

MDTorah WEEKLY

	ירושלים	בית שמש	בני ברק
הדלקת נרות	4:09	4:08	4:27
צאת השבת	5:22	5:22	5:23

Parshas Toldos- תולדות
Nov 9, 2002 – ד' כסלו תשס"ג – Vol. 4 No. 6

Talking Business

Everyday Jewish Business Law



Living Education

Principles of Education Gleaned from the Weekly Parsha

Scraping Out

Question

Chanan was about to drive out of the parking lot of his apartment block. Unfortunately, some driver had parked his car outside in a way which partially obstructed the exit. Chanan examined the remaining space and reckoned he would be able to get through. He almost made it! When he was out in the street he noticed that he had clipped off the obstructing car's mirror. The irate owner now claims the cost of replacing the mirror from Chanan. Chanan retorts that this motorist had no right to deny him his right of access to the street. Who is right?

Answer

Reuven was looking for a place to store his flasks of wine and oil. He noticed that there was a large empty courtyard nearby. Without asking permission, he filled the entire area with his merchandise. When Shimon, the owner of the courtyard, opened the door of his house he found his access to the street barred. Our Sages inform us (Tractate *Bovo Kamo* 28a) that Shimon may make his way out of the courtyard even if this involves breaking some of Reuven's illegally placed barrels. Gad left his pottery jug in the middle of the street. Asher fell over the jug and broke it. Our Sages inform us (Ibid.) that Asher

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Rav Leff Speaks

Who is greater—the ba'al teshuva or the tzaddik? The Jew who has sinned and repented, or the Jew who is pure and righteous? The Jew who has returned to tradition from a secular background, or the one who came from an observant family? Chazal tell us that the righteous cannot stand in a place where *ba'alei teshuva* stand. According to the Rambam, this is the decisive view of our Sages. Yet, it would not seem that way from Rashi in this week's parsha.

Yitzchak and Rivka both davened for children. The Torah relates that G-d answered Yitzchak, and Rivka became pregnant. Why was he answered, and not her? "There's no comparison" explains Rashi, "between the prayer of a tzaddik born of a tzaddik (Yitzchak, son of Avraham) to that of a tzaddik born of a *rosha* (Rivka, daughter of Lavan)." It appears that Yitzchak's prayers were

more effective simply because his parents were frum and Rivka's weren't.

This also stands in contradiction to a responsum of the Rosh, in which he was asked the following question: There were two candidates to lead the Rosh HaShana services. One came from a distinguished family, but was himself undistinguished. The other was himself a distinguished person but whose parentage was undistinguished. The Rosh ruled that the latter, who had more merit of his own, should be chosen, because "what do we care about his fathers when it comes to prayer?" This would appear to contradict the Rashi. (Now, we could say that the difference is that both Yitzchak and Rivka were great tzaddikim. However, the way the Rosh puts it, there seems to be no consideration whatsoever for family merit.)

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Overprotective Parents: The Damage They Can Cause

"I know my son", said a defensive father, trying to explain to the principal his son's version of a rumble between him and an older boy. "If there's one thing he doesn't do, it's lie!" After thoroughly checking out the incident, the principal saw that the younger child's version was not fully true. There were two possibilities: either the boy was lying, or he was imagining or exaggerating what had happened, and this, in turn, either from innocence or as a result of pre-planning.

For the father to conclusively determine that his son was the victim, and in addition, that he never lied, can be compared to one who puts on dark sunglasses, walks out in the sun and says its dark outside. In short, it did not really matter to the father what had happened. He had already decided what had happened from his son's version of the story.

What effect did this father's reaction have on his child? On a grand scale, he, in effect, denied his son's natural growth process. As Rav Dessler writes (*Michtav M'Eliyahu* Vol. 1 p. 99): while mature adults are aware of the purpose of their existence, children live in a world of imagination. A child lives in a world of imagination, until slowly but surely, as he matures and accepts upon himself more and more responsibility, he enters a world of reality and purpose.

When a parent considers his child

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With G-d's Help

Yitzchak entreated G-d opposite his wife because she was barren. (Bereishis 25:22)

According to Rebbe Levi (Breishis Rabbah 63) Yitzchak's entreaties before G-d were comparable to the efforts of a prince to convince his father to give him a gold coin. At the same time that he was trying to get the king to give it to him, the King himself was trying to give it to him, as though the prince were digging from the outside while the king was digging from the inside.

The midrash is teaching us that when a person prays with unaccustomed intensity, the heavens open in a way that exceeds any natural relation to his prayers, even when the person is unworthy. When the

midrash says that the king was digging from within, it suggests that once a person sets his mind to put a special effort into his prayers, G-d responds and gives him the ability to do it. This is actually what is suggested when we say at the beginning of the silent prayer, "L-rd, open my lips," which implies that, without His help, our lips remain closed. Nevertheless, not everyone is capable of intense, concentrated prayer. But on Shabbos the gates of prayer are opened, as it says in Yechezkel (46:1), "The gate of the inner courtyard that faces eastward shall be closed during the six days of labor, but on the Shabbos day it shall be opened..." And that itself can give a person the strength to try to focus more intensely in his prayer.

Based on sefer Shem Mishmuel MD

(Talking Business—Continued from page 1) is not liable for the damage he caused. These cases are cited as proof to the opinion of Rav Nachman (Ibid 27b) that, under certain limited conditions, a person may take the law into his own hands without receiving permission from Beis Din. The *Shulchan Oruch (Choshen Mishpot 4)* rules in accordance with this opinion.

From here we can learn that if a person deposits his property in another person's domain without his permission or in a public thoroughfare, he is risking their safety. If they are positioned in a way which allows pedestrians no reasonable passage unless they tread on these items, they may do so. Even if they break the obstructing property, they will not be liable to pay for the damage. The pedestrians are not obligated to invest effort in stacking or removing the offending items. They are also under no obligation to make a lengthy detour in order to avoid damaging the illegally deposited items. However, if it is possible to pass without causing damage or to make a small detour, they are obligated to do so. If they then insist on walking over

the illegally deposited items, they will be liable to pay for any damage.

Let us apply these principles to our case. Chanan judged that enough space remained for him to exit the parking lot without causing any damage to the obstructing car. He drove out, taking reasonable care not to scrape the other vehicle. Since he had the right to make his exit and the illegally parked car was infringing on this right, he is not liable for any damage caused as a result of driving out with reasonable caution. On the contrary, it was the driver of the obstructing vehicle who was negligent in parking his car in a dangerous position. Furthermore, adds Rav Spitz (*Mishptei Hatorah, Bovo Kamo* No. 54), even if a more skilled driver would have succeeded in making his exit without touching the obstructing car, Chanan would still be exempt from paying for the damage. Each individual is only obligated to do what is within his own personal ability to avoid damaging obstructing items.

If Chanan's own car also sustained damage, would he be entitled to compensation from the driver of the obstructing car? Does this person's illegal parking turn him into a *mazik b'yo-dayim* (an active damager)? Once again, the answer can be found in the section quoted above (27b). When Asher fell over the pottery jug which Gad placed in the street, he does not have to pay for breaking it. However, if he sustained injury as a result of the fall, he has no claim against Gad. At the end of the day, it was his own breaking of the jug which caused his injuries. MD

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(Living Education—Continued from page 1)

more mature that he truly is, he signals to his child that he no longer needs to develop and become more mature. This causes the child to accept upon himself an identity which is not his, thereby stunting his growth.

When a child's growth is stunted, he feels prematurely complete, and his approach to himself and to others is severely affected in the following ways:

1. The child systematically ignores any lacking he may have and becomes pompous.
2. He does not accept criticism.
3. He belittles and refutes his Rebbe's admonishment.
4. He shows a general lack of respect for others.
5. He comments on others' behavior. He becomes very critical of others.
6. Instead of dealing with problems which arise, he runs to his parents for protection and support.
7. He exaggerates and creates false rumors about those that contest his opinion.

"ויצא הראשון אדמוני כולו כאדרת שער ויקראו שמו עשו." – *"The first one (of the twins) came out looking completely red, with a royal coat of hair, and they called him Esav"* (Bereishis 25:25).

Esav was born with two striking features: (1) red skin and (2) a full head of hair. Rashi explains that the red color is a sign that he will become a murderer, and that he was called Esav (completed) for already at birth he had a full head of hair.

Question: What is the connection between these two features?

Answer: The Torah is teaching us that one who feels he is complete, considers himself unapproachable, becomes haughty, begins to look down on others, loses respect for them and eventually loses respect for their very existence until he is able to commit murder.

A parent who allows his child to feel as though he is without flaw, and is deserved of royal treatment, weakens his child's sense of honest self-evaluation, enshrines him negative traits, and causes him to become pompous, condescending and self-protective.

Sources for the seven points of misdirected attitude mentioned above, can be traced back to the birth, development and attitudes of Esav. (Each number here relates to its equivalent number above.)

1. Esav made his own exclusive decisions and never felt his view was lacking (*Bereishis Rabbah* 63:8).
2. Esav separated himself from others, as he was מפורד ומפורד (scattered and separated) according to the Midrash's explanation of אדרת (ibid) and ignored others' criticism.
3. He ignored Yitzchak's pleading to live a Torah life and belittled the mitzvos by tithing salt and by despising the service of the first-born.
4. Esav lacked respect for others to the point where even their lives had no value in his eyes, and he did not hesitate to commit murder (ibid).
5. He uses his energies to criticize others, instead of doing self-examination and correcting his own misdeeds, as the Midrash calls him מפורד ומפורד, meaning he was involved in everyone else's problems, and ignored his own.
6. Esav was spiritually too weak to stand up to his own problems (ibid, according to commentaries) and he hid behind his service of his father and his backing.
7. Esav was an expert at devising false stories and exaggerating his level of *tzidkus*. He could even deceive his father, Yitzchok, as it says, "...כי ציד..." "...בפינו – "...his trappings were in (Yitzchok's) mouth..." (Bereishis 25:28).

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Esav felt that he had reached total perfection and had no need to work on himself.

"אדמוני כולו" – "completely red" refers to Esav's own being and "כאדרת שער" – "coat of hair" refers to all that external to him, represented by hair which protrudes from the body and grows at its own rate.

Esav felt that his body and his inner being, as well as his actions, his relationship and his property and possessions were all fully refined. His feeling of inner perfection without need to work on his *middos* and *chochmah*, led him to criticize others and ignore their wise counsel. His external completion caused him to separate himself from others and feel that any action to benefit others lacked value.

Yaakov took the opposite approach. His name, based on his actions at the moment of birth, reflects his approach to life.

1. עקב – "The heel" is the lowest limb of the body, representing Yakov's view that he was faced with a life-long challenge to climb upwards and improve himself.
2. The עקב offers the body support, allowing it to stand, walk and function, just as self-inspection and correction is what builds a person's standing and strength.
3. The עקב, being the lowest point on the body, symbolizes the characteristic of humility, which leads to self-inspection and improvement and avoids unnecessary critical observation and evaluation of others.
4. The עקב is constantly in touch with the ground, symbolizing a strong sense of reality.
5. The עקב is in the least conspicuous place in the body, symbolizing Yaakov's preoccupation with his own *avodas Hashem* and his lack of criticism of others.
6. The עקב, say Chazal, reminds us of easy mitzvos. Yaakov began with easy mitzvos and worked his way upward, at each stage, increasing his own demands on himself, while Esav began at the highest stage (in his eyes) and belittled anything or anyone he considered below him.
7. The letters of עקב spell קבע (*Ba'al Haturim*) – consistent, which teaches that Yaakov Avinu was consistent in improving his own spiritual lot.
8. The letters of עקב spell בקע – "split/halved", as Yaakov always felt that he had not reached a state of completion.

The Midrash brings two explanations of the word "אדרת", which describes Esav:

1. Royalty, kingship and grandeur and
2. wheat stalks/straw after the kernels of wheat have been removed.

The first definition is in direct contradiction with the second, as the first represents the highest strata and the second definition represents the lowest, least significant level.

Esav could have reached kingship, as Yaakov did. However, because he considered himself a king from the start, he fell to the lowest level.

The Midrash (*ibid*) explains his name עַוְסַע to represent עולם שוא – a wasted world.

Both Yaakov and Esav sought kingship; Yaakov worked on himself throughout his life and was eventually elevated to Yisroel, retroactively being anointed the king of Israel, and called the first born, as it is written, "בני בכור ישראל". On the other hand, Esav began on top, as we mentioned above, and he fell to the lowest level of murder, adultery and idol-worship.

A parent would be wise to be humble, giving, consistent, realistic and positive toward himself and others, walking in the path of Yaakov. This will enable his child to develop naturally and positively. Otherwise, he may inadvertently close his child's mind to the concept of introspection and need for self-development, which would no less than seriously jeopardize his child's future. MD

Parsha Points to Ponder

Seeing with Two Eyes

We have indeed seen that G-d has been with you... (Bereishis 26:28)

"We have indeed seen" is an English rendering of the Hebrew, "We have seen," emphasized by a double use of the verb to see. Notwithstanding the plain meaning of the verse, we can also read it as suggesting one of the ways that a tzaddik can have an impact on other people. The two words for seeing suggest two kinds of seeing: ordinary seeing and spiritual seeing. For when a person sees a tzaddik, he experiences an inner illumination, an inner seeing. It was the experience of that inner illumination that convinced Avimelech that G-d is with Avraham. And it was the experience of inner illumination Avimelech had in Avraham's presence that moved Avimelech to establish an enduring relationship to him.

Based on sefer Kedushas Levi

Got Up and Left

Jacob gave Esav bread and lentil stew, and he ate and drank, got up and left; thus, Esav spurned the birthright. (Bereishis 25:34)

It seems to me that Esav's willingness to sell his birthright while he was overcome with hunger did not really reflect so badly on him, for it happens—it can happen to anyone—that a person is overcome by physical weakness or desire. But when, after eating, he simply got up and left, as though nothing had happened, without any gesture of regret or remorse—from that we see that Esav truly spurned his birthright. It didn't mean anything to him. Even after he was full, he was willing to let it go for a bowl of lentils.

Based on sefer Pninei Daas MD

(Rav Leff—Continued from page 1)

There's a wonderful answer in Rabbi Aharon Krokotsky's M'sukim M'dvash: He writes that Rivka was not barren due to any physical defect. Rather, as Chazal say, G-d wanted to hear the prayers of the matriarchs, so He placed them in situations in which they had to pray. As the Ohr HaChaim points out, it says in the text that "they prayed, and she was barren." It should have been in the reverse order; since they were davening because she was barren, her condition should have been mentioned first. But since, as Chazal say, it was because of G-d's desire for her prayer that she was barren, prayer is the cause, and is therefore mentioned first. Had it just been Rivka praying, and HaShem was enjoy-

ing the prayers of the *tzaddik ben rasha*, He would have extended the whole process, and she would have remained barren longer. But since Yitzchak was also praying, and his supplication wasn't as coveted, G-d answered him, and she got pregnant. So when Rashi says that there is no comparison between the prayers of a *tzaddik ben tzaddik* and a *tzaddik ben rasha*, he actually means that the latter is superior, and that it was Rivka's prayers that won G-d's favor.

One problem remains, however. In the time of Chazal the halacha was that different grades of *reshoyim* were not allowed to be buried together. For example, someone who was executed by stoning wasn't buried next to someone executed by strangulation, which is considered a less

severe penalty. It would follow, then, that a tzaddik should not be buried adjacent to a *ba'al teshuvah*, since the latter is acknowledged to be on a higher level. Yet, there is no such stipulation in Jewish law.

But why is the *ba'al teshuvah* greater? Because he overcomes so much more. For someone who grew up with Shabbos, there is usually little or no temptation to smoke or drive or watch television. But for a person from a non-observant background, those same temptations may loom very large (at least in the beginning). As a result, his Shabbos observance is deemed greater. (And even though we have a principle that someone who performs a Torah commandment voluntarily

is not rewarded as much as one who does so out of obligation, the *ba'al teshuvah*, by definition, is someone who has already accepted the obligation.)

But that's qualitative. Quantitatively, the person who is "frum from birth" has many more Shabbosos to his credit. So, if we consider any given moment, it is true that the *ba'al teshuvah* wins.

That's the meaning of the words: *b'makom sh'ba'alei teshuvah omdim*—where they stand, at any given moment—even the totally righteous must move aside. Over time, however, the cumulative merits of the *tzaddikim* even things out. That's why they can be buried next to one another.

Or, in other words, *ba'alei teshuvah* are greater when they are standing; but not when they're lying down, six feet under. MD

Rivka's childlessness was not the cause of their tefilos; rather, their tefilos—HaShem's desire for the tefilos of the tzaddikim—was the cause of her being childless.

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Halacha L'Maase
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Forbidden and Permitted Trapping on Shabbos (II)

1. An insect on a person's body that has stung him can be seized and removed. Because of the pain of the sting, the rabbis did not forbid this. Some are more lenient—and people who conduct themselves according to this leniency should not be rebuked—and permit the insect to be seized and removed even before it stings. If this can be done by flicking it off rather than taking hold of it, then it should be done that way. Nevertheless, it is forbidden to seize and remove an insect that is simply annoying and not causing physical pain. A noisy cricket, for example, or a buzzing fly may not be caught and tossed out.
2. It is forbidden to spray insecticide if there is no way for the insects to avoid being killed. If the insects are not sprayed directly and a window or door is opened so that they can escape—some poskim permit it while others forbid it because it is hard to avoid spraying on the insects directly. (For the sake of a baby or a sick person, it is permitted.)
3. Everyone agrees that it is permitted to use insect repellent, i.e., a liquid (not a cream, because it is forbidden to spread creams on Shabbos) that is spread on the body to repel insects.
4. It is forbidden to toss insects (mosquitoes, etc.) into water because it kills them, and killing them on Shabbos is forbidden.
5. It is permitted to flush the toilet even when there are insects in the toilet and flushing the toilet will almost certainly kill them. Not to flush is an offense to human dignity and in any case, the act of flushing is not a direct act of killing them: it is done for the sake of flushing the toilet, not killing insects.
6. It is forbidden to kill hair lice on Shabbos. But it is permitted to check for lice and remove them without killing them. Doing so is not a violation of the prohibition of separating the desired from the undesired (borare). Nevertheless, a person should avoid removing the eggs that are stuck to the hair because he is liable to pull out the hair. **MD**

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