

MDTorah WEEKLY

	ירושלים	בית שמש	בני ברק
הדלקת נרות	4:49	4:48	5:03
צאת השבת	6:03	6:03	6:04

Parshas Tetzaveh - תצוה
Feb 15, 2003 – י"ג אדר א' תשס"ג – Vol. 4 No. 17

Talking Business

Everyday Jewish Business Law



Living Education

Principles of Education Gleaned from the Weekly Parsha

Tree Shadow

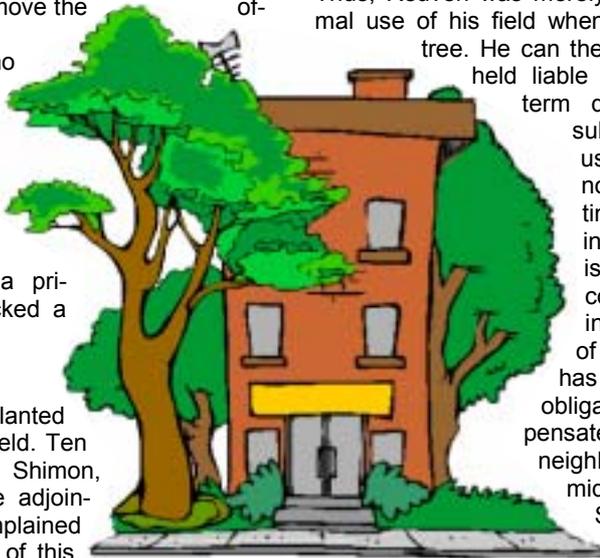
Question

Benny lives on the second floor of an apartment block. Many years ago, a tree was planted in the garden below. This tree has now grown so much that its branches block out the light to some windows of Benny's apartment. Whose duty is it to remove the offending

branches? Who has to pay for their removal? Would the law be the same if overhanging branches of a private tree blocked a public path?

Answer

Reuven planted a tree in his field. Ten years later, Shimon, who owns the adjoining field, complained that the roots of this tree were undermining his underground



water cistern. The Shulchan Oruch (Choshen Mishpot 155:32) rules that Reuven is not held responsible for the damage. At the time of planting, his tree was not harmful to the neighbour's property. The long, intrusive roots developed automatically over the course of time. Thus, Reuven was merely making normal use of his field when planting the tree. He can therefore not be held liable for the long-term damaging results of such use which did not exist at the time of planting. Indeed, he is not even considered an indirect causer of damage and has no Heavenly obligation to compensate his neighbour (potur midinei Shomayim).

We learn

(Continued on page 2)

A Torah Teacher's Guide (Part I)

Last year, in Parshas Tetzaveh, we expounded on Chazal's statement that the lighting of the Menorah alludes to the teaching of Torah to Bnei Yisroel.

This year, we will try and offer some new insights into a teacher's approach to his job, his relationship to his students and what he should expect from them. All this, through analyzing the wording of the first posuk in our Parsha, which refers to the lighting of the Menorah, as follows:

"ואתה תצוה את בני ישראל ויקחו אליך – שמן זית זך כתיית למאור לעלות נר תמיד" – "And you (Moshe) shall command the Jewish people and they shall take to you pure olive oil, cut for light, to lift up (light) a continual candle (flame)" (Shemos 27:20).

(Continued on page 2)

Rav Leff Speaks

Seeing Is Believing

Belief in G-d is basic, and we can all subscribe to it. But there are different levels of belief. Many people profess a belief in G-d. In Judaism we strive to make that belief a reality.

The story is told of an atheist falling off a cliff. And by some miracle, he succeeds in grabbing hold of a branch as he goes down. Now he's holding on for dear life, and he hears the branch beginning to crack. There is nothing between him and certain death if the branch fails.

So he looks up to heaven and says, "Is there anybody up there?"

A voice responds from above, "Yes, I'm here."

So the atheist says, "Listen, G-d, if You save my life this time, I promise I'll believe in You for the rest of my life."

The voice responds, "Okay, first, let go of the branch."

The atheist thinks it over for a moment, looks up again, and says, "Is there anybody else up there?"

A person came to a *rebbe* for a *brocho*. The *rebbe* told him, "Don't worry, within a month, you'll have *parnassah*, a chest full of money."

As soon as he left, he went and bought a big box to throw his money in. A month later, the guy had a tremendous amount of money, and he filled the box with it.

So the *rebbe's shammosh* went to the *rebbe* and said, "I've been asking

(Continued on page 3)

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Parsha Points to Ponder

Urim Vatummim

The *Urim Vatummim* were not among the vessels of the Mikdash. They weren't created by an artisan, and it did not make use of any of the donations made by the people to the Mikdash. They were related only to Moshe, who was commanded to place them in the Choshen after placing it on Aharon. The presence of the *Urim Vatummim* empowered the *Kohen Gadol* to answer inquiries that only G-d could reveal. It worked by presenting letters inscribed in the stones of the Choshen before the eyes of the Kohen, e.g., the Ayin from Shimeon, the Vav from Levi, the Alef from Avraham. Then, while still concentrating on the letters, the Kohen would contemplate the Holy Names, and the order of the letters and their meaning would be revealed to him. This was a kind of ruach hakodesh—a lower level than prophecy, but a higher level than the *bas kol* that was still illumined the spirit of Israel during in Second Temple times.

Based on the Long Commentary of the Tur

The Source of Wisdom

And you shall command the children of Israel that they shall take for you pure, pressed olive oil for illumination to kindle the lamp continually. (Shemos 27:20)

Commentators have pointed out that when

(*Talking Business—Continued from page 1*) from here that whenever a person performs an act which could eventually cause damage to his neighbour's property, he bears no liability if the following conditions are met: (a) that the damaging factor did not exist at the time but developed automatically over the course of time and (b) that this was an accepted use of his property. If these conditions are fulfilled, it will be the victim's responsibility to remove the harmful item at his own expense.

Is there any difference whether the harmful factor develops above or below ground? Reuven's fig tree overhangs Shimon's roof. Shimon wishes to tar his roof but is unable to do so because of the overhanging branches. The Shulchan Oruch (Ibid. 28) rules that Shimon may cut down the interfering branches. The Sema (Note 66) explains that the victim may only remove whatever harms him at present. He may not cut the tree back further to prevent new growth harming him in future. We see that there is no difference whether the damaging factor develops above or below ground. It is always the responsibility

G-d instructs Moshe to convey his commandments to the Children of Israel. He usually says, "Speak to the Children of Israel and say to them." Here, G-d diverges from His usual way of speaking. The following commentary from the *Beis Aharon* is a meditation that explores the idea that this unusual statement suggests.

The Hebrew for the imperative "command" (*ti-tza-veh*) is identified with the word *tzavtah*, which means association. To do something "betzavtah" is to do it together. According to the *Beis Aharon*, Moshe is commanded to draw the Children of Israel together by uniting them—bringing them together—around him. Olive oil represents wisdom. The olive itself represents the exalted source of Divine wisdom. The Hebrew for pure is *zach*, spelled *zayin chof*. The combined numerical value of *zayin* and *chof* is twenty-seven, so besides the plain meaning of the word *zach* (pure), *zach* suggests the 27 letters of the Torah. The verse points out that the oil is pressed because a person can only gain the wisdom of the Torah through the discipline of Jewish observance and learning.

This meditation was presented after a discussion which emphasized G-d's desire to see us take the initiative to act in the world. It was intended to teach us where to look for the inspiration, the guidance and the goals of our actions. MD

ity of the victim to remove the offending item at his own expense.

Would it make any difference if the overhanging branches blocked a public footpath? We are told that Rav Yannai (Bovo Basro 60a) cut down a tree which made it difficult for the public to pass down the street. This tree had been planted as a sapling in his own private courtyard. At the time of planting, it certainly did not harm the passersby in the adjoining street. Why did he then feel it was his duty to remove the tree when it later developed into an obstruction of the public right of way? The answer is that here it was the public, as opposed to individuals, who were being harmed. In this case, it is the damager's responsibility to remove the offending item. The fact that the offending branches only came into existence long after his planting makes no difference. This is borne out by a ruling of the Remo (Ibid. 22). A permanent threshing floor must be situated at least fifty amos from the city. If the threshing floor was there first, we still force the owner to remove it to avoid the flying chaff causing damage to the inhabitants of the new city. Why can the owner not argue that when he started using the threshing floor there was no city in the vicinity and it was therefore not his problem? The answer is that since here the public is being harmed, we are stricter.

Accordingly, we can conclude that Benny will have to remove the shadowy branches at his own expense. However, if these branches had been obstructing a public footpath or pavement, the tree owner would have been liable for their removal. MD

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(*Living Education—Continued from page 1*)

Personal Example

"ואתה תצוה" – "And you (Moshe) shall command"

Question: It appears that the addition of "ואתה" ("and you") is redundant, for its meaning can be included in "תצוה" ("you command"). Why is it added?

Answer: "ואתה" comes to separate the command from the commander and to emphasize the commander, i.e., that he should not only offer instructions, but serve as a personal example of how to best fulfill the command, as well.

In the context of education, we learn that it is not sufficient for a Rebbe to simply teach Torah or to explain the mitzvos. Rather, he must serve as a personal example of how a Jew should learn Torah and fulfill mitzvos. The impression the lesson and its contents have on the students is directly dependent on the worthiness and the personal example of the teacher.

The Power of a Rebbe

"ואתה תצוה" – Rav Friedlander z"l in his sefer *Mesilos Chaim Bechinuch*, p.126, explains that one could and should discuss principles of faith with young students, for they still have a pure heart and they receive things clearly and simply. This is hinted to in the word "תצוה", as the Rebbe has such a strong effect on young students that it is though the Rebbe commanded them, as a king commands his servants.

Installing Fear in Students

"ואתה תצוה" – On one hand, a teacher should show a deep concern for each student. However, just as important is to instill a sense of fear in his students. This is done by – "ואתה תצוה" – by commanding them; giving them obligations, responsibilities and limits. Only when a child knows that there are lines he cannot cross and there are obligations he must fulfill, will he see his teacher as one he must respect and listen to. The fear of a Rebbe is a necessary ingredient in a student's growth as the posuk states, "אתה...תירא" – "You shall fear Hashem" (*Devorim* 10:20) and the Gemorah (*Pesachin* 22b) says that the word "את" comes to include talmidei chochomim. Similarly, the Torah says in *Avos* that one should fear their Rebbe as he fears Hashem. The Gemorah in *Ke-subos* (103b) adds, "זרוק מרה לתלמידים" – "Make it bitter for your students" and Rashi explains מרה to mean fear, that the students should fear their Rebbe. A Rebbe can and should make life difficult for his students if his intention is to have them fear him. This fear has the ability to settle down the student, clear the distractions in his head and open up his channels of thought and concentration.

Demanding of Students

"תצוה" – In contrast to Parshas Terumah, where Hashem told Moshe to speak to Bnei Yisroel and tell them to bring material with which to build the Mishkan, in

(*Continued on page 3*)

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(Living Education—Continued from page 2)

our Parsha Hashem tells Moshe to תצוה – command – them to bring the olive oil. Why is the command form used here?

As here we are dealing with the teaching of Torah, the command form tells us that a teacher is to demand of his students. This for two reasons:

1. In order to push off the proddings of the yetzer hora, i.e., to reduce the influence of extraneous involvements and pleasures a child is connected to which dulls his interest in learning, and
2. In order to pull the student toward discovering his own potential to understand, to perform and to grow as a ben Torah.

Am Yisroel is compared to a seed (זרע) in many places. We find, for example, that when Hashem spoke to Avraham after Lot had left him (*Bereishis* 13:15), He told him, "כי את כל הארץ אשר אתה רואה לך אתנה" – "For all the land (of Israel) that you see, I will give it to you and to your seed forever."

Why this comparison? For just as a seed implanted in the ground needs to force its way upward through the ground in order to grow and develop, so too a child needs to be commanded or pressured to remove himself from the darkness of his youthful ideas and pleasures and to reach upward toward the light of Torah understanding, desire and fulfillment.

The Rebbe's Growth

"ואתה תצוה...ויקחו אליך שמן זית זך" – A Rebbe, especially if he is a well-versed *talmid chochom*, may feel that teaching children is a deterrent to his own spiritual growth. The *Toldos Yaakov Yosef*, among other commentaries, points out that just the opposite is true. He says that when a teacher makes an effort to raise his student's spiritual level, his level is raised as well. This we find at Har Sinai when Moshe gathered the people together to receive the Torah. He helped them reach a great level of unity and purpose, as the posuk says, "...and the Jewish people encamped (as one) there across from the mountain (Har Sinai)" (*Shemos* 19:2), and Rashi explains that ייתן is in the singular for they encamped as one person with one heart. Through his efforts, Moshe, himself, reached new personal heights as the very next posuk says, "ומשה עלה אל אלקים..." – "And Moshe went up to Hashem..." (ibid. 19:3).

This is the message alluded to in ואתה "ואתה תצוה...ויקחו אליך שמן זית זך", that when you make an effort - ואתה תצוה - to raise the level of your students, (even though you may temporarily lower your level – נועם (לתולדות) they will help you raise your own level afterward, alluded to in שמן זית זך - to pure, clean oil. The *Meor Veshemesh* adds that the very seeking of a student to improve himself brings new insights to his Rebbe. MD

Look for the conclusion next week

Thoughts on the Midrash

Stay on Top!

In the midrash, the Jewish people are compared to olive oil: "Just as olive oil does not mix...but floats on top..." And that is the intention of the verse that commands us to take pure olive oil. For the Jewish people are required to safeguard their spiritual lives, to live in a way that reveals the Divine soul that every Jew possesses. They do that by taking care to prevent

it from becoming contaminated with materialistic values, by mixing the spiritual and the physical in a way that the opposition of spiritual and material values is obscured. There are certain things in life that a Jew should feel are beneath him. He should use the material world to support a spiritual life. Like olive oil when it floats on water, his natural place is on the top.

Based on sefer *Sfas Emes* MD

(Rav Leff—Continued from page 1)

you for *parnassah* for years, and I haven't gotten any. How come the *brocho* works for this guy, but it doesn't work for me?"

"Did you ever go out and buy a box?" asked the *rebbe*.

The *Sefer Haikarim* says that since we live in a physical world, we are influenced and inspired by physical things. That is what is real to us. If it is not apprehended by the senses, it is not fully real. He points out that even though *HaShem* had told Moshe that the Jewish people were worshipping the Golden Calf and described in detail what was occurring down below, Moshe did not break the *luchos* until after he descended Sinai.

Not that Moshe doubted *HaShem*, but until he saw it for himself he was not moved to act.

We all know this. If you see a sign on a bench that says "Wet Paint," and the surface of the bench is glistening, the natural first impulse is to touch the bench to see if it's really wet. You only really know it when you see the paint on your fingers. You didn't think the sign was a hoax, but it's not the same as when you touch it.

There are many illustrations of this principle in the Torah. G-d took Avraham him outside and told him that his children would be as numerous as the stars. He showed Avraham the stars and asked him, "Can you count them? That's how your children are going to be!" It couldn't have been an indoor prophecy? Avraham didn't remember how many stars there were outside? No, it's because there's a tremendous difference between being reminded of their number and seeing a night sky full

of stars on the spot.

We find the same thing when *HaShem* commanded the sanctification of the new moon. He had to show Moshe how the moon would appear in its first phase in order to sanctify the new moon. Why couldn't *HaShem* just describe it to him? Or show him a picture? Because nothing can be clearer to a human being than the experience of his senses.

We know that sunrise and sunset are illusions of the earth's rotation. Nevertheless, it is only meaningful to speak of a beautiful sunset; to speak of a beautiful rotation would be obtuse.

Furthermore, not only does sensory impression confirm abstract knowledge, sometimes it will even supersede it. For example, sunrise and sunset. We all know that the sun is not rising and the sun is not setting; rather, the earth is turning. Nevertheless, we relate to sunrise and sunset, because that is how we experience it. It is meaningful to speak, therefore, of a beautiful sunset;

to speak of a beautiful rotation would be obtuse.

Rabbeinu Yona says that we make *Kiddush Levana* every month because of the renewal of the moon. By noticing that the moon disappeared and then returned, we make ourselves aware of *HaShem's* power to renew things that seemingly passed out of existence. Likewise, the Jewish people: though the darkness of *golus* may sometimes seem to envelope them completely, they too can be renewed and given new existence.

Of course, everybody knows that the moon doesn't disappear, except from our view. So who are we fooling? Nevertheless, seeing it return to the field of visibility makes an impression that is greater than our intellectual knowledge of what is "really" happening. And more significant, too. MD

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Halacha L'Maase
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Laws Pertaining to the Sefer Torah (I)

- When the Torah is removed from the *aron hakodesh*, it is customary to move closer to the Torah in order to see it. Even those who are standing in the courtyard of the synagogue go into the synagogue to see the Torah as it is removed from the *aron* because "the multitude enhances the glory of the King."
- All who are close to the Sefer Torah kiss it with their mouths or, if they are not close enough, with their hands. If a person is close enough, he embraces the Sefer Torah with his right arm.
- As the Sefer Torah passes before a person, he should accompany it for a few steps.
- Some have questioned the propriety of touching the Sefer Torah with one's hand and then kissing the hand. But since its clear that the hand is being kissed where it touched the Sefer Torah, it is correct to do so, for it appears as though, when he touched the Sefer Torah, something of the kedushah remained on his hand and that he is kissing his hand for that reason. Similarly, it is customary, after touching the tefilin on the head, to kiss the hand. Just as touching something unclean contaminates the hand, touching something holy purifies it. Kissing the hand that was purified by contact with something holy signifies a desire to be close to holiness and purity. It also suggests a love for the mitzvah. Nevertheless, there are places where only the children kiss the Sefer Torah. The adults bow in reverence. MD