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שבת קודש פרשת משפטים Shabbos Parshas Mishpatim כ"ד שבט תשע"א - January 29, 2011

הגה"צ רבי גמליאל הכהן רבינוביץ שליט"א
ראש ישיבת שערי השמים בירושלים עה"ק

טיב התבלין

שמעתי על הגאון ר' משה פיינשטיין זצ"ל שהתאונן פעם על כך דהלא שו"ע חו"מ גדול יותר מאו"ח ויר"ד ביחד, ומה זאת שכמעט ואין שואלים אותי בעניני ממונות וכל אחד נעשה פוסק לעצמו בענינים אלו, בעוד שכאו"א מזדמנים לו כסדר שאלות על כל הענינים האחרים שבתורה. כמה צריך האדם להיזהר בזה, הלא לכה"פ היה לו להרגיש אחריות שיהא כספו כסף נקי וטהור לא פחות ממה שחושב בעת שבא לקנות איזה מאכל שמברר או בירור אחר בירור אודות כשרותו של המאכל שמעתי פעם מהג"ר **זונדל קרויזר שליט"א** שאמר לאחד שאם יקראחו לאכול בביתו לא ימנע את עצמו מכך כי יודע הוא עליו שמקפיד הוא לקנות רק בהכשר מהודר, אך אם ירצה להנותו מכספו לא יסכים לקחת ממנו בשום פנים ואופן כי כל כספו כסף טרף שלא בא לידו ביושר. יקח כל אחד את הדברים לתשומת ליבו להיזהר היטיב בממון הזולת, ובפרט אלו העוסקים בדמשא ומתן אשר בודאי מזדמן להם הרבה שאלות בעניני ממונות, ויקבל כל אחד בעצמו שלא להקל ראש בכך אלא על כל שאלה המתעוררת בענינים אלו יעשה שאלת חכם ויתנהג על פי הוראתו.

מאת הרב שלום פערל שליט"א
מגיד מושרים בק"ק בית שמש

מאוצרותיו של המגיד

אם כסף תלוה את עמי את העני עמך וגו' (כב-כד) – מדוע חיוב הלוואה נכתב בלשון רשות-אם' (רש"י), שאם הוא לא בא, בא בנו, ואם בנו לא בא, בן בנו בא, שנאמר 'כי בגלל הדבר הזה' וכו', לגלגל הוא שחוזר בעולם', והיינו שהגלגל קצתו למעלה וקצתו למטה, ונמצא שהסיבה לעניותו של העני הוא עשירותו של העשיר, שלפי שהכוכב של העשיר הוא ברום הגלגל, הכוכב של העני הוא למטה, ולזה אמר 'את העני עמך', היינו שאותה הסיבה שהוא עני. וזוהי כוונת הפסוק, 'נתן נתן לו', היינו שאם נתן לו, ישאיר ה' את הגלגל כפי שהוא עכשו ויברכך וגו'. ולזה אמר, 'כי לא יחדל אביון מקרב הארץ', היינו שבהכרח יהיה הגלגל קצתו למעלה וקצתו למטה, ויעל כן אנכי מצוך לאמר, 'היינו שלכן אני מייגע ומצווה לך, 'פתוח תפתח את ידך לאחיק לעניך ולאביונך וגו'', ואז ישאר הוא האביון המקבל, ואתה העשיר הנותן". ועפ"ז הוא ממשיך לבאר גם את הפסוק דנן, 'אם כסף תלוה את עמי, את העני עמך', "אם כסף תלוה את עמי, הרי טוב, ואם לאו, העניות יהיה עמך". ומעתה יש ליישב מדוע חיוב הלוואה נכתב בל' רשות, כיון שרצה לרמוז גם על זה - 'אם כסף תלוה את עמי, הרי טוב, ואם לאו, העניות יהיה עמך'.

לעילוי נשמת ר' אברהם יוסף שמואל אלתר בן ר' טובי ז"ל ורעייתו רישיא רחל בת ר' אברהם שלמה ע"ה
(Monsey, NY)
הדלקת נרות לשבת – 4:50
זמן קריאת שמע/מ"א – 9:04
זמן קריאת שמע/הגר"א – 9:40
סוף זמן תפילה / הגר"א – 10:30
שקיעת החמה ליום השבת – 5:09
מוצג"ק צאה"כ/ מעדים – 5:59
צאה"כ/לשיטת רבינו תם- 6:21

שבת מברכים חודש אדר א'
מולד: דאנערשטאג (יום ה')
11:16 פ"ס 6 חלקים

רעיונות ופירושים לעורך את האדם לעבודת
הש"י"ת והתחזקות באמונה ובטחון מאת

ואלה המשפטים אשר תשים לפניהם (כא-א) – הזוהרות בממון הזולת צריך להיות לא פחות מן הזוהירות בשמירת שבת פ"רש"י ואלה מוסיק על הראשונים, מה הראשונים מסיני אף אלו מסיני. והנה לכאורה הענין תמוה כי בסוף הפרשה אנו מוצאים שהמשך את כל הענין של מתן תורה כמ"ש ואל משה אמר עלה אל ה' וכו', ואם כן מה זה שהפסיק באמצע בכל הפרשה של משפטים ולא כתבה לאחר שגמר את הענין של מתן תורה. אכן יש כאן ענין עמוק מאד, כי הלא ידוע שיש הרבה אנשים אשר נוהגים ומדקדקים בכל המצוות ומוסיפים הידורים וחומרות בהרבה מן המצוות, מקיימים את העשרת הדברות בהידור רב, כל חומרא והנהגה הנוגע לענין שמירת שבת תופש אצלם חשיבות עליונה, אך כל זה עד שמגיעים לפרשת המשפטים שהם ההלכות הנוגעות לעניני ממונות, כי בבוא אצלם ענין הקשור לממון הרי הם נטבעים במצולות ים וכל הנהגות דומה כאותו עורר המגשש באפילה, לא יראו ולא יביטו האזן שנכשלים לפעמים בעוון גילה ממש, וכלפי אלו האנשים בא התורה להורות כי פרשת המשפטים אינו תורה בפנ"ע, לא ולא! כי כל דיני ממונות הם המשך אחד של מעמד הר סיני ועשרת הדברות.

לקחי חיים ודברי התעוררות
נסדרו עפ"י פרשיות השבוע

אם כסף תלוה את עמי את העני עמך וגו' (כב-כד) – מדוע חיוב הלוואה נכתב בלשון רשות-אם' (רש"י), שאם הוא לא בא, בא בנו, ואם בנו לא בא, בן בנו בא, שנאמר 'כי בגלל הדבר הזה' וכו', לגלגל הוא שחוזר בעולם', והיינו שהגלגל קצתו למעלה וקצתו למטה, ונמצא שהסיבה לעניותו של העני הוא עשירותו של העשיר, שלפי שהכוכב של העשיר הוא ברום הגלגל, הכוכב של העני הוא למטה, ולזה אמר 'את העני עמך', היינו שאותה הסיבה שהוא עני. וזוהי כוונת הפסוק, 'נתן נתן לו', היינו שאם נתן לו, ישאיר ה' את הגלגל כפי שהוא עכשו ויברכך וגו'. ולזה אמר, 'כי לא יחדל אביון מקרב הארץ', היינו שבהכרח יהיה הגלגל קצתו למעלה וקצתו למטה, ויעל כן אנכי מצוך לאמר, 'היינו שלכן אני מייגע ומצווה לך, 'פתוח תפתח את ידך לאחיק לעניך ולאביונך וגו'', ואז ישאר הוא האביון המקבל, ואתה העשיר הנותן". ועפ"ז הוא ממשיך לבאר גם את הפסוק דנן, 'אם כסף תלוה את עמי, את העני עמך', "אם כסף תלוה את עמי, הרי טוב, ואם לאו, העניות יהיה עמך". ומעתה יש ליישב מדוע חיוב הלוואה נכתב בל' רשות, כיון שרצה לרמוז גם על זה - 'אם כסף תלוה את עמי, הרי טוב, ואם לאו, העניות יהיה עמך'.

What the **Beis Halevi** was trying to impart was that a halachic *shailah* - any *shailah*, from the most intelligent to the most mediocre - is important. There are things that may appear to be trivial to us, but we should always respect the

A SERIES IN HALACHA LIVING A “TORAH” DAY The Halachos of Praying for the Sick (32)

Defining a Sick Person for Saying Hagomel. Last week we ended off with trying to define which sick people say *Hagomel* when cured. It was mentioned that certain procedures that were once considered dangerous have become routinely safe and one should ask his specific case to a *Rav*. It is assumed that one who recovers from a heart attack, stroke, kidney, liver dysfunction, and the like on inner organs; or operations on such inner organs including the eyes, makes the *beracha Hagomel*. One should ask a *Rav* about a bone operation, procedures involve checking the heart, severe diabetes that was brought under control, emotional and mental conditions that were cured or brought under control, etc. Some *Rabbanim* in borderline cases combine the opinion we mentioned that a person who was ill in bed for 3 days does say *Hagomel* and advise making the *beracha*.

Until when to Make the Beracha. Once a person becomes obligated to say *Birchas Hagomel*, he should try to say it within three days ⁽¹⁾ after the “incident.” If that was not done he should try to say it within five days ⁽²⁾, or at the very least, within 30 days ⁽³⁾. The reason for these time-periods is because a person should say the *beracha* with the maximum gratitude for his Heavenly salvation, and while the happiness is still fresh in his mind. If these preferred time-spans passed, one can still *bentch Hagomel* even much later ⁽⁴⁾. The **Aruch Hashulchan**⁽⁵⁾ writes that if so much time went by and the whole episode is basically

Sefer Hamaamarim V’Hakuntresim writes:

“When the *Torah* was given at *Har Sinai*, the essence of *Hashem’s* infinite light was revealed in the letters of the Ten Commandments. At the same time, *Hashem* imbued every Jewish soul throughout the generations, in every age and in every location, with the power to draw down the same revelation through the study of *Torah*.”

R’ Yechezkel Abramsky ZT”L (Chief Rabbi of London) would say:

“Since I entered adulthood, I never ceased from *Torah* study. While I eat, I think about learning; when I walk, I think about learning; when I talk with people, I think about learning! When I was freed from the camp in Siberia, I was appointed head of the rabbinical court in London. On the way from my home to the court, I would pass by a bridge stretched over the river. You cannot imagine how many tears of mine that bridge absorbed day in and day out, as I cried before the Creator that I may earn a share not only in the study of *Torah*, but in the supporting of *Torah*!”

A Wise Rabbi would say:

“Just going to *shul* doesn’t make you into a *tzaddik* any more than just standing in a garage makes you into a car!”
THIS WEEK’S ISSUE DEDICATED BY DR. AND MRS. LESLIE BENNETT
לעילוי נשמת רב אהרן בן רב יששכר בענגעט ז"ל – נפטר כ"ט שבט – תהא נשמתו צרורה בצלור החיים
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perception of others. The worst thing a *Rav*, or any Jew for that matter, can do, is trivialize something as insignificant, for that might result in the ignorant taking liberties and ignoring issues that are of actual substance.

מאת מנ"ה ברוך הירשפלד שליט"א
רב דקהא אהבת ישראל, קליבלנד הייטס
forgotten, he should not say the *beracha* any more.

Keeping Things Quiet. Sometimes a person - for many good reasons - does not want his circle of friends to know about his illness and cure (or accident, or trip, etc.). He can push off saying the *beracha* until he finds the proper setting, where he can say it without people finding out ⁽⁶⁾.

Aveilus and Tisha B’Av. One may recite *Hagomel* while sitting *Shiva* and on *Tisha B’Av*. While sitting *Shiva* ו"ל, he cannot receive an *Aliya*, and should say the *beracha* without getting an *Aliya* ⁽⁷⁾. Similarly, at any time when the *Aliyos* are all taken, one can make the *beracha* without getting an *Aliya*.

One Person Saying for Others. Just as is customary with most *berachos*, that one person can be *motzi* (exempt) others, so too, with *Birchas Hagomel*, one who is obligated can exempt others with his *beracha* ⁽⁸⁾. One who has a doubt about saying *Hagomel*, or is embarrassed to say it in public, is permitted to ask someone who is making *Hagomel* anyway, to be *motzi* him. There is, however, a custom that unless there is a very good reason for it, each person should make his own *beracha* ⁽⁹⁾.

Concepts in Prayer for the Sick. In this last of the series, it is appropriate to mention, in short, some concepts about praying for the sick, even though they not in the realm of *halacha* (some have been mentioned earlier.) For example, one who davens for the sick: 1) fulfills the *mitzvah* of לרעד כמוך; 2) should have in mind that the cure will bring about more *mitzvos*.

הוא היה אומר

(1) אר"ח ריטו (2) באה"ט שפיט (3) מ"ב ריטח (4)
שפיט (5) שפיט (6) להורות נתן טו (7) פסק"ת ריטח
(8) אר"ח ריטח (9) שפיט

מעשה אבות סימן לבנים

כי יבער איש שדה או כרם ושלח את בעירה ובער בשדה אחר מיטב שדהו ומיטב כרמו ישלם וגו' (כב-ד)

During the upheaval that brought countries and communities all across Europe to a virtual standstill, Jews were forced to relocate from city to city quite frequently and often with little time to prepare for the journey. Families were pushed out in the middle of the night and roads were increasingly clogged with vagabond travelers who often had no real place to go.

In the Hungarian town of Urshava, the *Av Bais Din* and his family, the illustrious and future **Satmar Rebbe, R' Yoel Teitelbaum ZT"l**, arrived in the city of Grosswardein unannounced, but it did not take long before the small chasidic kehilla invited him to join their *Beis Medrash*. Even as a young man of thirty years old, R' Yoilish, as he was belovedly known, had a reputation that preceded him, as someone “who knows how to learn,” and the chasidic, as well as the non-chasidic townspeople of Grosswardein, appreciated a scholar of note.

Thus, on the first Friday night after he arrived, hundreds of curious onlookers came to the small *shtiebel* to meet and greet the young scholar. For most of the guests, this style of *tefillah*, and later the *tish* that was held in his honor, was foreign to them, for they had no idea even what a “*Rebbe*” was, but it wasn’t long before the shul overflowed into the courtyard, which soon flowed out onto the street. All came to witness this wondrous, scholarly, chasidic *Rebbe*.

However, the resident scholars of Grosswardein were not impressed with the reports about this new phenom, and to their mind, only scholars who studied in the style of the **Chasam Sofer, Ksav Sofer**, and other Hungarian *Torah* giants, were capable of understanding the depths of *Torah* knowledge. In fact, many of these scholars were extremely knowledgeable in all aspects of *Torah*, and their significant prowess allowed them to believe that no one else was their equal in *Torah* study. As a result, they refused to recognize the reports about this young chasidic scholar, or to even find out for themselves. Not only did they not attend the Friday night services with R' Yoilish, but on *Motzei Shabbos*, the scholars held their annual *siyum hashas*, with many prominent speakers and deeply intelligent thinkers delivering Talmudic discourses into the wee hours of morning, and they refused to invite R' Yoilish to attend or even give a *shiur* to demonstrate his Talmudic ability.

R' Yoilish was not one to become insulted by their obvious slight to his honor and planned on holding his own *Melava Malka* in the *shtiebel*. However, the small, but vocal group of *chassidim* in Grosswardein, would not accept such a slight and made numerous attempts to have R' Yoilish added to the roster with all the recognized scholars of the city.

Eventually their efforts bore fruit. Late on *Motzei Shabbos*, just as R' Yoilish was sitting down to his own *Melava Malka*, a delegation came from the other side of town asking the young *Av Beis Din* of Urshava, to join the *siyum hashas* in progress. He accepted graciously, to the chagrin of the chasidic organizers who had just finished preparing their own *Melava Malka*, and accompanied by his supporters, set out for the large hall on the other side of town.

As he entered the hall and all eyes turned to him, he was summarily asked to deliver a *shiur* of his own on the *sugya* they were dealing with at the time. The scholars relished watching the young man squirm in an effort to come up with something to say on the spot, but R' Yoilish was non-plussed. As he stood up before the large gathering, filled to capacity with Talmudic scholars, he was struck by the vision that he beheld: Hundreds of scholars and practically not a one sporting a beard! Unlike the *chassidim* and scholars in almost every other major city, the scholars of Grosswardein were progressive to the point that they felt that a beard was a sign of ignorance, rather than knowledge!

The hall was quiet as R' Yoilish stood up and began to speak. “I have been asked to speak on the *sugya* of 'היק שאינו ניכר' (damage that is not noticeable) and looking around this room, a new interpretation of these words struck me: 'היזק' - it truly is unfortunate and damaging, when 'שאינו ניכר' - it is not noticeable on all your faces, the ultimate sign of a *yid*, and especially a *Torah* scholar. Without as much a beard, it is truly 'אינו ניכר' - not recognizable, what type of Jew you are!”

משל' למה הדבר דומה

כי אם שמוע תשמע בקולו ועשית כל אשר אדבר וכי' (כג-כ)

משל' One *Shabbos*, a number of congregants in the *Beis Medrash* of the *rav* of Brisk, **R' Yosef Dov Halevi Soloveitchik ZT"l (Beis Halevi)**, came to him with an urgent appeal: They needed to know what time the *molad* (appearance of the new moon) was to be that month.

The mind of this great sage was occupied by matters of far greater significance, but he knew that to these simple townsfolk this information was just as important, and he did not wish to trivialize it to them.

R' Yosef Dov responded, “This is an important question.

Please bring me a calendar, and I will tell you when it is.”

The people promptly searched for a calendar but returned empty-handed. R' Yosef Dov, though, maintained a serious demeanor. “In the event there is no calendar available, the *halacha* then permits me to pronounce the *molad* from memory.” Making a quick calculation, he then quoted an approximate time for the *molad*, and the people went away satisfied. Since the precise time does not in any way affect *halachah* or practice, there was no danger or impropriety in giving an approximate rather than an exact time.

ראשית ביכורי אדמתך תביא בית ה' אלקיך לא תבשל גדי בחלב אמו וגו' (כג-ט)

Why did the Holy One, blessed be He, forbid the *Bnei Yisroel* from eating meat with milk? What is the reason behind this prohibition? What does meat represent, and what does milk represent, such that it is forbidden for them to come into contact with one another?

Chacham Rabbeinu Dovid Pinto Shlit'a expounds on the *gemara* (שבת סד:): “*Whatever the Sages prohibited for appearances sake (מראית עין), it is prohibited even in one's innermost chambers.*” Let us think about the number of things that people do in their homes, things that they would be ashamed of doing in front of people. It is simply because they are afraid of what “others will say,” not about what *Hashem* will say. *Hashem* will demand an accounting from us on the day of judgment, yet what will we say? What answer will we be able to give on the day of rebuke?

The *Torah* therefore prohibits us from mixing meat with milk, meaning that *Hashem* commands everyone to make a distinction between meat and milk in their homes. What is the objective of this? As we all know, meat is red, which alludes to impurity (red connotes forbidden things) and transgressions. Milk, however, is white, alluding to purity - to permitted and legitimate items. By this, *Hashem* tells His holy nation to make a distinction between holiness and impurity in their homes. If such is the case with this *mitzvah*, we must act in the same way for all the *mitzvos*. We must not mix things up. We must always act with holiness and purity. even inside the home, not just outside of it. We must always have *Yiras Shamayim* (fear of Heaven) both in private and in public, even when it is difficult and even when we encounter trials. It is only in this way that we will merit all the good that is reserved for the *Tzaddikim*, *Hashem's* great reward.

EDITORIAL AND INSIGHTS
ON THE WEEKLY MIDDAH OF ...

מסרה

Two of the most significant words in Jewish history are surely: "נעשה ונשמע" - the words spoken by all Jews on *Har Sinai*, so many years ago. And yet, these two words hold the key to a true acceptance of the *Torah*, for each and every one of us.

“We will hear,” is the study of *Torah* for its own sake. And if one should think that this type of learning is any less important than the type that leads to action, he must realize that there are certain *mitzvos* in the *Torah* that will never actually be performed - for example a “rebellious son (סנהדרין עא.)” - and yet we study these laws like we would any other *mitzvah*!

It is because *Torah* study is not simply a means to an end - it is our ultimate goal! Secular studies is made for the sole purpose of becoming “something” in life - a doctor, a lawyer, etc. However, *Torah* is nothing less than the goal itself! The **Zohar** identifies the *Torah* with *Hashem* Himself, and every letter of *Torah*, every second of *Torah* study - a Jew incorporates *Hakadosh Boruch Hu* into himself! He becomes ONE with *Hashem*!

Some parents would rather provide their children with a secure financial future, and be less concerned with the level of their children’s *Torah* education, because they don’t feel like they see “tangible” results. However, exhorts **Rabbi Dr. Abraham J. Twerski Shlit'a**, what these parents must also realize is that they have a responsibility to provide their children with a “goal” in life, just as much as they provide them a “means” for life! And *Torah* is a Jew - every Jew’s - ultimate goal”!

ואל אצילי בני ישראל לא שלח ידו ויחזו את האלקים ואכלו וישתו וגו' (כד-יא)

The *parsha* describes the awesome sight that beheld the Jewish people, as their great leaders, Moshe and Aharon, and the seventy elders, stood at various levels on *Har Sinai*, and received the *Torah*. The elders, though, were punished: “*To the great men of Bnei Yisroel, He did not stretch out His hand - they gazed at Hashem, and ate and drank.*” Rashi explains that the elders looked at the *Shechina* without the proper reverence - while they ate and drank.

The **Pressburger Rav, R' Akiva Sofer ZT"l (Daas Sofer)** adds that Moshe was on the mountain for forty days and nights, and he ate nothing the entire time. He became so attached to *Hashem* that he was oblivious to any physical needs. Instead, the spiritual sustenance that his soul drew from this closeness was sufficient to sustain him.

On the other hand, the elders did not allow this amazing experience to change them. They remained attached to their physical beings, and that was their sin. When a person has an opportunity to attain a higher spiritual level, and he lets the opportunity pass him by, he has sinned.

The **Biala Rebbe, R' Ben Zion Rabinowitz Shlit'a** offers another explanation: *Hashem* commanded that no one but Moshe ascend to the top of *Har Sinai*. Aharon was allowed to ascend part of the way, as were Nadav and Avihu and the elders, but each one only to his own level. The reason *Hashem* established such boundaries was to teach that a person should not try to reach a higher spiritual level than he is ready for. The elders did not understand this. Instead of looking with proper reverence, they “*gazed at Hashem*” - lightly, as if they were eating and drinking. This improper attitude resulted from not being prepared for the experience. In contrast, by Moshe, the *posuk* states: “*Moshe hid his face, for he was afraid to gaze towards Hashem.*”

FROM THE WELLSPRINGS OF
R' GUTTMAN - RAMAT SHLOMO

ויאמרו כל אשר דבר ה' נעשה ונשמע וגו' (כד-יז)

דרגת יתירה