

הלכה למעשה

מאת הנאמן מ"ר הרב ברוך הייטשילד שליט"א.
ראש סניף עשרת חיים ברוך, קיבלנו היטש

receives belongs to him and not to the damager.

2) If the insurance company offers a larger payment to fix the damaged vehicle in a “deluxe” manner, however, the one who receives the money would rather fix his vehicle in a cheaper manner and keep the rest of the money, he is permitted to do so (2).

Renting a Car While Repairs Take Place. Some *Poskim* hold, based on the above idea that all drivers drive with the intention of following the custom of the land, that the victim may claim from insurance the right to rent a car for use during the time his car is being repaired in the shop. In *Torah* law such an expense is called a *grama* - an indirect damage expense - and the damager is not liable in *Bais Din*. [However, there is an obligation in the Heavenly court unless there was no negligence] On the other hand, some *Poskim* argue and say that there is no obligation more than the *Torah* obligation (3). It is not clear if they would argue on the cases we mentioned in the previous paragraphs. As a result, in all such cases one should not act by himself without consulting a *Dayan* on the correct way to proceed.

A SERIES IN HALACHA LIVING A “TORAH” DAY

Monetary, Interpersonal Laws and Din Torah (20)

Insurance. Last week we discussed laws of insurance payments as they pertain to car accidents. We continue this relevant topic in order to bring to light various situations. A column like this cannot be a final ruling for monetary disputes, however, discussing the cases can help people understand their rights and obligations.

Claiming More Than the Torah Entitles Him. A number of current *Poskim* hold that since there are vehicular laws that obligate every driver to maintain basic insurance coverage and the custom is to accept these insurance payments, it thus becomes like a *halacha*. This means to say that all drivers drive on the road with an automatic assumption to follow the custom of the land when it comes to such payments. There might be a limit as to how far this goes. Let us see some common cases.

1) The person whose car was damaged in an accident, and it was the other driver's fault, is permitted to go straight to the insurance company of the damager, even if he will get more than the *Torah* law entitles him to get (1). The extra money he

בין הדינים – תבלין מדרף היומי – בבא בתרא קסח.

The *Gemara* relates that ר' ירמיה had signed a receipt that a כתובה was paid. Afterwards, the woman came to him and said that although her name is the same name as mentioned in this receipt, it isn't her but rather a different woman with the same name. ר' ירמיה retracted and said when I saw you came in, that you are not the same woman that I remember being here before. Later ר' ירמיה said, I too said when I saw you came in, that you are not the same woman that I remember being here before. The *Gemara* explains that ר' ירמיה is permitted to change his mind. רשב"ם explains that although we have a rule, "כיון שהגיד שוב אינו חוזר ומגיד", a woman for himself, he should take along a woman who looks and recognizes women, this way he will be assured that they don't switch this woman with a different one. Any mistake that is common for people to make, if testifying, they may change and correct their testimony and there is no חסרון in the receipt. "כיון שהגיד שוב אינו חוזר ומגיד" brings the *משנה* that says this rule is not specific to identifying women. The *משנה* says that although we have a rule, "כיון שהגיד שוב אינו חוזר ומגיד", a woman for himself, he should take along a woman who looks and recognizes women, this way he will be assured that they don't switch this woman with a different one. Any mistake that is common for people to make, if testifying, they may change and correct their testimony and there is no חסרון in the receipt. "כיון שהגיד שוב אינו חוזר ומגיד" brings the *משנה* that says this rule is not specific to identifying women. Any mistake that is common for people to make, if testifying, they may change and correct their testimony and there is no חסרון in the receipt.

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הוא היה אומר

R' Moshe Sternbuch *shlita* (Taam Vodaas) would say:

What does **Rashi's** explanation have to do with Yaakov's plan to appease Esav? Why should Yaakov keeping *mitzvos* by Lavan be a reason for Esav not to hate him? What Yaakov meant is that what matters to me in life is *mitzvos*. Whatever wealth I have is important to me only because it enables me to do *mitzvos*, nothing more. I have no interest in amassing fortunes or living a life of luxuries. Therefore, you have no reason to be jealous of me."

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Cities Edition



שבת קודש פרשת וישלח – י"ג כסלו תשפ"ה Shabbos Kodesh Parshas Vayishlach - December 14, 2024

טיב התבלין

מאת הרה"צ רבי גינזל הסק ובע"מ שליט"א, ר' שניר תלמיד חסידים עדיק

**וישאל יעקב ויאמר הנחיה נא שמך ויאמר למה זה תשאל לשמי
ויברך אתו שם ... (לכ-ל) - להתרצות עם הנהגת השי"ת**

פ"ש: למה זה תשאל - אין לנו שם קבוע, משתנים שמותינו, הכל לפי מצות עבודת השליחות שאנו משתלחים בדברי רש"י אלו שנינו מהי מהותו של מלאך, מלאך הינו בטל ומבוטל לרצון בוראו, ואינו ממתיך כי אם למוצא פי ה', תמיד הינו מוכן ומוזמן לקיים שליחותו, ועד כדי כך הדברים מגיעים עד שאין לו אפילו שם עצמי, כי אינו רואה בעצמו שום בחינה של 'שות', אלא מבטל כל כולו לכל דבר שליחות אשר יועיד בוראו עבורו. ואחר שעמדנו על מהותו של מלאך יכולים אנו להבין את ההרגל בפי העולם לתאר את האדם המופלג בצדקות בתואר 'מלאך' כי גם זו שהגיע לדרגת צדיק וזכה לבחינה זו להיות בטל ומבוטל להש"ת ולרצונותיו, ואין לו חפץ זולתם, והינו מוכן ומוזמן לכל מצב שבו יעמידנו יוצרו, בין אם יהיה בחינה של הארת פנים, ובין אם יהיה בחינה של הסתר, תמיד יתרצה למצבו. ביוצא שמאחר שסייב הקב"ה והביאו למצבו הנוכחי אות הוא שזוהו תיקונו, וע"כ הינו שמח בחלקו בכל מצב. וגם כשהקב"ה מעמיד את הצדיק במצב של קטנות המוח, וכתוצאה מכך אינו יכול לעבוד את השי"ת כדבעי, אין רוחו של הצדיק נעצר מתחת כן, כי מאמץ הוא שתיקונו לעת עתה הוא היא העבודה במדינת קטנות דוקא. וכן איתא ממין הבעל שם טוב ז"ע, שלפעמים באים על האדם סיבות המונעים בעדו ללמוד כדבעי או לעשות יתר העבודות הראויות למעלתו, ואז עלי להשלים עם כך מתוך אמונה שלעת עתה אין הקב"ה דורש מאתו עבודה זו, וכעת הוא הדצון העליון בעבודתו שונה.

עוד איתא ממין הבעל שם טוב ז"ע, שאם מחמת איה הכרח צריך האדם לנודד מביתו למרחקים, לא יתעצב על כך, כי מן השמים מסייעים אותו לשם כדי שיתקן שם

עדותך אתבונן

למזדים מאת הרב אברהם יהושע אבסטיין שליט"א, בע"מ סוה אברהם

ויותר יעקב לבדו ויאבק איש עמו עד עלות השחר ... (לח-ב) - מדוע תנוכה ח' ימים?

פ"ש: "ויותר יעקב - שכח פכים קטנים וחזר עליהם", עכ"ל. דהי, יעקב אבינו שכח פכים קטנים שהיה לו, וחזר עליהם. וכבר עמדו המפרשים, מדוע סיכן יעקב אבינו את עצמו על פכים קטנים אפילו אם ינאם שיעקב אבינו היה מקדיש גמור על אסור כל תשוחית, אבל מדוע סיכן עצמו עליהם. ותי' המפרשים, שהטעם שיעקב אבינו מסר נפשו על הני פכים קטנים, היינו משום שהני פכים היו מיוחדים, שהיו פכים של מעשה ניסים. שדרשו חז"ל "ויותר יעקב לבדו - לבדו קרי ביה" (עי' רבינו בחיי). ועי' במש"כ הדעת וקנים מבעלי התוס' ז"ל: "ויותר יעקב לבדו, פירש"י מלמד שנשאר על פכים קטנים וסמך לרבר מרכיבים לבדו, אל תיקרי לבדו אלא לבדו. ר"א לשון בית הבר שמושבין ממנו שמן וזת ודרך הוא להצניע שמן בפכים קטנים", עכ"ל. דהי כך זה היה כדי של שמן, וכתב הש"ך (על התורה) ז"ל: "ויותר יעקב לבדו, אמרו ז"ל (מובא ברבינו בחיי) אל תיקרי לבדו אלא לבדו, מאין בא לו זה הכר, כשיעקב שם האבנים מראשותיו והשכים בבוקר ומצאן און אחת ונתבצר לו כך של שמן ויצק על ראשו וחזר הכר ונתמלא אז ידע יעקב שאנו מוזמן לברכה ואמר אין זה ראוי להניחו כאן, והוא השמן

היתה זאת עבורו הקריבה גדולה מאוד, מאוד שזכה להשגות רמות בתורה ובעבודה, ולא היה מעצור לכיסופיו עד שביקש לעלות בארץ הקודש ולהתענג שמה מזיו השכינה, על אף שהיתה זאת משימה של 'מסירות נפש' ממש בימים אלו, ורק בני עליה מועטים אשר איתנה נפשם לשבת שמה בארצות החיים המה עלו ובאו להוסיף קדושה על קדושתם, ומוכינים היו מראש לחי' מחסור בגשם, מחסור שושלת את ויבמות הש"ת וזיתנה נפשם משתוקקת להתאחד ולהתרברב בו, אך מאד שהבין שרצונו של הקב"ה הוא שיהיה לאב רוחני לבני אותה קהילה כבש את אהבתו הגדולה וכיסופיו הכבירים ושימש לפניהם כ'מלאך המושיע'.

שנמשחו ממנו המשכן וכל כליו והמזבח ואחרן ובניו והמלכים ועדיין כולו קיים כמו שאמרו חז"ל (הוריות יא, ב) זה לי לדורותיכם, והוא כד השמן של הצרפית שאמר לה אליהו כד השמן לא תכלה, והוא אסור שמן של אשת עובדיה הנביא, כשראה יעקב שכל כך נסים עתיד להיות בו סכן עצמו והביאו, כן מצאתי, עכ"ל. דהי מבואר ברבינו שכן זה היה כדי של מעשה ניסים, שהיה כדי של שמן שחזר ונתמלא באופן נס, שצ"ע שיעקב אבינו השתמש עם השמן, הכר לא חיסר כלום. והוסיף הנס, **ברכת שמואל** (אביו שם בעל הקב קויתר) סוף פרשת מקץ, על דברי הש"ך ז"ל: "והנה פשוט הוא בעיני, שגם אותו הפך נתגלה ג"כ לבני חשמונאי שהיה חתום בחותמו של כהן גדול, של אהרן הכהן, דכתוב גבי זה לי לדורותיכם לעולם הבא, ובוא הדליקו שמונה ימים לפי צרכם, והמותר נגנו לעולם הבא", עכ"ל. דהי הנס של תנוכה נעשה עם פך זה.

ועפ"י זה כתב בספר **ים החלמוד** (בהקדמה למס' ב"ק) שזוהו התירוץ לקושיה הידוע של הבית יוסף, שהקשה הב"י, דלמה קבע חז"ל תנוכה לשמנה ימים, דכיון דשמן שבפך היה בו כדי להדליק לילה אחת, נמצא שלא נעשה הנס אלא שבעה לילות, ומדוע קבע חז"ל הדי"ט תנוכה לשמנה ימים. ותי', שגם ביים הראשון היה בו נס, והיינו הנס שנתמלא הפך השמן אחר שהשתמשו בו למנורה. וע"כ קבוע חז"ל תנוכה לח' ימים שגם ביים הראשון היה נס.

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מעשה אבות סימן לבנים

וירא כי לא יכל לו ויונע בכף ירכו ותקע כף ירך יעקב בהאבקו עמו ... (לב-כו)

Esav’s guardian angel crossed and assaulted *Yaakov Avinu* when he crossed the river and fought with him all through the night. Yaakov is no youngster - he is close to 100 years of age. Dawn had broken and the only way the angel can prevail is by aggressively kicking Yaakov in the thigh, to the point that he dislocated his hip. Yaakov is in a great deal of pain. Yet, he limps wearily towards his twin brother who is standing across the plain accompanied by 400 strongmen. Something changes in Esav and when they meet, Esav generously offers to accompany him to his home, but Yaakov refuses. *Chazal* tell us that the reason Yaakov declined Esav’s offer was because he knew that this reunion could only be short-lived and that soon enough, Esav would return to type. Yaakov wanted to conclude the meeting as soon as possible, rather than fight the inevitable evil that would emanate from Esav. Yaakov was a man whose every action would be reflected in the behavior of his decendents. At this critical moment in his and our history, despite his terrible pain and weariness, he knew which choice to make and how this would impact his progeny for years to come.

R’ Moshe Mordechai Biderman ז”ל was the sixth-generation *Rebbe* of Lelov. He was born in Jerusalem around the turn of the 20th century and lived in *Tel Aviv* for many years, later moving to *Bnei Brak*, before passing away in 1987. He was well-known for his fervent *avodas Hashem* and many *chassidim* flocked to him. He was not only the *Rebbe* of Lelov; he was also accepted by many *Karliner Chassidim* as their new *Rebbe* after the passing of the previous **Karlin-Stolin Rebbe, R’ Yochanan Perlow ז”ל**, in 1956. In the final years of his life, the *Lelover Rebbe* suffered a tremendous amount of pain. His doctors could not understand how he could bear it silently, without ever crying out. When asked, his explanation was quite simple. “If one keeps in mind that everything comes from *Hashem* and that everything which happens reflects His will, then one can learn to tolerate anything.” Another time, he told a group of *chassidim*, “I wholeheartedly believe that *Mashiach* will arrive at any moment and at that time, all pain in the world will disappear. Since I know that my suffering will last only a few seconds longer, it makes it easy for me to bear.”

In 1948, R’ Moshe Mordechai was invited to participate in a *Pidyon Haben* [Redemption of a First-Born Son] ceremony and festive meal in Jerusalem. The *Rebbe* left his home in *Tel Aviv* early in the afternoon, in order to arrive at the *seudah* on time. But the hour to begin the celebration came, and there was still no sign of the guest of honor.

The guests waited an hour, and then another hour. The *Lelover Rebbe* had still not arrived. Three hours passed before R’ Moshe Mordechai finally arrived, his face beaming with joy as he rushed inside to wish *Mazel Tov* to the father of the month-old baby boy. Nobody asked him why he had arrived so late, nor did he offer an explanation.

After the meal was over, the *Rebbe* remained a while longer, giving *berachos* and dispensing pearls of wisdom. Eventually, he slipped away quietly and instead of going straight home, he made his way to a nearby doctor’s office. He told the doctor that several hours earlier, while he was en-route to Jerusalem, the bus in which he was traveling was involved in an accident. The bus had rolled over and several passengers had fallen on the *Rebbe*, crushing him beneath them. There were many injuries. The doctor examined him and discovered that several of his ribs were cracked.

The doctor stared at the *Rebbe* in amazement. “Why didn’t the *Rebbe* come to me sooner?” R’ Moshe Mordechai calmly explained that he was expected at a special *seudah* for a *Pidyon Haben* and he couldn’t get away until after the meal. The doctor looked at him incredulously. “How could you sit calmly through a meal, acting as though nothing was wrong? Broken ribs cause excruciating pain!” he exclaimed. “How could you bear it?”

The *Rebbe* simply shrugged. To R’ Moshe Mordechai there was no other way to behave. Unwilling to detract from another person’s joyous occasion, he had chosen to ignore the pain and suffer in silence. (Adapted from “Ascent of Safed” by R’ Y. Tilles)

A PENETRATING ANALYSIS OF THE WEEKLY HAPTORAH BY AN UNEQUALLED HISTORIAN חזון עבדיה בה אמר ה' ... לאדום (עבדיה א-א)

Despite being his birth nation, *Ovadia* *HaNavi's* one and only prophecy was of Edom's destruction. But why was he tasked with relaying the message and not another prophet?

R’ Yonason Eibschutz ז”ל (Yaaros Devash) explains that *Chazal* tell us: "צדיקים לבם ברשותם" - the righteous have their hearts in their possession. This means that despite the inherent nature of the heart to steer a person’s thoughts, *tzaddikim* take control of their hearts and don’t allow it to dictate their thoughts and actions. After *Ovadia*’s death, his wife was left with a large debt to King *Yehoram* who threatened to take her children to his palace. In truth, she had no money to support her family. *Yehoram* was clear that she could visit her children often. And besides, in this manner at

least her children would be given food on a regular basis.

Yet, it is so much deeper than the bare physical needs of the woman and her children. In fact, *Ovadia*’s wife’s concern was with her children’s spirituality. She was afraid that if they lived amongst the king and his people, they would eventually throw off the yoke of *Torah*. This ideal was ingrained in her family by her husband *Ovadia*h, who as a person with a pagan background living amongst terribly wicked people like King *Achav* and Queen *Izevel*, he remained steadfast and did not become influenced by them. In fact, he did the opposite and risked his life repeatedly to ensure the survival of the prophets and the *Torah*. His *Mesiras Nefesh* made him the perfect prophet to relay the message of Edom’s destruction.

אל נא אם נא מצאתי חן בעיניך ולקחת מנחתי מדי כי קל כן ראותי פניך כראת פני אליקים ותרצני ... (לז-י)

Yaakov attempted to persuade Esav to accept his gifts. Esav balked at the idea, saying "יש לירב". Yaakov responded with the above *posuk*, translated literally and loosely, “*For just seeing your face, like one who comes to see and greet the king and brings a present; you too should take mine.*” **R’ Gavriel Zev Margolis ז”ל** of Vilna explains "כראות פני אליקים" as alluding to *Hashem* doesn’t need our money, but yet He commanded us: "ולא יראה את פני ה' ריקם" - not to come empty-handed, each time we are רגל. Obviously, the point of gifts is to show that we cherish the relationship and the opportunity to “see” each other. To that argument Esav finally conceded.

This *machshava* pertains to our entire *avodas Hashem* and is a pivotal concept of the *neis* of *Chanukah* חנוכה. We have 613 *mitzvos*. Does it really make an iota of a difference, if for example we *shecht* the animal from the front or the back? Nevertheless, *Hashem* provides “*geleigenheiten*” - opportunities through *dikdukei hamitzvos* to get closer to Him.

Regarding the upcoming *Yom Tov*, there’s a *pshat* from the **Pnei Yehoshua** that complements this idea. Many *meforshim* ask what was the whole point of looking for a pure untainted *pach shemen* if the *halacha* is (according to many opinions)? Why then didn’t they simply use one that was טמא? He answers that despite the fact that it was halachically permissible, the *Yidden* went above and beyond, due to their *ahavas Hashem*. When *Hashem* saw their efforts, He, too, out of love, unveiled that lone jug and enabled it to last for eight days.

It’s interesting to note that there is a *shita*, albeit an enigmatic one, who maintains that the כפים קטנים Yaakov went back for in the *parsha*, were the very same jugs found by the *Yidden* for the *Neis Chanukah*! יהי רצון ... שכשם שעשה ניסים לאבותינו so too, במהרה בימינו אמן ואמן - *we should merit many miracles and be able to light the heilige Menorah in the Bais HaMikdash*!

משל למח הדבר דומה

שכם בני חשקה נפשו בכתכם תנו נא אתה לו לאשה ... (לד-ה)

משל: There was once a king who had the most beautiful diamond in the world. He kept it in a box with some other special diamonds, and only took it out on rare occasions.

On one such occasion, as he was taking it out, his beautiful diamond received a deep scratch from one of the other jewels in the box. The king was heartbroken and invited all the jewelry experts in his kingdom to see what could be done. All the experts told him that the only way to remove the scratch would be to recut the diamond. Unfortunately, this would reduce the stone in size considerably and it would not be the prized jewel it once was.

Just as the king was about to give up hope, a master jeweler from a distant land appeared in the palace. “Your Majesty,” he said, “I can fix the scratch, and the diamond

will be even more beautiful than before.”

The king gave his assent, and one month later, the expert returned with the king’s diamond. The king took it in his hands and gave a cry of great joy. The expert had carved a flower of exquisite beauty into the diamond, incorporating the scratch into the design as the stem of the flower. The diamond was now even more precious and beautiful than ever!

נמשל: When a person takes a negative *middah* or reprehensible act and attempts to disguise it by building something apparently positive around it, the consequences are terrible. Yet this was precisely what Shechem and Chamor intended to do. They came to *Yaakov Avinu* and in effect said, the episode with *Dinah* has already taken place, let us turn it into something that is good for both of us - let’s move on. This approach is anything but a proper *Torah* approach and it is one of the great lessons we can learn from this story!

וירא יעקב מאד ויצר לו ... (ל-ה)

EDITORIAL AND INSIGHTS ON MIDDOS TOVOS FROM THE WELLSPRINGS OF R’ GUTTMAN - RAMAT SHLOMO

The *Torah* tells us that when *Yaakov Avinu* heard that his brother Esav was coming to greet him with an army of 400 ferocious fighters, he was very afraid. This seems to contradict the tremendous *emunah* that Yaakov, the great and pure *tzaddik*, had in *Hakadosh Boruch Hu*. Do we not read clearly that *Hashem* Himself promised Yaakov that He will be with him and protect him wherever he will go (כח-טו)? So what did *Yaakov Avinu* have to be afraid of?

R’ Simcha Sheps ז”ל makes an interesting observation. For his own personal safety, Yaakov was not worried. He knew that *Hashem* would not allow any harm to come to him. But he looked off to the distance and “*saw his brother Esav coming.*” In other words, Yaakov looked into the future and saw how Esav would act towards his descendants. He would act as if he was a “brother” to them - and this is the most dangerous behavior of a *goy* to a Jew!

Rav Shimon bar Yochai tells us: "הלכה בידוע שעשו שונה ליעקב" - It is a known fact that Esav hates Yaakov, and when Esav puts on a facade and doesn’t outwardly show the hatred that is in his heart - it always blows up in the face of the Jew!

For this reason, Yaakov immediately cried out: "הצילני נא מיד אחי מיד עש" - Save me from my brother, from Esav. Since he acts like a brother, I need extra protection from him for all the future generations of *Yidden* who might fall for the trap of the nations of the world. They will pretend to be friendly and act with brotherly love, showing great interest in the participation of the Jews in business, social circles and family life; only later to stab their Jewish brothers in the back.

Millions of Americans are assimilated with absolutely no connection to their rich Jewish heritage because of the play-acting and “brotherly-love” of Esav. A Jew must live with the *middah* of "לברד" - he must stand apart from the nations of the world and not fall for their phony displays of brotherhood. Yaakov saw this millenium ago - and is warning us still!

CONCEPTS IN AVODAS HALEV FROM THE FAMILY OF R' CHAIM YOSEF KOPMAN ז”ל

מחשבת הלב

דרגה יתירה