

A PARASHA THOUGHT

Even When All Hope Seems Lost

This week's *parasha* begins with Yaakov traveling to Charan. Rashi explains that he passed Har Hamoriah (Mount Moriah) on the way, but when he realized that he passed such a holy site without praying, he quickly returned there and inaugurated the *tefillah* of *Maariv*. He then went to sleep on the mountain and had a vivid dream of a ladder ascending to heaven with angels going up and down the ladder. Hashem then speaks to Yaakov and says, "I will be with you and protect you through all your travels." Rashi explains that this location, Har Hamoriah, is the same mountain where Akeidas Yitzchak (the Binding of Isaac) took place, as well as

the future site of the *Beis Hamikdash* (Holy Temple). One can ponder how it is even possible for Yaakov to skip praying at such a holy site, especially when he was going out to face his uncle Lavan, a known swindler.

The Sfas Emes explains: We know that Yaakov spent 14 years learning in yeshiva after he left his parents' house. He was now heading out into the world and would be going to Lavan. Yaakov understood that he was leaving the light of pure Torah learning and would be faced with the daunting task of remaining true and straight to the Torah ways amidst the darkness of Lavan's infamous trickery. Yaakov felt he was heading out on his own to face all this. Yaakov was traveling and it started getting dark; he was starting to lose clarity and focus. Nighttime symbolizes darkness, lack of clarity, and distance from Hashem. Specifically at that time he instituted the prayer of *Maariv*, the nighttime prayer. He showed that even in the darkest time, when hope seems lost and things look bleak, a Jew can still *daven* and connect with Hashem. After that, he lay down to sleep and got the biggest revelation of his life. Hashem came to him and showed him the ladder connecting heaven and earth. When Yaakov awoke he said, "This is a place of Hashem and I didn't even know it." What Yaakov was saying was that until then he thought that



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SKOLNIK

LEARNING WITH THE KOLLEL

WITH  
RABBI MEIR MINSTER

Yaakov angrily reflects on his years of working for Lavan and says that he bore full responsibility for all of Lavan's sheep, even when they shared the proceeds, "I myself would bear the loss, from me you would exact it."

Such an arrangement is described in the Gemarah (*Baba Metziah* 68a) as *tzon barzel* (iron sheep) and presents a problem of *ribbis* (lending with interest) when it is arranged between Jews. If the investor is merely protected from loss by the working participant, it is *ribbis* on a Rabbinic level, if he is also guaranteed a return, it would be *ribbis* from the Torah. This type of investment would be prohibited unless the investor accepts risk in proportion to his share of the profits and compensates the working party in some way for his efforts in the investor's share.

One of the uses of a *heter iskah* (a Rabbinically approved framework for converting loans into permitted business ventures) is to reframe the investment in a way that avoids these issues that are created by ventures that the Gemarah characterizes as being "closer to gain and far from loss" for the investor. When the working participant is also providing some of the capital for the business, matters are different. Here, certainly, this capital is at risk for the worker and not for the investor and should be excluded from the necessary formula of risk vs. gain. According to the opinion of the Rema (*Yoreh Deah* 177:3) the benefits

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of this arrangement go even further. By providing some of the capital, the working participant is viewed as a partner and not a borrower at all, and profits can be shared by partners in any way they choose, even if it is not in proportion to risk. The Chavas Daas (ad loc.) disagrees and says that even in this case the worker is seen as a borrower from the investor and the investor's share in the profits must be equal to his share in the risks.

There is also much discussion as to the nature of the risk which must be assumed by the investor in these types of deals to allow them to avoid these *ribbis* issues. It is advisable to seek the help of a competent *halachic* authority and make use of a *heter iska* when investing with other Jews. 🕒

## A PARASHA THOUGHT

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his connection with Hashem was limited to “daytime,” times of light, clarity, and strong connection. It is after the dream that he realizes it is not despite the impending darkness but, rather, because of it that one can have his greatest connection with Hashem. We all have times when the darkness seems too much and the trials too hard. Yaakov showed us for all generations that specifically at these times we can have the deepest and strongest connection with Hashem. All we need to do is reach out to Him. 🕒



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## HAFTORAH HAPPENINGS

RABBI YAAKOV MARCHUK

This week's Haftorah comes from Sefer Hosea. Hosea is one of the Trei Asar, which is a collection of twelve short books of the Prophets. In these passages Hosea gives heavy mussar (rebuke) to the Jewish people about them serving Avodah Zarah (idolatry). In Chapter 13-9, the Navi writes **שָׁחַתְךָ יִשְׂרָאֵל בִּי בְעֵצְרְךָ** simply translated as “You corrupted yourself O'Israel for your help is only through Me”. The Chida explains this verse differently based on a concept which is also brought by the Nefesh Hachaim (chapter 4), that Hashem created a reality where He gets strength when we do Mitzvos and God forbid becomes “weaker” when we sin. Based on this the Navi here is actually asking a question: There are many other nations that sin, so why is Hashem so stringent with us? The Navi answers- Hashem is so stringent with us because we, the Jewish people, are His help, and when we sin we negatively affect Hashem himself. However, the nations of the world were not given this power and therefore Hashem takes our sins more seriously than that of the nations. 🕒

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### Rabbi Binyamin Griner

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## TRACING OUR MINHAGIM

RABBI MORDECHAI BERINSTEIN

Now that we have begun the month of Kislev, we can focus on some of the *minhagim* which are connected to Chanukah.

The *Shulchan Aruch* (670:1) records a custom for women to refrain from doing *melacha* (work) while the Chanukah candles are lit. This *minhag* is brought in the Tur and is also mentioned by many other *Rishonim* (early commentators). (While the definition of “*melacha*” which the *minhag* prohibits is vague, the opinion of Rav Yaakov Kamenetsky (*Emes L'Yaakov*, O.C. 670 fn. 584) was that it refers to *melacha* which is prohibited on *Chol HaMoed*.)

Two reasons are given for this custom. The Beis Yosef writes that it is to serve as a reminder that it is forbidden to benefit from the light of the menorah, as the light is designated solely for the *mitzvah*. However, it is difficult both to understand why this reason should apply only to women, and also to find precedent for a precautionary prohibition applying to only some of the population.

Another reason, recorded from earlier sources in the *Magen Avraham* and *Mishnah Berurah* (670:3), is that one of the miracles associated with Chanukah is the story of Yehudis, daughter of the *Kohen Gadol* Yochanon, who succeeded in killing the commander of the Greek army, leading to their defeat. Therefore, specifically women have the custom to refrain from *melacha*, in commemoration of the role which Yehudis played in the miracle. 🕒

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