

קהל זכרון נתן צבי ZICHRON NOSSON TZVI

ע"ש הרה"ג רבי נתן צבי פינקל זצוק"ל

Harav Shmuel Weiner שליט"א, Rav • Shua Schick, Chaim Dovid Kasirer Gabbaim

שבת קודש פרשת משפטים

זמנים לשבת

4:46pm (40 mins before שקיעה)	הדלקת נרות
5:11pm (25 mins after הדלי"ג)	מנחה וקבלת שבת
5:56pm	מעריב
8:15am	שחרית
8:45am	שוקן עד
9:02am	סוף זמן קריאת שמע
4:32pm	מנחה
6:02pm (35 mins after שקיעה)	מעריב

זמנים לימות השבוע

7:30am	שחרית
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שיעורים

R' Eliyahu Yaari will be speaking Friday night between מעריב and קבלת שבת.

The Rav שליט"א will be giving a shiur on Sefer Hachinuch shabbos morning 20 minutes before shacharis.

The Rav שליט"א will be speaking during the kiddush following Mussaf.

The Rav שליט"א will give a 15 minutes shiur following mincha.

The Rav will be giving the bi-weekly contemporary halacha shiur this Thursday night on "Copying Music: Part 2 - Halacha L'maaseh"

The Rav can be reached from 9:00-9:30 am, 1:00-3:00 pm and 7:00-8:00 pm. Shailos may be left in the Rav's mailbox or in the electric box outside the Rav's apartment.

The shul has the zchus to announce that Rav Avishay Orlansky is available to take shailos for the kehila if one cannot reach the Rav. His cell is 054-841-6161

The Rav's Address:
Mevo Timna 6 apt 8
Cell: 054-840-4152
Home: 02-581-4363

GUIDE TO KABALAS HATORAH

By R' Yehuda Wealcatch

Right after maamad har sinai the Torah goes into detail about the mitzvot that were given at Har Sinai. The Torah starts off "V'eileh hamishpatim asher tasim l'fneihem". What is it about the mishpatim that the Torah chose as the first to be explained? Why davka the dinei nizakin?

The Rosh Yeshiva, R' Nosson Tzvi Finkel zatzal, quotes a Mechilta which teaches a great lesson in how to live our lives as B'nei Torah. The dinim brought in Parashas Mishpatim are really an introduction to the rest of the mitzvot that we have. These dinei nizakin and dinei shcheinim are all mitzvot bein adam l'chavero, which are the tachlis of matan torah. Without them, klal yisrael would not have been able to be mekabel the Torah. In order to receive the Torah, we would need to be on a level of K'ish echad b'leiv echad—a klal yisrael. Not separate individuals. By understanding and following the laws of Parashas Mishpatim, we can attain that level.

One such mitzvah is the mitzvah of relieving the load of the animal of one's friend. Targum Onkelos translates this pasuk to mean that one should remove any sin'ah that he has against him, and only then should he remove the load. Only on such a level can we be mekabel the Torah. Once there's complete achdus, then we're ready to accept Hashem's Torah.

The Gemara in Shabbos brings a story of a goy who wanted to be megayer "al regel achas". He came to Hillel who told him that kol hatorah kullah is understanding not to do to someone else something that you would hate. The rest is just a pirush. With that, he was megayir him. Once we have the v'ahavta l'reicha kamocha, then we're koneh the foundation of kol hatorah kullah.

I heard that the Chazon Ish once said that the highest madreiga one can reach is by living his whole life without hurting someone else's feelings. One would think that there are many other great things that come before that! But we see from here that the Torah is telling us that becoming great starts with mastering bein adam l'chavero, knowing how to treat each other and feeling each other's tzaar.

Good Shabbos!

SORRY DOES HELP

By R' Yochanan Zweig

"an eye for an eye, a tooth for a tooth..." (21:24)

The Torah records that if two men come to blows and accidentally cause bodily injury to a third individual, the assailant is held completely responsible, "an eye for an eye, tooth for a tooth, hand for a hand, foot for a foot." The Talmud states emphatically that the verse is not to be taken literally. Rather, according to the Oral Tradition the responsible party must pay the monetary value of the limb he destroyed in restitution for his actions. The Talmud proves this assertion by stating that it would be impossible to inflict an equitable injury upon the assailant, for no two human beings are physically or emotionally alike. [Bava Kama 84a] Why then does the Torah couch the restitution in terms which, if taken literally, indicate that the assailant is subject to physical injury?

In the Laws of Damages and Injuries, the Rambam records the various compensatory requirements that must be made for injuring a human being. Contrasting the restitution required for bodily injury to that of property damages, the Rambam states that when a human being has been injured, forgiveness is necessary for complete restitution. [Yad Hilchos Choveil Umazik 5:9] Why does the Rambam deem it necessary to include the requirement to seek forgiveness in the laws of financial compensation? Furthermore, the Rambam also includes this requirement in the Laws of Repentance; he adds that even if a person has made full financial restitution, he is not forgiven unless he appeases the person he damaged. [Yad Hilchos Teshuva 2:9] If the injured party has been compensated why is it necessary to appease him? What is the Rambam's source for this ruling?

The Talmud teaches that although "nekama" – "revenge" is generally not an acceptable form of

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HOW TO CHOOSE A RABBI

By Rabbi Hershel Schachter

In his opening comment on the *parsha*, Rashi points out (quoting the *tana'im*) that the correct location of the Sanhedrin is in the *Beis Hamikdash*. The particular room (known as the *lishkas hagazis*) in which they met during the period of *Bayis Sheini* was divided into two parts. One half was sanctified with the *kedusha* of the *azarah*, while the other half only had the *kedusha* of the *har habayis*. No one may sit in the *azarah* except for a king who is a descendant of *malchus Beis Dovid*. Even the seventy one members of the *Sanhedrin* had to be careful to only sit in the half of the room which did not have *kedushas ha'azarah*.

According to Talmudic tradition (*Yoma* 52), the *posuk* in *Divrei Hayomim* (II, 35:3) reports that towards the end of *Bayis Rishon* *Yoshiyahu haMelech* instructed the *Leviim* to remove the *aron kodesh*, with the *luchos* in it, from the *kodesh hakodoshim* and place it in the basement in a special vault specially designated for this purpose from the days of *Shlomo Hamelech*. The reason for this move is given in *Divrei Hayomim* but is very unclear. The *Netziv* (in his introduction to his commentary on the *Sheiltos*) understood this as follows:

Ramban writes (*Devarim* 17:11) that the need for the *Sanhedrin* to meet in that special location was in order that they should be close to the *aron* with the *luchos*. This proximity was to ensure that the *Sanhedrin* should have divine assistance in *paskening shaylos*. In the days of *Yoshiyahu haMelech* they were not yet afraid that the *Beis Hamikdash* would be destroyed and the *aron* would be taken into captivity; that concern only began years later. What motivated the removing of the *aron* with the *luchos* was that the *rabbonim* realized that there would soon come a time when they would no longer have this heavy *siyata d'shmaya* in the area of *psak*, and

would have to work hard with much *pilpula shel Torah* to arrive at a proper conclusion, so they decided to start practicing this new style of *psak* by removing the *aron* with the *luchos*.

Even after this major change, our ability to rely on the *psak* of a human being is still based on the assumption that «*sod Hashen leyerai'av*» (*Tehilim* 25:14). Whenever we don't know one way or another, we should assume that a *talmid chacham* who is God fearing has had divine assistance to *pasken* properly. When the *Sanhedrin* sat in their office near the *aron* with *luchos* we assumed that they had an even stronger degree of *siyata dishmaya* not to err. Whether during the earlier years of the first *Beis Hamikdash* (when the *aron* was in the *kodesh hakodoshim*), during the period of the second *Beis Hamikdash* (when the *aron* was in the specially designed vault in the basement), or nowadays (when the *rabbonim* are nowhere near the *aron* at all) the right (and the obligation) to assume that the *psak* of a rabbi is not in error is certainly based on the supernatural assumption that the *rov* was granted divine assistance not to err.

Some mistakenly think that this notion contradicts the principle «*lo bashomayim he*» - the Torah is no longer in heaven», i.e. once *Hakadosh Baruch Hu* «gave» the Torah to Moshe at *Har Sinai* He no longer gets involved in determining any *psak Halacha*. This is not correct! The Talmud invokes *lo bashomayim he* to explain why we can not have a *navi* tell us, by way of explicit prophecy, what the *halacha* should be; or that we would not be swayed by a *bas kol* from heaven on a matter of *psak halacha*. We still recognize, however, that human beings are fallible, and as such the only reason any *psak* from any *rov* may be relied upon is because we have the right to assume that the *rov*, if he is a *yorei shomayim*, must

have had divine assistance to *pasken* correctly without erring.

The Talmud notes that one reason we follow the opinions of *Beis Hillel* is because they were more humble than *Beis Shamai*. The Talmud doesn't state that *Beis Shamai* were arrogant, rather that *Beis Hillel* were humble. What does humility have to do with *psak halacha*? Perhaps the humble person ought to be granted a *middos* award, but why ought the reward be that his opinion is accepted *halacha lmaaseh*?

The answer apparently is that the *navi* *Yeshaya* (57:15) tells us that *Hakadosh Baruch Hu* chooses to be with the humble people. Therefore, the *anav* stands a better chance of having that divine assistance to be *mechavein l'amita shel Torah*. When following the instruction of the *mishna* in *Avos* to choose a *rov* to follow in matters of *halacha* we must try to choose an intelligent, learned, honest *rov* who also possesses *yiras shomayim* and humility. These last two qualities are essential to be more secure in the knowledge that the particular *talmid chacham* who is issuing the *psak* will be granted *siyata dishmaya* not to err.

The famous *tanna* R' Eliezer ben Horkenus is often referred to as R' Eliezer *Hagadol*, and the Talmud *Yerushalmi* comments that the appellation «*hagadol*» means that R' Eliezer was unusually humble. In *v'yiten lecha* (recited in many *shuls* on *motsaei Shabbos*) we recite the Talmudic statement, based on the *passuk* in *Yeshaya* alluded to above, that whenever we read in *Tanach* about the «*gedula* - all-powerfulness» of Hashem, the *passuk* will always mention His humility. The real *gadol* must be humble.

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behavior, it acknowledges that there are occasions when «*nekama*» is permitted. [*Berachos* 33a] The root of the word *nekama* is «*kam*» - «to restore», for *nekama* restores the dignity and self-esteem of the slighted party. The injury inflicted upon the victim is not solely of a financial nature, but a blow to his self-esteem as well for the assailant has exercised physical dominance over him. By recording the restitution in terms indicating that the assailant is subject to physical injury, the Torah is acknowledging that the only way to truly restore the victim's self-esteem would be to inflict upon the perpetrator the same damage that he caused. Through the Oral Tradition we understand that such restitution is not possible and financial compensation is offered instead. However, money does not restore a person's shattered self-esteem.

Therefore, the assailant must beg forgiveness from his victim. His seeking appeasement offers the injured party some restoration of his damaged self-esteem.

It emerges that the appeasement is an integral component of the restitution and therefore is recorded by the Rambam in the Laws of Damages and Injuries. One cannot achieve atonement for taking something away from another unless the stolen item is returned. Therefore, appeasement is a prerequisite for receiving atonement since it helps restore that which was taken away. Consequently, the Rambam records this ruling in the Laws of Atonement. He derives his source for this law from the fact that the Torah acknowledges that complete restitution cannot be attained through financial means alone.

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WHAT'S THE HALACHA?

by R' Azi Deutsch

ANSWER TO PARSHAS YISRO

Chachom Ovadia Yosef zatzal's answer:

It is *Assur* to benefit from a *Mess*, and it is *assur* to be *mevazeh* (disgust) a *mess*. Therefore, there is *NO* heter to take form a *vid*. This is even if the *mess* consented before he passed away. It is only *Muttar* to do this from a *goy* to help a blind man see.

Harav Shumel Halevi Vosner zatzal: It seems that it is *Muttar* to remove a *cornea* from a *Dead* person if it will for sure bring about eyesight to an individual who is alive.