



הרב הראשי עיה"ק אלעד מרדכי מלכא שליט"א
נשיא וראש מוסדות "אור המלך"

מחבר ספרי שו"ת דרך המלך, אמרי מרדכי, ודרכי המלך על המועדים ועוד
רשת מעונות, ורשת גנים, ת"ת פרי תואר, ובית יעקב פרי תואר, תיכון בית יעקב החדש, ת"ת מאור ישראל,
שיבה קטנה ארחות יהודה, ביהמ"ד גבוה לרבנים ודיינים "לקח טוב" קופת "מפעל החסד" אלעד
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Parashat Vayeshev

Judge Everyone Favorably

Our *parasha* states (37:1), "Yosef was seventeen years old, and was a shepherd for his brothers by the sheep [*haya ro'eh et achiv ba'tzon*], but he was a youth with the sons of Bilha and Zilpa, the wives of his father, and Yosef brought bad reports about them to their father [*el avihem*]."

Questions

- 1) Why does the *pasuk* say that Yosef "was a shepherd **for** his brothers by the sheep"? See Onkelos, who renders the translation, "he shepherded the sheep with his brothers." If so, the *pasuk* should have seemingly stated so outright – why does it use an expression which sounds like Yosef was his brothers' shepherd?
- 2) The *Radak* furthermore asks about the expression *ba'tzon*, "by the sheep" – wouldn't it have made more sense to state *ha'tzon*, that Yosef shepherded "the sheep"?
- 3) Finally, the *Kli Yakar* asks why the *pasuk* says, *el avihem*, "to **their** father," and not "to **his** father."

A Superficial Perspective

Generally, the tendency of man is to judge a person negatively the moment he sees him doing something that looks suspicious. He doesn't give the matter very much thought or consideration at all, he simply passes judgment. Man is quick to find fault with others, even though if he would ponder the matter, he would actually be able to find a way to view his fellow favorably. It is because of this shortcoming that exile was decreed upon the Jewish people, as we will soon see regarding the hatred that the brothers felt for Yosef. From here we will learn just how great man's requirement is to judge his fellow man favorably, and by doing so actually helps himself as well. Since we are approaching Chanukah, we will mention the *halacha* that if one has two different entrances to his home, he is required to light in both of them. The reason for this is because our Sages feared lest a passerby see one doorway without a kindled *menora*, and he will then suspect that his friend did not light. Why do the Sages require him to light an additional *menora* if he really **did** light? Our Sages are teaching us that man's nature is to view his friend's deeds superficially, to find fault with him, and then let him know about it. The Torah is therefore teaching us that there is a mitzvah of "And you should be [considered] clean by Hashem and the Jewish people," as well as "And you should judge your fellow favorably." This teaches us that even though an individual did nothing wrong in the eyes of Hashem, as it were, he must nevertheless remember to exonerate himself in the eyes of mankind, who are quick to judge him negatively. Our *parasha* will teach us how much damage is caused by judging negatively.

Yosef's Speech About His Brothers

Now we will begin to explain our *parasha*. We asked why the *pasuk* sounds as if Yosef was shepherding his brothers. Our Sages explain in the *Pesikta* that Yosef was actually investigating **how well** his brothers were shepherding the sheep, but was not actually shepherding the sheep himself. Since he was scrutinizing his brothers' actions, he told their father Yaakov about everything that appeared to him as a



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shortcoming. Because of this they hated him, and the matter grew worse once he related his dreams to them. So states the *Alshich*, *Radak*, and additional commentators.

How Could Yosef Have Suspected Them?

The commentators ask: 1- How it could be that Yosef Hatzaddik could possibly have falsely accused his brothers of sinning? 2- If Yosef was indeed speaking the truth, how could the great brothers, fathers of the Tribes of Israel have committed such sins? 3- Furthermore, if Yosef was speaking the truth, then why was he punished by having to suffer the three things which he accused his brothers of?

The Claim Lies in Not Having Judged Favorably

Before we begin to explain, let us just start by saying that we should not think that this topic can be understood on a simple level. After all, we are dealing with Yaakov Avinu, Yosef Hatzaddik, and the Tribes of Israel, who are the founders of our nation. The *Shevatim*, say our Sages, were so great that they were even able to have the Divine Presence join them in their pact not to reveal the truth about Yosef's sale. Everything that we will write is merely to help us understand the matter in a way that we can relate to - so says the *Alshich* at the beginning of his commentary on this topic. Having said this, we can suggest that it appears from our Sages that the claim against Yosef for speaking badly about his brothers and generating hatred lay in the fact that he did not judge them favorably. Similarly, the claim against the brothers lay in the fact that they did not judge Yosef favorably and consider that his entire intention was only to strengthen them in their Divine service. If they would have done this then the hatred never would have taken root in the first place. So explains Rav Chaim Paltiel, as well as Rav Ovadia MeBartenura at great length. 1- The *Re'em* also explains this concept at great length, saying that Yosef suspected the brothers of transgressing *eiver min hachai*, eating the limb of a live animal. They would cut the neck of an animal that was still near-death, but still threshing. The Gemara in *Chullin* 33a teaches us that this is permitted, and if one wishes to regain his health, he may do so, but must wait for the animal to die before he eats the meat from the neck. Yosef mistakenly thought that this was considered *ever min hachai*. 2 – Yosef claimed that the brothers called the sons of the Bilah and Zilpah "slaves." This is not what they truly did, for our Sages teach us that one who calls his fellow "a slave" is excommunicated. Rather they were saying that their sons were the sons of maid-servants of their mother *before* having married Yaakov, but not that they were still slaves. Yosef did not realize this however, and thought that they were saying that they were still slaves, and that Yaakov was married to maid-servants, which was a disgrace for Yaakov. 3- Yosef also suspected them of committing adultery. There were Canaanite girls from whom the brothers used to buy milk, wool, and sheep, and Yosef held like the opinion that it is forbidden to conduct any business with females because it will draw them near to one another. But the *halacha* is actually in accordance with the opinion that only services that a wife performs for her husband are forbidden to be done for another man, but business is permitted. The *Maharal* adds in his *sefer Gur Aryeh* that because Yosef was such a great *tzaddik* he was stringent to distance himself from any slight chance of transgression, and therefore from his perspective these things looked forbidden.



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Yosef was Punished Measure For Measure

Now we can understand that since Yosef did not judge his brothers favorably, Hashem punished him with these 3 things, so that Yosef would understand that he erred and should have judged favorably. This is as it states in the Yerushalmi (*Pe'ah* 1:1) that Hashem said that Yosef reported that they were suspected of *ever min hachai*, so now Hashem would punish Yosef with a punishment that will teach him that they were innocent. This is as the *pasuk* states that the brothers slaughtered a goat according to Jewish law and dipped Yosef's coat in the blood. Yosef said that they were denigrating the sons of Bilah and Zilpah, so now he will be sold as a slave. Yosef said that they were gazing at the girls of the land, now Potifars's wife will start up with him.

Judge Every Man Favorably

The holy Tanna has taught us the correct path that man should take in life (*Avot* 1:6), "Yehoshua ben Prachia said: Make a *rav* for yourself, buy a friend for yourself, and judge every man favorably." The Tanna is teaching us that after we know how to make a *rav* for ourselves and acquire a friend, what remains is for us to learn how to interact with society. Therefore the Tanna tells us that we should grow accustomed to judging everyone favorably, and to always look for the positive qualities of our friend and not the negative ones. By doing so, we will increase love and unity and a bond will be formed. We are required to judge favorably since the rule is that "You should not judge your friend until you are in his place." In other words, one cannot judge another unless he has the same predicament as his friend regarding both health, finances, friends, and family. For it is likely that if you were placed in the same predicament that you would also act the same way. Only in this manner will a person increase love and harmony and live with his wife, family, friends, congregation, and city peacefully. This is as the Ramban writes in his letter to his son, "Every man should be greater than you in your eyes, and if he is wise or rich you must honor him. If he is poor and you are rich or wiser than him, think in your heart that you bear more guilt than him and he is more worthy than you, for if he sins he does so by accident, but you do so intentionally."

Story About Rav Aryeh Levine zt"l

Rav Aryeh Levine zt"l used to always judge his fellow man favorably even regarding very severe matters. He once mentioned that he reached this level because of the following incident: He once participated in the funeral of Rav Elazer Rivlin z"l, who was one of the great men of Yerushalayim and served as the *gabbai tzedakah* and a secretary in an old age home. The deceased had a friend named Rav Shmuel Kook z"l. They loved each other dearly and had worked together for 30 years. Rav Aryeh said that at Rav Rivlin's funeral, he suddenly saw Rav Kook leave. It was in the middle of the procession, and he was not honoring his departed friend in the correct fashion. Instead he entered a near-by flower shop to buy a plant. He thought to himself, *Could it be that he could act in such a way to his friend who was so kind to him throughout his life? How could he not perform this final act of kindness? Could he not have found another time to buy this plant?* Since he did not want to be negligent in fulfilling the mitzvah of rebuking one's fellow Jew, he approached Rav Kook and rebuked him directly, "Tell me," remarked Rav Aryeh, "For years you and the departed were like brothers – why did you leave now to buy a plant?" Responded



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Rav Kook, "For years I have been tending to a Jewish leper, but he passed away yesterday. The non-Jewish doctors decided to burn his clothes and all of his belongings, amongst them being a pair of *tefillin*. I protested with all my heart to prevent them from burning the *tefillin*, until I and the doctor reached an agreement that I had until 12 o'clock in the afternoon to bring a plant, inside which I would place the *tefillin*. They would then be buried in the ground as the *halacha* dictates. I therefore had no other choice but to run and buy a plant in order to bury the *tefillin*." Rav Aryeh concluded, "From then on, I have accepted upon myself to always judge my fellow man favorably" (from *Ish Tzaddik Haya*).

Words of Mussar

We have learned from the *Shevatim*, the founders of the Jewish Nation, that not judging favorably, on their lofty level, brought disastrous results upon the Jewish Nation. It caused the descent into the Egyptian exile, as well as the deaths of the Ten Martyrs, who were punished generations later because of the sale of Yosef, as well as other calamities. If they would have judged each other favorably, these decrees would not have been cast. What's more, by judging one's fellow favorably, he seals his own Heavenly verdict, for in the way he deals with his friend, so too is he dealt with. We see then that one who accustoms himself to judging favorably protects himself and his family in both this world and thw next. He merits living in peace with his wife, family, congregation, and city. Through this we will merit that Hashem showers us with peace, *bimheira beyameinu amen ve'amen*.

Shabbat Shalom,
Rav Mordechai Malka