

MDTorah WEEKLY

	ירושלים	בית שמש	בני ברק
הדלקת נרות	4:14	4:13	4:29
צאת השבת	5:27	5:27	5:28

Parshas Chayei Sarah- חיי שרה
Nov 2, 2002 – כ"ז מרחשון תשס"ג – Vol. 4 No. 5

Talking Business

Everyday Jewish Business Law



Eyes Down!

Question

As Meir was leaving the synagogue, he felt something falling to the ground. Checking his eyes, he discovered that one of his contact lenses had fallen out. He immediately stopped all pedestrian traffic in the area around the fallen lens and proceeded—with the help of good-hearted onlookers—to search for the lens. Gad was in a hurry. He would not let Meir's lens interfere with his right of way. He walked straight across the area of the fall - and crushed the lens underfoot! Does Gad have to pay for the damage?



Answer

Reuven was looking for a place to store his flasks of wine and oil. He noticed that there was a large empty courtyard nearby. Without asking permission, he filled the entire area with his merchandise. When Shimon, the owner of the courtyard, opened the door of his house he found his access to the street barred. Our Sages inform us (Tractate *Bovo Kamo* 28a) that Shimon may make his way out of the courtyard even if this involves breaking some of Reuven's illegally placed barrels. *Tosafos* compare this to a similar case, where Reuven's ox jumped on Shimon's ox with murderous intentions.

There, Shimon may save his ox by pulling it out from under the attacking animal, even if this results in a damaging fall to the attacker.

(Continued on page 2)

Living Education

Principles of Education Gleaned from the Weekly Parsha

Effective Reproof

"Rules are made to be broken", says an old adage. In the context of child education, what does this saying mean?

One of the fundamental responsibilities of a teacher and parent is to make rules, give guidelines and offer clear borders to children. This, in order to help each child use his abilities and characteristics in a beneficial manner. Just as a strong and energetic horse needs a harness and a rider to put it to good use, so too a child needs rules (equiv. to harness) and a parent or teacher (equiv. to rider) to harness his energies and characteristics.

Without guidance, many rules will be broken; with guidance, the child will more or less do what is expected of him. Thus, while adults need to make rules, children will try and break them, and adults have to watch over and direct children as much as is needed so that slowly but surely they will internalize what is expected of them and know what is permitted and what is not.

In any case, a child will break rules from time to time. How should a teacher or parent react? Should he/she react strongly and offer harsh rebuke, or should he express his disapproval of the child's actions in a tempered manner?

(Continued on page 2)

Rav Leff Speaks

Advice From The Dawn of Time

G-d appeared to Avraham in the field of his friend Mamre. Rashi informs us that Mamre's name is mentioned here as a reward for advising Avraham concerning *bris milah*. But, as the commentators ask, Why did Avraham need advice? And if he did need advice, why did he ask three non-Jews—Aner, Eshkol and Mamre? Why not his teachers, Shem and Ever? Or his learned servant, Eliezer?

There is an opinion that we are reading Rashi incorrectly. He doesn't mean that Avraham asked advice, for *eitzah*. Rather, he asked for *atzah*, a drug used to speed the healing after circumcision.

But Rashi had an old edition of Midrash Tanchuma, which says at the end of Lech Lecha that when Avraham was given the *mitzvah*, he went to ask

his friends what to do. Aner told him: "You're ninety-nine years old. If you go through with this operation, you're a dead man, you'll never survive." Eshkol told him "If you survive at all, you'll be left in a weakened condition. The four kings that you conquered have a lot of relatives that don't like you. They'll come and destroy you." Mamre said, "G-d saved you from the fiery furnace and the four kings. You should do what He tells you. If He saved you before, He'll protect you from harm this time, too." Since Mamre gave him good advice, G-d appeared in his portion.

But why did Avraham have to ask advice? Did he have doubts about whether he had to follow G-d's command? And why these three people? Thirdly, why weren't Aner and Eshkol punished for trying to dissuade him from doing it? And finally, if he was really interested in the advice, why did-

(Continued on page 3)

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Rabbi Yona Vogel
Magidei Shiurim, Students and MDTW staff

A Lifetime of Spiritual Work

"All of Sarah's years were equal in virtue." (Rashi)

To appreciate what Rashi is saying, we should remember the typical pattern of human life. In his youth, a person is likely to be impulsive and indiscreet, doing and saying things that he will regret later on. As a person grows older, he becomes more aware of the importance of morality, and of his own mortality. The moral, spiritual and eternal dimensions of life take on more and more importance. In his old age, no longer distracted by the pace of active life, and no longer tempted by the grati-

fications of this world, he achieves the pinnacle of his spiritual development and repents the indiscretions of the past. This pattern, the normal pattern, did not apply to Sarah. She, too, reached the pinnacle of her spiritual life in her old age, but her spiritual process did not involve the regrets, the reversal of values and the repentance which is typical of ordinary people. She had used each day of her life as G-d intended it: to deepen her spiritual life in the service of G-d. In her last years, her spiritual achievement surpassed anything she had done before as she continued to climb higher and higher in her quest and her devotion to G-d.

Based on sefer Sefas Emes MD

(Talking Business—Continued from page 1)

However, should Shimon push off the attacking ox and thereby kill it, he would be liable for the damage. Does that not indicate that causing direct damage is forbidden, even to illegally placed items? If so, why is Shimon permitted to break his way out? Let him stack the flasks and thereby create a path. *Tosafos* answer that since it is not significantly more difficult to pull out an ox from under its attacker than to push off the attacking animal, one has no right to actively harm the attacker. In the case of the flasks, even though it is possible for Shimon to create a path by stacking some of the containers, he is not expected to do so. Since breaking his way out is significantly easier, he does not need to make the extra effort.

From here we see that one is permitted to assert one's right of way, etc. if an illegal obstacle is blocking his path. This is true even if it involves damaging the offending item in the process. However, if one could con-

tinue one's journey with some minimal extra effort and thus avoid causing damage to the offending property, one is obligated to do so. If one insists on taking one's usual path and this results in damage to the illegally placed item, one is liable for the resultant damage.

How does this principle apply to our case? If Meir had completely blocked the area in front of the synagogue and prevented pedestrians from passing for a significant amount of time, he would be exempt from payment for the broken lens. He does not have to make a lengthy detour to reach his destination, nor does he have to suffer significant delay. These would both be considered excessive additional effort, which is not demanded of him. But Meir only asked pedestrians to avoid walking over a small area in front of the synagogue. Even if his search would have taken a long time, any person in a hurry could have walked round the area of the fall. The fact that the lens fell out was a pure accident. Since the placing of the item which restricted others' use of the street was neither intentional nor the result of negligence there is all the more reason to exercise reasonable care.

Accordingly, says Rav Tzvi Spitz (*Mishptei Hatorah, Bovo Kamo* No.54), Gad is liable for the broken lens. Even though he has right of way on this section of the street, he could have exercised his prerogative with minimal extra effort and avoided damaging Meir's property. He is therefore obligated to do so. MD

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(Living Education—Continued from page 1)

Harsh rebuke may turn off the child completely, to the point where he loses his self-confidence and his sense of self-worth. The following true story exemplifies this idea.

A particular yeshiva bochur (student) was not finding success in the Yeshiva. He had trouble learning and wasted much of his time with small talk. After numerous attempts to arouse the student's interest in learning, the *mashgiach* (rabbi in charge) lost his patience and told the bochur that he was worthless.

The bochur, although aware of his lack of accomplishment in the Yeshiva, was shocked by the words of the *mashgiach*, and lost the last bit of interest and respect he had for the Yeshiva and the life-style it represented. He said to himself, "If he thinks that I'm worthless, then I'll be worthless and do worthless things." The bochur decided that he was going to go to a particular place to sin. On the way, a friend of his from the Yeshiva crossed his path, not knowing the bochur's intentions. "How are you", he asked. "Fine", returned the bochur. "Where are you going", asked his friend. "Nowhere special", answered the bochur, "see you later." The bochur continued on his way and a few minutes later he suddenly stopped in his tracks and thought to himself, "Wait a minute, my friend showed interest in me. It must be that I do have value, not like the *mashgiach* suggested."

The bochur abruptly reversed his direction and headed back to the Yeshiva. Slowly but surely he built up his self-confidence and got back into learning until he became, himself, a *talmid chochom*.

A few years later, the bochur met the friend who had crossed his path that day and told him that the simple '*sholom aleichem*' (greeting) that he gave him and the minimal interest he had shown him that day had a monumental effect on his whole life.

A child is not a pillar which needs to be knocked down, but a human being who needs to be strengthened. In order to effectively reprove a child, one must not only not discourage him, but quite the reverse.

The rule is, as I heard from my Rebbe, Rav Shammai Kahas Gross shlita, **before giving a child reproof, one should settle the child down and say something positive, about him, if possible.**

Rav Gross explained that Hashem's method of giving reproof can be learned from the incident with Miriam when she spoke against Moshe for having separated from his wife because of his status as G-d's faithful servant.

At first Hashem called to Miriam and Aharon and told them of Moshe's greatness and sanctity (see Rashi *Bamidbar* 12:5). Next, Hashem explained to them the difference between Moshe and the other prophets (ibid 12:6-8). Only then did Hashem show anger for their actions (ibid 12:9).

If we take a closer look at the wording of these pesukim, we can get an even clearer picture of how a parent or teacher should offer rebuke to a child or student.

Posuk 12:4

"פתאום" ("suddenly") – Hashem appeared suddenly to Moshe, Aharon and Miriam, catching Aharon and Miriam in a state of spiritual impurity, which usually precludes the ability to receive prophecy. Rashi explains that they

(Continued on page 3)

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learned "on their own skin" the reason why Moshe separated from his wife: to avoid such embarrassing incidents.

From here we can learn three lessons concerning reproof:

1. Explain to the student what he did wrong and why it was wrong.
2. Try and enable the child to learn the lesson through his own experience and not just via verbal rebuke.
3. Use the medium of exacting punishment in order to hone in on the exact sin committed.

Posuk 12:5

"וירד" ("He descended") – Just as Hashem descended to rebuke Aharon and Miriam, so too a teacher should descend to the level of his student so that he is sure that his words of rebuke are heard and understood.

"וירד...בעמוד הענן" ("And He descended...in a pillar of cloud") – This teaches us that the rebuke should be given *lesheim Shamayim*, and not out of personal interest, anger, disgust or as a substitute for a more fitting response.

"ויעמד" ("And He stood in one place") – At the time of rebuke, a teacher or parent must be totally focused on the child. Why?

1. So the child feels the seriousness of his misbehavior.
2. So that the child will respect the adult's words.

Just as Hashem appeared suddenly to Aharon and Miriam, grabbing their full attention, so too a teacher or parent should try and maintain an undisturbed and focused discussion with the child.

"פתח האוהל" ("The door of the tent") – The meeting between the adult and child should be held in the right location and at the right time. Many a time, an adult will spontaneously begin to rebuke a child without first considering whether the proper time (and place) has arrived to offer his rebuke. This can cause great embarrassment to the child as well as convince him that you do not have his best interests in mind.

"ויקרא" ("And He called") – ויקרא is a call of endearment. The child should feel that even at the time when rebuke is necessary, the adult loves him and is only offering his reproof because of that love, as Shlomo Hamelech says in *Mishlei* (3:12), "The one whom Hashem loves, he shall rebuke." A child truly wants to be directed in the right path, but only by someone whom he feels truly cares about him.

Rav Gross shlita brought an additional proof that one should always begin on a positive note. Hashem had already decided to destroy Sodom (*Bereishis* 18:16-17). However, before the wickedness of the Sodomites was mentioned in the posuk, Hashem began to flower Avraham with blessings. Only afterwards were their sins revealed.

In order to achieve the intended affect of reproof, an adult should first make a positive, encouraging remark to the student, preferably about his own achievements or behavior. Only when the child seems settled and ready to listen, should the words of rebuke be said. When the child feels the adult respects him and loves him and only rebukes him for his own good, he will be ready to listen and even change his ways for the better. MD

Parsha Points to Ponder

Mourning and Eulogy

And Avraham came to eulogize Sarah and to bewail her... (Bereishis 23:2)

The way of the world is to mourn in private and only afterwards to eulogize the dead in public. Here, the order is reversed: "Avraham came to eulogize Sarah and to bewail her." The reason, it seems, is that Avraham had come from far away, and many people had already gathered at his home after hearing of Sarah's death. But there is also another reason. When death disrupts the life of those who survive him, so that they feel the loss of him not only in his absence, but also and most painfully in the difficulties that his death has caused them, private mourning takes precedence. But when a person's passing away is not disruptive, and the primary sense of loss is the loss of the person himself—and he himself was a man of great merits—the eulogy which recalls those merits takes precedence.

(Rav Leff—Continued from page 1)

n't he listen to the majority, who told him not to?

The Gemora says that there is a reason to ask advice even of someone lower than you. We derive this from the verse in *Bereishis*: "Let us make man." G-d consulted with the angels to teach us this lesson. But it doesn't seem to make sense. If I am having trouble with my car, and I don't know much about cars, should I ask help in fixing it from someone who knows even less than I do? Is it just to make him feel good? But since he'll find out in the end that I ignored what he said, what's the point?

In his commentary to *Mishlei*, the Meiri explains that the idea of asking advice is not just asking for information. Advice means that even when I know what to do, there's still a reason to solicit another opinion. After they asked the *Urim v'Tumim*, they went to Achitofel for advice. What for? The *Urim v'Tumim* had already told them what to do! The answer is that advice is not only about *should* I do it, but *how* should I do it. What should I think when I do it? What's the right perspective? Avraham asked his friends for another perspective, a perspective that only someone else could offer.

One of the reasons that Nadav and Avihu were punished was for not having taken counsel with each other. It seems absurd. Nadav came to the conclusion

Here, Sarah's death was a great personal loss for Avraham. But it did not throw his life into disarray and Yitzchak, their long awaited offspring, was already an adult. So Avraham eulogized Sarah before he mourned her.

Based on the commentary of the HeEmek Davar

Kindness and Virtue

And Avraham expired and died at a good old age, mature and content... (Bereishis 25:8)

We can understand this passage in two ways: as referring to G-d's kindness or to Avraham's virtue. As a statement of G-d's kindness, the verse teaches us that G-d had fulfilled all his wishes and that his life was filled with goodness. As a testimony to Avraham's virtue, it teaches us that he had no interest in luxuries or in excess of any kind. He was satisfied.

Based on the Perush HaTor HaAroch MD

that it was right to bring the "strange fire." Avihu came to the same conclusion. What would it have helped to ask each other? What would have changed? The answer is that it would have changed a lot. Because *aitzeh* does not mean that the advice-giver asks himself what he would do in that situation. That way he merely puts his own bias into it, which is no better. Rather, the person has to say, what would I do if I were him? I put myself into his shoes, but without his bias, because I'm not him. That's a real *aitzah*. If Nadav and Avihu would have done that for each other, they would have told each other to abandon the idea.

That's the idea of asking advice, even

After they asked the Urim v'Tumim, they went to Achitofel for advice. What for? The Urim v'Tumim had already told them what to do!

of someone who knows less than you, to get an unbiased perspective. Avraham didn't want to know if he should do the mitzvah; he was commanded by G-d to do so. But he wanted to know how someone without his bias saw it. Shem, Ever and Eliezer had no experience with *bris*. But Aner, Eshkol and Mamre were *ba'alei bris* Avraham. They had made a covenant with Avraham, so they could understand his situation. Aner and Eshkol could only tell him what *they* would do if they were in his shoes. Only Mamre said, "If I were Avraham, what would I do? If G-d saved me so miraculously from death in the past, there is nothing to fear." He was the only one who gave him real advice. And that's why the other two weren't punished for giving bad advice; because it wasn't advice at all. MD

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Forbidden and Permitted Trapping on Shabbos

- If a bird flies into the house and a window, a second door or skylight is open through which it could escape, there is no issue of trapping it and the door may be locked. Otherwise, it is forbidden. If the room is small, it is forbidden by the Torah. If it is large, it is forbidden by the rabbis. Therefore, if the room is large and leaving the door open would cause discomfort in cold weather—or for any other reason—it is permitted to close the door. But if the room is small, so that the bird could be readily caught, it is forbidden.
- If flies, mosquitoes etc. are in a container, it is permitted by the Torah to close it. Since these are not species that are ordinarily trapped, the prohibition of trapping does not apply to them. But the rabbis forbid trapping even insects. Nevertheless, the container can be closed if an opening is left through which they can escape.
- If there are flies or mosquitoes in a small container and a person wants to close it completely, he should blow into it so that he scatters the insects that he sees. Once he does that, he does not have to check to see if there are any more of them because the issue involves a doubt in a *psik raysha* pertaining to a rabbinical prohibition. If there is food in the container, the matter is even clearer because he would certainly prefer that no insects remained in the container. **MD**

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