

הלכה למעשה

מאת הגאון מו"ר הרב ברוך חירשפול שליט"א
ראש כולל עשרת חיים ברוך, קליבלנד ווינט

chicken (6). A pregnant woman may eat chicken if necessary. On *Erev Shabbos Chazon*, one can taste and spit out food cooked with meat (chicken soup or *chulent*) but not the meat itself, in order to see if it is cooked properly (7). A *beracha* is not said. If one normally feeds their children the *Shabbos* meal (which contains meat) before *Shabbos* starts, they may do so within an hour or two of *Shabbos* (8). **Making a Siyum.** One who finishes the following can make a *siyum*: *Masechta Mishnayos* learned well (9) (however the *minhag* is to only make a *siyum* on the completion of a *seder Mishnayos*); one *Sefer of Tanach*; one *Sefer of Zohar*; *Chelek of Shulchan Aruch* (10). The above is only when learned well and with a *pinush* (e.g **Tosfos Yom Tov**) and not when it is learned quickly in order to eat meat; *Masechta* of *Gemara*, either *Bavli* or *Yerushalmi*. Even a smaller *Masechta* such as *Tamid*, or *Horiyos*. One may only eat meat or drink wine as part of the *siyum*. Some say that a *Masechta* that was divided up between many people is not valid for a *siyum* (11). Ideally, one should not leave over part of their learning in order to make a *siyum* during the Nine Days.

A SERIES IN HALACHA LIVING A “TORAH” DAY

Laws of the Three Weeks and Nine Days (3)

The Nine Days. During the Nine Days we decrease our joy (ממעטין בשמחה). If one has a lawsuit with a non-Jew in court, they should postpone it until the month of *Elul* or at least until after *Tisha B'av* (1). One should not be concerned to finalize a *shidduch* and get engaged during the Nine Days. One can make a simple *l'chaim* or *vort* with basic foods served (e.g. cake and fruit). Dancing is not allowed. Singing is permitted (2). **Eating Meat and Drinking Wine.** One may not eat meat or poultry during the Nine Days (3). One may not eat food cooked with meat (or chicken) even without the pieces of meat itself (clear chicken soup or *chulent*). Some say that *parve* food that was wrapped well in foil and cooked with meat (*kugel* in *chulent*), should not be eaten (4). One can eat *parve* food that was cooked in a clean meat pot, even if the pot was used within 24 hours. This includes sharp foods like onions (5). One can feed meat or chicken to children below the age of *chinuch* (approx. aged five). One who is unable to eat dairy (lactose intolerant) can eat

בין הריוחיים – תבלין מדף היומי – בבא בתרא לה

“כל דאלים גבר” *paskens* ר' נרמן, in it, מורחק in it, מורחק. The רש"י explains that this means whoever is stronger either in כח or ראיות or כח וראיות gets to keep the item. This *din* applies to סטולטין in instances where one litigant doesn't have any more of a חזקה or עדות than the other litigant. **תוס'** [הרחא] asks, why should these cases be any different than the case of שנים כדא"ג? **Tosfos** explains that כדא"ג not יחלוקו *pasken* and where one does not have any more of a חזקה or ראיה than the other, yet we *pasken* יחלוקו. However, in the case of the boat and the field, since neither one is מורחק on the item we say כדא"ג an actual כדא"ג is stepping aside [סילוק] and letting the litigants deal with it, or is כדא"ג a *din* where 2 litigants could be in an ongoing סברה and the first person may not grab it back. This is because it is not מסתבר that there is a *din* behind saying כדא"ג and allowing the first גבר" and the first גבר" to retain the property until proven otherwise. This is because we assume that the rightful owner will ultimately exert more energy and spend more resources in proving the item is his, more so than a thief. The רש"י [התם] explains that if in any current doubt of ownership, it is possible to ascertain who the rightful owner is [איכא דמיקם עלה מילתא] or use יחלוקו *pasken* will not ב"ד, because if at a later time witnesses are brought or the doubt is clarified, it will be a אילול [מיעות] בית דין to אילול. In these situations, בית דין will *pasken* ב"ד, כדאלים גבר *pasken* like the רא"ש and the first one to be *paskens* (חו"מ ס' קלטא) **ש"ע** asks on this *svara*, from a *Gemara* that discusses a stream of water that is used for watering the fields alongside it. The field owners upstream want to channel the water into their fields, while the landowners downstream are arguing that the stream should be left to flow and let it reach their fields. The *Gemara* concludes that since we don't know how to *pasken*, we say כדא"ג. Asks the ר"ט, in this situation we are not waiting for someone to bring ראיות, or is there a rightful owner, so how does the *svara* of the רא"ש fit in? The ש"ך cites many שיטות that say כדא"ג does allow for a back and forth. He therefore says "נראה לדינא" that even after it is grabbed by the first person, his opponent may grab it back.

הוא היה אומר

(1) משנה ברורה תקנאב (2) ש"ס"ט, קובץ הלכות יב (3) ש"ע י"ד תקנאט (4) קובץ הלכות יב, אמנם עיין שושנת יש"ר גב (5) פסקי תשובות תקנארי, עיין תשובת ר' קניבא אינר י"ד פס"ג (6) משנה ברורה תקנאט (7) שושנת ישראל גי (8) אגרות משה א"ח חלק ד' כאד (9) רמ"א י"ד רס"ד, בנין שלמה נ"ט, ארחות חיים תקנאט (10) משנה הלכות וקסן, ש"ת בית אב ב"ב (11) ויברך דוד אכד, שיעורי הלכה מגיל בשם הגמ"ר אלישיב זצ"ל והגמ"ר חיים קניבא זצ"ל, עיין קנין תורה הנב

R' Pinchos of Koritz ז"ל would say:

“Just like *Moshe Rabbeinu*, who employed his anger only when absolutely necessary to scare the *Bnei Gad* and *Bnei Reuven* into submission, I, too, train myself each and every day to control my temper and keep it tucked away in my pocket, only retrieving it when it becomes absolutely necessary. This way, I maintain control over it and not allow it to maintain control over me!”

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טיב התבלין

מאת הגאון רבי גמליאל חתן רביעובין שליט"א, ר"י שער השמים ירושלים עיר הקודש

גדרות צאן נבנה למקנינו פה ועדים לפננו (לכ- חזו) - עמלינו אלו הבנים פ"ש: נבנה למקננו פה, חסים היו על מזונם יותר מבניהם ובנותיהם, שהקדימו מקניהם לטפם. א"ל משה לא כן עשו, העיקר עיקר והטפל טפל, בנו לכם תחלה עדים לטפכם ואח"כ גדרות לצאנכם. הנה יש לנו ללמוד מוסר גדול מפרשה זו על חובת כל אחד לדאוג בראש ובראשונה עבוד חינוך צאצאיו. כי המציאות אצל רוב החמץ שטודים כל הזמן על המחיה והכלכלה, ואמנם נכון הדבר שהאדם צריך לדאוג לפרנס את בניו ובהי ביתו, אך עדיין אין זה אומר שזה מה שצריך לעמוד בראש מעייניו של כאריא. וזה מה שאמר משה רבינו לבניו גד ולבני ראובן: "בנו לכם עדים לטפכם", לפני שאתם דואגים עבוד הגשמיות צריכים אתם לדאוג על בני הנערך שיהיו בטוחים וחסונים מפני פגעי הזמן, שיהיה להם עדים לשבת, שיהיו שמורים מכל מיני פגעים ומרעין בישין שמתסובבים בראש כל חצות ומאיימים על עתידם הרוחני של צעירי הצאן.

בזמן כזה כאשר רוחות רעות וקשות מנשבות בראש כל חצות, האין יוכל האב להשקיע כל כוחו ומעיינו להרחיב את עסקיו ולהפחיל את רוחו, והרי בביתו שמורים פקדונות יקרים אשר ערכם לא יסולא בפז, ובכל רגע ורגע עלולים המה ליפול סוף בפני המשחתים המאיימים בלבוץ אותם חיים ולערטלם מכל זיק של קדושה וידאת שמים. כאשר קורה ל"ע אצל אחד שנשקפת סכנה על אי מי מוצאי הצדק, ואפילו אינו כי אם חשש רחוק אחד מני אלה, הרי תיכף ומיד שליך מעליו את כל עיסוקיו ושרדותיו הגשמיים, גם אם היה הרבר כרוך בהפסדים גדולים ועצומים, ואף אם לא יובטח לו שהשתדלותו תשא פרי, בכל זאת לא יהא לו שום ספק בדבר פן ואולי אינו כדאי להשקיע מאמצים מרובים כל כך.

עדותיך אתבונן

לפניכם מאת הרב אברהם ויטאל
אשר צייט ב"ס תמוז

איש כי ידר נדר לה' או השבע שבקה לאמר אכר על נפשו לא יחל דברו ככל היצא מפיו יעשה ... (לכ- ב) - בענין כח של דיבור

פ"ש: לא יחל דברו, כמו לא יחל דברו, לא יעשה דבריו חולין, ע"כ. וביאר הר"ם ח"ל: "זיפדוש לא יעשה דבריו חולין", לא יחל דבריו, כמו שמולל החולין, שאינו חושש בשמיות מהטומאה, אלא יהיו נחשבים לו כקדש, שחושש בשמירתו, ע"כ. ר"ל, שהתורה ציונו לשמור על קדושת הדיבור, שאין כל אחד ואחד יכול לדבר כל מה שהוא רוצה לדבר, כמו שדבר שהוא חולין יכול לעשות בו כל מה שהוא רוצה לעשות. ויש כמה וכמה דינים והלכות בעניני הדיבור, כגון איסורי לשון הרע, רכילות, שקרים, אונאת דברים, ניבול פה, וכדומה. ודיבורו של אדם הוא קודש הקדשים וצריך לנהוג בו קדושה יתירה, וחס ושלום שיטמא דבר קדוש כזה.

ואיתא בספרים הקדושים (קדושת לוי, ועוד), דמי שהוא גזר ושומר דיבורו, והוא מדבר רק דברים שמותרים לדבר בהם, ואינו מדבר דברים אסורים, הרי עליו אמרה התורה דמי שלא יחל דבריו, או "כל היוצא מפיו יעשה" - שכל מה שיוצא מתוך פיו יתקיים, בבחינת "צדיק גזר והקב"ה מקיים". הרי חזון מזה גדול כח הדיבור, דמי שאינו עושה דבריו חולין, דיבורו יתקיים.

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מעשה אבות ... סימן לבנים

וזצית את המלכות בין תפשי המלחמה היצאים לצבא ובין כל העדה ... (לא-כז)

In early 1963, the new *Mossad* head, Meir Amit, consulted a number of military men to spell out *Mossad* objectives, and ask what they felt would be the agency’s most valuable contribution to Israeli security. An Air Force commander told him, to gain access to the Soviet plane Mig-21. The Russians began introducing the MiG-21 into the Middle East in 1961. By 1963, when Amit took over the *Mossad*, it was an essential part of the Egyptian, Syrian and Iraqi Air Forces arsenals. The Russians introduced the aircraft under maximum secrecy and security. Few in the West knew much about the MiG-21 - but feared its capabilities. The Israeli efforts to accumulate information on potential enemy plans and equipment was of course vital for her national defense. But the *Mossad* concluded that it would be best to try and persuade an Arab pilot to defect to Israel.

The Israelis got a free tip-off from an unexpected source without initiating a thing; an Iraqi Jew by the name of Joseph indicated that if Israel wanted a MiG-21, he could probably arrange it. Late in 1964 he contacted Israeli officials in Tehran and Europe. Israel soon made contact - through Joseph - with a Maronite Christian pilot in the Iraqi Air Force. The family felt disaffected with their lot. The father felt frustrated by the increasing pressure the Iraqi government was imposing on him and other Maronite Christians. He mentioned to Joseph that he would like to leave the country. Meir Amit contacted a top agent in Baghdad to draw out the Iraqi air force pilot who was a distant relative of Joseph’s family. Munir Redfa was a patriotic Iraqi, but he “found himself in violent disagreement with the current war being waged by his government against the minority Kurdish tribesmen in northern Iraq.” Plus, he had been passed over as commander of his squadron, he was stationed far from his home in Baghdad, and “was allowed to fly only with small fuel tanks, because he was a Christian.” The agent exploited the connection and “suggested that Munir fly to Israel where friends might be of service to him.” Munir wanted a million dollars and a guarantee that his family would be taken safely out of Iraq. When he got his guarantee, his mind was made up.

Mordecai Hod, the commander of the Israeli Air Force, met Munir when he arrived in Israel and went over the escape plan with him. He would have to pick a day when he would be permitted to go on a long-range flight. Munir Redfa set his date for August 16, 1966. He carried on his business as usual that day as best he could with his co-workers. He asked the Iraqi ground crew to fill his tanks to capacity, something the Russian advisors generally had to sign for. But the Iraqis disliked the Russian advisers, who seemed to hold them in contempt. This worked to Munir’s benefit. As a star pilot, they were happy to obey his orders, rather than those of the Russians. Munir took off. After heading out towards Baghdad, he veered off in the direction of Israel. The ground crew radar picked up a blip on the screen heading west and they frantically radioed him to turn around. He didn’t. They warned him they would shoot him down. He turned the radio off. Hundreds of miles away, Israeli radar picked up the blip on the screen. They sent up a squad of IAF Mirages to escort him. He went through his prearranged signals and they flew alongside him to a secret base deep in the Negev Desert. That same day, *Mossad* agents in Iraq picked up the remaining members of the pilot’s family, who had left Baghdad ostensibly to have a picnic. They were driven to the Iranian border and guided across by anti-Iraqi Kurdish guerrillas. Safely in Iran, a helicopter collected them and flew them to an airfield, from where an airplane took them to Israel. Newspapers all over the world carried the sensational story of an Iraqi pilot who had defected with his MiG-21 to Israel. The Russians were furious. Their air power secrets were seriously compromised. They threatened the Israelis ferociously and demanded the plane back. The Israelis, of course, did not return the plane.

For Israel the benefit of possession of the MiG-21 was even more immediate. In the June 1967 War, the Israeli Air Force commanded overwhelming air superiority over the Syrian and Egyptian MiG’s. Not a little had to do with the fact that a MiG had been flown to Israel less than a year earlier with the connivance of Israeli Intelligence. Munir Redfa came to Israel with his family and was given a new job and a new life. The Iraqi Jew Joseph did not come to Israel, preferring to remain loyal from afar in his native Iraq, both to the family he loved and the country on which he bestowed his new-found concern and affections.

A PENETRATING ANALYSIS OF THE WEEKLY
HAFTORAH BY AN UNEQUALLED HISTORIAN

תורת הצבי על הפטרות

בארץ לא עבר בה איש
ולא ישב אדם שם ... (ימי' ב-ז)

In this week’s *Haftorah*, *Yirmiyahu HaNavi* relays *Hashem*’s message that *Klal Yisroel* had abandoned Him and went after other delusions. *Yirmiyahu* declares: “*Who led us through the wilderness ... a land nobody had traversed, where no human being had dwelt?*” The question is why in fact did *Hashem* bring *Klal Yisroel* into a desolate place like the desert before bringing them into *Eretz Yisroel*? Wouldn’t it have been better to bring the Jewish people to a place that already had basic amenities?

R’ Yonason Eibschutz זי”ל (Ahavas Yonason) explains that *Chazal* teach us that it is forbidden to bring a *korban* on an altar outside of the Land of Israel since the land outside of *Eretz Yisroel* is inherently impure. This is because the waters

of the *mabul* - the great flood, reached every corner of the globe except for *Eretz Yisroel*, and the land outside of *Eretz Yisroel* became permeated with the impurities of the time as well as littered with dead bodies.

Incredibly, the desert too retained its untainted status since no one lived there, and as such, the ground did not become permeated with impurities. Thus, *Hashem* specifically directed the Jewish people to sojourn in the desert - a place where they could perfect their level of holiness and purity as *Hashem*’s chosen nation. Great *tzaddikim* through the ages have always extolled the benefits of sometimes detaching oneself from the hustle of the day and “live in a desert” so that we can reconnect to our spiritual essence.

ויעל אהרן הכהן אל הר החר על פי ה' וימת שם ...
וישמע הבנעני מלך ערד והוא ישב כננגב וגו' (לג-לחג)

Rashi explains the juxtaposition of these *posukim* as follows. When the *Canaanim* heard of *Aharon Hakohen*’s passing and witnessed the departure of the ענני הכבוד, they thought it was a strategic time to attack *Bnei Yisroel*. They were seemingly aware of the divine protection the unique clouds of glory provided. *Chazal* actually teach us (*Taanis 9a*) that these clouds were present in *Aharon*’s *zechus*. With his passing they left, but were returned to us in *Moshe*’s merit.

In fact, the *Gemara* tells us there that the *be’er* (well) was in *Miriam*’s *zechus*, the ענני הכבוד was in *Aharon*’s *zechus* and the *mann* was in *Moshe*’s *zechus*. Even though they were removed, subsequently they all returned משה. So, if *Moshe* could bring them all back in his merit, why was it necessary to initially be provided in *Aharon*’s and *Miriam*’s merit?

It would seem that although *Moshe Rabbeinu* possessed the *zechusim* to activate all three, there was a direct connection between the *be’er* and *Miriam* and between the clouds and *Aharon*.

Perhaps we can say the following *machshava*. In *Tefillas Maariv*, we ask *Hashem*, "זפרוש עלינו סכת שלומך". The glory of *Hashem* serves as a protection. The condition is שלומך - having unity. Hence, *Aharon Hakohen*, the paradigm of אהבה שלום, brought down these clouds of glory and protection. And with his passing there was a void in the nation, and they left simply to symbolize *Aharon*’s trait. The nations then poised to attack us, as Rashi says.

It’s possible to suggest that it’s not for naught that *Aharon*’s *yahrtzeit* is *Rosh Chodesh Av*, the month of the *Churban Bais HaMikdash*. Because, as we know, the *Bais HaMikdash* was destroyed because of שנאת חנם. *Aharon Hakohen*, who promoted peace, passed away and with his departure we suffered from discord. During these turbulent and unsettled times and especially

ברב"א, במין בית השלישי we as a nation, must unite and rectify that terrible sin. May we all be *zoche* to the

משל למת הדבר דומה

ויאמר משה לבני נד ולבני ראובן האחיכם יבאו למלחמה ... (לב-ז)

משל: One time when young Yehudah Aryeh Leib Alter, later to be known as the “**Sefas Emes**”, was about 12 years old, he stayed awake all night learning *Torah* with a friend. When dawn broke, they *davened shachris* at the earliest time, and went to bed. A mere few hours later, the boys awoke and returned to the *Yeshivah*, where they encountered the revered **R’ Yitzchok Meir Alter זי”ל (Chiddushei HaRim)**, who did not know that his grandson had stayed awake all night studying. He proceeded to rebuke him for not having attended the regular morning service and waking up late. The rebuke lasted a few minutes, throughout which the future *Sefas Emes* listened quietly, not uttering a word.

When his grandfather had left, the boy’s friend expressed disbelief: “Why didn’t you defend yourself against this

unwarranted rebuke?” The young boy replied, “It’s not every day that I get such personalized feedback from my revered grandfather, and I wasn’t about to miss such an opportunity!” **נמשל**: The *Sefas Emes* based his reasoning on the following: When the *Bnei Gad* and *Bnei Reuven* approached *Moshe Rabbeinu* asking that he permit them to remain on the other side of the *Yarden* river, *Moshe* replied with a strong rebuke. He ominously reminded them of the terrible consequences incurred from the spies, and criticized them for being unwilling to join their brethren in conquering the land. It is interesting to note, however, that they had indeed intended to join the conquest right from the beginning and it was *Moshe* who did not perceive this. Explained the *Sefas Emes*, rebuke is such a constructive thing, that they were happy to listen to *Moshe Rabbeinu*’s criticism, even if it wasn’t applicable at that present moment.

כי בעיר מקלטו ישב עד מות הכהן הגדול ואחרי מות הכהן הגדול ישבו היצא אל ארץ אחזתו (לח-כח) EDITORIAL AND INSIGHTS ON MIDDOS TOVOS FROM THE WELLSPRINGS OF R’ GUTTMAN - RAMAT SHLOMO

דרגה יתירה

The *Gemara* (יבמא מז) teaches that *Kimchis*, an exceptionally modest woman, bore seven sons who all became *Kohanim Gedolim*. The function of the *Kohen Gadol* is to plead and pray on behalf of *Klal Yisroel*. Such an outstanding person is born to a mother whose impeccable *tznius* has brought her close to *Hashem*. Thus, she *davens* for members of her family and for the sick of the nation, just as her son, the *Kohen Gadol*, davens for his family and for the needs of the people.

Chazal tell us that the mother of the *Kohen Gadol* would supply food and clothes to the inmates of the עיר מקלט (cities of refuge) to prevent them from praying for her son to die so that they could return home once again (מכות יא). Why did the mother of the *Kohen Gadol*, rather than his wife, do this?

R’ Pesach Eliyahu Falk זי”ל writes that the mother considers herself partially to blame for the fact that these people were confined to cities of exile, because when a *Kohen Gadol* is truly worthy, his powerful prayers prevent calamities, such as accidental killings, from occurring. Thus, if calamities did occur, the *Kohen Gadol*’s prayers were evidently not at the high level they should have been. The mother of the *Kohen Gadol* feels that SHE is to blame for this shortcoming. Had she been a better person, her son would have developed an even deeper appreciation for *tefillah* and service of *Hashem*, and his *tefillas* would have prevented these killings from taking place. It is SHE who is indirectly responsible for having caused these people to be in exile and for endangering her son’s life (as people pray for him to die). She therefore takes it upon herself to look after these people and do whatever she can to prevent them from praying for her son to die. A wife in contrast, is not so obviously responsible for her husband’s lack of devotion to *tefillah*. It was, therefore, the mother rather than the wife, who tried to improve matters. A mother has an enormous effect on her son. The more special she is, the greater her son will be.