

A PARASHA THOUGHT

Snakes and Lions

Before his death, Yaakov Avinu imparts a personal message to each of his sons to convey to them their unique role in B'nei Yisroel. There is only one that contains a prayer to Hashem. In the blessing of Dan, Yaakov unpassionately cries out, "Lshuascha kivisi Hashem, I hope for your salvation Hashem." Why did Dan's mission prompt this desperate plea for help?

There is another notable difference about Dan. In many respects it seems that he was the lowest of all the tribes. Many tribes are described as certain animals. We find a deer, a wolf, an ox, and the proud lion of Yehuda. All of these are proud and noble creatures. Even the plain donkey of Yissachar projects a stalwart and hard-working creature. Dan, however, is portrayed as a lowly serpent. The imagery of the snake doesn't seem complimentary. In *sefer Shemos*, by the building of the *Mishkan*, two people were appointed to spearhead the building efforts, Betzalel ben Uri from the tribe of Yehuda, and Oholiav ben Achisomoch from the tribe of Dan. Rashi points out that Dan is from the worst tribes. Because Hashem doesn't play favorites, He specifically chose an appointee from the best tribe, Yehuda, and the worst tribe, Dan. Yehuda was the first tribe to travel when the Jews were encamped in the desert. Who was the last tribe to pack up and leave? Dan. It appears that in every way Dan was at the bottom of the tribal pole. But the description of Dan in many places takes a drastic turn. In our *parasha*, Yaakov describes Dan as "k'achad shivtei yisrael, one of the tribes of Yisrael." Rashi says that Dan is equivalent to m'yuchad (from the root k'achad) shebishvatim, the most unique person from the tribes. This refers to

Dovid HaMelech from the tribe of Yehuda! The Baal Haturim points out three numerical hints to Dovid in this verse regarding Dan. Rabbeinu Bachaye says an even more extreme understanding of k'achad, that Dan is compared to the Yachid (The Only One), who is Hashem himself! Quite a compliment for the Serpent Tribe. The most stunning example of this is at the end of *sefer Devarim*. Moshe Rabbeinu is the one dispensing blessings to the tribes this time. Just like in this week's *parasha*, someone is described as *gur aryeh*, a lion cub, but this time it's not Yehuda, it's Dan! What is the meaning of this duality? The essence of Dan can be traced back to his beginning. Leah and Rachel are locked in a struggle with much at stake. As wives of Yaakov, they both desire to be the Matriarchs of the glorious nation that is to follow. So far, Leah is well in the lead. She is the mother of the firstborn, Reuven, the teachers, Shimon, the priests, Levi, and the royalty, Yehuda. Rachel throughout all of this has remained barren. In an attempt to gain leverage over her sister, Rachel implores Yaakov to marry her maidservant, Bilhah, in the hopes that she will bear a child that Rachel can raise. Yaakov agrees and a child is born. Rachel says, "Hashem has avenged me, danani Elokim," and she calls his name Dan. This young child starts off his life by restoring balance, by righting a perceived wrong. This theme continues into our *parasha*. Yaakov says, "Dan will avenge his nation, Dan yadin es amo." Many commentators speak out that Dan, as the last tribe to travel, was responsible for waging war with and destroying B'nei Yisroel's enemies who were pursuing the nation from behind. The

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LEARNING WITH THE KOLLEL

WITH  
RABBI MEIR MINSTER

The retail world is currently nearing the end of its annual return season, when long lines of purchasers and gift recipients form, to return their unwanted items for a full refund. The truth is that "buying and returning" occurs throughout the year, in ever increasing numbers. However, to the surprise of many, there is a possible *ribbis* (interest) concern when the buyer and seller are both Jewish.

What could possibly be wrong with this popular national pastime?

*Halacha* views the return of an item as if the purchase was never made. In the end, the result of this aborted transaction is that the retailer held the customer's money for a period of time (a loan), and if the customer was allowed to use the item during that time, the customer (the lender) received a benefit in exchange for extending the loan. This would be *ribbis*, unless a deduction is made from the refund amount to account for this benefit.

When a purchase is made with a trial period and the item is ultimately returned, this is certainly a problem, as this is considered as if the sale never took place. Many *Poskim* say that when a store agrees to accept a return from a typical purchase, it is essentially the same thing — a negation of the original sale. The *Chavos Daas* rules leniently, however, when the sale is framed as

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## LEARNING WITH THE KOLLEL

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being conditional to the buyer's right to make a return. When a sale is made with a condition like this, it would be considered a valid sale (*mechira al minas Le'hachzir* – a sale with a right to return) and not a loan.

One way to avoid any possibility of *ribbis* for a Jewish owned store would be to have a store policy that all sales are final, but the retailer agrees to “buy back” an item when the customer is not satisfied. This is a clear statement that the first transaction is a sale and not a loan, the return then is a second sale, this time from the customer back to the store. Most *Poskim* agree with this approach, however some do not accept this.

A second method would be to insist that the customer not be allowed to return an item until a minimum number of days have passed. This, too, would convey the idea that it is an actual sale, at least for that time period, and not just a trial period. Ironically, the Chavos Daas, who is lenient, and allows the use of a conditional sale, does not accept this method. R' Yisroel Reisman, therefore, suggests combining both approaches, to have a policy of “buying back” unwanted items, but only after a certain amount of time has elapsed after the sale. (Maybe this would shorten the long lines at the return desk, as well.)

## A PARASHA THOUGHT

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word “*yadin*” can also mean judge. One of Dan's roles was to judge and condemn the wicked people in the Nation of Israel itself. Vengeance and justice are closely related. They both stem from a desire for balance, for equality, and for harmony. The world needs these principles to run. When Hashem created the world, he utilized this trait of *din*, strict justice. He saw that the world couldn't stand on *din* alone, so He added *rachamim*, mercy. But there is still a need for justice. Dan is the one that brings that attribute to the Jewish nation. The tribes of Leah, led by Yehuda, might be the movers and shakers of *B'nei Yisroel*, doing all of the positive things required of leaders and priests and teachers and scholars. But we are only complete and harmonious with Dan. He brings balance to the nation. It's not an easy job. It creates many enemies, and it doesn't come with the grandeur of the other positions. Yaakov saw the need to pray for Dan, as his job is fraught with the peril of dealing with wicked adversaries, both internal and external. In one aspect, Dan is the snake, dangerous, isolated, and lowly. But he also has the pride and bravery of the lion.



## HAFTORAH HAPPENINGS

RABBI YAAKOV MARCHUK

Our Haftorah takes place on the last days of Dovid's life, with Dovid giving a message to his son and successor Shlomo. The message starts as a standard directive to keep the words of the Torah, and a reassurance that doing so will keep the kingdom in the family. In verse 5, the direction takes a different turn, with Dovid commanding Shlomo to kill out some of the enemies of Dovid that Dovid himself had not been able to kill. This seems a bit out of place. Does Dovid not have anything better to do in his last moments of life than taking revenge on his enemies? One would think that someone like Dovid would realize that he is soon going to die and not be caught up in pettiness. Rav Chaim Shmulevitz (*Sichos Mussar* p. 113) addresses this question and changes our whole understanding of what *nikama* (revenge) really is. The Gemara (*Brachos* 33a) writes, “Great is *nikama* because it was written between the two names of Hashem [in *Tehillim* 94:1].” Why is revenge something so important to G-d? Rav Chaim writes that the true word definition of *nikama* is not revenge; rather, it is Hashem's way of making right with the world, making sure that a *tzaddik* (righteous person) and a *rasha* (wicked person) get their proper reward and punishment. When a wicked person defies the word of Hashem and does not get a punishment, that is a disgrace to G-d, in that His word is being trampled on with no response. Additionally, when a righteous person does good deeds and is not properly rewarded, that is also a disgrace to the name of Hashem. For this reason, Dovid's desires to kill his enemies. When someone degrades the king of the Jewish people, it is not just a personal attack, it's an attack on the Jewish people.

## TRACING OUR MINHAGIM

RABBI YEHUDAH LEVI

After making *Havdalah* at the conclusion of Shabbos, it is customary to spill out some wine and extinguish the flame in it. The Rema cites an additional practice of rubbing one's eyes with the spilled wine to demonstrate an endearment of the *mitzvah*. This ritual is sourced in the *Tannaic* work, *Perkei D'Rabbi Eliezer* (chapter 20) where a second *kabalistic* explanation is given. Some people not only place the wine around their eyes, but in their pockets as well, and while it is difficult to find an ancient source for this tradition, it is evident from various records of *minhagim* that it was practiced by Jewish communities the world over. The traditionally understood significance of placing wine in the pockets is that it is an auspicious omen for livelihood. Such an explanation can be found in the *sefer Ziv HaShabbos* by Rabbi Yehudah Dov Singer of Jerusalem (1907-1971). Other recorded and practiced variations of this custom include applying wine to the forehead and/or the nape of the neck. It is unclear whether there is any preference to which finger should be used for this process.

Cincinnati Community Kollel

2241 Losantiville Avenue, Cincinnati OH 45237 • 513-631-1118 • kollel@shul.net • cincykollel.org

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