

Parashas
Mishpatim
• 721 •
כ"ז שבט תשפ"ו
5786

טיב הקהילה

English edition

באנגלית

י"ח ע"י
קהילת שבתי בבית ד'
בנשיאות מורנו ורבנו הרה"צ
רבי גמליאל הכהן
רבינוביץ שליט"א

טיב הפרשה

תמים תהיה עם ה' אלקיך

You shall be wholehearted with Hashem, your G-d

(וְכִי יִזְדֹּא אִישׁ עַל רֵעֵהוּ לְהַרְגוֹ בְּעֶרְמָה מִעַם מִזְבְּחֵי תִקְחֵנּוּ לָמוֹת: (בא, יד

When a man will scheme against his fellow to kill him with guile, from My Mizbeach you shall take him to die. (21:14)

Rashi explains: From My Mizbeach – If the killer was a Kohen, and he wishes to do the *avodah*, you shall take him to put him to death.

The commentators on Rashi copied an addition to Rashi's discourse, and it is from Tosfos in Sanhedrin (35b, s.v. "shen'emar"), who wrote in this language: "And even if there is no kohen fit to perform the *avodah*, it is deferred," end quote.

Tosfos wrote the words as practical halacha. And in simple understanding, it appears from their words that even if we were to arrive at a case in which no remnant remained of the seed of Aaron except for this kohen who killed a person, and if the judgment of death would be carried out upon him the service of the Beis HaMikdash would be nullified, we have no permission to change the decree of our holy Torah, and we are obligated to put him to death. We also have no permission to delay executing him until another son would be established in his place; rather, immediately and at once we must fulfill upon him that which our holy Torah commanded.

In light of their words, that this is the intent of the *posuk*, it is fitting for us to contemplate why the Torah needed at all to instruct us of this law, for even if it is true that if such a case should occur this would be our obligation, we do not need to know this halacha, since in practice we will not arrive at a situation like this. For certainly our Creator desires that His Torah be eternal and that we should not arrive at a situation in which we would no longer be able to fulfill one of His commandments, and perforce, even in the worst situations HaKadosh Baruch Hu will supervise that a remnant of the seed of Aaron will remain, and there will not be a nullification of the service of the Beis HaMikdash. [And one should not respond to our words with what we see in reality, that HaKadosh Baruch Hu has withheld from us the *avodah* of the Beis HaMikdash during our exile, for this is still not in the category of a commandment that has been nullified and uprooted from its source, since we are promised by the *nevi'im* that speedily the Beis HaMikdash will be built, and again we will be able to perform the *avodah*; but if there would be destruction, *chas v'shalom*, of the *sheivet* of *kohanim*, the commandment of the *avodah* would be nullified forever, and to a situation like this we will never come]. And if this ruling is not destined to be implemented, why did the Torah see fit to inform us of it?

One can answer that this halacha was stated only in order that through it we should become wise to know a foundation and a great principle in the *avodah* of Hashem. For behold, sometimes we find ourselves in a situation in which, with a superficial view, it appears to us that there can be no further restoration for the religion of our holy Torah unless we transgress some commandment, *chalilah*. However, this is an opinion that is not pleasing to HaKadosh Baruch Hu. HaKadosh Baruch Hu does not need us to be "guardians" over the maintenance of His religion, and He does not desire that because of it we should transgress one of His commandments. In such a case we must trust in Hashem our G-d, that He Himself will act for His sake and will take care of the strength of His religion and its existence. And Rabban Shimon bar Yochai already said

טיב המערכת

ועבדו לעולם

And he shall serve him forever

In the prison of one of the countries, there was a custom among the inmates that the prisoner who had been in prison the greatest number of years was the "king of the prisoners." Everyone accorded him honor, and if there was any dispute or quarrel among the prisoners, they would come to him for judgment, and according to his word the matter would be decided. Thus did the system conduct itself for many years. Each time the elderly prisoner was released after completing the service of his sentence, or if he died beforehand, the next most veteran prisoner in line would be appointed in his place. Now, the king of that country was accustomed to grant amnesty to prisoners on his birthday, and on one occasion, on his birthday, he granted amnesty to the oldest of the prisoners in that prison. But that poor prisoner, who only a few days earlier had been appointed "king of the prisoners," refused to accept the amnesty and to forgo his exalted status.

The Torah says (21:3,5,6): - עבד עברי, שש שנים יעבד ובשביעית יצא' - לחפשי חנם... ואם אמור יאמר העבד אהבתי את אדוני את אשתי ואם בני, לא אצא חפשי... והגישו אל הדלת או אל המזוזה ורצע אדוניו את אזנו במרצע ועבדו 'לעולם "A Hebrew servant, six years he shall serve, and in the seventh he shall go out free, without payment. And if the servant shall surely say: I love my master, my wife, and my children; I shall not go out free. Then his master shall bring him to the judges, and he shall bring him to the door or to the doorpost, and his master shall pierce his ear with an awl, and he shall serve him forever." Rashi brings the exposition of Rabbi Shimon (Kiddushin 22b): "HaKadosh Baruch Hu said: The door and the doorpost, which were witnesses in Egypt when I passed over the lintel and over the two doorposts, and I said (Vayikra 25:55) 'כי לי', 'בני ישראל עבדים' - 'For the Children of Israel are servants to Me; they are My servants and not servants to servants,' and this one went and acquired a master for himself, let him be pierced before them."

In our days there is no law of servitude, but there are many servants. "Man goes out to his labor and to his work until evening" (Tehillim 104:23) is a decree that was decreed upon us through the sin of the Tree of Knowledge, and from then until today this has been the way of the world, that a person must toil in order to attain his livelihood, one less and one more. But the wonder is upon us, that after a person has already attained sufficient livelihood, and moreover has enough for his needs and for his children after him, he still goes out to toil with great hardship. Behold, we are truly like that servant who is "bound" to the material conditions that he received in his master's house and is unable to free himself from them and go out to freedom. But if we strengthen ourselves in faith and remember that this world is a corridor to the World to Come, then we shall focus on the essential and not on the secondary, "for the Children of Israel are servants to Me – and not servants to servants."

Tiv HaTorah - Mishpatim

about this (Shabbos 138b): “*Chas v’shalom* that Torah should be forgotten from Israel, as it is stated (Devarim 31:21), ‘כי לא תשכח’ - ‘For it shall not be forgotten from the mouth of his seed.’” And although upon us is placed the obligation to do our *hishtadlus* from our side in order to establish a generation of Torah scholars, this is only from the perspective of the supernal will that it be in a natural manner. But in a place where there is a need to transgress for this purpose, this is no longer the supernal will, and therefore we must walk with simplicity and turn away from transgression and trust in His aforementioned promise.

In order to illustrate this principle, the Torah taught us the aforementioned halacha, that even a solitary kohen, if he became liable to death by Heaven, there is no escape from killing him, even though if we must fulfill our obligation this will be a cause for the nullification of another commandment for eternity, for it is not our obligation to establish the Torah through sins. And in situations like these we must know that the eyes of man are limited from seeing how HaKadosh Baruch Hu will bring about strength for His religion.

And sometimes it can be seen that specifically that positive action which appeared in the eyes of flesh as a cause for the nullification of Torah was the very thing that was the cause for establishing it upon its foundation. And behold for you a story that illustrates these matters.

It was when the Russian government demanded that external wisdoms and secular studies be taught in the Yeshivah of Volozhin, and they threatened the *Roshei Yeshiva* that if they would not comply with their words they would force the closure of the yeshiva. And this was a harsh decree upon Israel, for it was the only yeshiva to which young men flocked from all the cities

of Lithuania and its regions.

Accordingly, a great assembly was then convened in which all the great ones of Israel of that period participated, and they discussed according to the law what should be done.

Among those who came were rabbis who tended to present before the government a compromise according to which the young men would need to study a bit of matters of secular education, for otherwise the authorities would force the closure of the yeshiva and it would be found that Torah would be nullified entirely.

However, after this proposal was raised and it was heard in the ears of the Rav of Brisk, the holy gaon Rabbi Chaim zt”l, he cried out from the groaning of his heart not to be drawn after this proposal, for *chalilah* for a yeshiva whose purpose is sacred to transform its essence and bring the young men to negative and invalid knowledge. And even if the authorities would force the closure of the yeshiva, there is no permission in this. And HaKadosh Baruch Hu did not impose upon us the task to worry about His promise that Torah will not be forgotten from Israel by means of prohibitions.

The opinion of the Rav of Brisk was indeed accepted, and when the *Roshei Yeshiva* did not agree to introduce secular education among the students of the yeshiva, the authorities forced the closure of the yeshiva.

That day on which they were compelled to close the yeshiva was a very difficult day for Israel in general, and for the students of the yeshiva in particular, as is described in the historical chronicles of those days. However, with the passage of time it was proven that the closure of the yeshiva brought about the opposite result, for it was a cause to increase Torah in Israel, because as a result several yeshivos were opened in other places, and among them also in Lithuania itself, and

the network of Torah was spread also upon young men who did not have the ability to wander as far as distant Volozhin from their native city. Whereas if they would have listened to the counsel of the compromisers, aside from the fact that they would not have merited the young men who were far from Volozhin, they would also have lost many young men from Volozhin itself, for as is known the secular enlightenment wrought devastation in the vineyard of Israel, and burned like fire in stubble multitudes of souls of Israel.

Then it became clear how correct the Torah was in saying (Devarim 18:13): ‘תנמים תהיה עם ה’ אלקיך’ - “You shall be wholehearted with Hashem your God,” and as Rashi explains there: “Walk with Him with wholeheartedness and await Him, and do not investigate the future; rather, whatever comes upon you accept with wholeheartedness, and then you will be with Him and in His portion,” end quote.

A person must walk with wholeheartedness, and it is forbidden for him to deviate from the will of Hashem even when he intends for the benefit of HaKadosh Baruch Hu, for HaKadosh Baruch Hu already knows what His benefit is and what the benefit of man is. Therefore, he should not investigate the future and calculate what the outcome will be if he listens to the voice of Hashem. And even if it appears to him that evil will come through his good deeds, he must accept the matters with wholeheartedness, and only then will we merit to be with Him and in His portion. And afterward he will realize that his thought to distort his path for the sake of Heaven in order to achieve his objective was the counsel of the *yetzer*, and it was no means for good at all, and only in the merit of not fulfilling its counsel did he merit to be with Him and in His portion.

טיב ההשגרה

‘פנק הצלה’ - ‘Saving traffic jam’

Once every few weeks, my household arranges a large shopping trip to one of the large and inexpensive supermarkets, and when the delivery arrives at the house, I am already waiting downstairs to help unload and carry all the groceries into the house.

Because of my age, Baruch Hashem, I always find with hashgacha pratis a few energetic young men who happily help me.

This time, something not pleasant at all happened to me: my wife called me and said that she was already on the way home with the van full of the large shopping, and I was not at home at that time at all. I was in a car on the way home. I prayed to Hashem that He save me from the unpleasant situation. After all, if she would arrive home and I would not be there to help her, she could be completely helpless without any help at all!!! A prayer from the depths of the heart, and a request to the driver that he try to hurry as much as

he could by natural means, and in the hope that it was not a vain prayer.

Finally, after tense minutes, I arrived at the parking area and did not find the van with the shopping.

I called home to see and clarify where the van with the delivery was, and she answered: “Do not ask, we are stuck here right near the house in a traffic jam that is not moving, apparently the garbage truck or something like it blocked the road...” I breathed a sigh of relief and thanked Hashem for her traffic jam that saved me and my domestic peace (shalom bayis).

In the meantime, three young men from abroad arrived who wanted to consult with me, and they quickly carried the abundant shopping straight into the house.

Suddenly I saw that traffic jams are not always a bad thing; sometimes they save the shalom bayis of a Jew!!!

צ.ה.

The admirable trait of a “generous eye” was deeply and indelibly ingrained in my father and teacher zt”l. He made sure to praise anyone he met, commending him for his virtues and good attributes. As is well known and widely attested among the residents of Yerushalayim, he always greeted every individual with a radiant countenance, and the qualities of humility and self-effacement were the guiding light of his entire being. This was a source of the constant joy that rested upon his face—to strengthen and encourage fellow Jews to see the good within every person.

How refined that tzaddik was in his character traits, to the extent that everyone fondly remembers his humility of spirit. He was exceptionally distinguished by his naturally yielding disposition—to forgo what was his with simplicity and ease for the sake of others. He merited to establish many students in all the locations in which he disseminated Torah to multitudes, and wherever he taught he would educate, in particular, toward the refinement of character and toward accustoming a person to constantly overlook one’s own personal needs and yield to others.

In the words of guidance he would deliver to chassanim —when his students would come to him, as was customary, to receive sincere counsel in advance of their marriages—he would often relate a fine account, one among the many stories he knew about Maran the Chafetz Chaim zt”l, to whose Torah he cleaved, for his entire life. And thus he would relate:

After the Chafetz Chaim zt”l, married his first wife, when Succos approached, there were several possible locations in his courtyard where the holy succah could be erected. And since Chazal taught (Bava Metzia 49a) that in matters of the household one should consult the opinion of one’s wife, he called his wife to confer with her as to which area in the courtyard she preferred for the succah to be built.

His wife was very pleased to hear that this important decision was in her hands, and she began to calculate carefully which side would be more convenient. There she examined the strength and direction of the sun and the wind in that spot, the degree of proximity and comfort relative to the house, and all the other relevant considerations. After much deliberation, she decided upon a particular location which she deemed the most preferable for the construction of the succah.

Immediately, the Chafetz Chaim set himself to the sacred task with awe and affection. He labored strenuously to erect it—for in those days, before the era of clips and cable ties of every sort, before the days of the “everlasting schach” and collapsible succos... this was arduous and exhausting work.

סיב המעשיות

In honor of the yahrtzeit of my father and teacher, Rav Levi Yitzchok Rabinovitch zt”l, author of the remarkable work on Yoreh De’ah, Maadanei HaShulchan, we present you with many stories about him – each offering valuable lessons and insights.

After he completed the succah successfully and set it firmly in place, his wife came to see his fine workmanship. She derived great satisfaction from his labor, and, as is natural, she also found herself repeatedly reflecting upon and reconsidering “her” part in the succah—the decision regarding its placement in the courtyard. Throughout the night she pondered the matter at length, discovering new considerations, and after weighing the pros and cons this way and that, she arrived at the conclusion that perhaps it would be better and more comfortable to place it on the other side of the courtyard.

The following morning, she unburdened her heart to her great husband: “Yisrael Meir, during the night I thought about what you asked me regarding the proper location for the succah, and after reconsidering all the factors involved, I fear that I may have erred. Specifically, the other side of the yard seems more pleasant and comfortable. It is a shame that I hastened with my response and did not reflect upon it further.”

And indeed—to her great astonishment—the Chafetz Chaim, without uttering a word, went out to the large yard and began to dismantle the entire succah that he had erected the previous day with such arduous toil, and to rebuild it anew in the place she had just indicated. It was, of course, a beautiful succah, adorned with the most splendid adornment of all—the adornment of self-effacement and magnificent humility. She had not thought of this at all; this was not her intention whatsoever. She had merely expressed her regret before him, that in truth she was sorry about her decision, since perhaps the other location would have been preferable. But the holy Chafetz Chaim, in the greatness of his labor in refining his traits, did not respond, “Very well, we shall leave it for next year; next time we will build it there.” Rather, he girded himself like a lion and overlooked his own measures: he dismantled his succah and rebuilt everything anew, from foundation to top!

This account my father would relate when instructing a bridegroom, in order to present him with a living, tangible example of what it means to be one who “overlooks his own measures” within the inner sanctum of his own home. This is the way of life that imparts understanding to a person—how to approach marriage from a

stance of negation of self.

When my father concluded this awe-inspiring account, he would turn to the groom and speak directly into his ear: “In those days, this was exceedingly difficult labor. Another, ordinary person would certainly have placated his wife by saying that since the succah is already standing where it is, let us leave it as is, and next year, with Hashem’s help, we will erect it in the other place—after all, it is only for the seven days of the festival...”

The foundation of marital success depends upon one matter alone: absolute yielding, overlooking one’s own needs, and self-effacement. One must constantly what he can give and do for the another, and for Hashem and His people—and not how much he can expect to receive. The more one nullifies one’s self-centeredness, transforming the desire to receive into a desire to give, the more one’s shalom bayis will succeed, and the holy Shechinah will come to dwell within his tent.

Top of Form

I recall one Shabbos when we did not sing the zemiros of Shabbos Kodesh aloud, but only softly. This was because, in the home of one of the neighbors, a terrible tragedy had occurred that week, with the passing away of a young child Rachmana litzlan. Therefore, that Shabbos my parents a”h, decided that it was not fitting for us to sing the zemiros aloud in our usual manner, for this could appear, in the eyes of the neighbors, as though we were not participating in or sensing their pain, as though the world were continuing in song and melody as usual. In order not to cause them such distressing thoughts, we refrained on that Shabbos from singing the zemiros aloud.

On one occasion, when my father and teacher was about to undergo heart surgery, as he lay in the hospital on the bed prepared for the operation, he conducted with himself a cheshbon hanefesh [moral self-reckoning]. As I stood at his bedside without his noticing my presence, I heard him express to himself: “Baruch Hashem, regarding matters between bein adam le’chaveiro [between man and his fellow] I have examined my deeds, and there is no blemish in me whatsoever. But in matters between man and the Omnipresent [bein adam le’Makom], there is indeed a need for me to rectify!”

My father and teacher was exceedingly careful not to hurt another person. He once told me that with regard to interpersonal relationships, he estimates himself to be “innocent,” for he never hurt any individual, and he always endeavored to benefit every person to the extent of his ability. This stemmed from his recognition of the inherent worth of every human being.

[This is an extraordinarily lofty level, for it is well known that for many years he was engaged in disseminating Torah to students and was deeply involved with many people. Yet despite this, he testified about himself that he never in his life harmed the honor of another. This is a formidable attainment in the perfection of a one's avodas Hashem.]

I observed that even when my father and teacher zt"l, felt he had to rebuke a Jew, he was careful to treat him respectfully, to allude to the wrongdoing only by allusion, and not to chastise a fellow Jew with the lash of his tongue.

Once he saw in the beis knesses that one of the congregants was speaking while the congregation was reciting Aleinu Leshabeach. My father zt"l, was extremely cautious in matters between man and his fellow, and therefore he did not scold him. Yet he was compelled to admonish him for his behavior, so he said to him gently that he was certain that had he reflected upon the prayer of Aleinu Leshabeach, he would not have spoken in the midst of its recitation.

My father the holy tzaddik zt"l, once, as he stood prior to entering the operating room for a complex surgery, turned to my brother, the gaon Rav Elchanan shlita, and said as follows:

"Listen, I have conducted a cheshbon hanefesh in matters between man and his fellow, lest perhaps there is some person who harbors a grievance against me. I investigated extensively and found no flaw in this regard. However, I fear concerning one individual that perhaps he harbors in his heart some resentment toward me. About forty years ago I served as an 'examiner' for children on perakim of Mishnayos recited by heart, and they would receive prizes for this, as was customary. That person, who was then a small child, exerted himself greatly in the study of the Mishnayos, and after he passed the examination successfully, he asked me to grant him authorization for a larger prize, since he had worked so hard to succeed. At the time, however, I refused, explaining that according to the established rules the prize was determined solely by the number of perakim actually examined. And now I fear lest perhaps the child was somewhat hurt by this."

Therefore, out of this concern, he asked his son, Rav Elchanan, to go to the rav of the beis knesses in which that individual prayed, and together they should approach him to request that he state explicitly that he forgives my father wholeheartedly, and to offer him a respectable sum as compensation.

When they spoke with the man, he said that indeed he remembered all the details

of that incident well, and that he forgave my father wholeheartedly. When they offered him compensation, he said that he preferred instead to receive the sefarim Ma'adanei Hashulchan authored by my father and teacher zt"l, and with that his mind was put at ease.

At that same moment, prior to the surgery, my father also called the rebbeztzin, and requested forgiveness from her too, for it once happened that in the early morning hours, when he was very weak and lying in bed, he asked her what time it was. She answered, "You still have an hour before hanetz." For this he now asked her forgiveness, because he had disturbed her sleep that morning with his question!

How much caution is required in interpersonal relationships! How necessary it is to distance oneself from dispute that is not for the sake of Heaven!

The fine and noble traits of my revered father zt"l, were renowned. All who knew him immediately discerned the delicacy of his soul and the refinement of his character.

In our childhood, when at times quarrels would arise among the children, as occurs in every household, this caused him great anguish, and he would be unable to fall asleep at night until we had reconciled—saying that as long as there exists any sort of resentment in the house, it is impossible to fall sleep!

[So, too, did he write at the beginning of his testament: "I request that there be peace and love among you, each toward the other, and that you all yield to each other when there is a dispute, for peace is a very great matter, as it is written, וְאַהֲבַת לְרֵעִךָ כְּמוֹךָ and love brings peace." And further there it writes: "My beloved son, the mekubal Rav Gamliel, I request that you endeavor that there be no dispute whatsoever within the family, etc."]

One incident I witnessed with my father zt"l made a deep impression upon me, and from it I learned the trait of humility that was a guiding light for him.

It occurred when I once entered his home and saw him sitting and conversing with a certain man. I did not hear the entire conversation, but I did hear my father say to that individual: "Please forgive me! I erred!" [Ich hob a to'us gehat, zay mir mochel...] The visiting man responded: "But you already asked my forgiveness sixty-five years ago, and I already forgave you—what more do you want now?" I understood that apparently my father feared that he had hurt that person many years earlier, and each time he encountered him he would again ask his forgiveness for his mistake. Therefore, when the man came to him for a different reason, he once again requested forgiveness for that error, so that he would forgive him with a full heart.

Now contemplate how far the humility of the gedolim of Klal Yisrael extends! Over a mere concern of a possible error—lest the honor of a Jew may have been harmed—he did not refrain

from confessing openly and saying, "I erred, and I ask forgiveness and pardon!" And how great is the caution required not to hurt another person, and if one has, chas veshalom, to what extent one should go to seek his forgiveness.

I observed with my father and teacher that beyond his care for human dignity, he also felt deeply the suffering of living creatures. I recall well, when I was a youth, that one night we heard a cat crying behind the door of one of the cellars in our neighborhood. My father realized that the cat had mistakenly been locked in the cellar, and that the animal was suffering, trapped and unable to escape. My father found no rest until he located the owner of the cellar in the middle of the night and urged him to release the cat and free it from its confinement.

I still remember, in earlier years, when lice were commonly found in homes and would crawl onto beds and clothing, that my revered father was careful not to kill them. He would take them in his hand and throw them onto the floor, saying that they too are creations of Hashem, and that it is forbidden for us to take their lives.

These are but a few examples of his sensitivity toward every single living being. Yet time and again we witnessed many other instances in which he paid remarkable attention to the suffering of animals. We saw with our own eyes how he accorded value to every creature, understood their distress, and inclined himself to assist them.

This trait is not widely recognized among the general public, and for the most part we do not give much thought to the needs and suffering of animals. However, we must know that according to the Torah's outlook, we are obligated to be mindful of them and to be careful not to cause them pain.

Indeed, halachah establishes that a person may not eat before feeding the animals under his care. Only after he has tended to their needs may he set his own table and eat. If we were obligated to provide for all animals, we would likewise be required to precede even our own sustenance with theirs; the only reason we are not obligated to do so is because, by their nature and way, they are able to obtain food from what is ownerless.

My revered father zt"l, was exceedingly meticulous in this matter. At times, he could not fall asleep, unless he could ease the suffering of a cat whose distress he noticed, as mentioned above. Not only that, but he also saw fit to provide for the needs of animals; he would place bowls of water in certain locations to quench the thirst of the cats roaming the city streets. His reasoning was clear—while we are not obligated to feed them because they find food in the refuse heaps, they do not find there anything with which to quench their thirst; therefore, it is fitting that we provide them with water.

[I am pained by the fact that in recent times, deep underground garbage bins have been installed in several towns, with the result that stray animals are no longer able to sustain themselves from the refuse. No one seems to take to heart that they are causing them distress and depriving them of food. Those responsible for public welfare ought to pay attention to this and correct the wrong.]