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## Halacha – Jewish Law

**QUESTION:** There are people who donate sets of Seforim (Jewish books) to Shul libraries for public use. In many of these Shul libraries, the bookcases are filled to capacity with Seforim. Consequently, the Gabbaim (Shul assistants) will at times give away extra Seforim – even entire sets of Seforim. “Reuvain” took one of the give-away sets with the blessing of the Gabbaim. Let’s assume that this particular set had six volumes in it and now the publisher has just come out with a seventh volume. May Reuvain write a letter to the publisher that says as follows: “Our Shul has received a donated set of your six volume Sefarim set. I noticed that your publishing firm has just released a seventh volume to the set. Would you be so kind as to forward that volume to our Shul as well?”

Reuvain’s reason for writing to the publisher is that he knows that when the Shul Gabbaim receive the seventh volume from the publisher, the Gabbaim will likely forward it to him to complete the set that they gave him originally. Is Reuvain permitted to write to the publisher in this manner?

**ANSWER:** This question was posed to Rav Chaim Kanievsky ZT”L by a friend of this author (the assistant mayor of Kiryat Sefer). Rav Chaim ruled that it is Genaivas Daas (the prohibition of deceiving another) and is completely forbidden. Subsequently, he published the ruling in volume seven of his work, “VaYishma Moshe” (p. 638). Rav Chaim explained the Genaivas Daas as follows: The publisher has been deceived into thinking that the new, seventh volume is going to a Shul. Publishers donate Seforim to a Shul so the Shul attendees might see the Seforim and go out and buy a set for themselves. If the publisher knew that it was ultimately going to be forwarded by the Shul to a private person, the publisher would never have provided it as there would not be ample opportunity for others to see it and buy a copy for themselves.

lost] and ignore them. [Rather,] you shall return them to your brother.” (Devarim 22:1)

The Yalkut Shimoni (Parshas Ki Saitzay 930) states as follows: “We see from this Passuk that there is a Mitzvah of returning a lost ox to one’s brother [or anyone else who is a friend]. But where do we find that the Mitzvah of returning a lost ox exists for the ox of one’s enemy? The Passuk in Shemos 23:4, when discussing the same Mitzvah, employs the language of returning, ‘the ox of your enemy.’ [When taking the two above referenced Passukim together,] the implication is that an ox owned by anyone [your friend, your enemy or anyone else must be returned.] [However,] why does this Passuk in Devarim use the term, ‘your brother’s ox?’ [This Passuk is extra, because if you know that there is a Mitzvah to return your enemy’s ox, all the more so, there would be a Mitzvah to return your brother’s ox?] Rather, the Torah needed to write this [“your brother’s ox”] ‘Kneged HaYetzer’ to address ‘the evil inclination.’”

There is a debate as to how to interpret the last line of the Midrash above - that the Torah needed to write, “your brother’s ox” to address the evil inclination.

Rabbeinu Hillel, a Rishon that wrote a commentary on the Sifrei (section 222) explains that both Passukim need to be written to teach that when one is faced with two lost items – one owned by his brother and one owned by his enemy – he should give precedence to the one owned by his enemy so that he will have practice in overcoming his evil inclination as the evil inclination makes it harder to return the animal of your enemy than that of your brother. This is also the understanding of the Malbim.

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## On The Parsha

“You shall not see your brother’s ox or sheep straying [and getting

Rav Avrohom Gumbiner ZT"l, the author of the Mogain Avraham, however, provides a different explanation in his Zayis Ra'anani commentary on the Yalkut Shimon. He writes that the Torah needed to write both Passukim, one for "brother's ox," and one for "enemy's ox," to teach us that if we contemplate that this enemy is still [Jewish and is] our brother, then we will overcome our evil inclination to not return his lost item to him. The Ramban in this week's Parsha seems to explain the Midrash the same way.

We see an extraordinary lesson from the Mogain Avrohom above. Sometimes our negative feelings towards our enemies can cause us to obscure the truth and thus rationalize improper behaviors and assumptions – in this case, "I am not under an obligation to help my enemy." The Torah here is telling you that if you contemplate the fact that your enemy is still your brother, you will do the right thing and help him.

What is extraordinary here is that the person surely had already known that the ox belonged to his enemy who is still part of his Jewish brethren, even before the Torah told him so! There is no "new information" here. How then does this help him see his true obligation to help his enemy?

The answer is one of emphasis and focus. The Torah is telling us that if we emphasize a positive idea, "this man is your enemy, but he is also your brother! Focus on that!" then that can help us do the right thing even if we already know what we are now being told to focus on.

### Chizuk - Inspiration

Rav Matisyahu Solomon ZT"l was the Mashgiach (Yeshiva supervisor) of Beis Medrash Gavoha (BMG) in Lakewood, New Jersey and was renowned for many things including being very careful regarding the character trait of Emes (honesty). Rav Matisyahu was also the go-to person in Lakewood for direction and advice and often spoke to people until the wee hours of the morning.

There was a young man who very much wanted to attend the circus. His parents felt that it was not an appropriate environment for him and were wary of letting him go. However, they suggested that he pose the question to Rav Matisyahu. The young man did so. Rav Matisyahu answered that the circus was not an appropriate atmosphere for a Ben Torah (loosely, an aspiring young Torah student). The young man's disappointment was

palpable. Rav Matisyahu perceived the young man's disappointment and asked, "We are still friends, right?" The young man did not respond. Rav Matisyahu said, "But you can't be upset if your friend gives you good and correct advice, right?" The young man managed a smile and answered, "Right."

A few months later, Rav Matisyahu entered the Simcha hall where this young man was having his Bar Mitzvah Seudah (meal). The young man's father was shocked as Rav Matisyahu had not been invited. He was even further shocked when Rav Matisyahu asked to speak. His father asked Rav Matisyahu why he had come to the Bar Mitzvah. Rav Matisyahu answered, "In the prior conversation I had with your son, I said I was his friend – I meant what I said. Since we are friends, I felt I needed to attend the Bar Mitzvah, whether I was invited or not."

### Mussar – Introspection

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.

"Intrinsic to this sin [of deceit] is the power to diminish this person's wealth and to punish him in many different ways, both in this world and in Olam Haba (the World to Come). The reason for the severity of the punishment for this sin is because this sin, 'deceit' almost always encompasses many, many other sins and in particular the sins of theft and extortion and lies, each of which individually is a profound sin. Especially someone who has become accustomed to deceive, has deceived people many hundreds of times throughout his life and so his end will be bad and bitter."

*"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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