shilo in the portion of Yosef for over 300 years. In the area of Shilo one was allowed to eat *kodshim kalim* (sacrifices with a lesser degree of sanctity) wherever one could see the *mishkan*. However, in Yerushalayim these sacrifices had to be within the walls. Rav Abahu explains, "The eye that didn't benefit from what didn't belong to him could now eat and benefit to the extent the eye could see."

Yehuda is blessed that he will have rulership until Shilo comes. He will have that which comes from Yosef, the ability to connect everything back to Hashem.

Rav Levenstein noted that our mission is to strengthen our connection to Hashem. One can do this by learning to always say, *baruch Hashem, bezrat Hashem* while thinking about G-d's help. This is living the life of Yosef.

## Chofetz Chaim: Laws of Speech – Remembering Miriam #13

Based on a Naaleh.com shiur by Rabbi Beinish Ginsburg

There's a special *mitzvah* to remember what happened to Miriam. Miriam spoke *lashon hara* about Moshe and was afflicted with *tzaraat* (leprosy). The Chofetz Chaim notes that it was really a minor sin with many mitigating factors. She spoke about her brother whom she loved. She didn't really say anything negative. She only questioned why he was acting differently than the other prophets. She didn't embarrass him by speaking in front of him. Moshe, who was exceedingly humble, didn't hold it against her. Still she was punished severely. How much more must we be careful not to speak negatively.

The Chofetz Chaim cites the Ramban who says that we are commanded to remember

what happened to Miriam so that it shouldn't happen to us as well. When a person speaks *lashon hara* it is as if he is forgetting at the moment what happened to Miriam. One also violates the commandment of, "He'shomer lecha m'nega tzaraat." The simple interpretation of the verse is to be careful regarding the laws of *tzarat*. But Chazal also explain that it means to be careful from doing something that will cause one to get *tzaraat*, namely speaking *lashon hara*.

Rav Nebenzahl notes that the incident with Miriam is mentioned in close connection to the sin of the spies. Rashi writes that the spies should have taken a lesson from Miriam to be careful not to speak *lashon hara*. Miriam sinned against the greatest prophet and the spies only spoke about the land. How does the

Torah make such a comparison? The spies should have learned the principle that once you lose control of your mouth, there's no limit to how far you can go. If the great prophetess Miriam could speak against Moshe, then one's speech must be strictly restrained.

The Chofetz Chaim writes that if you don't judge someone favorably it is as if you violate the prohibition of *lashon hara*. He brings proof from the story of Miriam. Her intentions were good. She was trying to get to the truth. But the essential root of her sin was *dan l'kaf chova* (judging improperly). May we always remember the lesson of Miriam and be careful to think only good of others.

## Drawing up a Will

Based on a Naaleh.com shiur by Dayan Shlomo Cohen

The *halachic* order of inheritance dictates how a Jew is meant to allocate his estate and assets before death. The Gemara says one should not disinherit a legal Jewish heir although he may be unworthy. This means, says the Shulchan Aruch, that if a rebellious son is the rightful inheritor he may not be passed over. Money is a deposit from Hashem. We are meant to take care of it and then pass it on according to the Torah. As long as a significant sum is divided up as *halacha* dictates, there is no problem with a testator ceding the rest of his estate to charity or to his wife and daughters. This would not be in violation of the prohibition of passing over legal heirs.

Drawing up a *halachic* will halts the automatic process of one's property immediately reverting over to one's heirs. There are two types of kosher wills. The first is called *shtar chetzi zachar*. The Rema mentions a custom that when someone would marry off a daughter he would draw up a stipulation that part of the dowry would be a binding contract. When the bride's father would die, his daughter would receive half of what her brothers would get. In the *chetzi zachar* contract, the testator states that he owes a designated party a large sum of money.

However this is on condition that his heirs refuse to give that party a specific share of the estate which is less than the value of the debt. If they give it, the debt is erased. If not, they must pay the deceased's debt. This type of will doesn't interfere with the *halachic* process of inheritance where the sons automatically inherit their father's assets. One must be careful to assess the debt correctly so that the value of the estate doesn't override the debt.

The second type of will is called a *shtar hischayvut* where the parent gives away his assets while he is still alive. He can do this by separating the assets itself and the earnings of those assets. A father might say he is giving away the capital of his orchard to his wife or daughter, while the fruits, the earnings of the capital, remain with him. The problem with this type of will is what to do if the testator decides to sell the capital during his lifetime when it is really no longer his. Therefore there needs to be a condition included that one can go back on the *shtar hischayvut*. With this type of will, ownership has to be transferred through an act of acquisition (*kinyan*). One way to do this is through a *kinyan ordita*-ceding your property over to someone else in the presence of witnesses. If you acquire new property after making a will, do you have to renew the will again? In order for the will to be valid, the

testator must designate specific property to the relevant person.

According to secular Israel law, a *shtar chetzi zachar* which involves a debt is invalid. Therefore some people will use the *shtar hischayvut* where the capital is ceded over to the inheritor or a combination of both types of wills. Another way to transfer ownership is for the person to give over his assets as a gift before he dies. A will drafted according to secular law will not always be valid according to Jewish law although the testator knows it will be honored because the courts have the power to enforce it. The overriding factor in factors of ownership is *gemirat daat*-where one clearly sees the owner's intention in passing ownership over to his heirs. Drawing up a secular will is considered *gemirat daat* so it will carry *halachic* backing according to some *Poskim*. There's an additional *mitzvah* to honor the wishes of the deceased. However the best practice is to draw up two wills, a secular will and a *halachic* will, so that the testator is assured that his assets will be allocated to the rightful recipients.

For further reading on the topic of *halachic* wills, please see:  
<http://teamshabbos.org/halachic-wills/>