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PARSHA ENCOUNTERS

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Parshas Beshalach ✍️ Rabbi Yossi Lowinger

Passing the Test

"He turned the sea to damp land and the waters split" (14,21).

The medrash tells us that initially, the sea refused to split, despite the fact that Moshe commanded it to in the name of Hashem. The sea claimed that because it was created on the third day of creation, and Moshe (a descendant of Adam) on the sixth day, it did not have to listen to Moshe's command to split itself. However, when the sea saw the coffin of Yosef, it split in his merit. The medrash expounds the possuk in Hallel, "the sea saw and fled", as referring to this idea. The sea saw the coffin of Yosef and was reminded of when Potifar's wife had tried to entice Yosef to sin. Yosef had run outside and left his coat with her. In Yosef's merit the sea split for the Jews.

The Be'er Yosef explains this medrash. The sea initially refused to split because it claimed that Hashem had created its nature to constantly be moving. To split now and freeze into stone-like walls was against its very nature, and it therefore refused to split. However, when the sea saw Yosef, who went against his nature to conquer his evil inclination, in a seemingly impossible way, it was then willing to split.

The gemora in Yoma (25B) details the different ideas that Potifar's wife used to try to entice Yosef to sin. On the day she was finally alone with him in the house, she grabbed him, and yet still Yosef ran away,

overcoming his evil inclination in a supernatural way. The medrash in Bereishis tells us that a noblewoman asked R' Yosi if it was really possible that Yosef didn't sin facing such a tough test. R' Yosi replied to her that the Torah doesn't hide the sins of great men. R' Yosi then read for her the incident of Reuvein and Bilhoh and the incident of Yehuda and Tamar. R' Yosi told her that if the Torah wrote about these incidents, when Reuvein and Yehudah were under their fathers' surveillance certainly it would write that Yosef sinned if he really had done so, considering that Yosef was young and all alone in Egypt.

It's clear from this medrash that what Yosef had done to defeat his evil inclination was something unbelievable; so much so that a noblewoman thought that the Torah was covering up the real story. It was in this great merit of Yosef's that the sea split itself. If Yosef could completely go against his nature for Hashem's will, then the sea could go against its nature to save Hashem's nation.

When a person is faced with a difficult nisayon (test), he should realize the tremendous merit he can acquire by overcoming his evil inclination and passing the test. May we all be zoche to withstand all our nisyonos, thus acquiring great merit for ourselves and all of Klal Yisroel.

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HALACHA ENCOUNTERS

In recent years the practice of adoption has become more common. [In the year 2000, 8% of children in America were being raised by people other than their biological parents] Below are many halachic questions concerning adoption:

Should one adopt a Jew versus a non-Jew?

At what point in time should parents notify the child that he/she is adopted?

What are the laws of a ger (convert to Judaism) who is a minor?

Do the laws regarding separation of genders such as yichud (which are not pertinent for a biological parent to a child) applicable to an adopted child?

Regarding the issue of adopting a Jew versus a gentile, both have their advantages and disadvantages.

To adopt a Jewish child who is lacking parents to raise him/her is a tremendous mitzvah. It is quoted in the name of the Steipler Gaon that he would tell infertile couples to adopt a child as a segulah to have children. There are even those who maintain that one fulfills his mitzvah of having children through adopting children. The gemora in Sanhedrin brings many proofs from Tanach that one who raises someone else's child is considered as if they raised their own child.

This being said, when adopting a Jewish child, one runs into major halachic problems regarding the yichus [lineage] of the child. One must verify whether the child is from a non-kosher relationship, the likes of which can never be repaired. There is a chance that the child's mother had been married to a different man prior to her marriage to this child's father, yet never received a kosher get (divorce) from her first husband. This would render the child "illegitimate", and he would be prohibited from marrying into the Jewish nation. Likewise, there is a problem if the child is never informed about his/her status as there is a possibility, albeit a remote one, that the child may end up marrying his biological sister, being that the child is unaware that he is adopted. This concern is mentioned in Yevamos (37).

To adopt a gentile on the other hand, circumvents this problem. For a gentile child, regardless of what type of relationship he came from, retains his status as a goy. The only consideration is transforming him from a gentile into a Jew, which will be explained shortly

Hagoan R' Moshe Feinstein Zt"l (Igro Moshe Y.D. siman 161) states the procedure for adopting a gentile child:

A Geirus (conversion) is required at the time of adoption. Both Milah and Tevillah must be done in front of a Beis Din so as to verify that the Milah is being done for the purpose of geirus.

At the time of the Milah, certain changes must be made:
The brocha of "Al hamilah" should be changed to "l'mul es hageirim".
The brocha "L'hachniso b'briso shel Avraham Avinu" should be omitted.
The brocha following the milah has an entirely different nusach.

Tevillah, although a fundamental element in the geirus procedure, cannot be performed on a baby. Therefore, Harav Moshe Feinstein Zt"l says that at this point, no name should be given to the child. It is better to wait until the child is able to be toveil himself in the mikvah (approximately two years old), and at that point, he should be given a name.

It is best not to procrastinate revealing to the child his true identity. If one has delayed, he must reveal this information to him when he turns thirteen. The reason for this is that the child must be given a chance to reject the original conversion. At that point, if he accepts the conversion, he is a regular Jew and can never again become a gentile, regardless of any effort on his part. However, should he reject the conversion, he is a regular gentile, and should he later on regret his decision, he would need the full geirus process as would any other non-Jew. [Aside from the above rationale, there are many other problems when one withholds from the child the truth about his origin.]

[There is a way however to secure custody of the child and not be worried that he may reject the geirus when he becomes an adult that is that when the parents acquire the child they should stipulate the child should be a slave when the time comes they free him and he automatically becomes a Jew even if he rejects. (Igro Moshe Y.D. siman 162) (This should not be done in places where the A.C.L.U. has authority.)]

The sefer Dvar Halacha, siman 7:20 quotes from the Chazon Ish that it is definitely prohibited for a "father" to be secluded in a room in a way that violates the laws of yichud with his adopted daughter (and likewise physical contact). The Chazon Ish points out that this prohibition is even more severe with the "father" than with any other man because the "father" is more comfortable with her.

Hagoan R' Moshe Feinstein (E.H. volume 4 siman 64,71) mentions a leniency for Yichud with an adopted daughter. No adoptive father would commit an illicit act with the daughter when he is certain that his wife will find out about it. This panic and fear is sufficient enough to be considered a "shomer," and thus "yichud" in this case would be permitted.

The Tzitz Eliezer (volume 6 siman 40:21) sees this situation from a different angle. In the Levush (E.H. 22:1), when explaining the reason for why there's no problem of yichud in a regular mother son relationship states that it is very odd for a mother to commit a sin with her son and likewise a father with his daughter. The logic behind this is that the daughter has grown up with her father and has always considered him as such. He surely feels the same way. Therefore it is assumed, that there is no appeal one for the other, and therefore Yichud would be permitted. The same line of reasoning should apply with an adopted child.

However, according to the majority of the poskim, it would seem that this is strictly forbidden. Obviously, when dealing with such a situation, one needs to consult a competent Posek.

One should never underestimate the responsibility of raising a ger katon. This can be illustrated with the following story. An elementary school teacher in Edison N.J. had a ger katon in his class of African American descent. The child would constantly misbehave and became a menace to anyone he came in contact with. The rabbi couldn't take it any longer and was contemplating the possibility of convincing the boy to reject conversion when he becomes bar-mitzvah. He sent his dilemma to Hagoan Rav Elyashiv Shlit"a and received the following response:

"It is upon every person who has a hashpah over this boy to see to it that he receives the best Torah education, for at this point he is 100% a kosher Jew and the fact that we give him an opportunity to object at 13 is a tremendous koolah, but never chas v'shalom should one even contemplate leading this child in that wrong direction."

Many times we see gerei katon, and we write them off as problem children without hope. However, in truth, we're all the more responsible to look over these children for their ultimate spiritual benefit.

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