

MDTorah WEEKLY

	ירושלים	בית שמש	בני ברק
הדלקת נרות	4:04	4:03	4:19
צאת השבת	5:18	5:18	5:19

Parshas Vayeitzei - ויצא
Nov 16, 2002 – כ"א כסלו תשס"ג – Vol. 4 No. 7

Talking Business

Everyday Jewish Business Law



Living Education

Principles of Education Gleaned from the Weekly Parsha

Blood Confusion

Question

Yecheil saw the posters asking people to donate blood. He arrived at the local blood donation station, where a registered male nurse received him. Yecheil lay down on the bed and the nurse inserted the needle into his arm. When the bag was full, Yecheil descended from the bed - and promptly fainted! When he woke up, he found that he had a huge gash on his forehead. What's more, the nurse was mopping up the blood he had donated. The nurse had carelessly allowed the bag to tear. Yecheil wishes to know whether he can claim his medical expenses from the nurse (or his employers), since he claims that his negligence in failing to examine him before taking blood caused him to faint and come to injury? He would also like to know if he is still entitled to the blood insurance given to donors even though the blood ran to waste.

Answer

It is well known that a blood donor must rest, eat and drink after donating blood. If he gets up immediately after the blood donation is completed, he is likely to faint. Should he act in this irresponsible manner, he only has himself to blame if he suffers injury as a result. In the unlikely event that the donor was unaware of the need to rest after blood had been taken, whoever should have informed him, but failed to do so, can not be made to pay for the resultant damage. Although he is guilty of failing to provide information which could have enabled another person to save himself from harm



(hashovas gufo),
compensation
can not
be

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Middos Control Leads to Success in Learning

Before a child can effectively tap into his potential in Torah learning and fulfillment, he needs to be guided and supported in his personal character development. Why? For character – *middos* – development is the control box of man's Torah study and fulfillment. No matter how developed one's mind is, if either his potential is not realized or it begins to be realized, but without proper guards and guidance, his level of intelligence will be of no consequence and may even cause him harm.

As its meaning suggests, מידות—measurement—means the proper גבול (border) for each potential. Before a Cohen did the service in the Beis Hamikdash he had to be wearing fitted clothing. Why? Is it not enough for the Cohen to be respectfully and modestly dressed? What is the message in this law?

The Torah is alluding to the necessity of the Cohen to make sure his character traits (also called *middos*) are in line before he approaches the actual Temple service.

One's potential can be compared to a well. Once it is opened and water begins to sprout outward, it is critical to quickly channel the water in a controlled stream so that it can be used and will not go to waste. So too, one's potential needs to be channeled.

The *middah* of Chesed—giving—is compared to water. Just as uncontrolled water will spread relentlessly, so too, unbridled Chesed, without restriction, will pass over legitimate borders. This idea is alluded to in the word חסד. The letter ח"ת (*ches*) represents the seven heavens and above. סמך (*samech*) represents 600,000 Jews or the core of the entire Jewish nation. In addition, the round form of the letter *samech* suggests endless movement. The letter דל"ת (*daled*) alludes to the four

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Rav Leff Speaks

There is a famous story about the student from Ohr Somayach who went to the *tish* of the old Gerer Rebbe. He introduced himself to the Rebbe, saying, "I'm learning at Ohr Somayach—but I'm not a *ba'al teshuvah*." The Rebbe looked him straight in the eye and said, "Why not?" His point, of course, was that everybody should be a *ba'al teshuvah*. We say in davening *slach lanu, hashivainu avinu l'sorasecha*. These words are for everybody. We all have to do *teshuvah* for things we've done wrong; we all have room for improvement in our lives. It's a mistake, therefore, to designate only one segment of the population as *ba'alei teshuvah*.

People who have changed their entire lifestyle to be better Jews naturally appreciate Yiddishkeit a lot more. *Ba'alei teshuvah* are full of excitement about Shabbos, kashrus, in a way that those who have been brought up observantly often lack. It is said that each of the avos reached his level independently of his parents' attainments. Even without the advantage of growing up in the household of Avraham Avinu, Yitzchak and

Everybody A Ba'al Teshuvah

Yaakov would have reached their own levels of spiritual greatness. Most people are not like that. Their standard of religiosity is determined by education and habit. They are what they are because that's what they and their parents have always been.

A *ba'al teshuvah* has to think about what he's doing. Why am I doing it? Am I doing it right? He does not have the luxury (and is spared the curse) of a lifetime of mindless mimicry. For the same reason, he's not accustomed to certain *aveiros* of which f.f.b.'s are guilty. He can't justify his behavior by saying, "Well, that's the way we always did it!"

I once saw a guy on Shabbos park a block away from the *shul* and then walk the last block. At the time I pretended that I didn't see him, but during the week I approached him and said, "Listen, you may think there's a *mitzvah* to walk to *shul* on Shabbos, but there's a prohibition to drive, and it makes no difference where you park."

"Rabbi," he replied, "you don't under-

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Always True

And Yaakov departed from Beer Sheva and went toward Haran. (Bereishis 28:10)

When Yaakov set out for Haran, he certainly left Beer Sheva. Why does the Torah make a point of telling us something we could infer for ourselves? When Avraham went down to Egypt, and when Yitzchak went to the land of the Philistines, we are not told the place from which they departed.

Just as Avraham represents *chesed* and Yitzchak represents *gevurah*, Yaakov represents *Truth*, the Truth that never changes—the ultimate Truth, the Truth of the Divine, though it is manifested in so many different ways. The test of a man of Truth is that, just like the Truth he grasps and represents, he, too, never changes—not in respect to that Truth. He sees it no matter where he is, in darkness or in light. He sees it in the many different forms it takes, and

he sees through those forms to the Truth which never changes.

The midrash (Midrash Rabbah 68) interprets the ladder of Yaakov's dream as a symbol of exile, and compares Yaakov's departure from Haran to the exile of the Jewish people from the land of Israel. Holding on to the unchanging Truth is hardest amidst changes, and the most difficult changes are the sudden ones, like the exile into Babylon, to which Rebbe Yehoshua Ben Levi compares Yaakov's departure from Beer Sheva—sudden and deep, like falling from the greatest height to the deepest depth. But Yaakov, the man of Truth, never changed. It was to point out the great changes which Yaakov would endure, through which he would remain true, that the Torah tells us not only that he left for Haran and the house of Lavan but also that he departed from Beer Sheva and the House of Yitzchak. **MD**

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claimed from him in Beis Din (*pottur b'dinei odom*). Thus, if Yechiel got up straight after giving blood, he has no claim on the nurse.

What if Yechiel did rest and drink after giving blood, but nevertheless fainted when he got up because of low blood pressure? The nurse was definitely negligent in failing to take Yechiel's blood pressure before drawing blood. In that case, his taking blood from Yechiel is considered causing him injury. For such action, the *Torah* makes him liable to pay five different types of compensation - see Tractate *Bovo Kamo* (83b). The fact that the nurse had no intention of causing injury does not exempt him from paying damages. He is still liable for the results of his negligence. His lack of intent to cause injury would only exempt him from paying compensation for em-

barrassment (*boshess*) - see Tractate *Bovo Kamo* (26b). However, nowadays Beis Din only have authority to collect payment of medical expenses (*ripuy*) and temporary loss of earnings (*shevess*)—see *Shulchan Oruch, Choshen Mishpot* 1:2 and *Sema, Note 12*. (*The Remo ad loco* writes that even these forms of compensation are not collected nowadays, but just a fitting sum to placate the victim—see *Ibid*. Paragraph 5.) In our case, the maximum sum that Yechiel could claim is the cost of his medical expenses.

As regards his blood insurance rights, the fact that the blood bank will not benefit from his spilt blood donation does not detract from his rights as a donor. He will still be entitled to free blood transfusions for him and his family for the next year (the rights conferred on blood donors in Israel). The moment his blood entered the bag, the blood bank "acquired" his blood. They then became obligated to make "payment", in the form of blood insurance (see *Mishptei Hatorah, Bovo Kamo* No.124). When their worker negligently allowed the blood to run to waste by tearing the bag, this was *their* blood being spilled! If they wish to penalize their worker for his incompetence, they may do so, but this has no bearing on Yechiel's rights. The transaction has already been completed. **MD**

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corners of the world, leaving no place untouched.

We see that *Chesed* without borders does not distinguish between right and wrong. In fact, it can lead to the most abominable of sins, as the Torah refers to the illicit act of incest [with a sister] as *טס* (*Vayikra* 20:17). This is a *טס* without border, without guidance, without direction. We see that the great potential represented by *Chesed* loses all its value when left to find its own boundaries.

Chazal refer to the act of *Chesed* as *גמילת חסדים* (*gemilas chasadim*). *גמילת* is from the root *גמל*—camel. Maybe it is used as the classic example of true *טס*, for just as the camel uses the water it collects in exacting measure—as it saves it for gradual use over long periods of time—so too, when doing *טס*, one should do so in the right measure.

In addition, *גמילה* is similar in etymology to *גבול*—border—as it has to be done within appropriate borders. The asimilar letters in each word form the word *בם*, as in "ודברת בם"—"and you shall speak in them [words of Torah]", teaching that Torah has to be learned within the proper framework, with developed character traits. Only then can the potential of each person, in his efforts to succeed in Torah, be realized.

Also, the *ב* of the word *בם* can be understood to represent *בראשית*—Creation—or the ultimate act of *Chesed*, while *מ* represents *מתן תורה*—the giving of the Torah. Without the limits and guidelines of Torah, the great act of *Chesed* at Creation would lose its value.

On this, Chazal say (see Rashi on *Bereishis* 1:31), if not for the giving of the Torah, Hashem would undo His Act of Creation. And, just as Hakadosh Boruch Hu gave borders to Creation, before He gave the Torah, which gives borders to mankind, so too, its incumbent upon each individual man to give himself guidelines, i.e., controlled characteristic traits—before he attempts to acquire Torah. This is what Chazal mean when they say, "דרך ארץ" "קדמה לתורה"—"character trait control must precede Torah learning and fulfillment".

Rav Chaim Vital z"l explains that the obligation to work to control one's character traits is so basic that it is not mentioned as a mitzvah in the Torah. It is an inherent obligation of man, and its lacking prevents the possibility of succeeding in Torah.

This theme is expressed in the *posuk*, "והנה סולם מוצב ארצו וראשו מגיע השמימה" — "And behold, a ladder is secure in the ground and its top reaches to the Heavens" (*Bereishis* 28:12).

Chazal say the *סולם* (ladder) represents Yaakov. He was able to reach great spiritual heights only because he was securely planted בארץ—in matters of דרך ארץ and control of *middos*. That the *gematria* of

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סולם is סיני (representing Torah) only strengthens this idea.

Also, it's not enough to control one's *middos* in a mediocre manner. "מוצב ארצה", according to *Onkelos* and *Targum Yonason*, means a secure, stable condition. Just as a mechanic will not use a tool to fix a machine unless it has been proven to be a secure and solid tool, so too, before one approaches Torah learning and seeks out spiritual growth, he needs to be sure that his tools—*middos*—are solid.

One may say to himself, "Before each session of learning or performing of a mitzvah, I will put my *middos* in order, for what's really important is the Torah and it's a waste of time to spend too much time working on control over one's *middos*."

However, a look at *Onkelos* and *Targum Yonason* mentioned above teaches us that *middos* development is a great *avodah* and thus worthy of one's attention and effort, as we know that the great *Ba'alei Mussar* of Europe worked incessantly and with all their might to develop and control their *middos*. Once one solidifies his *middos* he will be able to approach any area of Torah and *avodah* and with Hashem's help, succeed.

Correcting of one's *middos* before Torah learning is alluded to as well in the posuk, "וידעת היום והשבות אל לבבך" – "And you shall know today and return to your heart" (*Devorim* 4:39).

The posuk seems to mention two stages:

- (1) ידיעה – learning
- (2) לבבך – feeling / fulfilling.

Question: What is the meaning of השבות? If the first stage mentioned in this posuk refers to learning, then after וידעת, the posuk should read ושמת אל לבבך. What does the addition of השבות teach us?

Answer: השבות—Return to your heart—implies that a person's *avodah* begins in his heart, then moves to learning and then again returns to his heart. This first stage is the battle in the heart of *middos* development. Only once one is victorious can he move to the next stage: Torah learning (ידיעה). And then, once he is filled with the wisdom of Torah, he becomes obligated to fulfill the Torah, each time on a higher and higher level, as he moves up the סולם of Torah.

R' Benyamin Zilber shli"ta (in הסכמה) explains that this posuk is the basis for R' Yisroel Salanter's foundation of *Mussar*, which fits well with our explanation above. MD



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Parsha Points to Ponder

The Essential Beis Hamikdosh

Yaakov awoke from his sleep and said, "Surely G-d is present in this place, and I did not know!" And he became frightened and said, "How awesome is this place! It is none other than the abode of G-d and this is the gate of the Heavens!" (Bereishis 27:16-17)

If a lesser person had such a dream, it would go to his head. He would feel very special (and very superior) for it. But not Yaakov. He responded with deep humility: fear and awe before G-d. This proved him to be a man of truth, and it was the merit of his response to the dream that established the Beis Hamikdosh for his descendants. For, in essence, that is what the Beis Hamikdosh is: the yiras Shamayim which Yaakov felt as he awoke from his visionary dream. When he says, "It is none other than the abode of G-d," what he means is that only yiras Shamayim can keep it standing. Since the Beis Hamikdosh is in essence yiras Shamayim and only yiras Shamayim can sustain it, insofar as the Jewish people have yiras Shamayim, they have a Beis Hamikdosh. It exists for them, even if there is still no building on the Temple Mount. Yiras Shamayim opens the Gates of Heaven everywhere. This is what Yaakov meant when he said: "...this is the gate of the Heavens."

Sefas Emes

Sons and Brothers and Builders

Then Yaakov took a stone and raised it up as a monument. (Bereishis 28:18)

And Yaakov said to his brethren, "Gather stones!" So they took stones and made a mound and they ate there on the mound.

Rashi explains that "brothers" here actually refers to Yaakov's sons, who helped him like brothers in times of trouble and war.

This passage teaches us a fundamental concept in education. Students should not feel that they are simply receiving information and ideas from their teachers. They should be given the chance to participate in the educational process - to be like brothers to their teacher so that what they learn emerges out of a sense of dialogue and shared intellectual investigation with him. Students are also referred to as sons: *bonim*, and, as we recite at the end of the morning prayers every day: sons, *bonim*, can also be read as builders: *bohnim*. Students should be educated through constructive educational activities in which they play an active part. MD

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stand. That's where my father parked, that's where my grandfather parked. It's a family tradition."

That's why we say in *viduy*: *anachnu v'avoseinu chatanu* (we and our fathers have sinned). Nobody's perfect, and therefore it's possible that what your parents and teachers did was wrong. Now is the time to change and do it right. They certainly wouldn't want you to continue doing it wrong on their account. On the contrary.

In *Shmoneh Esrei*, we conclude the blessing of *Avos* with *Magen Avraham* only, making no mention of Yitzchak and Yaakov. I heard in the name of Rabbi Shimon Shkop the following explanation: There were different periods in Jewish history, periods in which people had to come to Yiddishkeit on their own. The parents had strayed from Torah, and the children came back. Then there were situations where the kids had fathers who were *frum*, but not grandfathers. Like Yitzchak, whose father was *frum*, but not his grandfather. On the other hand, both Yaakov's parents and grandparents were *frum*. So one might think that when history reaches its climax, all these types of Jews will be represented.

Rabbi Shimon Shkop said otherwise: Before Moshiach comes, things are going to be so difficult that if you're not an Avraham, if you don't come to it on your own, no matter what kind of family background you have, the temptations and doubts will be so great that you won't be able to survive. *Yichus* alone will not be enough. Everybody has to be an Avraham Avinu. In this generation, the societal influences are so pernicious, everybody is vulnerable. Each person has to find the strength within himself to withstand those influences. Everybody has to be a *ba'al teshuvah* these days. We all need the *Magen Avraham*.

Everybody has to be a *ba'al teshuvah* these days.

In the final analysis, of course, *ba'alei teshuvah* have a lot in common with the *frum* from birth. We say every day, "*Elokai neshama she'nasata bi, tehora hi.*" The *neshama* we are all given is *tahor* (pure). Even if

the background in which one was raised turned him away from G-d, that doesn't mean that he wasn't conceived in purity. We don't believe in original sin. And in the Artscroll siddur, this blessing doesn't have an asterisk next to it, to indicate that only *ba'alei teshuvah* should say it. Furthermore, each one of us is descended from Avraham, Yitzchak and Yaakov. That's pretty good *yichus*. MD

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Halacha L'Maase
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Stealing

1. An object stolen from a minor must be returned.
2. A minor who steals must return what he has stolen if it still exists. If it does not, some say he is obligated to compensate the owner even after he comes of age; some say he is exempt.
3. It is fitting for the court to give stripes to a minor (according to his physical condition) who steals, so that he will not become accustomed to steal. Similarly, a father should punish a child who steals. He should consult with a qualified educator to assure that his punishment will be effective and not incite him to rebellion.
4. A person who has stolen from the public and does not know to whom to return what he has stolen should make a contribution to the public welfare. For then the people from whom he stole will also benefit, and G-d will make sure that all those from whom he stole will benefit according to the measure of their loss, and will forgive him. When a person makes an effort to purify himself, G-d helps him. Nevertheless, the court cannot force a person to make a contribution to the public welfare, because it is not a complete act of returning stolen property. Nevertheless, if a person who has stolen asks how to do teshuvah, he should be told to make a contribution to the public welfare.
5. When a person who stole makes a contribution to the public welfare, he should not do it in a manner that wins him honor and respect, such as distributing charity in a public way.
6. A person who steals something is called a tzaddik from the moment he decides to return it.
7. Even if a person has returned what he has stolen, his sin is not forgiven until he appeases the person he stole from and asks forgiveness. And, he also has to ask G-d to forgive him—he has to do teshuvah for stealing, for whenever a person sins against his fellow man, he also sins against G-d. **MD**

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