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PARSHA ENCOUNTERS

28 Shevat 5767 / February 16, 2007

Parshas Mishpatim ✍️ Rabbi Fishel Zlatopolsky

Food for Thought

“And against the great men of Bnei Yisroel [Hashem] did not sent out His hand- and they saw Hashem and they ate and drank.” (shmos 24:11)

Rashi explains that the “great men” are returning to Nadav, Avihu, and the zekenim (elders). The wording in the posuk implies that in truth, they deserved to have been punished, yet Hashem spared them. What did they do to have deserved such a harsh punishment? Moreover, why is it significant to mention the fact that they ate and drank? Rashi explains further that eating and drinking caused the great men to gaze irreverently at the holy Shechinah. Harav Shimon Schwab explains, that the mistake that was deserving of such harsh punishment was not the eating and drinking per se. We are human, and even the great ones amongst us are expected to eat and drink. If, however, the great men would have eaten and drank with the high level of dedication expected of them, the food would have been a vehicle of elevation and would never have resulted in improper gazing. Apparently, their mistake was eating and drinking in a more mundane fashion than was expected of people of this caliber.

The gemorah (chulin 5b) says that if animals of Tzadikim would not stumble by eating prohibited foods, Tzadikim themselves would certainly not stumble. Tosfos questions this, however, saying that we do find instances in the gemorah where even great people have unwittingly transgressed. Tosfos then answers that the gemora’s statement applies solely to eating. It’s especially disgraceful for a Tzadik to be faulted due to eating prohibited food. Yet, the question remains, as to why it is more

disgraceful to stumble in matters of food and drink than in any other Torah prohibition? Harav Schwab explains this with the same principle. A person who generally eats for the sake of Heaven is guaranteed not to make mistakes in this area. It’s not surprising that we hear many stories of Gedolim who were “miraculously” saved from eating prohibited food. These situations are not miracles, but rather indications of the pure intentions of these Tzadikim. Because their eating is always L’shem Shamayim, Hashem protects them. Therefore, it’s a tremendous disgrace for a Tzaddik to stumble in matters of food and drink as the great men of Bnei Yisroel did here.

Moreover, the gemorah (Bave Metzia 85c) relates that there was a certain cow that ran toward Rebbe before he was to be slaughtered. The cow hid his face under Rebbe’s clothes and cried. Rebbe consoled the cow by saying that being slaughtered was the purpose of the cow’s creation. The Chasam Sofer explains that the cow cried, not because of its anticipated death, but rather because Rabbeinu Hakadosh would not be partaking of it. He explains that the lower forms of creation, namely, plants and animals are elevated when they are used by humans properly. In this way, their very being is transformed to a higher level as they’ve now been used L’shem Shamayim.

Indeed, there is much to contemplate before one eats.

Rabbi Zlatopolsky Learns with the Zichron Aharon mechanchim chaburah at the kollel.

My Son the Doctor

Rabbi David Greenberg

In this week's parsha we read about the terrible punishment of one who strikes his father or mother. Such a child is to be condemned to death (21:15). Striking here is defined as inflicting a wound which causes external or internal bleeding (i.e. a bruise). This is in contrast to an assault on one's fellow Jew, when one only pays for the damage caused. The Sefer Hachinuch (mitzvah 48) explains that this seemingly inordinate level of punishment for striking one's parent is due to the gross level of ingratitude inherent in such an act. The concept of gratitude, being a basic tenet of Judaism, must be maintained—and will even cost one their life.

A common issue connected with this prohibition is when and how a child may perform medical procedures on his parents.

The Background

The Gemara (Sanhedrin 84b) states that a son may blood let (a common medical procedure of drawing blood in those times) a parent, for this is an act of healing and not of causing harm. The Gemara continues with the story of how Rav Papa would not allow his son to remove a thorn from his body due to the possibility that blood would flow. There is a dispute amongst the Rishonim as how to reconcile these two seemingly contradictory messages understood from this gemara. The Rambam understood that all are in agreement that healing is permissible even if a wound will result. However, one must try to minimize the possibility of causing an unnecessary wound. Rav Papa, therefore, decided to wait for another person to help him. Nevertheless, in a situation where no one else is available, the child may treat the parent. The Rif and the Rosh held that Rav Papa was arguing on the statement which allowed bloodletting, and according to him a child may **never** treat a parent, and they conclude that the halacha is like Rav Papa. All agree that in a life threatening situation, the child must do whatever is necessary to save the life of his parent.

The Shulchan Aruch (Y.D. 241:3) follows the opinion of the Rif and Rosh, but the Rema paskens like the Rambam, and Ashkenazic Jewry follows his opinion. The Aruch Hashulchan further qualifies this psak by stating, that if the child can provide better treatment than his peers, and the parent specifically chooses him, it is considered as if no one else is available to treat the parent.

Another dispute relating to our issue is whether a parent may grant permission to his child to wound him. The Minchas Chinuch rules that this is permissible, however many great authorities opine that it is not within a parents' power to permit a child to strike them. (Birkei Yosef 241:13)

Does Money Talk

There is a dispute about when others are available to do the procedure for payment, but the child would do it for free, would that constitute a situation to permit the child to treat the parent. The Sefer Yafeh L'lev (vol. 3 ch. 241) explains, that since the halacha is that a child need not spend money to honor the parent, and the parent wouldn't be willing to spend the money to hire someone else, it is as if no one else is available to treat the parent. In this case, the child would be permitted to do so. Rav Tzvi Pesach Frank Zt"l argues that in this scenario, the child's money isn't being used to honor the parent; rather hiring a different doctor would be a preventive measure to ensure that the child will not wound the parent. In this case, the child would have to pay someone else to do the treatment if the parent is not willing to.

Summary of Opinions

It is preferable that someone other than one's own child perform any act that might cause the parent to bleed. If the child is the most qualified option and the parent specifically requests him, then the child may treat the parent. There is a dispute whether a child may be used for free when the parents don't want to pay for an alternative. There is also a dispute whether a parent may permit a child to strike him.

Practical Applications

When choosing a practitioner, one should not choose their child unless:

- There is no one else available, or,
- The child is the most qualified doctor available and the parent specifically wants him, or
- The child will treat the parent for free, and the parent isn't willing to hire anyone else, in conjunction with the parent's explicit permission for the child to wound him. (See Geshet Hachaim vol. 2 chap. 1) The same rules apply when choosing a dentist or dental hygienist.

If G-d forbid one's parent suffers from a mental illness and has violent spells, the child should arrange for others to take the necessary steps to restrain the parent. However, if the parent may harm himself or others then the child should act without delay to bring the parent under control.

A child may give a parent a haircut or cut their nails as it is not likely to cause them to bleed.

A child may provide physical therapy for a parent even though the parent will experience pain.

Rabbi Greenberg learns full-time at the kollel.