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שבת קודש פרשת שופטים – ז' אלול תשע"ו

Shabbos Parshas Shoftim - September 10, 2016

מאוצרותיו של המגיד

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

פרק ו'
דאבות

מאת הרה"צ רבי גמליאל הכהן רבעוביץ שליט"א ר"י שער השמים ירושלים עה"ק

יד העדים תהיה בו בראשנה להמיתו ויד כל העם באחרנה ובערת הרע מקרבך (ו-ז) - אין אדם שומע לי ומפסיד

אזנה, כדרכינו תמיד למצוא מטמוניות בתורת ה', על פי הכלל שתורה היא מלשון הוראה, וממנה יצא ההוראה לאיש הישראלי האך ליישר דרכיו כדי להכשיר עצמו לדבקות בבוראו. מצאנו ראינו גם במאמר הכתוב הנזכר, אשר על פי פשוטו של מקרא נראה שלא כיוון הכתוב כי אם לומר את עצם הציזוי שעל עדים להדגו את החייב על פיהם ולבער על ידה את הרע. אמנם אחרי עומק העיון ימצא בו המעיין הליכות חיים גם בענין חובתו לבוראו באופן כללי. ונקדים דברי **האור החיים' הק'** על מצות ביעור עיד הנדחת מפרשה הקודמת. (פרק י) כי אחד שמבואר עונשה בתורה, נאמר (שם יח) 'זנתן לך רחמים' ומבאר בדבריו מהו ענין הרחמים האמור שם, והא לך לשון קדשו: לפי שצוה על עיד הנידחת שיהרגו כל העיד לפי חרב ואפילו בהמתם, מעשה הזה יוליד טבע האכזריות בלב האדם, כמו שסיפרו לנו הישמעאלים כת הרוצחים במאמר המלך כי יש להם חשק גדול בשעה שהורגים אדם, ונכרתה מהם שורש הרחמים והיו לאכזר, והבחינה עצמה תהיה נגדשת ברוצחי עיד הנידחת. לזה אמר להם הבטחה שיתן להם ה' 'רחמים', הגם שהטבע יוליד בהם האכזריות, מקור הרחמים ישפיע בהם 'כח הרחמים' מחדש, לבטל כח האכזריות שגדל בהם מכח המעשה, עד כאן דבריו הק'.

על פי דבריו אפשר לומר כי גם במאמר כיוון הכתוב לחזק את האיש הישראלי: לבל לחשוב מחשבות שבאם יקיים מצוה זו על אף שקיים את מצות התורה מכל מקום יעשה עליו מעשה זה ורשם לדעה חז"ו, אלא להיפך, עליו לדעת שעל ידי קיום מצוה זו מבעד הוא את הרע מקרבו, ושום בחינה של רע לא ישכון בלבבו, ואף אלו הרעות ששכנו בפנימיות לבו כולם יתבערו ויהיו כלא היו. והוה שסיים הכתוב 'בערת הרע מקרבך' מקרבך ממש, ומעתה תזכה ללב טהור ורוח נכון בקרבך.

מכאן תשובה ניצחת להציד הרע, אשר לפעמים כשהפץ האדם לקיים את רצון בוראו, ומקבל עליו קבלות כפי ראות עיניו שזוהו מרצון בוראו, מיד מראה לו היצר פנים כי על פי המציאות לא שייך שיעמוד באלו המשימות שרוצה הוא לקבל על עצמו, בדרך כלל מנסה הוא להפחידו שאלו הדברים יכולים להביאו לידי איזה הפסדים, הן במשור הרוחני והן במשור הגשמי, ותחבולתו בזה הוא להניא את האדם לבל יקבל עליו אלו הקבלות. אך על האדם להשיבו: אני בתומי אלך לקיים רצון בוראי, והנני בוטח בהש"ת כי לא יאונה לי כל רע אם אקיים רצוני.

על האדם לדעת כי על אף שעל פי ראייה טבעית יתכן שהצדק אם היצר, אבל נסתרים מאתנו דרכי הש"ת, ואין אנו יכולים לדעת האך חפץ הוא להנחות אותנו במעגלי צדק, אך עלינו להיות בטוחים כי בסופו של דבר לא יביא אותנו לידי הפסד על זה שקיימנו את דבריו. כי אין ביכולת האדם לחשב חשבונות מה טוב עברו ומה לא, ולהיפך, כי דווקא זה הדבר שהיה נראה מתחילה שישבית את תקות האדם הוא שהביא לבסוף שיועת. על כן יראה האדם תמיד לקיים מצות 'תמים תהיה עם ה' אלקיך' ולקיים את המוטל עליו מבלי לעשות חשבונות, והקב"ה בהשגחתו ישמור עליו בעין חמלתו.

נמשל: A Jew is commanded to follow the precepts of the *Torah* and listen to the word of *Hashem* with a pure faith and wholehearted belief. There is so much impurity out there in the world - the *Torah* lists sorcery, necromancy, idol-worship and other forms of abomination - but even in today's

A SERIES IN HALACHA LIVING A "TORAH" DAY
Keeping the Jewish Camp Holy (97)
Preserving our Kedusha: Yichud (cont.). As mentioned last week, *Yichud* is not prohibited in a place that is not fully secluded. There are other scenarios that permit *Yichud*.

- Yichud is Permitted**. Here are two basic cases that permit *Yichud*:
- The presence, or imminent presence, of other people will permit *Yichud*. This may be a result of:
 - The numbers they create. מספר אנשים (א)
 - Depending on who the people are. שומרים - בעלה בעיר (ג)
 - The “in-city presence” of a husband, which acts as a deterrent not to do anything wrong.
 - There are certain blood relatives that that do not cause arousal or an urge to sin, such as a mother, and being alone with these relatives is not called *Yichud*..

Let us explain each of these bearing in mind that in each case we must explain why the lady has no *issur* being with the man/men and why the man has no *issur* being with the lady/ladies.

Numbers that Permit Yichud. A lady (religious or not) is permitted to be alone with two religious (*frum*) men because each man would be ashamed to do anything sinful in the presence of the other man. Late at night, after the normally accepted time of going to sleep, a third man is required. This is because of an important *Yichud* rule that the Sages instituted which states that when people are asleep, a potential sinner will

הוא היה אומר

R' Shaul Yedidya Taub zt"l (Rebbe of Moditz) would say: Three times a day, we daven and say: 'השיבה שפטינו כבראשונה ויועצנו כבתחילה'. In this *tefillah* we ask *Hashem* to not only bring the redemption 'כבראשונה' - like in the olden days, but also to allow us to appoint judges and statesmen who truly fulfill their mission the way it was meant to be fulfilled. With wisdom, good intentions and kindness for the good of the people. Over time, many leaders lose sight of their purpose and leave much to be desired. Thus, we pray that our judges will judge us 'כבראשונה' - like those righteous judges who were initially appointed for the benefit of the nation, and our leaders will be 'כבתחילה' - like the leaders who led our nation honorably."

R' Yerucham Halevi Levovitz zt"l (Sh'vivei Daas Moadim) would say: Why should a person who experiences fear of sin be disqualified from serving in the army of Yisroel? The fear of sin which is praiseworthy is that fear which is joyous and uplifting. This *posuk* speaks of a fear of sin that leads to depression. *Yaakov Avinu* feared that he would fall into the hands of Esav because he might have sinned, but that did not stop him from continuing to pray. In contrast, a person who feels a depressing fear of sin will have weakened *bitachon*. He does not deserve to experience miracles on the battlefield, so he is better off returning home."

A Wise Man would say: "When a critical person sits in judgment it is hard to tell where justice leaves off and vengeance begins."
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immoral, illicit, unwholesome and depraved society, there is so much that ungarded eyes and minds can absorb, that can cause them to stray asunder. Follow the *psak* of the *chacham*: if you will agree to stop staring and accepting these illicit ideas and practices, it will stop following you around!

הלכה למעשה
מאת מוה"ר ברוך הירשפלד שליט"א
ראש כולל עטרת חיים ברוך קליבלנד הייטס
be confident that **one** other man will not wake up, but he will not be confident that **one out of two** other men will not wake up. If the men are not religious Jews, and certainly if they are gentiles, one cannot rely on the *heter* of “ashamed to sin,” and a lady cannot be alone with even ten such men. (**Note:** This whole leniency of two *frum* men is only applicable for *Ashkenazim* that follow the rulings of the RMA.) In a secluded outdoor area, a third man is also required because one of the men might leave to use the bathroom and she will be alone with the other man (1).

Two Ladies and One Man. In a case where there are two ladies alone with one man it is forbidden, since ladies can be persuaded to sin and are not ashamed of the other lady who might also sin, or at least not tell others about the first lady's sin. Even where there are three ladies present with one man, it is a debate between Rashi and Tosfos (2) and one should be strict unless circumstances are too difficult and cannot be remedied easily. Even according to Rashi who permits three ladies with one man, late at night (when people are normally sleeping), a fourth lady is required, and some say that even a fourth lady is not a remedy (3). Similarly, in an outdoor secluded place, a fourth lady is required, and some hold that even a fourth lady is not a remedy.

Important Application. Due to the stricter view above, one should avoid a situation where a male bus driver is driving girls, even a large group of girls, to a place that is secluded at that time.

(1) ש"ע אה"ע כבה (2) הובא ברמ"א
אה"ע כבה (3) דבר הלכה יו

Special Mazel Tov to Mimi and Yechiel Eisenstadt on their chasuna and to the entire Friedman/Eisenstadt mishpachos יח"ד שיזיו לבנות בית נאמן בישראל

מעשה אבות סימן לבנים

ולא ישפך דם נקי בקרב ארצך אשר ה' אלקיך נתן לך נחלה והיה עליך דמים וגו' (יב-ט)

The *Mishna* (מכות יא) states that the mother of the *Kohen Gadol* would bring gifts of food and clothing to the accidental killers who were forced to run to the ערי מקלט (cities of refuge). She did so in order to dissuade them from praying that her son should die (since the accidental killers are released from the city upon the death of her son). The *Gemara* infers that if the killers would pray that the *Kohen Gadol* die, then the *Kohen Gadol* indeed would be in danger of dying because such a prayer is not considered a "קללת חנם" - a curse uttered in vain which cannot take effect, as the *Kohen Gadol* does carry some responsibility for the accidental killing, since he should have prayed for the well-being of the people of his generation.

A remarkable incident took place not long ago, which demonstrates the far-reaching vision of our *Gedolei Hador*. A nineteen-year-old girl was blessed with a relatively easy “*parsha*” of *shidduchim*, and after a short while became engaged to a wonderful *Ben Torah*. The *chossan* and *kallah* were excited and began to make preparations for their big day. All was going well and a date was chosen, when suddenly, misfortune became their lot. The *kallah*’s father began to feel unwell and after a battery of tests were undertaken, he was given the deadly diagnosis; he had contracted cancer.

The father sat his daughter down and explained to her that in this moment of need, there was nobody he needed more than her. Especially since the passing of his wife, her mother, she had seen to his every need and been there to take care of him every step of the way. Now that he was sick, he would need her that much more. There was no way he would manage if she moved out. He requested that she postpone the day of the wedding - at least for one year - as he underwent treatment.

The young girl was confused and distraught. She spoke to her *chossan* and asked him what he felt. As a true *Ben Torah*, his only response was, “Go talk to a *Rav* and hear what he has to say. Of course, I will honor whatever he tells you.”

She came to **R’ Yitzchok Zilberstein shlit’a** and presented the *shaila*. He spent quite a bit of time asking her all sorts of questions until it became clear that her father really relied on her and would be unable to manage if she moved out. The new couple could not move in with her father, nor could the father move in with them, as this was unfair to the groom and bride. Other options were untenable and it was left for the *Rav* to decide on postponing the date of the wedding or not.

R’ Zilberstein thought long and hard. The *kallah* was all of nineteen-years-old. Waiting for one year was definitely a possibility. And unlike her *chossan*, she was not obligated in the *mitzvah* of “פרו ורבו” (bearing children) which could counterbalance her *mitzvah* of “כבוד אב ואם” (honoring the wishes of one’s parents). Thus, if her father expressly asked her to wait, she should have no choice but to follow his directive. R’ Zilberstein was prepared to issue his ruling.

Since this was a matter of *halacha*, though, R’ Zilberstein decided to bring the *shaila* before his renowned brother-in-law, **R’ Chaim Kanievsky shlit’a**, for clarification. He explained the entire situation at length and detailed why he believed the ruling must be that the wedding should wait. R’ Chaim listened throughout and nodded occasionally.

Then he spoke up. “All your explanations are quite valid. אליבא דהלכתא (according to strict *halacha*) you are correct. However, based on the *Mishna* in *Makkos*, I would rule otherwise. You see, when an accidental killer goes to ערי מקלט, the mother of the *Kohen Gadol* supplies him with food and clothing, so that he does not daven for the death of her son. This is a real, valid worry for the mother. If a person prays for the death of another, it is something to be concerned about.”

R’ Chaim looked at his brother-in-law and continued. “The same applies in this case. If the wedding is pushed off for a full year, who is to say that the *chossan* will not daven that his future father-in-law passes away quickly, so that he can marry his daughter? And if you think this is a stretch of the imagination well, *Chazal* obviously didn’t think so since they believed that a desperate man in ערי מקלט would daven for the death of a *Tzaddik* as great as the *Kohen Gadol*!”

R’ Zilberstein hurried to the home of the girl’s father. Using the logic that if his daughter got married quickly, both she and her *chossan* would daven even harder for his imminent recovery, he convinced the man to let her get married.

משל למה הדבר דומה

לא תלמד לעשות כתועבת הגוים ההם וגו' (יה-ט)

משל: A man from the Tunisian city of Djerba once came before the great **Chacham R’ Moshe Kalfon Hakohen zt”l**, and asked him to adjudicate a *Din Torah*. With gritted teeth, he explained that he had a claim with the moon!

“Every evening, when I step outside,” said the man, “the moon follows me around. I turn right, it is right there. I turn left, it is there too. It refuses to leave me alone and I cannot function normally knowing that it is staring at me at all times. Great rabbi, please order the moon to stop bothering me!”

The *chacham* nodded. “Yes, you have a claim. But before I do anything, I must hear what the defendant has to say. I

must hear the moon’s version before I can rule. Go home and come back tomorrow after I have heard the moon’s side.”

The next day, the man returned. “It seems,” said R’ Moshe, “that the moon is equally cross with you. It says that you are the one who started up and it is not to blame!”

The man jumped out of his seat. “Impossible,” he shouted. “I have done nothing wrong. What is the moon’s claim?”

“Well,” said R’ Moshe, “the moon claims you are constantly looking up at it, making faces at it, following it from one end of the street to the other. It asked me to tell you that if you stop staring at it, it will not follow you around!”

והיה כשבתו על כפא ממלכתו וכתב לו את משנה התורה הזאת על ספר (יז-יה)

In the *mitzvah* of appointing a Jewish king, the *posuk* states: “*It will be like he is sitting on his throne,*” instead of “והיה כשבתו...”. The **Gerrer Rebbe** explains this anomaly as follows: The day a king is anointed, he becomes a new person, a royal individual unlike the man he was before, as we see from the *Yerushalmi*: “מלך ורתו מוחלץ לו עוונותיו”. A king must make new edicts, grandiose decisions and novel plans for the future of his nation. He must act with newfound confidence, care and kindness toward his subjects. The *posuk* is telling us that throughout his entire reign, a Jewish king must continue to act “כשבתו” - the same way he did the first day he was crowned as king. With the same kindness, joy and benevolence to every individual. This is no different than a modern-day king and queen - a *chossan* and *kallah* on the day of their wedding. A *chossan* is “דומה למלך” with his bride/queen at his side. On this most exhilarating day - their joy and *simcha*, their *chessed* and devotion toward one another, should last with them their entire lives.

The *Navi* says (הושע ב:כא) says: “*And I will betroth you to Me forever.*” This is a metaphor to the engagement of *Hashem*, the Groom, to His bride, *Klal Yisroel*. But this is only a reference to the **איירוסין**, the engagement, the stage before marriage (קידושין) when the *kallah* continues to live with her parents, and the *chossan* with his family. Why does the *chossan* say, “וארשתך לי לעולם” - does he want the engagement to last forever? What about the future plans for marriage? The joy and bliss of matrimony? My *machshava* here is that the *chossan* is speaking about this new relationship in life. He blesses the two of them that the *simcha*, excitement and התחדשות that they share today at their engagement, should continue to last after their marriage - and throughout their entire life together. Their lives should be as joyous as one long, happy engagement! May all of *Klal Yisroel* merit a life of joy and התחדשות as we look to the new year, **הבא עלינו לטוב**.

DRUSH V'CHIDDUSH

וזה יהיה משפט הכהנים ... ונתן לכהן חורץ והלחיים והקבה (ק-ג)

The *posuk* states: “*And this shall be the priests’ due from the people from them that offer a korban the shoulder, the two cheeks, and the stomach.*” This is a positive commandment requiring every Jew to give the three aforementioned parts of a slaughtered animal to a *kohen*.

The **Rambam** was of the opinion that these gifts are completely mandatory outside the Land of Israel and the **Ramban** held that any leniency applied to giving the gifts outside the land would lead to forgetting entirely about the *mitzvah*. **Rashi** writes that in many communities where Jews dwell there is a complete lack of *Kohanim* thereby making giving these gifts technically impossible. However, he concludes with praise for those who are scrupulous in making the effort and giving the gifts nonetheless.

It is said that when the **Malbim, R’ Meir Leibish Malbim**

EDITORIAL AND INSIGHTS ON THE MIDDAH OF משפט

דרגה יתירה

FROM THE WELLSPRINGS OF R’ GUTTMAN - RAMAT SHLOMO
שפטים ושפטים תתן לך ... ושפטו את העם משפט צדק (פז-יה)
Rashi explains that the *Torah* requires a system of competent judges who are honest and righteous to judge the nation. *Medrash Tanchuma* adds that a Jewish judge has another task: “שיהיו מטין ומלמדין זכות לפני הקב”ה” - he must intercede on behalf of the Jewish people before *Hashem* to find merit for them. This means that a judge must be “דן לקף זכות” - give the benefit of the doubt. This might just be the greatest *middah* needed to get along with other people and find favor in the eyes of *Hashem*.

Recently, someone I know went to daven at the *kever* of the **Tzaddik, R’ Levi Yitzchok of Berditchev zt”l**, among many other holy gravesites in the Ukraine. He told me, “I could not leave his *kever*! How does one tear himself away from a *Tzaddik* who always managed to see the good in every single Jew? It was the most uplifting experience I felt the entire trip!”

R’ Avraham Pam zt”l writes that *Bnei Torah* have a special responsibility to find *zechuyos* (merits) for their fellow Jews. A *Ben Torah* is trained to look for the merit in difficult halachic statements in *Shas* and *Poskim*. He will spend hours trying to resolve a contradiction in the words of *Chazal*, or defend *Rashi* from the challenges of *Tosfos*. He will work very hard to justify the differences between the *Shach* and the *Taz*, or refute the *Ra’avad*’s critique of the *Rambam*. A *Ben Torah* is trained to NOT judge something on surface level, but to delve into all the different aspects and see things from a different perspective than meets the eye. Shouldn’t every single *Yid* - every *Ben* and *Bas Torah* who is trying to live a *Torah* life apply this principle of judging people favorably and not jumping to conclusions without looking deeper? Perhaps, during this first week of *Elul*, *Hashem* is telling us that the way to merit His Divine love, *Kirvas Elokim*, closeness and positive judgment is by reading *Parshas Shoftim* and learning how beneficial it would be if we could only see the good in each other!

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