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## On The Parsha

In this week's Parsha, we find the future site of Hashem's Holy Shechina described as, "But only to the place which Hashem your G-d shall choose from all your tribes, to set His Name there; you shall inquire after His dwelling and come there." (Devarim 12:5).

The exact site of the Beis HaMikdash was chosen on account of the remarkable rise in spirituality that occurred there. Noach offered his thanksgiving offerings there after he emerged from the Teivah (ark). This was also the site of Akeidas Yitzchok (binding of Yitzchok), and Yaakov Avinu recognized the site as a house of Hashem - Bais Elokim. Surely, revealing these facts and the location of the site of the Bais HaMikdash could have been remarkably inspirational to the nation of Israel! And yet, nowhere in the Pasukim do we find that Hashem revealed the location of the Bais HaMikdash. Why is this so?

The Rambam in his Moreh Nevuchim (Part III Chapter 45) provides three reasons why Hashem did not reveal this information. The first reason is so that the surrounding gentiles would not attempt to pre-emptively take from us the holy site of the future Beis HaMikdash. The second reason is so that the gentiles would not attempt to plow the place under (which ultimately occurred anyway - See tractate Taanis 23a). The third reason is so that it would not foster jealousy among the Shevatim (tribes of Israel) as to who would ultimately merit to host the Shechina's presence here on earth.

There is an important principle that we can derive from here: we must always weigh our words carefully – even if what we are saying is the truth. Indeed, notwithstanding the benefits of revealing the true location of the Bais HaMikdash, Hashem weighed the negative repercussions of revealing that truth and decided not to volunteer it. When there are potential negative repercussions, we must weigh our words carefully — it is certainly not a Mitzvah to blindly volunteer the truth.

## Chizuk - Inspiration

Rav Mordechai Schiff ZT"l lived on the Lower East Side of Manhattan and was a student par excellence of Rav Moshe Feinstein ZT"l. Rav Mordechai was a Tzaddik (righteous person) who treasured his family Minhagim

(Jewish customs) dearly. Rav Mordechai got married later in life and married a wonderful woman, but interestingly enough, she was not a fluent English speaker. Rav Mordechai thought that he told his wife his family Minhag of not eating Gebrochts, but perhaps because of her limited English, she may not have understood him as we will see shortly. Not eating Gebruchts is a custom that some have which entails not eating Matzah on Pesach that came into contact with any form of liquid, out of concern that an uncooked part of the Matzah that comes into contact with the liquid may leaven.

One year, as Pesach was approaching, he observed his wife cooking Gebrochts (i.e. cooking Matzah with liquids). Rav Mordechai found himself in a quandary. On the one hand, he did not want to tell his wife that what she was doing was not in-keeping with his Minhag as this would insult her. On the other hand, Rav Mordechai was a meticulous observer of "Midvar Sheker Tirchak" – distancing oneself from falsehood. Accordingly, Rav Mordechai did not wish to make excuses on why he could not eat the Gebrochts on Pesach when his wife offered it to him (even though it is often permitted to say an untruth so as not to insult someone).

To resolve his quandary, Rav Mordechai went to Rav Moshe for advice on what to do. Rav Moshe was well aware of Rav Mordechai's desire not to make his wife feel bad in any way, and he was also aware of how meticulous Rav Mordechai was to always tell the truth. Rav Moshe also knew how meticulous Reb Mordechai was in maintaining his family Minhagim. Nevertheless, Rav Moshe instructed him to do Hataras Nedarim (Halachic process to annul a vow or a Minhag which may be considered to be a vow) to release him from his obligation to follow his family Minhag of not

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eating Gebrochts. Released from his obligation, Rav Mordechai no longer needed to inform his wife that she was cooking something that he could not eat which would have insulted her. He also no longer needed to be untruthful by making up excuses for why he could not eat the food.

### Halacha – Jewish Law

Question: I agreed to buy a used iPhone 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 a newer model which has a larger screen display. 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 Metzia 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 Amarah, 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 with translating the Chofetz Chaim's Sefer entitled, "Sefas Tamim." Sefas Tamim, from which our foundation takes its name, focuses on the importance of honesty in word and in deed. We now begin our translation of Chapter 2, which discusses the great punishment that awaits those that are deceitful.

"Come and see just how very strong is the power of 'deceit' that it shortens the life of a person, as the text states (Tehillim 55:24) 'Murderers and deceivers will not reach the half point of their lives.' Also, during his life, this person will inevitably be disgraced publicly because of what he did, since it is the attribute of HaKadosh Baruch Hu to publicly disclose the deceit hidden within the heart of these people, as Shlomo HaMelech teaches in Mishlei (10:9) 'One who walks in pure innocence will walk securely, but one who is crooked in his ways will be revealed.' The Vilna Gaon explains this as referring to the evil intent hidden in the mind of this person, but with his mouth he is deceptively speaking nice things; 'he makes his ways crooked' meaning when he proceeds to implement the bad intent in his heart, to do to his fellow Jew in a way that his victim will remain unsuspecting.

However, the bad intent will inevitably be made known to the public, because HaKadosh Baruch Hu will publicly disclose it, as related in the Midrash Shocher Tov 'HaKadosh Baruch Hu does not exact payment from a person before first publicizing his deeds. The evil that he planned to inflict on his fellow Jew will eventually happen to him. The Pasuk expresses this concept as (Mishlei 11:27) 'One who seeks good for others, seeks Hashem's favor, but one who searches for evil to do to others, the intended evil will come upon him.'"

*"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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