

MDTorah WEEKLY

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Parshas Lech Lecha - לך לך -
Oct 19, 2002 – י"ג מרחשון תשס"ג – Vol. 4 No. 3

Talking Business

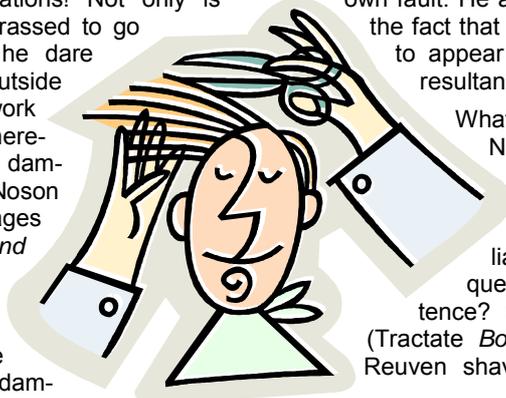
Everyday Jewish Business Law



The Unique Haircut

Question

It was *Erev Yom Tov* and Ze'ev had not yet managed to get to the barber. He begged his neighbour, Noson, to give him a haircut with his haircutting machine. "I can't walk into shul like this," he implored. Noson argued that he is not a professional barber - but was eventually forced to capitulate. The results - were worse than the most pessimistic expectations! Not only is Noson embarrassed to go to shul, but he dare not venture outside to go to work either. He therefore claims damages from Noson for loss of wages (*shevess*) and also for embarrassment (*boshess*). Is Noson liable for these damages?



Answer

On the face of it, we can absolve Noson from any responsibility for the damage he unwittingly inflicted on Ze'ev. Noson made it clear to Ze'ev that he did not know how to cut hair and nevertheless Ze'ev begged him to give him a haircut. Ze'ev was therefore taking a risk by allowing Noson to trim his hair. The results can only be seen as his own fault. He alone is responsible for the fact that he is too embarrassed to appear in public and for the resultant loss in earnings.

What would we have said if Noson had not prefaced the haircut with the disclaimer? Would he then have been liable for the consequences of his incompetence? Our Sages inform us (Tractate *Bovo Kamo* 86a) that if Reuven shaves off Shimon's hair

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Rav Leff Speaks

The Real Test of *Lech Lecha*

We all know that HaShem's summons to Avraham Avinu to leave everything behind and travel to "the land that I will show you" was one of the great trials of the founding father of Judaism. But it is not at all clear why it should be considered a trial, a *nisayon*, at all.

What was the *nisayon*? When Avraham heard the call, "*Lech lecha*," there was no doubt in the prophet's mind that it was indeed G-d that was speaking to him. Nor was there any doubt that the promise that the journey would be for his benefit would be kept. There was no question that G-d would keep His word. Why shouldn't Avraham respond unhesitatingly to the Divine command?

Another question: It says that Avraham went with Lot. Then it says again that he took Sarah his wife and Lot his nephew, and they went to the land of

Canaan. It seems redundant. How many times does it have to say that they went?

The *nisayon* here wasn't in making the geographic move to Israel. Rather, it was in leaving home. HaShem said to Avraham, in effect, "I don't want you just to change your geographic location, and then be the same person there. The reason I want you to move is in order to develop into a different kind of person. I want you to separate yourself from all the ideology, the outlook of *chutz l'aretz*. In *chutz l'aretz*, the environment is conducive to certain values, certain standards. I want you to leave all of that behind. I don't want you just to take all this baggage with you to Canaan. "Go to the land that I will show you." There I will guide you and give you a direction, a mission in life, that will replace what you have had until

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Living Education

Principles of Education Gleaned from the Weekly Parsha

Creating the World: Creating Bnei Torah Part III *The Joy of Self-Accomplishment*

As we mentioned in the first two sections of our present topic, we can learn from Hashem's Creation of the world how to educate our children and students and turn them into Bnei Torah. We find this concept mentioned explicitly in the Midrash (*Bereishis* 4:2), which says that the Creation of the World is meant to teach us about the giving of the Torah.

In *Parshas Bereishis*, we find HaKadosh Baruch Hu naming His Creations using the word ויקרא?

Could Hashem not have said and written, "This is day and this is night, this is שמים and this ארץ? Why the addition of ויקרא?

We find in a number of places that ויקרא refers to חביבות - showing a liking for (see *Vayikra* 1:1 in Rashi). Here, as well, ויקרא can be understood as a show of Hashem's חביבות for his Creations.

Question: What promoted this expression of חביבות?

Answer: One's own accomplishments give him great pleasure. Hashem, as well, found pleasure in His Creations. And so we find that a person prefers a small personal creation or accomplishment over the acquisition of another's great achievement. In Chazal's words: A person prefers one measure of his own produce over many measures of another.

The main objective of a teacher should be to give his students a feeling of 'geshmack' - of satisfaction - in

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MAZEL TOV to
the Saks and Lipson families
on the engagement of their children
GAVRIEL and LEA TEMIMAH

The staff and members of the
Machon Daniel Community Kollel – Har Nof

The Jealousy of Angels

Rebbe Eliezer observed that Avraham was tested ten times. But why should G-d have to test Him? He knows what's in a man's heart. Nothing can be hidden from G-d.

When G-d created Adam, the angels objected, saying, "What is man that You should remember him?" (Tehilim 8:5). G-d remained silent. He didn't give them an answer. Adam sinned, Kayin killed Hevel his brother, the generation of the flood sinned and were destroyed, the generation that built the Tower of Babel rebelled and was dispersed, and the cities of Sodom sinned so grievously that they, too, would be destroyed. Again the angels asked, "What is man that You should remember him?" G-d remained silent. But when Avraham arose, G-d praised him before the angels and before all the work of His hands. And He conferred with him on everything (כל דבר ודבר), as it is written, "Shall I conceal from Avram what I do?" (Bereishis 18:18) The angels took note and said, "We serve G-d and He

doesn't consult with us. What's so special about Avraham? True, he passed his ten tests and circumcised himself, but how could he do otherwise after G-d saved him from the flames of Nimrod's furnace?" This time, G-d did not remain silent. "Know," He said to them, "That it is because of him that you and I dwell in the heavens, as it is written (Tehilim 123:1) "To You I raise my eyes, O You Who dwell in the heavens." The angels heard that and rebelled, saying, "So from now on, we'll forget about Your Glory and Your Majesty and sing the praises of Avraham: "Avraham is holy! Avraham is blessed!" G-d responded and said, "Whoever honors Avraham honors Me, as it is written, "...for I honor those who honor Me and those who scorn Me will be accursed." (Shmuel 1:2:30) "...Yet You have made him slightly less than the angels (elohim)..." (Tehilim 8:6). According to Rebbe Yehudah, it was that night that G-d tested Avraham, as it is written "And the elohim (the angels) tested Avraham."

Based on sefer Bereishis Rabati of
Rebbe Moshe Hadarshan MD

(Talking Business—Continued from page 1)
with the intention of causing him embarrassment he is only liable to compensate him for the embarrassment. He is not obligated to compensate him for any resultant loss of earnings, etc. since the hair will eventually grow back on its own (see *Choshen Mishpot* 420:12 and *Sema*, Note 12). Under what circumstances is a person liable to pay compensation for having caused embarrassment? The *Shulchan Oruch* (*Choshen Mishpot* 421:1 - based on *Bovo Kamo* 26b) rules that only if there was intent to cause embarrassment is there liability to pay. Thus, if a person caused embarrassment whilst asleep, he is exempt from paying compensation. The *Sema* (Note 1) explains that the obligation to pay compensation for causing embarrassment is derived from the verse describing how a wife tries to fend off her husband's attacker by embarrassing him. The Torah makes her liable to compensate the attacker for the embarrassment she intentionally caused him. In our

case, Noson had no intention to embarrass Ze'ev. On the contrary, he only wished to help him out of his difficulty. Therefore, even if he had not made it known that he was not a competent barber, he would still not have been liable to pay Ze'ev compensation (see *Mishptei HaTorah*, Bovo Kamo, No. 107).

It therefore follows that if a professional barber cut a client's hair in an ugly fashion that causes him to hide from the public until it grows back, he would also be exempt from compensating him for the embarrassment created. This was not the barber's intention, so he does not have to pay. However, it would be correct (according to the *halocho*—and not only because of customer relations) for the barber to pay his victim some form of compensation for his ordeal. On the other hand, if someone—professional or non-professional—gave a person an ugly haircut with the intention of causing him embarrassment, he would be liable to pay him compensation even nowadays. In our times, *Beis Din* is not empowered to impose collection of fines (i.e. where payment is not made for a direct loss - see *Choshen Mishpot* 1:2). Nevertheless, the *Geonim* decreed that one who intentionally causes his fellowman embarrassment should pay him appropriate compensation. Their motivation was to prevent people taking advantage of the exemption from payment to freely embarrass others (see *Choshen Mishpot* 1:5 and 420:38). MD

(Living Education—Continued from page 1)
their learning. This is accomplished, as we've seen above, through giving the student the tools, direction and opportunity to accomplish through his own efforts. Therefore, regarding the lighting of the Menorah, the *posuk* says "...בהעלתך את הנרות", and not "...בהדלקתך...", to teach that the Cohen has to light the candles until the flame rises on its own. As the Menorah represents Torah learning, we learn that a teacher should, as well, guide his student until he can learn and accomplish on his own.

Why does a person prefer his own accomplishments which result from his own efforts? Why does a student perceive even wonderfully constructed and explained Torah concepts said by another as mere pieces of information, while one small revelation or clarity on his part seems to fill his whole being with simcha and self-satisfaction?

We can offer a number of explanations to the above question:

(1) Self-Importance:

A person naturally feels that he is very important; that his word and input carry great weight and should be highly valued. It follows that his accomplishments are, in his eyes, the accomplishments of a great man and of utmost value. Even though he may see or hear the great accomplishments of others, they have limited value in his eyes, for the accomplisher and not the accomplishment itself, is his main focus.

[We learn from the above an important lesson in *chinuch*. A child will value the material he is taught according to the level of honor and respect he has for the teacher. The more respect a teacher demands, the greater impact his words will have on his students.

I found this concept mentioned in a new sefer called "Avnei Chinuch", which collects Rav Shimshon Rafael Hirsch's writings on *chinuch*. The author quotes Rav Hirsch as saying that the level of a child's attention in class is dependent, not on the material learned, but on the manner in which the teacher conducts himself. The more refined the *middos* of a teacher are, the greater will be the desire of the student to learn from him. Also, the stronger the impression a teacher has on his student, the more assured he can be that his student will behave well and continue his learning even on his own.]

(2) Self-Survival:

Man has an unyielding desire for self-survival which is the underlying force which directs all his actions. The greater his status, the more secure he feels, thus improving his chances of survival. Self-accomplishment raises his status in his own eyes and sometimes in the eyes of others as well, and gives him an increased sense of security and confidence about his chances of survival.

Hearing another's input or accomplishment may even be taken as a challenge to

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Rabbi Yona Vogel, Dean

Contributing Writers:

Halacha L'Maase: HaRav Shammai Gross
Reflections & Living Education: Rav Yona Vogel
Talking Business: Rav Yoel Moore
Midrash & Parsha Points: Rabbi Tzvi Abraham

Rav Leff Speaks: prepared by Rabbi Yisrael Rutman

Advertising & dedication information:
sales@machondaniel.org or 02-654-1442

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his own status, for he may feel that his chances of survival have been reduced.

(3) Fulfillment of Purpose:

Each person is imbedded with numerous abilities and qualities which have been afforded to him in order to use them in a beneficial way. In short, each person is born to fulfill a particular *tachlis* - mission.

Fulfillment of one's *tachlis* gives a person a great feeling of satisfaction for he is fulfilling his G-d given role in this world. His creation is seen, retroactively, to have been worthwhile. The more of one's faculties he uses in the learning process, the more he feels he is fulfilling his *tachlis*, and the greater satisfaction he experiences.

(4) Giving to Others:

When a student receives information, awareness or direction from his teacher, it may increase his knowledge and awareness, but he won't necessarily feel satisfaction.

Only when he learns something new on his own does he become filled with simcha. Why? Because, when receiving from others, he is a taker, no matter how worthy the cause. However, when a student creates and accomplishes on his own, he becomes a giver, as he gives of his knowledge, his abilities and characteristics.

Rav Dessler z"l, in "*Michtav M'Eliyohu, Kuntras HaChesed*", explains that the act of giving is the greatest of Hashem's middos. He, Yisborach, gives, helps and has mercy on a person without receiving anything in return.

On the other hand, continues Rav Dessler, the act of taking, where a person desires to acquire for himself all that he sees as beneficial, is the source of all bad.

A child's personal achievement puts him in the category of a giver and fills him with great satisfaction and simcha.

(5) Reward and Punishment:

A person receives reward or punishment as a result of his own choosing. As one naturally wants, at least subconsciously, to amass for himself as much reward as possible, he is driven to make his own decisions. Thus, one's successes which result from personal effort or decision bring him great simcha, as he knows that a deeper reward (success) is awaiting him in a future time (*Olam Haba*). In addition, the simcha he feels through self-achievement gives him the impetus to achieve even more.

In conclusion:

Parents and educators should give primary importance to helping a child achieve through his own efforts, even if he will occasionally stumble along the way. Once a child becomes in touch with his own abilities and capabilities and experiences personal achievement, the satisfaction and simcha he feels will propel him to achieve more and more and enable him to grow into the great individual G-d meant him to be. MD

Parsha Points to Ponder

The Merit of Avraham

The Ramban raises an interesting question. Right at the outset of the story of Noach, the Torah tells us that Noach was a tzaddik. Why doesn't the story of Avraham begin the same way. Wasn't Avraham a tzaddik, and an even greater tzaddik than Noach?

The answer to this, the *Sefas Emes* explains, is that while the primary merit of Noach lay in his conduct before the flood, and it was that merit which saved him, the primary merit of Avraham lies in what he did later, in the course of the story of his life that included his ten spiritual tests. Moreover, the story of Noach is the story of a tzaddik who was saved by his merit. The story of Avraham has an entirely different theme. It was not so much the merit of his deeds as his great love for G-d that is the key to Avraham's story, for his love for G-d opened a whole new chapter in man's relationship to G-d. It was because of his love that G-d didn't merely save him, but called Him, drew

him close and established his descendants as the Chosen People.

The Voice of G-d

The question has often been asked, "How could Avraham go down into Egypt and subject Sarah to such great danger?" After all, G-d didn't command him to go. When G-d commanded Avraham, saying "Get yourself out of your land to the land I will show you...", He didn't mention any specific land. He didn't designate Avraham's final destination. It seems to me that what G-d meant was: Leave your land and go wherever you have to go, and that Avraham understood that a compelling reason to go to a certain place was tantamount to a message from G-d that he was supposed to go there. So when there was a famine after Avraham's arrival in the land of Israel, he interpreted the famine as a message from G-d: "G-d wants me to go down to Egypt, at least for the duration of the famine." That command justified risking the dangers involved.

Based on sefer *Kedushas Levi* MD

(Rav Leff—Continued from page 1)

now.

It's said that it's easy to take the yid out of golus, but it's very hard to take golus out of the yid. But that's the purpose of Eretz Yisrael. Eretz Yisrael is called a land that lacks nothing. You don't need to take with you all the material and ideological baggage from America or South Africa or France. Some people, before they make aliyah, spend time finding where they can get the cheapest Hellman's mayonnaise or Skippy peanut butter to take with them, because these are things they cannot live without. So how can the Torah say that this is a land that lacks for nothing, when these staples of life are missing?

The truth is that Eretz Yisrael has everything—everything, that is, that anybody needs to develop into the person that HaShem wants him to develop into. And if something is missing here, maybe that's because it's not needed. So if Hellman's or Skippy's is unavailable, maybe that's because it's not a necessity, and therefore not a lack.

And that applies to other, more serious, things. I remember when I first came here, and I realized that after eighth grade in most yeshiva katanas there are no secular studies. That means that by the eighth grade, my children are going to finish their secular education. What are they going to do with their lives? I didn't expect my kids to go to college. I didn't go to college. But finish high school? That

was basic to me. They wouldn't be able to read English. I wrote a book in English. My kids wouldn't be able to read it. For me this was a nisayon. It seemed to me at the time that in Eretz Yisrael there was a lack of an important kind of education for my children. In the end, some of my kids advanced beyond eighth grade, some didn't; but we worked it out successfully.

Moving to Eretz Yisrael requires a change of perceptions. True, Avraham had an ironclad guarantee from HaShem that the move would be for his own good; but he had to adjust to his new life, and change his perceptions of what is desirable and what is needed in life in order to appreciate and enjoy what HaShem was providing for him in the Land. Therein lay the nisayon.

That explains the redundancy in the text, as well. Certainly, Sarah, Lot and their followers went with Avraham—physically. But intellectually, emotionally, there was a great change that they had to undergo along with Avraham. They had to change their way of relating to the world. That amounted to a second departure, and is therefore recorded in the text.

It says in the posuk, "*vayikach*." "He took them." *Vayikach* can mean a physical taking, it can also mean taking with words. Avraham had to take them with words. He had to persuade them to leave their homes; he had to explain to them that they were coming to a different kind of land—a land that lacks nothing. MD

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Halacha L'Maase
by HaGaon R' Shammai Kahas Gross

The Interval Between Meat and Milk for Children and for the Sick (Part 2)

- Boys between the ages of nine and twelve, girls between the ages of nine and eleven, should wait for to five hours, though some are more stringent and require the child to wait until after five hours. But if that means, for example, that the child won't be able to have his milk if he goes to bed on time, one should certainly not be stringent.
- A boy who is twelve and a girl who is eleven should be educated to wait six hours between meat and milk, but *besh'a'as hadechak* it is enough to wait four hours, especially if the child had eaten chicken rather than beef, for there are important poskim who are lenient with children before they reach the age of bar mitzvah. According to the Trumas Hadeshen, for example, A child who ate meat for breakfast should be allowed to eat milk products for lunch. But if, after eating meat, a child becomes bar mitzvah, he waits the full six hours before eating milk products, for he is now obligated to observe the halachah as an adult.
- Regarding the interval between eating meat after milk: until the age of nine, it is not necessary to require the child to wait the time (one or one and a half hours) that is customary (each according to his custom). According to the halachah, even an adult is permitted to eat meat immediately after consuming milk products, so long as he wipes his mouth. (Waiting one or one and a half hours is a custom.) So certainly there is no reason to be strict about waiting with a young child.
- For a sick person (even if he is not dangerously ill) who needs to drink milk, it is sufficient to wait one hour after eating meat. If he can wait three or four hours and still drink the milk he needs, it would be good for him to wait.
- For pregnant women or a nursing mother, it is sufficient to wait one hour after eating meat if she needs to drink milk or consume milk products.
- Vitamins that contain milk or meat (with a *hechsher*, of course) can be swallowed immediately after eating meat or milk, but they should not be taken together with the meat/milk.
- A sick person who is fed with a tube through his mouth or an opening in his abdomen can be fed meat and milk together, though not milk and meat that have been cooked together, because it is forbidden to benefit in any way from milk and meat that have been cooked together. When a person is fed this way, he does not make any blessings, before or after eating, because he does not have the pleasure of passing the food into his throat and swallowing it. **MD**

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