

מאת מו"ה ברוך הירשפלד שליט"א
רב וקהל אהבת ישראל, קליבלנד הייטס

הלכה למעשה

A SERIES IN HALACHAH
LIVING A "TORAH" DAY

מעשר Laws of Tzedakah - Giving a Tenth

Source. Just as a Jewish farmer used to give a tenth of his produce to the poor, so too, should every person give a tenth of his profit earnings to *tzedakah* (1). Most *Poskim* hold that this is not an absolute obligation but rather a strong and desirable custom instituted by our *Avos*, Avrohom, Yitzchok and Yaakov (2). Some *Poskim* hold that it is a Biblical or Rabbinical obligation (3).

Advantage of not being a Neder. Even if *maaser* is only a custom, if one did it three times without saying: "*bli neder*" (without a promise), it becomes an obligation for him to continue (4). It is advisable not to make giving *maaser* a *neder* because there are a number of doubts in the calculation and distribution of *maaser* money, upon which one can be lenient if it's not a *neder* (5). This can be done in two ways:

- 1) Before one begins to distribute *maaser* money, he announces that it is "*bli neder*" as mentioned before.
- 2) If this was not done, one can say in front of 3 people that he regrets not saying "*bli neder*". They then say to him: "מותר לך" (you are released). He also must speak out that any future *maaser* money that he gives should not become a *neder* obligation on him.

The Attitude towards giving Maaser. When setting aside *maaser* money, one's attitude should be that he has taken *Hashem* in as a partner and every profit that he makes is a

(1) תוספות תענית ט. (2) אהבת חסד בוחא (3) ט"ו י"ד שלא לב (4) שו"ת חתם סופר י"ד רלא (5) אהבת חסד בכמה מקומות (6) אהבת חסד ביחב

הוא היה אומר...

R' Yaakov Yosef of Polnoa ZT"L (Toldos Yaakov Yosef) would say:

"The *Torah* demands of the Jewish People: "*Judges you shall appoint upon yourself.*" The *Torah* is telling every person who is in a position of power, whether he is a judge, an officer, etc. that the same criteria and set of rules that you use to judge others you should apply to yourself as well. Demand of yourself the same *Yiras Shomayim* - Fear of G-d, that you demand from those you are judging."

Rabbeinu Dovid Ben Yosef Avudraham ZT"L would say:

"When you are *davening* in deep concentration and thought, know that prayer is accepted with the amount of concentration it is said with."

R' Shamshon Raphael Hirsch ZT"L would say:

"When the Almighty created the world, He took into consideration even the smallest of creatures. He did not give life to any being for which no provision was not made in this world. The thought that no creature is insignificant should make every person aware that living on earth deserves respect because it itself bears the stamp of the Almighty. Thus, we too, ought to respect ourselves as creatures of the Almighty."

MAZEL TOV TO MR & MRS YORAM OZERI ON THE UPCOMING MARRIAGE OF THEIR DAUGHTER Yael
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שבת קודש פרשת שפטים - פרק א' דאגות Shabbos Parshas Shoftim - First Perek ד' אלול תשס"ז - August 18, 2007

הדלקת נרות שבת - 7:35 *	(Monsey, NY)	מנחה גדולה / שבת - 1:34
זמן קריאת שמע/מ"א - 8:58	~~~~~	שקיעה של יום השבת - 7:51
זמן קריאת שמע/ הגר"א - 9:34	~~~~~	צאת הכוכבים / מעריב - 8:41
סוף זמן התפילה / להגר"א - 10:43	~~~~~	צאה"כ / לשיטת רבינו תם - 9:03
* פלג המנחה בע"ש בשעה 6:25 - מי שמדליק מוקדם, אין לאחר מזמן עצם קבלת השבת (משיאמר "בואי כלה")		

מאוצרותיו של המגיד

מאת הרב שלום פערל שליט"א
נ"נ בשיבת הגר"צ קושלבסקי

לקחי חיים ודברי התעוררות
נסדרו עפ"י פרשיות השבוע

שפטים ושטרים תתן לך בכל שערך וכו' (טז-יח)

צטונו בזה למנות עלינו דיינים לפסוק הדין, ושטרים לבצע פסק הדין בפועל, כדי להעמיד הצדק על מכונו, ולהשרות שלום בינו. ויש להבין לשון הכתוב "לך", שמשמעותו שמדברים ליחד, והלא מדובר פה בחובת הציבור?

הנה בדברים רבה (ה' ב') איתא: זה שאמר הכתוב, "לך אל נמלה עצל, ראה דרכיה וחכם וגו', תכין בקיץ לחמה וגו' (משלי ז'), מה ראה שלמה ללמד לעצל מן הנמלה? רבן אמרי, הנמלה הוא שלשה בתים יש לה, ואינה כונסת בעליון מפני הדלף (גשמים), ולא בתחתון מפני הטינה (קור), אלא באמצעי, ואינה חיה אלא ששה חדשים וכו', וכל מאכלה אינה אלא חטה ומחצה, והיא הולכת ומכנסת בקיץ כל מה שמוצאה חטין ושעורין ועדשים וכו', שאמרה שמה יגזור עלי הקב"ה חיים, ויהיה לי מוכן לאכול. לפיכך אמר שלמה, "לך אל נמלה עצל ראה דרכיה וחכם", אף אתם התקינו לכם מצות מן העוה"ז לעוה"ב עכ"ל. ומבואר שעלינו ללמוד מהנמלה המכונה עבור עתידה, שדואגת לשמור מאכלה מהפסד, ואוגרת בלי סוף, על צד הספק שמה תחיה. וכ"ש אנן, שודאי מוכן עבורנו עתיד נפלא [כל ישראל יש להם חלק לעוה"ב" (סנהדרין ז.א.)], עלינו לשמור עצמנו מהפסד רוחני, ולאגור אוצרות רוחניים, עמל התורה וקיום המצוות, ככל אשר תשיג ידנו. ויעוין בשל"ה שמבאר עניין "שופטים ושטרים" על דרך המוסר וז"ל: בכאן יש רמז מוסר להא דתנן בספר יצירה, "שבעה שערים הם

בנפש, שתי עינים, שתי אזנים, והפה, ושני נקבי האף". וצריך האדם להיות שומר השערים, דהיינו הראייה והשמיעה והדיבור, והכעס היוצא מאף. וישים בהם שופטים ושטרים, כלומר שידע להשתמש בחושי באופן שישמר מהפסד רוחני, ושעל ידיהם יתקרב להקב"ה ("שופטים"), וגם שבפועל יקבע דרך חייו כך ("שטרים"). והוא שאמר "תתן לך" לשון יחיד, על עצמך. ולפי"ז מובן השייכות של דברי המדרש להפסוק, שהוקשה לו זה שכתוב "לך", ויישבו שמרמות שעל האדם להיות שופט ושטרי על עצמו, לצל חייו להכנת נצחיות, וכמו הנמלה שכל הזמן מכינה לחייה העתידיים. "סכותה לראשי ביום נשק" (תהילים קמ', ח'), ואיתא בילקוט (שם, תתפח): "ביום שישקו (יתחברו) שני עולמות זה לזה", וכוונתו שכלל ישראל מתפללים לה', שבעקבתא דמשיחא, שרודפים אנשי העולם אחר התענוגים, ושוכחים שמטרתם בעוה"ז להכין לעולם הנצח, יגן ה' עליהם שלא ישכחו תפקידם, ותמיד יכינו לנצחיותם, והיינו שמתפללים "סכותה לראשי", שגן עליו, "ביום נשק", ביום שישכחו אנשי העולם מחיבור שני העולמות, (שעוה"ז אינו אלא הכנה לעוה"ב), שלא נשכח גם אנו את החיבור בין העולמות, ונכין כל הזמן לעולמינו הנצחי (מזן הרב שך זצ"ל). וכשנכנסים לחדש אלול, בו היהודי נזכר שעליו להכין לנצחיותו, קוראים אנו בפרשת שופטים שמזכירה לנו את זה.

as a Prime Minister!” Indeed, throughout his long career, Peres remarked on a number of occasions that he felt as if a curse hung over his head when it came to his failures in Israeli politics. **R’ Chaim Kanievsky Shlit”a** was recently asked about this and he said, “Of course there is a curse - it is my father’s curse!”

Another incident regarding Shimon Peres and his quest to force *Yeshivah* students into military service, involved the great *mashgiach*, **R’ Yechezkel Abramsky ZT”L**. R’ Chatzkel as he was known, lived a long and fruitful life, and even as he approached the age of ninety, he remained fresh and vigorous. During the last years of his life, he remained one the last vestiges of a previous generation. His stature was increased in the Jewish community and in the *Torah* world. He was chosen to head the *Vaad HaYeshivos* and the *Chinuch Atzmai* schools. People looked upon him as an “eternal light” which the *Ribono Shel Olam* in his abundant kindness had left burning to light the way for the coming generation. As in the Prophet Yechezkel’s vision, he too, breathed fresh life into the “dry bones” of a nation left devastated by the Holocaust.

Thus, when the danger of enforced military service became a real and treacherous threat to *yeshivah* students, it was to R’ Chatzkel whom everyone turned to spearhead the movement against the proposed law. Many discussions were held and the *yeshivah* community made their intentions very clear that they would fight tooth and nail against this sinister proposal. Finally, Shimon Peres, then the Director General of the Ministry of Defense, called a meeting of senior *Roshei Yeshivah* in an effort to formulate a mutually acceptable solution to the problem.

When all were seated and the meeting was called to order, R’ Chatzkel, the head of the *Yeshivah* delegation, turned to Peres with a pleasant smile, and calmly asked, “May I open my remarks with the words I had planned to use in closing?”

Peres, of course, assented, and R’ Chatzkel said the following in a serious mein: “We have come to tell his honor that the matter is not open to discussion, and no compromise is possible. The *Torah* is our lifeblood and the *yeshivos* are our homes. Is it at all possible to split a living organism in two?”

To the credit of Mr. Peres, it must also be related that he listened to R’ Chatzkel’s short speech, then turned his position paper face down on the table, indicating that the subject was closed, and the discussion turned to other matters.

On another occasion, when R’ Chatzkel was appearing before a ministerial investigating committee, he read them the words from the *Talmud Yerushalmi* (תענית פרק ד) about *Bar Kochba* and *Rabi Eliezer HaModai*. As long as Rabi Eliezer prayed, Beitar did not fall, but after *Bar Kochba* had him put to death, the city walls were finally breached. R’ Chatzkel finished reading, looked the ministers in the eyes and cried out in a stinging voice, “*Yeshiva* students are the *Rabi Eliezer HaModai* of our generation! If, Heaven forbid, you do away with them, what will become of you?” His words had the desired effect and the ministers shelved the proposal.

משל למה חדבר רומה

לבלתי רום לבכו מאחיו ולבלתי סור מן המצוה ימין ושמאלו וכו' (זי-ה)

משל: During WWI, the Turkish Pasha (governor) visited the city of Tzefas. He was perched on a white steed, accompanied by an entourage of soldiers. He wore a flashy uniform, and a glossy medallion which indicated his high rank, hung from his neck.

When **R’ Shlomo Eliezer Alfandri ZT”L** heard of his arrival, he went out to greet him. The Pasha was awed by the appearance of the “סבא קדישא” - “*Holy Grandfather*” and asked him for a blessing.

R’ Shlomo Eliezer replied, “Only the humble can receive blessings. I will bless you after you come down from your horse.” Amazingly, the Pasha got off his horse and lowered his head to receive the

blessing. “May Almighty G-d help you in your efforts to see to the needs of the oppressed Jewish nation.”

The Pasha was very impressed by R’ Shlomo Eliezer and, as a result of that encounter, he made sure that the residents of Tzefas had sufficient food and water.

נמשל: A king, prophet or even community leader is charged with the welfare of his constituents. His constituents, on the other hand, are charged with an even more daunting task: To ensure that their leader does not become “full of himself” - arrogant, brash and unyielding. For “עבירה גוררת עבירה” - “*Sin begets sin*” and a leader who will become conceited will stray from the path of *Torah* and *mitzvos*.

TORAH GEMS

צדק צדק תרדף למען תחיה ודשית את הארץ אשר ה' אלקיך נתן לך (טו-טז)

The *Torah* clearly delineates that when the Jewish people will follow a path of righteousness, they will surely live and inherit the Land of Israel. The use of the word “צדק” - “*Righteousness*” in a double form is unusual. Why must the *posuk* spell out “צדק צדק” - an extra degree of righteousness in conjunction with the future existence of *Klal Yisroel* and their inheritance of *Eretz Yisroel*?

The **Sefas Emes, R’ Yehudah Leib Alter ZT”L**, explains that even justice must be pursued with justice. Many times a person goes out to fight for a just matter, but he does not choose the proper means for his fight and turns from the victim into the merciless pursuer. This is a perversion of justice, rather than a performance of justice. We, as Jews who have felt the wrath of the nations of the world and are often oppressed because of our allegiance to *Hashem* and His *Torah*, must never forget that although we may eventually have an opportunity to avenge those who oppress us, we must only do so within the framework of justice. Feelings of self-empowerment can only bring about destruction from within for a person’s conscience must remain clean and pure when he is doing a service for his family, his community and his Nation. This concept ensures our survival as His “Chosen Nation” and only through our path of “extra” righteousness - an amalgamation of mercy, modesty and kindness (רחמנים, ביישנים, גומלי חסדים) - can we survive.

It is said that the great *Baal Mussar*, **R’ Yisroel Salanter ZT”L** once commented to one who wanted to go to war for a just cause: “Remember, if you are correct, see that you remain correct!”

מעשה אבות ... סימן לבנים

שמע ישראל אתם קרבים היום למלחמה על איביכם... אל תיראו ואל תחפזו ואל תערצו מפניהם (כ-ג)

The most recent Israeli elections produced an event unprecedented in Israeli politics: Shimon Peres was elected as President of the State of Israel. Peres began his career as a top aide to Israel's first prime minister, David Ben-Gurion, but never won an election for that coveted position outright. His record of losing eight elections over his half-century in politics, had tarnished his luster as an elder statesman and had left him with the unflattering label of “perennial loser” until his election as President, a mostly ceremonial post.

During one of the races for Prime Minister, Peres ran on a platform promoting the idea that *Yeshivah* students should not be exempt from serving in the army and he vowed that were he to be elected, he would ensure that this would come to fruition. When this news was told to the holy **Steipler Gaon, R’ Yaakov Yisroel Kanievsky ZT”L**, he exclaimed, “*He will never be (elected)*” - “ער וועט קיין מאל נט זיין א ראש ממשלה”!

מי האיש אשר בנה בית חדש ולא חנכו יחד ויטב לביתו פן ימות במלחמה (כ-ה)

Rashi explains that if a person were to build himself a house but would be unable to live in it, while another person would end up taking over his home and living in it, he is exempt from going out to war because, “*this would be a matter of great aggravation to him.*” The person would experience tremendous pain and grief specifically regarding someone else living in the house. If he would die in war, that would not be enough of a tragedy to justify a deferment. But the thought that someone else would live in his house is unbearable! It would drive him crazy. It would affect his morale to such an extent that he could not be an effective soldier. The *Torah* recognized this reality and excused such a soldier from the army, lest his negative morale effect the whole military unit.

R’ Leib Chasman ZT”L explains that the *Torah* understands the nature of human beings. A human being may not be so upset at the specter of never having lived in a house that he built. But the prospect of building a house, never living in it, and someone else living in that house, is too much to bear. But the *Torah* is also giving us *mussar*. For if we were more spiritual and had loftier character traits, we would have a different perspective. We would feel differently about someone else living in our house. We would think, “If I cannot live in this house at least somebody else will be able to live there.” The “aggravation” that Rashi is referring to is caused by our own poor character traits. Our lack of generosity of spirit causes our aggravation.

The biggest incentive a person has to be a less selfish person is that he will become a happier person, because he will not be constantly “aggravated” by his own selfishness and jealousies.