

MDTorah WEEKLY

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Parshas Vaera - וארה
Jan 4, 2003 – א' שבט תשס"ג – Vol. 4 No. 13

Talking Business

Everyday Jewish Business Law



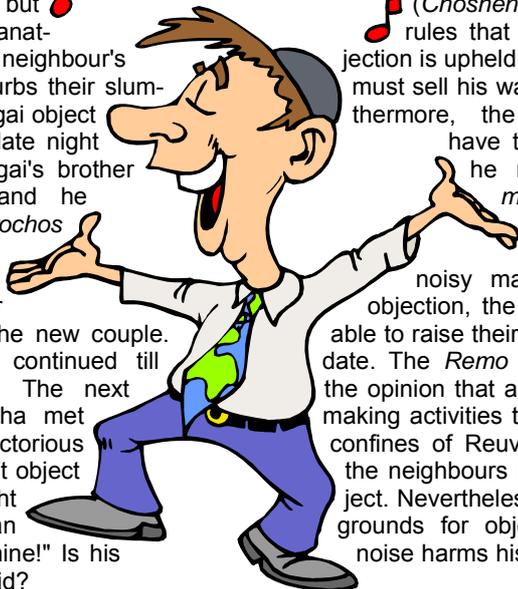
Happy Noise

Question

Simcha enjoys singing on Shabbos. Every week he invites a group of young men to join him in loud, enthusiastic song till very late at night. His neighbour, Chaggai, and his family want to sleep, but the noise emanating from the neighbour's apartment disturbs their slumber. Can Chaggai object to the weekly late night singing? Chaggai's brother got married and he made *sheva brochos* (festive meal during the week after marriage) for the new couple. The festivities continued till after midnight. The next morning, Simcha met him with a victorious smile. "If I didn't object to your late night singing, you can not object to mine!" Is his comparison valid?

Answer

Reuven opened up a shop in a courtyard which he shared with other residents. One of the neighbours complained that he is unable to sleep on account of the noise created by the customers. The *Shulchan Oruch* (Choshen Mishpot 156:2) rules that the neighbour's objection is upheld and the shopkeeper must sell his wares elsewhere. Furthermore, the neighbours even have the right to object if he makes noise while *manufacturing* his wares. However, if he established his noisy manufacturing without objection, the neighbours are unable to raise their objections at a later date. The *Remo* disagrees. He is of the opinion that as long as the noise-making activities take place within the confines of Reuven's own premises, the neighbours have no right to object. Nevertheless, if the neighbour's grounds for objection are that the noise harms his health, Reuven will



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Rav Leff Speaks

The Heart and Mind of Faith

It was the Rambam's judgment that Aristotle reached the highest level of wisdom that is possible for a human being to reach, short of prophecy. Yet, we know that Aristotle did not believe in G-d. (It may be that he did make some profession of faith late in life, but certainly for the most part he did not believe.) Rabbi Elchonon Wasserman poses the following question: If as great a thinker as Aristotle did not come to believe in G-d through his philosophy, how can the Torah demand that belief of a *bar mitzvah* or *bas mitzvah*? And how could it be that they are liable to be punished for it if they don't succeed where Aristotle failed?

Another question: It says in the To-

rah that you shouldn't go after your heart and your eyes. "Your eyes" refers to false beliefs; "Your heart" refers to your immoral desires. The sequence of the phrases implies that one will lead to the other. But how does following your heart lead to false beliefs? The heart is the seat of emotion, not the intellect.

The *Chovos HaLevovos* says that if one considers an artifact such as a book, there are two ways to explain its existence: either it was written by an author, or that there was an infinite amount of paper on the table for an infinite amount of time, during which the wind was blowing the papers, and there was ink on the table. The ink spilled onto the papers many different times, and in one of those times, the book was produced by accident. What-

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Living Education

Principles of Education Gleaned from the Weekly Parsha

Why Students Fail to Listen

Parshas Vaera begins with Hashem revealing Himself to Moshe in a way which was hidden from the Avos. Rashi explains, that at this time Hashem was ready to fulfill His promises to redeem Am Yisroel from Egypt, while they remained only promises at the time of the Avos. Yet, we see that after Moshe finished telling Bnei Yisroel the stages of the upcoming redemption and arrival to Eretz Yisroel, they were unwilling to believe him or be comforted by his words, as the posuk declares, "וידבר משה כן אל בני ישראל ולא שמעו אל משה מקוצר רוח ומעבודה קשה" – "And Moshe spoke thus to Bnei Yisroel and they didn't hear [listen] to Moshe because of short breath and difficult labor" (Shemos 6:9).

The unnecessary repeating of Moshe's name in the above posuk strengthens this point, saying that even though Moshe, the brilliant, respected and reliable Rebbe and leader that he was, was the bearer of this great news, their situation did not allow them to believe it or accept it.

Also, the addition of the word "כ" in the posuk signifies:

1. that Moshe gave over Hashem's message of redemption in a positive, exhilarating manner.
2. כ is from the root of כנה – truth, meaning that Bnei Yisroel knew that the redemption would occur because Moshe, the symbol of truth, was telling them that it would.
3. Moshe was a faithful representative of Hashem and gave over the message as he was meant to.
4. The gematria (numerical value) of כ = 70, representing the 70 different perspectives found among the Jewish people: the 70 different channels through which they understand the Torah. Moshe, in his great wisdom and sensitivity, was able to relay the message of G-d in all 70 ways so that all would understand.

Even so, Bnei Yisroel were not able to accept Moshe's words. Why? "מקוצר רוח ומעבודה קשה" – "because of short breath and difficult labor."

The underlying lesson taught here is that sometimes, no matter how brilliant, erudite or caring the teacher may be, the student, because of his own situation, whether it be his academic or emotional limits, the influence of the home or friends, or the ploys of the *yetzer hora*, will not be either capable or able to accept the words of his teacher.

In a classroom, there are expectations a teacher has equally of all his students. However, "קוצר רוח ומעבודה קשה" teaches us that certain children may not be able to live up to their teacher's expectations. In order for a teacher to relate to each student in a fair and predictive manner, he must examine each student in order to become aware of his personal *עבודה קשה*

(Continued on page 2)

IN LOVING MEMORY OF
ר' נתן אלתר יצחק גולדרינג ע"ה
ON HIS YAHRZEIT
ג' שבט
ת.נ.צ.ב.ה.

Parsha Points to Ponder

The Sorcerer's Knew

The sorcerers said to Pharaoh, "It is a finger of G-d."

In the Haggadah it says, "...From what passage can it be inferred that the Egyptians were smitten with only ten plagues in Egypt but with fifty plagues at the Sea? Of those in Egypt it is written, the sorcerers said to Pharaoh, "It is a finger of G-d." Of those that at sea, "the great hand".

But the sorcerers mention the finger of G-d only with regard to the plague of lice—not all the plagues. So why does the Haggadah apply the image of G-d's finger to all the plagues?

What the sorcerers meant in mentioning the finger of G-d was that through the plague of lice they realized that all the plagues represented the power of G-d, that it was G-d's finger—the Providential intervention of G-d in the history of the Jewish People—that was behind all the events that would lead to their redemption. Since the events at the crossing of the Red Sea are related to the hand of G-d, the Haggadah applies the finger metaphor to infer that there were five times as

many plagues on the sea than there were in Egypt.

Based on sefer *Prinei Daas*

The Eternal in History

Shabbos is the foundation of redemption. (If only the Jewish People would keep two Shabboses they would be redeemed immediately.) So we find that the four statements of redemption ("I shall take you out...I shall rescue you...I shall redeem you...I shall take you to Me...") correspond to the features of Shabbos. The four statements of redemption correspond to the three avos and Moshe Rabbeinu. Similarly, the three meals of Shabbos correspond to the avos while the kiddush on Shabbos morning corresponds to Moshe Rabbeinu. (Based on sefer *Shem Mishmuel*)

What the *Shem Mishmuel* seems to be saying is that through the avos and Moshe Rabbeinu the eternal dimension which is revealed on Shabbos became a historical force and that that same eternal dimension will have an historical realization with the final redemption. **MD**

Based on *Shem Mishmuel*

(Living Education—Continued from page 1)

קשה.

What do "קוצר רוח ועבודה קשה" represent?

Rashi explains "קוצר רוח" to mean short-winded, nervous and troubled. The Ramban adds that it includes fear, teaching that a person's respect of another, or a child's ignoring of his Rebbe's words, does not necessarily mean he rejects them, but that his fear is overriding his senses.

The Malbim explains that "קוצר רוח" represents one who has a low pain threshold and cannot hold back his feelings and reactions to suffering.

According to the Ohr Hachaim Hakadosh, the people were "קוצר רוח" – meaning that they had a low-level of *ruach* or *ruchnius* (spirituality) for they weren't *bnei Torah* and thus couldn't properly understand the words of Moshe.

The Torah strengthens and widens one's ability to examine, contemplate, compare, understand and accept new and different ideas, even during times of stress and distress. A support for this idea can be seen at the beginning of parshas Vayetzei (*Bereishis* 29:1). When Yaakov heard that Hashem would protect him during his time in golus, he became filled with joy and traveling became easy for him (Rashi). Rashi explains above, in posuk 28:11, that Yaakov had just learned Torah non-stop for fourteen years in the *batei Midrash* of Shem and Aver. Thus, we see that Torah widens and strengthens a person's heart, allowing him to accept Hashem's words with *simcha*.

The Ohr Hachaim is teaching us a fundamental concept in dealing with students' comprehension level. Since the Torah itself strengthens and expands one's comprehension level, instead of dwelling on what the lack of Torah learning causes, the Rebbe should make every effort to get his students involved in learning and even excited by it, if possible.

According to Rashi, Ramban and the Malbim above, the Torah is teaching us that the emotional or psychological status of a child can cause nervousness, lack of patience, antagonistic behavior, inconsistent behavior, search for faultiness in others, etc. A Rebbe/teacher would be wise to investigate the causes of a child's "קוצר רוח" and then take them into account when relating to the child.

Causes of "קוצר רוח" stem mainly from one of four categories:

(1) Difficulties at home:

1. Tension / arguments:
 - a. between parents
 - b. among siblings or other family members
2. Disease of a family member, ל"ע
3. Accident and injury of a family member, ל"ע
4. Confusing, inconsistent or contradictory parental messages
5. Destabilizing influences from parents from:
 - a. Personality disorder
 - b. Drinking addiction
 - c. Unbridled anger
 - d. Unemployment
 - e. Being subject to influence of grandparents with different lifestyle
 - f. Family *simcha*, which uproots:
 - a normal family routine
 - gobbles up hours of a needed sleep
 - brings about over-eating
 - exhausting traveling
 - uproots school learning schedule

(2) Personal situation:

1. Sickness
2. Trauma
3. Fear
4. Needs
5. Lack of confidence
6. Low self-image
7. Period before and after Bar Mitzvah
8. Visit by a relative from overseas
9. Involvement with after-school learning group, lessons, sport or hobby
10. *Yetzer Hora*

(3) Unstabilizing neighborhood influences:

1. Bothersome neighbors
2. Bad incident in neighborhood
3. Terrorist attack
4. Hoodlums
5. *Unkosher* stores and products
6. Angry or bad-mouthed bus driver
7. News of another child's difficulties
8. Disturbing national news

(4) School setting:

1. Bad relationship with:
 - a. Principal
 - b. Rebbe
 - c. Teacher
 - d. Other children

(Talking Business—Continued from page 1)
have to cease his noisy activity even if it takes place within his own home.

We see that the *Shulchan Oruch* considers disturbing the peace and tranquility of the neighbour's home as a form of damage to which he can object. Even though the *Remo* disagrees with the basic premise, he will not permit the neighbour to make noise in his own home at a time when people generally go to sleep (see *Ibid.* 155:15, based on the same responsum of the *Rivosh*). In those countries where it is customary to take an afternoon siesta, this would include this rest period as well (*Kesef Kodoshim* 156:2). The truth is, says the *Emek Hamishpot* (3:34:15), that being able to get adequate sleep is essential for people in general. To be deprived of sleep makes them ill, causing them severe headaches, overtiredness, etc. and prevents them from functioning

properly during the rest of the day. He asserts that making noise which leads to sleep deprivation falls into the category of "severe harm which is unendurable", to which all will agree he can object (see *Remo* 155:39).

Are all types of noise forbidden during times designated for sleeping? Can your neighbour object to your little children taking turns to cry in the middle of the night? The *Chazon Ish* (*Bovo Basro* 13:11) explains that when the *Rivosh* states that neighbours can object to noise being made during rest periods, he is only referring to the sound of tools, etc., activities which are not part of average domestic use of one's home. However, if the noise is generated through normal use of one's home, even a sick neighbour has no right to object (although one should try to minimize such disturbance if possible). Accordingly, since it is usual for a person to host a celebration in his home from time to time, neighbours would not have the right to object if such festivities generated some late night noise (within reason). On the other hand, weekly late-night singing sessions are not the norm in private homes (but could be in shuls!). We can therefore conclude that Chaggai can object to Simcha's weekly communal singing, even though Simcha has to accept that Chaggai's *sheva brochos* ended late at night. **MD**

MDTorahWeekly Vol. 4 No. 13

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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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Your letters and comments will be gratefully accepted via e-mail (info@machondaniel.org), phone or fax (02-654-0455), or via mail (Machon Daniel MDTW, POB 43095, Jerusalem).

Layout & Design: Lev Seltzer



Printed by Elmar Printers, Jerusalem

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The *Yalkut Shimoni* explains that Bnei Yisroel did not accept Moshe's proclamation, for they were caught in the web of idol worship (which can be included in קשה עבודה). Thus, in posuk 6:13, we find Hashem telling Moshe not only to talk to Bnei Yisroel, but to command them – ויצום – to stop their *avodah zara* and free their minds to accept Toras Moshe. This request to leave their idol worship is seen in parshas Bo (Shemos 12:21), where Moshe asks the elders to help the people, "...משכו וקחו לכם צאת...", which Chazal explain to mean, משכו – pull yourselves away from *avodah zara* and וקחו – take (choose) for yourselves the way of Torah (לקח represents Torah, as we learn from the parallel structure in the posuk, "כי לקח טוב נתתי לכם תורתי אל, תעזבו" [משלי ד:ב]).

Before a teacher can expect his students to קוח (take) Torah, he has to make sure the child has left (משכו) those activities and influences which have drawn him to a world of mischievousness or have caused him to succumb to the pleadings of the *yetzer hora*.

It appears from here that a fruitful way to pull one out of idol worship and similar draws of the *yetzer hora*, is to involve respected *talmidei chochomim*. Their formidable presence, *chochmah* and their live representation of the beauty, purity and honor of Torah, will urge the students to emulate them and thereby lose interest in their previous desires.

The second reason Bnei Yisroel did not listen to Moshe was because of קשה עבודה – hard work. Hard work includes difficult physical or manual labor. Work can be difficult for a number of reasons, all of which are found in the type of work the Jews did in Egypt:

1. Demand of great physical exertion
 2. Labor which in itself does not take great physical exertion, but must be done in a continuous manner without sufficient time allotted for resting
 3. Work done without an obvious or known purpose
 4. Unsuitable work, i.e., a man doing women's work, or visa versa.
 5. Labor which is too easy or boring or overly repetitive
- Corresponding to the above five explanations of קשה עבודה, we can identify five different requests of a student which may cause him undue hardship:
1. **Physical Exertion:** The teacher squeezes three boys onto one table; the students are forced to shlepp home a full bag of books each evening; the child has to travel across town in a crowded air-conditioned bus.
 2. **Without respite:** The Rebbe gives too long a shiur; the breaks are too short; the students are overburdened with work; a level beyond their grasp is expected of them; the basic needs of rest, relaxation and exercise are denied to the students.
 3. **Without reason:** An assignment is given disconnected to presently learned material and/or beyond the scope and ability of the students; a set of halachos is learned which has no bearing on the lives of the students and they are too young to appreciate its importance; the Rebbe tells his students to work hard to finish the *mesechta* and that when they finish he will make them a *siyum* and *mesiba*, when its obvious to all that the students are not capable of finishing within the designated time period.
 4. **Unsuitable work:** Beginning students learning *Tosfos* or advanced students learning without commentaries.
 5. **Too easy or boring:** Forcing advanced students to keep a notebook of new words; repeating the shiur until every single student knows it 100%; speaking in monotone; saying exactly what is written, without adding additional insights; a shiur which doesn't stir the students' curiosity or imagination.

While the first category of "קוצר רוח" usually designates a problem with the child, "עבודה קשה" usually means the Rebbe needs to improve the way he gives the shiur and/or conducts the class. However, the reverse can be true as well. The Rebbe may be the cause of the child's "קוצר רוח", by instilling unnecessary fear in him, by deriding and belittling him, by embarrassing him or even by ignoring him. This causes the child's defenses to go up and his ability to put up with his Rebbe, and certainly to listen to him and accept his words, to go down.

"עבודה קשה" as well may be found in the home. There are parents who overburden their children with tasks in the home. One parent, who's son was in a dormitory all week, would put his son to work building an extension onto the house on Friday as soon as he arrived home from the Yeshiva until Shabbos, and again on Motzei Shabbos. This left the child exhausted on Sunday morning when he returned to the Yeshiva and put him in a bitter, frustrated and haughty mood. Why? Because he was given "עבודה קשה" at home and wasn't given the time he needed to rest and relax. Parents whose children work hard in the Yeshiva all week, should not have unnecessarily high expect-

Thoughts on the Midrash

A Precedent of Triumph

When G-d redeemed us from Egypt, it was not just from the exile of Egypt that He released us. The redemption from Egypt established the redemptive theme in Jewish history. It was the paradigm of the Divine intervention which would release us from all later exiles. (That is why we are told that the four terms of redemption correspond to the four exiles.) G-d wanted the exile in Egypt to contain every evil the Jewish People would ever experience at the hands of the nations so that the redemption from Egypt would establish a precedent of triumph over all the evils we

would encounter in the course of our history. Moshe Rabbeinu says to G-d, "Why have You done evil to this people..." (Shemos 5:22) because he saw that the redemption of his generation could have occurred without the additional evils resulting from Pharaoh's stubbornness. The midrash tells us that G-d answered, "The end of a thing is better than its beginning," meaning: the redemption from Egypt is the paradigm of all redemptions –including the redemption that will bring an end to history as we know it. For that reason, it is fitting that it represent a triumph over every form and power of darkness. MD

Based on sefer Sefas Emes MD

(Rav Leff—Continued from page 1)

ever we see in the world is either the result of accident or intelligent planning.

The truth is that both are possible. Given enough time and material, it is possible that the book could have been the result of random combinations of ink and paper. Which is more probable? Most normal people would say that the book is the result of intelligent labor, not of accident.

The theory of evolution tries to answer the question: If there is no Creator, how did everything get here?

However, once G-d is introduced, evolutionary theory becomes irrelevant. G-d could have created everything over time, or all at once; there's no need for a theory of evolution. Not that evolution necessarily contradicts Judaism. G-d could have created the world along evolutionary lines; but it's not necessary to say so. Only if one rejects the possibility of a Creator does the need for a theory of evolution arise.

But evolution depends on an endless series of accidents occurring over vast stretches of historical time. It conjures up a process that is mathematically extremely tenuous; the odds against it overwhelming.

The same person who will never accept that the book was the result of a million random combinations of materials will nevertheless affirm his belief in the tale of evolution,

a process infinitely more complex and infinitely less probable. To his mind, the whole world is an accident; but a comparatively simple thing such as a book or a clock must be the product of human intelligence.

The objective observer will look at the world and reason that there must be a Creator. It is not his mind that deters a person from reaching that conclusion, it is heart—he does not want to believe in a Creator. That is why he is willing to believe in that which is illogical and improbable—because the alternative is so much less attractive to him. That is why going after

your heart precedes going after your eyes; because the desires of the heart lead one to false ideas.

Regarding the prohibition of putting a stumbling block before the blind, Chazal tell us that it means that we should not provide another person with the means to sin. Why, asks the Rambam, is such a person called "blind"? He's not blind, he's wicked. He just

wants what's forbidden. He answers that it's because his heart's desires blind his eyes to the truth. If he would open his eyes, if he could be objective, he would see that it's wrong.

This explains how it could be that the greatest philosopher can be an atheist, whereas an ordinary Jewish boy or girl is expected to believe in G-d. One is blinded by his desires; the other is taught to see things clearly. MD

tations of their child on, before and after Shabbos, even in spiritual areas, for since he worked hard all week, he probably needs a good rest. This will also help to avoid friction between the child and his parents. If the child is doing well in the Yeshiva all week, he has the right to relax on Shabbos, as long as he fulfills his basic obligations.

A Rebbe should be aware that his students will have varying degrees of "קוצר רוח ועבודה קשה" and will not always live up to his expectations. Some things can be helped and some cannot be, or least only partially so. The Rebbe should not give up, but fulfill his job as faithfully as possible, putting up with discrepancies between his expectations and the child's abilities and behavior.

If a Rebbe feels that he is not being as successful as he thinks he should be, and sees no point in continuing as a Rebbe, his awareness of his situation will be clarified by the *Yalkut Shimoni's* explanation of Hashem's demands on Moshe.

The *Yalkut* (parshas *Vaeira* 178) relates that since Bnei Yisroel were unwilling or uninterested to accept Moshe's promise of redemption and blessing, Moshe felt that they were impossible to deal with and wanted to return his mandate to rule and take care of the nation. Hashem told him, "Moshe, be aware that My children are rebellious and burdensome, and with this in mind, and under these conditions, I command you to take care of Bnei Yisroel and lead them. All this, even though they curse you and stone you." MD

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Halacha L'Maase

by HaQaon R' Shammai Kahas Gross

Setting Fixed Times for Learning Torah

- According to the Rambam, every Jewish man is obligated to set time aside during the day and during the night to learn Torah, as it is written (Yehoshua 1:8), "...you should contemplate it day and night...", whether he be rich or poor, at peace or afflicted, young or weak with age—even if he is supported by charity and even if he is burdened with the responsibilities of supporting his wife and children. The Rambam adds that the time set aside for Torah learning should be a fixed time so that no matter what a person is doing and even if he would make a large profit — when that time comes, he sits down and learns. The *Mishnah Berurah* writes that the idea behind having a fixed time for learning Torah is that a person should designate a fixed time every day for learning which he never misses. And if it occurs that he is unable to learn at the designated time during the day, he regards himself as obligated to make it up in the evening.
- According to the Gemorah (Shabbos 31), at the beginning of a person's judgment after death, the first thing that will be asked of him will be, "Did you set a fixed times for learning Torah?" "Times" (in the plural) because a person should have two fixed times for learning every day: one during the day and one at night.
- The best thing to do is to fix a time to learn in the morning because if a person is busy the rest of the day, he won't have time to learn. The later poskim (Acharonim) have written that before leaving the synagogue in the morning, a person should learn at least a single verse or a halachah, even if he is in a rush or has urgent business to attend to. If he has a class he goes to at the same time every day, he should fix a time for learning at night as well. If his class starts during the day and ends at night, he fulfills his obligation of learning day and night by attending the class.