



It Depends on Who's Asking

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ויצו את הראשון לאמר כי יפגשך עשו אחי וישאלך לאמר למי אתה ואנה תלך ולמי אלה לפניך (פרק לב מסוק יח)

In a well-known incident, the *Saba Kadisha* of Radoshitz once stopped overnight at an inn. After all the guests had retired to their rooms, the proprietor of the inn trudged wearily to his own. Despite his tiredness he could not fall asleep. All night long he heard sounds of dancing springing forth from the room of his esteemed guest. He tried to ignore the commotion and told himself again and again that it would stop in a few minutes. But it was not to be. Morning arrived and the innkeeper knocked on the door of the *tsaddik*. "The clock," Reb Yissachar Ber excitedly responded to the innkeeper's question, "the clock you have hanging in my room — where is it from? Where did you get that wonderful clock?"

"There was once a traveler who couldn't pay his bill and I asked that he give me the clock that he had in his bag as payment."

"What did this traveler look like?"

The innkeeper described the son of the Chozeh. The Radoshitzer called his Chassidim over. "It's clear to me that Reb Yossele Tulchiner must have stayed here after his father's passing. And when he couldn't pay his bill, he gave up this clock which he had inherited. I remember the clock well and I knew that this clock **had** to be the Chozeh's!"

"What gave it away?" asked the Chassidim.

"Every clock in the world, when it ticks – it's depressing. Every tick signifies another second of life gone, spent, never again to be claimed."

"But this clock did not tick with sorrow and despair; it was not a mournful noise. It was positive – full of hope; a happy tune. This clock proclaims that another second of exile has passed and we are now one moment closer to Redemption."

"When I went to my room – I was tired! But that clock – it kept me constantly moving towards the *geula*. How can you sleep when you have a clock that is constantly reminding you that we are now a moment closer to *Moshiach*? So I danced all night!"

One noise – two different responses. It all depended on what created the noise. The same is true with how we feel when we are asked questions; it depends on who is asking. When some people ask "What did you do today",

a person may feel defensive, while the same question from somebody else may elicit feelings of being cared for.

When Yaakov sent angels to his brother he prepared them on how to answer the questions that they will be asked: למי אתה ואנה תלך ולמי אלה לפניך – From who are you? Where are you going? Whose are these?

These questions are reminiscent of another three questions that a Jewish person must ask himself. הסתכל בשלשה דברים ואי אתה בא לידי עבירה דע מאין באת ולאן אתה הולך ולפני מי אתה עתיד ליתן דין וחשבון (משנה מסכת אבות פרק ג משנה א) – Focus on three things and you won't be plummeted into the clutches of sin. Know from where are you coming. And to where are you going. And in front of whom will you have to give an accounting.

It is not merely sufficient to contemplate these questions. The Chidushei Harim would say that a person has to discern which aspect of himself is raising them. For even his devious side – the Esav aspect of himself – could ponder these very questions. And the answers and emotions that this can stimulate may actually be the catalyst of him falling into the groping "hands of sin".

We were given a battle plan to engage our Evil Inclination (*Brachos* 5a). We are first instructed to constantly challenge it. If that is not successful to then engross ourselves in *Torah*. The next weapon in the arsenal is *Shema*. If the Evil Inclination still persists, then a final surefire weapon should be deployed. One should think about the day of death. Such thoughts will eradicate any vestiges of power that the *Yetzer Hora* still possesses.

But this tool may not be used at the sounds of the first tiptoeing of the angel tasked with baiting a person. For pondering death is not a tool that is wielded solely by the positive inclination. Evil also can benefit from such thoughts and utilize these depressing images to enmesh a person into feelings and actions that he will later regret. Only after the first lines of defense have been deployed, can a person unleash the questions of *מי אתה ואנה תלך ולמי אלה לפניך*, secure that they will not hurl him into the blackness of depression, but will instead empower him to joyfully identify with his spiritual self.

It's My Turn

One of the students of Rav Dov Yaffe, Chaim Aryeh Weinberger, once related the following story about his rebbi.

"One Purim I had an opportunity to partake of the Purim *seudah* at my rebbi's house, Rav Dov Yaffe. After the wine began to flow and Rav Dov was especially jubilant, he turned to me and asked, 'Chaim Aryeh, is there anything you would like to ask me?'"

"And I, as an audacious child, and loving and admiring student to my rebbi, responded that, 'Yes. I have a story that I would like to tell to the Rav and Rebbetzin and verify its authenticity.'"

"Rav Dov nodded and I began:"

A few decades ago, several years after the Rav married, he and his wife got into an argument. So strongly each spouse felt about their position that the only way to resolve it was to go to a *din Torah*. So they found themselves in front of the Rebbetzin's uncle, Rav Aharon Cohen ZT" who served as the *meshgiach* in Chevron and would treat the Rebbetzin as a daughter.

The Rav and Rebbetzin began the *din Torah* by explaining the issue that brought them to come before Rav Aharon Cohen. They explained that they are blessed to be parents of young children. "Every night when the babies are crying, we get into an argument about who will get up to take care of them at night."

Rav Aharon waited for them to continue and the Rav presented his position first. He claimed that he should be the one to wake up and take care of the crying children during the dark hours of night as opposed to his wife. She should sleep. "I am not at home all day. During the day my wife takes care of the children. So in the evening, when I return home, I should take care of them and she should be able to get her strength for the next day. We are partners; are we not?"

The Rebbetzin did not agree to her husband's arguments. She claimed that the Rav was sitting all day studying in yeshiva and teaching young men words of Torah. She insisted that he had to have strength to carry on his holy work each day. "In no way do I agree that my husband will get up in the middle of the night to take care of any of the children who wake up."

And so, they concluded, right now both of them are getting up each night and they want to resolve this once and for all.

Rav Aharon Cohen listened to both parties as they presented their sides. He thought for a while and then he rendered his *psak*: "Both of you have valid positions. Therefore, from today on you are both going to switch off nights. One night the Rav will be on duty and the other night the Rebbetzin; a compromise."

And that is what they did. The Rebbetzin took the first night and woke up to deal with the babies that cried during her night of duty, and the Rav slept. The next night it was the Rav's turn. But he slept through. He woke up in alarm and saw that it was already morning. "Oh no," he cried, "I did not keep the agreement! Why did I not wake up when the babies cried? This was the *psak* that we were given."

The Rebbetzin told the Rav not to worry. He did not break the agreement. She did not either wake up during the night. None of the children cried that night!

And so it was year after year. On the night that the Rebbetzin was in charge, the children cried and she was up. On the nights that the Rav manned the fort, the children slept deeply. He was never required to care for them at night.

"So," Chaim Aryeh finished the story and turned to Rav Dov Yaffe and his wife, "Is the story true?"

His great rebbi replied, "It's not that they didn't cry at night, they just didn't get up."

"That was his way," Chaim Aryeh would point out whenever he told this over, "In his humility he tried to dwarf the event."

But the Rebbetzin did not. When she heard what her husband said she stood up and cried out. "That's exactly how it was! Just the way you described it! For years during his nights there was silence at home. And on my nights the house was full of crying. Everybody woke up. Understand how special my husband's Torah is considered in heaven..."

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Questions from the H.I.T. HOTLINE

I borrowed money from someone and the deal was that I would pay a small amount each month and complete the payments over two years. For whatever reason I was never asked for any money and the two years have ended. Now the lender is asking me to pay him back the entire sum at once. Am I obligated to?

Rav Akiva Eiger (*hagahos Choshen Mishpat* 74, 4) and the Ketzos Hachoshen (*ibid* 73, 9) both bring the Keneses Hagedolah who discusses your question. He writes that the lender may not demand the entire sum that is owed to be paid at once in your case. Instead, another payment schedule (that *Beis Din* decides is appropriate) must be arranged.

In the last publication there was a question about having a one-time late penalty that will be *halachically* binding. Here is a second way that this could be done.

According to the Shulchan Aruch (*Choshen Mishpat* 207,

14) if the penalty fee will be effective immediately, even if it is conditional, it will be effective. For example, if a person signs a contract that he owes someone five dollars **now** if he does not pay within 15 days, according to the Shulchan Aruch such an agreement will not be considered an *asmachta* – a lack of full consent – and it will be binding. However, the Rema (*ibid*) maintains that this alone is not sufficient and the penalty must be accepted before a *Beis Din chashuv*. Practically though, as long as the two sides agree that the penalty is binding as if it was made before such a *Beis Din* that is sufficient. To do this, the contract should state that the obligation was entered into in the presence of a *Beis Din chashuv* (see Rema *ibid*, 15 and Sm”a, 42 and Shulchan Aruch Harav, 46).

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In this week's Parsha Yaakov sent his brother Esav an elaborate gift. Here are some examples of unique gifts that were given historically.

- Designed by Frederic Auguste Bartholdi, the 305-foot-tall neoclassical statue which would eventually be known as the Statue of Liberty took nine years to build. Shipped to the U.S. in pieces, it took four months to reassemble. It was a gift of friendship given to the United States in 1884 from France.
- A two-lane bowling alley was installed in the White House in 1947 as a birthday gift to President Truman. Truman did not use the

alley much himself, but the addition was a big hit with Truman's staff, some of whom formed a bowling league.

- In 2008 President Bush received a pair of black roller blades from then-Dutch Prime Minister Jan Peter Balkenende. Balkenende threw in some complimentary wrist guards, knee pads, and elbow pads to make sure Bush was safe next time he bladed around the West Wing.

RIDDLE



Who is obligated to wear *tefilin* on *Shabbos* (according to one opinion)?

Please send in your answers to yrothbart@halachainstitute.com. Any correct answer that is received by Tuesday will be entered into a raffle to win a \$10 gift certificate to Miriam's Judaica.

LAST WEEK'S RIDDLE: Although it is generally good to do more, there are certain *mitzvos* that if a person does too much he has not fulfilled his obligation. Can you name one such *mitzva*?

ANSWER: To fulfill the *mitzva* of *teruma* and *peah* a person must leave some produce for himself and not give his entire field or produce for *teruma* (Rambam *terumos* 3, 5) or *peah* (Rambam *matanos aniyim* 1, 15 with Derech Emunah).

Thank you to all those who sent in an answer to last week's riddle.

WINNER OF LAST WEEK'S PRIZE: Shimon Kaufman

Under the leadership of the Rabbonim of H.I.T.
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