



OVERVIEW of the Daf

1) The exodus story (cont.)

The Gemara concludes recounting the exodus story.

2) Yosef

An inconsistency is noted between the journey to bury Yaakov and the return journey regarding the order in which the eleven brothers and the Egyptians are listed.

R' Yochanan explains the reason for the change of order.

After presenting additional details related to Yaakov's burial the Gemara records the incident of Esav's protest against burying Yaakov in Maaras Hamachpelah.

3) Moshe's involvement in retrieving Yosef's bones

A Baraisa presents a detailed account of the event of Moshe Rabbeinu's retrieving Yosef's bones from the Nile River or from the royal burial chamber.

The reason it was Moshe Rabbeinu who retrieved Yosef's bones is explained.

R' Chama bar R' Chanina explains why Yosef was buried in Shechem.

In order to resolve a contradiction between verses related to who buried Yosef, R' Chama bar R' Chanina states that if one person starts a mitzvah and another completes the mitzvah, the one who completes the mitzvah is credited with having done the entire mitzvah.

Additional consequences for not completing a mitzvah are recorded.

4) Yosef

The reasons why Yosef was called bones during his lifetime and why he died before his brothers are explained.

The Gemara elaborates on some of the events related to Yosef's time in Egypt.

5) Measure for measure and Moshe Rabbeinu

An example of how the principle of measure for measure was applied to Moshe Rabbeinu is recorded.

The reason Moshe was held to such a strict standard is explained.

6) Moshe's death

The Gemara elaborates on the pesukim that describe Moshe Rabbeinu's death.

7) Moshe's burial

R' Yehudah discusses Moshe Rabbeinu's burial.

The Gemara elaborates on Moshe's burial. ■

Distinctive INSIGHT

The validity of the sale of the birthright

אמרו ליה זבינתה

The Gemara relates that Yaakov bought the rights of the first born from Esav and commentators question the validity of the transaction. There is a principle that it is not possible to make a transaction on something that has not yet come into existence (אין אדם מקנה דבר שלא בא לעולם). Tur in his commentary to the Torah cites his father the Rosh who answered that a transaction on something that has not yet come into existence is effective when it is strengthened with an oath. For that very reason Yaakov asked Esav to take an oath (השבעה לי) so that the transaction would be binding. Rivash disagrees with the assertion of Rosh. He maintains that when a person takes an oath regarding a transaction on something that does not yet exist, the oath obligates him to perform the transaction but the oath does not have the power to make the transaction effective from the time of the oath. A practical difference between these two approaches is if the seller who took an oath dies before he has an opportunity to fulfill his oath. According to Rosh the transaction was already effective and the property will belong to the buyer whereas according to Rivash a valid transfer of the property has not yet been performed.

Some authorities suggest that the transaction could be effective according to the position of Mordechai. Mordechai maintains that if it was specified that the transaction should take effect only after the item comes into existence the transaction is effective and Targum Yonason ben Uziel explains the pasuk along these lines. Others explain that the sale was effective in accordance with the position of Ra'avad who holds that a חליפין קנין is effective on items that have not yet come into existence. This is consistent with the commentary of Sforno who writes that the method of transaction used by Yaakov and Esav was חליפין. ■

REVIEW and Remember

1. What claim did Esav use to prevent the burial of Yaakov in Me'aras HaMachpelah?

2. How did Moshe Rabbeinu find Yosef's coffin?

3. Why was Yosef buried in Shechem?

4. How did Moshe know that it was time for him to die?

HALACHAH Highlight

Paying a broker's fee to one who did not complete the deal

א"ר חמא בר ר' חנינא כל העושה דבר ולא גמרו ובא אחר וגמרו מעלה עליו הכתוב על שגמרו כאילו עשאו

R' Chama bar R' Chanina said: If someone begins something but does not complete it and another comes and completes the task, the Torah considers the one who completed the task as if he did it [entirely.]

There was once a person who was looking to sell his house who refused to use the services of a real-estate agent. After receiving a lot of pressure, the seller agreed to give a commission to an agent if he will find someone who would be willing to buy the house for \$17,000. The agent found an interested buyer but since the buyer would not offer any more than \$12,000 the deal fell through. The seller eventually found someone else to purchase the house but that sale did not go through so the seller was forced to put his home back on the market. The first prospective buyer (i.e. the one found by the agent) saw the advertisement and offered \$13,000 to the seller and the house was sold. The agent claimed that since he introduced the buyer and seller and had spent time encouraging the buyer during the first round of negotiations he deserves a commission. The seller countered that he should not have to pay the broker's commission for a number of reasons. One of those reasons was that

the original introduction between the seller and the buyer didn't amount to anything as evidenced from the fact that he almost sold the house to a third party in the interim.

Rav Moshe Feinstein¹ received this inquiry and demonstrated that if it is agreed that the agent was responsible for bringing the buyer and seller together he should be paid his broker's fee. One of the points Rav Feinstein addresses in the course of his response is whether the agent deserves his broker's fee if he does not assist in the completion of the transaction. There were some who wanted to use our Gemara to prove that if the agent does not complete the transaction he does not deserve his fee. The Gemara relates that although Moshe Rabbeinu began the mitzvah of burying Yosef, since he did not complete the mitzvah others took credit for the mitzvah. Similarly, although the agent initiated the deal since he did not complete the transaction he does not deserve to be paid. Rav Feinstein, however, noted that this Gemara is, in fact, a proof that the agent should be paid. The Mishnah earlier (9b) taught that Moshe was rewarded for the effort he invested in doing the mitzvah even though he did not complete the mitzvah. So too, the agent deserves to be paid his commission even though he did not see the transaction all the way through. The lesson of the Gemara is that one who merits to complete a mitzvah is credited with having started the mitzvah but it does not have bearing on our question of whether an agent who begins a transaction deserves to be paid. ■

1. שו"ת אג"מ חו"מ ח"א סי' מ"ט ■

STORIES Off the Daf

The merit of Yosef HaTzaddik

קברו בשכם

During World War I, a certain non-religious Jewish doctor, an officer in the German army, entered a room where Rav Yosef Shlomo Kahaneman, zt"l, the famous Ponevezher Rav, was immersed in his learning. He noticed the gigantic gemara that occupied the Rav's attention and asked curiously, "What is that huge volume you are reading?"

"The Jewish Talmud," answered the Rav.

"What does it say?" asked the interested officer.

"Well, I am holding on page 13 in tractate Sotah. There, the gemara discusses that Yosef merited to be buried in Eretz Yisrael while Moshe did not."

"Why did Yosef merit what Moshe did not?" asked the officer.

The Ponevezher Rav, known for his penetrating understanding, identified the officer's Jewishness and his utter lack of commitment at a glance and immediately told him a reason that might awaken his dormant Jewish identity. "When Yosef was in Egypt he didn't hide his Jewishness. As the verse states, 'For I have been stolen from the land of the Ivrim.'

"Moshe, on the other hand, hid his Jewishness. That is why, when he saved the daughters of Yisro, they said

to their father, 'an Egyptian man saved us.' Moshe did nothing to correct this misinformation so he didn't merit burial in the holy land."

The officer's face showed great confusion and wonderment at once. After many conversations, the doctor admitted to the Rav that he was deeply impressed by the Rabbi's explanation of why Moshe had not merited burial in Eretz Yisrael while Yosef had. At that meeting he also said, "I don't know how you realized this Rabbi, but you were correct. I am a Jew."

Later, the Rav found out that the doctor had written to his wife in Germany: "I found here an entirely different type of Jew—a Jew who is proud to be a Jew and feels no embarrassment in this at all!" ■