

הלכה למעשה

מאת הגאון מו"ר הרב ברוך חירשפלד שליט"א
ראש כולל עמותת חיים ברוך, קליבלנד וויטס

to you, when a defendant can afford to pay. Similarly, there is nothing as correct as a person paying for any damage that he caused, or to a *pikadon* [deposited item] that he didn't care for properly. Before going into these *halachos*, however, I think it is important that we first introduce the *halachos* of *Emes V'sheker*, Truth and Falsehoods. This includes lying.

The Classical Torah Prohibition of Lying. The *Torah* states in *Shemos* 23:7: "Distance yourself from a false word." By no other issue do we find this expression of "distancing" oneself far from the issue itself. The classical *issur* is when a lie causes some loss to another *Yid*. This includes a lie that holds back good from coming to another *Yid*. For example, Reuven wants to purchase a house and Shimon tells him a lie about how the house is full of bad luck and accidents, to make Reuven not buy it. Then, Shimon tells his own son to go and buy it. This example is mentioned in *Shaarei Teshuva* of *Rabbeinu Yonah* (Chapter 3, Paragraph 181). There is no difference if one does so verbally or by writing, email, etc. To Be Continued.

A SERIES IN HALACHA LIVING A "TORAH" DAY

Monetary, Interpersonal Laws and Din Torah.

Introduction. *B'ezras Hashem*, we are planning to begin a new series of *Halachos* in this column which will deal with monetary laws of *Choshen Mishpat* and related interpersonal laws [*Bein Adam Lachaveiro*] as they apply. The idea of this column is not to focus on *halachos* that trained *Dayanim* are expected to know when they sit on a *Beis Din* or in a *Din Torah* but rather to focus on the laws that every individual layman, even those who are not involved in business careers, are required to know and understand. Because even those who are not involved in business have many monetary questions that come up in daily life.

Having mentioned the topic of *Din Torah*, I feel it is important to stress that a *Din Torah* is a very commendable activity and that when it is needed, it is the proper thing to do and the way to go. Some people have a misconception that a *Din Torah* is an undesirable event and one must keep away from it. We sometimes hear the expression "I have never been part of a *Din Torah*." There is nothing wrong with claiming money that is due

בין הרוחיים – תבלין מדהף היומוני – בבא מציעא עג'

משכון "Our *Gemara* brings a story where רב מרי lent a *goy* money and received a house from him as a משכון. Why is רב מרי called by his mother's name? **Rashi** and **Rashbam** (ב"ב קט"ט) tell us that this *Amorah* was "ורורו שלא בקדושה ולידתו בקדושה". רב מרי was the daughter of רב מרי who was once captured by *goyim*. While in captivity, she conceived רב מרי from her non-Jewish captor whose name was איסור. Before רב מרי was born, איסור was born, מגייר רב מרי ended up being "לידתו בקדושה". Rashi here says that out of respect to רב מרי and his lineage, he is called after his mother רחל. His father is referred to in *Shas* as גיורא איסור. The *Gemara* [יבמות צ"ג] discusses if a non-Jewish woman conceived a son from a *goy* before she converted, but he was born after she converted, he is a full-fledged *Yisroel*. This is called "ורורו שלא בקדושה ולידתו בקדושה". If his father later also converts and they have another son together, this son would be considered "ורורו ולידתו בקדושה". These two boys would be considered having the same (Jewish) mother but not the same father. This is because the first brother was conceived from the father when he was a *goy* and there is no *issur* attributed to a *goy*.


לידה רב מרי would be considered רב מרי was born? *Issur* converted before רב מרי was born? asks: why is it important that *Issur* converted before רב מרי was born? *Issur* converted even if *Issur* wasn't מגייר, because his mother was Jewish! Furthermore, even according to the שיטה that *Issur* converted even if *Issur* did convert before the birth of רב מרי, it wouldn't help, because רב מרי would need a גיורת! *He bleibs* with a גע'ג'.

The *Gemara* relates that when רבא was on his deathbed, רבא who was holding \$12,000 zuz of his, was discussing in the *Bais Medrash* how רב מרי could legally be זוכה in the money, because *Issur* wasn't halachically his father. Additionally, since *Issur* was a גר, after his death this money would become רב מרי's. Rava reviewed a number of different types of קנינים but none of them could work out in this situation. There was a big *tumult* in the *Bais Medrash* and finally רבא figured out a way for רב מרי to be זוכה in the money. רב מרי who was in the *Bais Medrash* at the time learning, heard this suggestion and quickly ran to *Issur* and made this קנין and was able to be זוכה in the money.

The *Gemara* [יבמות מה:] says that רבא appointed רבא as an officer among the officers of רבא. He explained himself and said, "Even though we learn the *pasuk* of רב מרי is Jewish, "כל משימות שאתה משים אליהן אלא מקרב אחיך" means "שום תשים עליך מלך" since the mother of רב מרי is Jewish, he is considered רב מרי, רב מרי and רבא סבא, רב מרי and רבא סבא, the sons of רבא [קידושין ס"ה:] brings that the *Gemara* [קידושין ס"ה:] brings that the *Gemara* calls him רב מרי and not רחל after his mother! divided property without witnesses observing the transaction. There the *Gemara* calls him רב מרי and not רחל after his mother!

הוא היה אומר

Mezeritcher Maggid, R' Dov Ber zt"l (Quoted in Vedibarta Bam) would say: "ד"ם. The *Alef* refers to *Hashem* Who is 'Alufo Shel Olam' - Master of the World, and 'dam' refers to blood which is the life-source of all living beings. Before a person *davens* in the morning, he is merely 'dam' - 'blood.' Once he prays and becomes attached to *Hashem*, the 'Alufo Shel Olam' he earns the title 'Adam.' Thus, the *posuk* says 'You shall not eat at hadam' - the Sages derived that one should not eat before he prays, while he still only 'dam' - blood, not 'adam' - man."

A Wise Man would say: "A truth that's told with bad intent beats all the lies you can invent."		DON'T Miss The Point! -In Shuls... ... Build THAT Connection W/HIM Through MATCHING Actions!			855.400.5164 / Text 800.917.8309 / kvodshomayim.org
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פלאג המנחה עש"ק - 6:34 | הדלקת נרות שבת - 7:45 | זמן קריאת שמע / מ"א - 8:41 | זמן קריאת שמע / הגר"א - 9:07 | סוף זמן תפילה/הגה"א - 10:29 | שקיעת החמה שבת קודש - 8:04 | מוצש"ק צאת הכוכבים - 8:54 | צאה"כ / לריבוי תם - 9:16

טיב התבלין

מאת הגה"צ רבי גמליאל הכהן רביעוביץ שליט"א, ר"י שער השמים ירושלים עיר הקודש

דבר אל כל עדת בני ישראל ואמרת אלהים קדשים תהיו כי קדוש אני ה' ... (יש-ב) - לקיים כל מצוה כפי רצונו של הקב"ה ר"ש: מלמד שנאמרה פרשה זו בהקדל, מפני שרוב גופי תורה תלויין בהואת שבתתי תשמרו, סמך שמירת שבת למורא אב, לומר אף על פי שהוחרתך על מורא אב, אם יאמר לך חלל את השבת אל תשמע לו, וכן בשאר כל המצוות. מסופר על הרה"ק החוזה מלובלין יוצי, שאחד מתלמידיו ביקש ממנו שיכתוב לו הדרכה בעניני עבודת ה', ודרה"ק כתב לו כמה הנגה וטובות שירגיל א"ע בהן, התלמיד אכן מילא אודיהן וכעבור זמן הופיע שוב בענין זה רבו הפתקים. כתב לו רבו בעבר, שנלו שוב ורה"ק והוסיף אחד כל הנגה 'לפעמים להפיר', בכך ביקש לאלף בינה לתלמידו שיש לפעמים מצבים שמחמתם אין הזמן או המקום מוכשרים לאלו ההנהגות, להפיר, הליכות אלו יכולים להחשב במצבים כעין אלו למכשול הלילה, ועל כן עליו להקדים ולהתבונן בכל פעם שהוא מקיים את הנהגותיו אם השעה או המקום רצויין לכך. מושג זה אנו מוצאים בבאמרו זה של רש"י, כי מפירושו עולה שהקב"ה בעצמו מעודר על כך, וכך הוא אומר לישראל: אכן צוויית אתכם על מצות 'מורא אב' אבל גם אם מדובר במצוה דאורייתא מוטל עליכם להיות 'חכמים' ולדעת מתי כן ומתי לא עליך לדעת שיש כזה מצאות שעליך מוטל לקיים 'שב ואל תעשה', ואת כשמצוה זו מבאיך ליידי מכשול, או מוטל עליך להזיך שאין זה רצוני, כי לא נתייך מצוות כדי להכשילך. התורה מגלה לנו בכך גם על כלל המצוות, שישנם פעמים שאין התורה חפציה שיקיים האדם מצוה גם אם היא עצמה צוותה עליה, וזה באופן שהיצר מנצל את המצוות לטובתו, כי זוהי אחת מתחבולותיו של היצר, לפתות את האדם אפילו

עדותיך אתבונן

לא תעשו עול כמשפט לא תשא פני דל ולא תהדר פני גדול בצדק תשפט עמיתך ... (יש-ט) - בענין המצוה לדון חבירו לכך זכות התורה הקדושה נתנה לנו המצוה לדון את חבירינו לכך זכות, הכשרואה שחבירך עושה דבר שבהשקפה ראשונה נראה כדבר רע, צריך למצא איוה טעם וסיבה שיאמר דמה שחבירו עשה לא היה דבר רע, אלא דבר טוב. ומי שיש לו מדה זה שדן את חבירו לכך זכות, מצילו מחטא הגרוע של לשון הרע. שאחד מספר לשון הרע רק כשרואה שחבירו עשה דבר רע, וע"כ הוא מספר אותו רעה לחבירו, אבל אם אומר לנפשו שאותו דבר לא היה דבר רע, אלא היה דבר טוב, לא יבא לידי איסור החמור של לשון הרע, ועל ידי זה יקיים מצות 'ואהבת לרעך כמוך', שאין שום סיבה כלל לשנאה את חבירו, שאפילו אם נראה שעשה לו דבר רע, באמת היה דבר טוב שנתכוון חבירו לעשות הטוב. ולפעמים קשה למצא איוה לימוד זכות על מה שעשה חבירו היה לטוב, ולא היה דבר רע, ויש להביא כאן דבר נפלא שכתב ר' יעקב עמדין (בספרו בית מגדל עת, בענין עליית הון לכף זכות) שאפילו אם לא ימצא שום אופן לדון את חבירו לכף זכות, יאמר: 'שהקב"ה טילק ממנו הבחירה כדי לעשות רצון אבינו שבשמים.' וז"ל:

ו'גדולה מזו למדנו ממקרא מלא שאפילו על מעשה רשע ופשע מוחלט שאי אפשר ללמד זכות בשום פנים, כענין שמעי עם דוד, שדרשיע לעשות אשמה רבה בקבלתו הנמרצת על חנם ועל לא דבר, להטיל דופי בידו הצדיק שלא חטא מעולם לבית שאול, אדרבה שילם לו ולביתו טובה תחת רעה, ולא כמו שנהג שאול עמו שרצה לשלם לו רעה תחת טובה, והיה בידו להגקם ממנו פעמים ולא אבה, מלבד מה שדרש דמי שאול ובניו מיד הורגים ועשה בהם נקמות, ולבני יונתן גבל טובות ושעות ונחמיות, והיה מדראו לשמעיע להוסיף אהבה לדוד, מה גם בהיותו חתן שאול, על כן אין מעשה מכוער ומגונה מזה נגד ה' ואדם, ולא נמצא דבר קשה הציור יוד בטבע אדם אכזר יותר מזה, ועם כל זאת מודל לו דוד בהיותו בידו לקחת נקמתו ממנו ולשלם לו כפעלו, אעפ"כ המתין לו עד שנתמלאה סאתו, ולימד עליו זכות בשעתו, ואמר: 'הניחו לו ויקלל כי ה' אמר לו קלל את דוד', ומי יאמר מדוע עשת כן, הרי דבר נפלא ומתמיה מאד, שתלה חטאו ועונו של שמעי ברצון שמם, כי שלוח הוא אליו קשה, כאילו עושה רצון שמם בכך, וכשמנצל בעדו שאינו אלא שליח העושה שליחותו, וראוי לשכר ולא לעונש, כי כל פעל ה' למענהו, וגם רשע ליום רעהו', ע"כ.ל. דברים נפלאים: הרי יש אופן לדון את חבירו לכף זכות, שיאמר שהוא עושה רצונו של השי"ת, ואין לו בחירה כלל!

מעשה אבות ... סימן לבנים

לא תלך רכיל בעמך לא תעמד על דם רעך אני ה' ... (ש-טז)

Rabbi Yaakov Asher Sinclair *shlita* tells over the following story: In the bustling streets of Brooklyn during the 1970's, there lived a young couple who longed to have children. Their hearts ached as they witnessed their friends joyously celebrating their own growing families, but year after year, they remained childless. Desperate for a glimmer of hope, they sought the guidance of the **Lubavitcher Rebbe, R' Menachem Mendel Schneerson *zt"l***, seeking his blessings. With hopeful hearts, the couple came to the *Rebbe* in private, anticipation hanging in the air. However, the blessing they received was not what they had expected. Time passed, yet their prayers remained unanswered, and their pain deepened with every celebration they attended. Undeterred, the couple once again returned to the *Rebbe*, hoping for a breakthrough. This time, the *Rebbe's* words offered solace for every aspect of their lives, except for the one thing that meant the most to them - a child of their own. Determined to find answers, they asked for yet another private meeting with the *Rebbe* to help them understand.

As they entered the room, the weight of their struggle and unfulfilled longing bore down on them. Overwhelmed with emotion, the wife's tears flowed freely as she implored the *Rebbe* to explain to her why *Hashem* seemed to withhold the very thing they cherished and yearned for. She begged for guidance, a way to remove the burden they carried. The *Rebbe* paused, deep in thought, and then revealed that long ago, one of them had probably caused great pain to another person who had never forgiven them. To merit the blessings they sought, they would need to seek out this person and beg for his forgiveness.

Leaving the *Rebbe's* presence, the couple racked their minds, desperately trying to recall any incident that might have caused such harm. Suddenly, a memory flooded the husband's thoughts from his time as a young *yeshivah* student. Many years ago, during a bus trip, a devout young man who always kept a *nagel vasser* cup by his side had fallen asleep with it placed in a bowl on the seat next to him. The husband, in his youthful recklessness, thought the act of placing a *nagel vasser* on an empty seat was excessive. Seizing the opportunity for amusement, he hid the *nagel vasser*, oblivious to the anguish it would cause. Hours later, when the bus made a stop, the young man awoke and realized his *nagel vasser* was missing. Distraught, he pleaded with the other boys on the bus to return it to him, banging on the window in frustration. Laughter filled the air until the bus driver intervened, reminding them of kindness and instructing the perpetrator to return the *nagel vasser*. However, consumed by anger and hurt, the young man adamantly refused to forgive the other youth, declaring that he would never be *mochel* him, neither in this world nor the next.

Deeply remorseful and determined to make amends, the husband embarked on a search for the man he had wronged. It took a bit of time but he eventually located him in Brooklyn, still harboring the pain caused by the thoughtless act on the bus. Knocking on the man's door, the husband reached out to him, asking if he remembered the incident. Recognizing him, the man acknowledged the memory and affirmed his unwillingness to forgive. The pain was still too great and he could never forget the hurt he felt on that day. The husband explained their heartfelt desire for a child, pleading with the man to extend mercy, not for his sake but for the sake of his wife. However, the man remained unmoved by his pleas.

In a final attempt, the husband revealed that the *Lubavitcher Rebbe* himself had sent him. If not for the *Rebbe*, he explained, he would not be here now. These words carried great weight and significance. The offended man's hardened heart softened, and he uttered the words the couple longed to hear: "Yes, I will forgive you because of the *Lubavitcher Rebbe*."

A year later, their prayers were finally answered, and the couple welcomed their long-awaited child into the world. The joyous arrival served as a profound reminder of the importance of sensitivity and responsibility towards others' feelings. The couple understood the weight of their actions and the need to be mindful and considerate in every interaction, knowing that **even the smallest deeds can have far-reaching consequences.** (Adapted from *Stories to Inspire* - 718-400-7145 - Call Now & Be Inspired!)

תורת הצבי על הפטרות

אחתה בן אדם התשפת את עיר הדמים ודועתה את כל תועבותיה ... (הקלל כב-ב)
Yechezkel HaNavi transmits *Hashem's* message, reminding *Klal Yisroel* how they forsook *Hashem* and served idols and transgressed the holy *Shabbos*. When listing a slew of capital sins committed by the Jewish people *Yechezkel* focused primarily on the sin of shedding innocent blood. Why is this?

Rabbeinu Bechaya *zt"l* explains that there are basically two categories of sin: crimes committed against *Hashem*, and crimes committed against fellow human beings. While the first category is indeed terrible since the sinner is sinning against *Hashem*, nevertheless, the Almighty judges a person harsher for the second category since crimes against another person is seen as an erosion of society, the very society that had been created by *Hashem*. In essence, the sinner in the

second category is also committing a crime against *Hashem*.

This, says *Chazal (Medrash Rabbah, Vayikra 33:3)*, is why the crime of robbery and murder is such a severe crime, for if a person is guilty of a whole cadre of sins, those which demand the most justice from *Hashem* are the crimes of robbery and murder. In fact, *Hashem's* decree to wipe out the *Dor HaMabul* was on account of their being guilty of robbery and indiscriminate lack of respect for other people's property.

Thus, even though *Yechezkel* listed a whole slew of crimes that *Klal Yisroel* were indeed guilty of, he nevertheless focused primarily on the sin of shedding blood since it is indicative of the complete erosion of society, and the sin *Hashem* was most angry about.

לא תקם ולא תטר את בני עמך ואהבת לרעך כמוך אני ה' ... (ש-טז)

CONCEPTS IN AVODAS HALEV FROM THE FAMILY OF R' CHAIM YOSEF KOPMAN *zt"l*

מחשבת הלב

There's a famous anecdote in the *Gemara (Shabbos 31a)* regarding a non-Jew who came to the Hillel wanting to convert to Judaism, on the condition that the Sage teach him the entire *Torah* "while I stand on one foot." Hillel, with his trademark patience and humility, responded; "דעלך סני, לחברך לא תעביד" - what you dislike others doing to you, do not do unto your friend. He continued, "זו היא כל התורה כולה" - this is actually the entire *Torah* you requested to be taught to you "ואידך פירושא זיל גומר" - the rest is commentary so go study it.

Numerous commentaries offer enlightenment as to this dialogue. The **Dvar Avraham *zt"l*** explains as follows: *Chazal* tell us that at *Matan Torah, Hashem* first asked each of the nations if they would accept the *Torah*. They each asked "מה ביה" - what does it say therein? *Hashem* told each of them a commandment which runs contrary to that particular nation's DNA, and, of course, each declined its acceptance. The common thread in those commandments was - they were all directives. That was something that extended beyond their natural tendencies. Hence, when this prospective convert asked for the *Torah*, Hillel wisely responded with the classic representation of interpersonal *mitzvos* - "ואהבת לרעך כמוך". If, unlike his predecessors, he would be agreeable to that, he then stood a chance for *geirus*.

The question arises, what about the portion of the *Torah*? Why didn't Hillel discuss that aspect of *Avodas Hashem*? The following elucidation is quoted in the name of the **Chazon Ish *zt"l***. If one is able to overcome his nature and be *mevater* (relinquish his will) for another human being, then he will also be able to be *mevater* and live on a higher level with respect to *Hashem* as well. Thus the *בין אדם לחברו* is actually a litmus test for the *בין אדם למקום*.

May we all be *zoche* to succeed on both fronts with regard to *Avodas Hashem*, and bring *Him nachas* in these trying times.

משל למה הדבר דומה

והנפש אשר תפנה אל האבת ואל הדענים לונת אחריהם ... (כ-ז)
משל: Of the many leading rabbinic authorities today whom have warned the public against issues like "energy healing," **R' Yisroel Belsky *zt"l*** stood out as a forerunner, as is detailed in his acclaimed book on Alternative Medicine. In it, he relates the following episode:

"One practitioner told me the story of how he cured a child who had some kind of allergy, by pasting a piece of paper with a Japanese word on the milk bottle that the child had drank from. The Japanese word - who knows what it means - had an effect on the milk which, he alleged, carried with it the '*kishuf*' of the word, and actually healed the child of the allergy. 'It's true,' the practitioner affirmed. 'This is what happened, and I saw it myself!'"

"I didn't believe one word he said. I told him, '*Reb Yid,*

whether your story is true or not, I don't know. But one thing, I do know: If my child was cured by having this Japanese *avodah zara* incantation inserted into his system, then what you did was take out the allergy and replace it with something a thousand times more harmful. You replaced it with something that's there to destroy his *neshama*! The child could live with an allergy, but once his soul is polluted with this terrible *avodah zara*, the harm you did to him is infinitely worse than the harm the allergy could have done."

משל: In today's day and age, it is hard to fathom the idea of reaching out to a higher "force." We seem to be too educated for that. However, with the resurgence of "energy forces," people suffering from acute problems that the medical world doesn't have a clear answer for can easily get attracted to it. This can lead a person down a path that the *Torah* clearly delineated that we as the chosen nation, should stay clear of.

דבר אל כל עדת בני ישראל ואמרת להם קדשים תהיו כי קדוש אני ה' ... (ש-טז)

EDITORIAL AND INSIGHTS ON MIDDOS TOVOS FROM THE WELLSPRINGS OF R' GUTTMAN - RAMAT SHLOMO

דרגה יתירה

The famous **Rashi** on these words explain that "*Kedoshim Tihyu*" means "*Prushim min Ha'arayos*," separate from immoral acts. We must remain separate, entirely different from the rest of the world. We must realize we are separate and not try to copy the *goyim*. "*Min Ha'arayos*" means from immoral acts. Immoral acts come from selfishness. When a person is focused on their own base desires and tries to fulfill them. It is the egotistical and selfish acts of a person that take them away from holiness.

"*Anochi HaMavdil Baini Ubainachem*." It is the ANOCHI, the ego, the "I" that gets between us and *Hashem*. We often think of holiness as lofty and extremely spiritual acts of *bein adam lamakom*. We connect holiness with someone who *davens* with great *dveikus*, or someone who learns *Torah* with tremendous *hasmada*. We think holiness means dressing with many layers or shaking a *lulav* and *esrog* with lofty intentions. "*Kedoshim Tihyu*" means stop thinking about yourself and start thinking about others. Being holy means separating yourself from your SELF! Focusing on the needs and feelings of other people is step one to holiness. *Parshas Kedoshim* is filled with *mitzvos* that are between man and his fellow man. Honoring parents, not cheating, not stealing, not putting a stumbling block before a blind man, not hating your brother in your heart. Do not bear a grudge and do not take revenge, and show respect to an older person. And, of course, Love your fellow man as yourself! Every human being is starving for love and attention. We all want to be noticed, acknowledged and validated. When a person can rise above their own needs and focus on the feelings and inner desires of someone else, that is *Kedusha* - holiness.

Hashem Himself is constantly giving to us. He supplies the entire world with all of its needs and continues to bestow kindness upon us whether we deserve it or not. *Hashem's* kindness is not dependent on any condition. It is unconditional love. This is true *chessed* and when we act with unconditional love and kindness to others, we are truly emulating *Hashem*.