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Parshas Va'Yailech and Ha'Azinu, 13 Tishrei, 5783

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## On the Parsha

The Seforno in **Parshas Va'Yailech** explains that Moshe Rabbeinu told Klal Yisrael that he was one hundred and twenty years old and was about to die but they should not despair that he would no longer be their leader because he was very old. The Seforno further explains that Moshe added that even if he would continue to live miraculously, it would not be beneficial because he would be unable to go back and forth to interact with them and that he was too old to lead. He further added that since Hashem told him that he would not enter Eretz Yisrael, it would not be in their best interest for him to remain alive because once he would die 1] Klal Yisrael would be able to enter Eretz Yisrael and 2] they would have better leadership because Hashem Himself would be leading them into Eretz Yisrael. [Author's note: It is true that Yehosua would be leading them, but we suggest that the Seforno meant that Hashem would be more involved in leading Klal Yisrael than if Moshe would continue to lead, as Hashem would assist Yehosua as the new leader with less experience than Moshe.]

The Maadnei Shmuel points out that generally speaking, when a person wishes to wrap up his affairs (as Moshe is doing here before he dies) he mentions past complaints and grievances. The truth is, that it was because of Klal Yisrael that Moshe Rabbeinu ultimately did not enter Eretz Yisrael. And while he mentioned this in the Mussar that he had given to them previously, he did not mention it now on the very last day of his life.

Why is this so? The Maadnei Shmuel explains that it was because Moshe Rabbeinu's entire essence was one of truth. He had no personal agendas, underlying motivations or bad Middos. Rather, his entire being was truth and there was no ill will behind his statements. There was only pure love and concern for Klal Yisrael's well-being. There is no question that not being able to enter Eretz Yisrael troubled him. And yet, he was able to suppress these thoughts and only speak words of consolation to Klal Yisrael.

Moshe Rabbeinu tells us in **Parshas Ha'Azinu**, "Ki Shaim Hashem Ekrah Hovu Godel L'Elokainu." - When I call out the Name of Hashem, bring greatness to Hashem. What is the meaning of this Pasuk?

The Rashbam provides a fascinating explanation of this Pasuk. He states that when Moshe explains the gratitude we should have for the monumental acts of kindness that Hashem has done for us, the favors that He has extended us, and also the sheer righteousness of Hashem, we will then be able to be Modeh Al HaEmes - to admit the truth. The Rashbam seems to be revealing an incredible connection between seeing truth and gratitude. This idea that the Rashbam introduces implies that until now, we may be living a lie and that gratitude will enable us to see through that lie.

But what is that lie? Rav Yisroel Salanter explains in his famous Igeres HaMussar, "HaAdam Chofshi BeDimyono V'Asur BeMuskalo" – loosely translated, this means that mankind is free or unfettered in his imagination and in the power of a lie, and yet he is bound in his intellect to counter the fallacy of the lie.

The lie is that we do not wish to follow the pathways of Hashem and instead are attracted to the quicker way out - rejecting the path that Hashem has directed us towards, in favor of the glitz and glamor of what appears to be an easier, more pleasurable life.

However, Rav Yisroel Salanter says that we do have the intellect to counter the fallacy of the lie. How is this possible? According to the Rashbam above, Moshe Rabbeinu is telling us that if we develop within ourselves a sense of gratitude, an inner appreciation for that which Hashem has done and constantly does for us, then the power of the Yetzer Hara will be neutralized. We will see right through him and come to the truth. Our goals and purpose in life will be clear.

## Chizuk - Inspiration

Rav Avrohom  
Genechovsky ZT"L

(1936-2012) was the Rosh Yeshiva at the Tchebiner Yeshiva, Kochav M'Yaakov, in Yerushalayim. There was a period of time in which he had undergone eye surgery. During his convalescence, he continued his Torah study with great Mesiras Nefesh and he highly valued the Talmudic insights that he had originated during this time - they were quite precious to him. And now, he was ready to present these ideas that he had carefully formulated to his precious students. During the presentation, one of his students

"May I back out of a school carpool that I have already committed to?"

"Should I report a co-worker who is acting dishonestly?"

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posed a question: “But Rebbe, doesn’t the Baalei HaTosfos in the tractate that we had studied two years ago contradict what you are saying?”

Rav Genechovsky thought about the question and responded, “You are correct. I am mistaken.” When he went home, he told his study partner, “Come, let us erase all of my beloved Chiddushim [original Talmudic insights] that I had thought to be correct. Do not, however, think that I am saddened that these insights have been proven wrong. I am actually quite happy, for I have seen the truth, and finding out the truth about my Talmudic interpretations makes me the very happiest I can be!”

### Halacha – Jewish Law

**Question:** I agreed to buy a used iPhone 14 from someone and I gave the seller part of the money for it, but I backed out of the deal because I wanted to buy the iPhone 14 Plus which has a display that is 2 centimeters bigger. Am I wrong? How wrong?

**Answer:** Actually, you are very wrong and here is why: Although it is not well known, there is a fascinating Sifre that is quoted by the Chofetz Chaim in the seventh chapter of Sefer Sefas Tamim. He writes that not keeping one’s word is actually a negation of the Mitzvah of “VeHalachta biDrachav” – You will walk in His [Hashem’s] ways.

In addition, The Gemorah (Bava Metziah 47b-49a) explains that reneging on a deal, whether it be a transaction or just a commitment, is liable for a curse known as a “Mi Shepara”. The curse states that the One that paid [punished] the generation of Noach by bringing the flood, the people that built the Tower of Babel, the people of S’dom and Amorah, and the Egyptians by the sea - will punish one who does not keep his word.” This is the Halacha as cited in Choshen Mishpat 204:4.

In Halacha, there are two types of property – movable property (Metaltelin) and real estate (Karkah). According to De’Oraisah or Torah law, payment of money effects a transfer of ownership. Regarding Metaltelin, Mi’Derabanan - by Rabbinic law, an additional Kinyan (Halachic act to effect ownership) is required. Regarding Karkah however, a transfer of ownership occurs with monetary transfer without the need for an additional Kinyan (See Choshen Mishpat 190:1). An iPhone is an example of Metaltelin and therefore needs an additional Kinyan as referenced above, which is why your iPhone transaction has not been

consummated and makes it possible for you to back out of the deal even though you are now subject to the Mi Shepara.

The Sma (204:3) explains that even if you planned to give up your deposit, as you likely did when you backed out of the iPhone deal, it is still worthy of a Mi Shepara – unless the seller is fully amenable to you backing out. There is a possible exception if new information or developments suddenly came up (see Shaivet HaLevi Vol. IV #206) where you would not have made the commitment to purchase the iPhone if the new information was available at the time of your commitment.

One final note, the seller cannot change his mind either and he would have to sell you the iPhone once you paid him a deposit. If the seller backed out after receiving the deposit, then he would be subject to a “Mi Shepara”.

### Mussar – Introspection

This week we continue Chapter Two of our translation of the Chofetz Chaim’s Sefer entitled, “Sefas Tamim.”

“It is near certain that the lies that they [the businessmen] use are for no purpose, for if he so desires, he [the businessman] could have said, ‘The price for this item is such and such. I cannot give it for less.’ And this would be sufficient. ‘What will it give you? What will it add for you, deceitful tongue?’ (Tehillim 120:3). Even if he thinks that he will earn a large amount through the lie, ‘distance yourself from a false matter.’ The truth is that he will lose far more than what he would earn. One who trusts in Hashem and conducts his business matters honestly, the Chessed of Hashem will surround him (Tehillim 32:10), and the blessings of Hashem will enrich him (see Mishlei 10:22). Certainly, he will not lose out any sustenance (see Yishayahu 51:14). His earnings will be made in a permitted manner, with Nachas and with honor. [Previously, the Chofetz Chaim had expounded on the heavenly rewards of one who conducts himself with everyday Emes. In this paragraph he discusses the rewards here on earth in one’s lifetime.

This is the meaning of the Pasuk (Tehillim 34:13), ‘Who is the man who seeks life?’ – in the world to come, ‘...and loves days to see good’ – in this world. [It is one who follows this advice] ‘Guard your mouth from bad and your lips from speaking deceitfully.’”