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PARSHA ENCOUNTERS

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Parshas Behar ✍️ Rabbi Yehoshua Goldstein

The Lesson of Shmita

Parshas Behar begins with the *mitzvah* of *shmita*. The Torah introduces this *mitzvah* by saying that Hashem told it to Moshe on Har Sinai. There is a famous question raised by Rashi here in the name of the Toras Kohanim. Weren't all *mitzvos* said on Har Sinai? Rashi answers that the Torah is teaching us that just as all the details of *shmita* were said on Har Sinai, so too all the *mitzvos* were said with their details on Har Sinai.

The *meforshim* ask why the Torah chose to teach this point through the *mitzvah* of *shmita* as opposed to with any other *mitzvah*.

The Ksav Sofer explains that in a certain sense, all *mitzvos* are based on the principles and lessons that we learn from the *mitzvah* of *shmita*. For this reason the Torah chose *shmita* to be the *mitzvah* used to teach that all details of all *mitzvos* were said on Har Sinai. The *meforshim* explain that the *mitzvah* of *shmita* teaches how the land truly belongs to Hashem. Our work and effort are not the cause for the land yielding produce. Agriculturally, the best thing for the land is to plant it during one year and let it rest the next year. The *mitzvah* of *shmita* entails that one works the land for six consecutive years and then let it rest in the seventh. Hashem sends a *brocha* that the sixth year's produce will suffice for the sixth, seventh, and part of the eighth year. Even though the land was naturally weakened due to consecutive planting, we are promised that the sixth year will yield extra produce. This is a lesson in *bitachon* as one recognizes the *yad Hashem* so clearly.

Emunah and *bitachon* are fundamental principles behind all *mitzvos* in the Torah. Without *bitachon*, a person wouldn't be able to keep Shabbos and forgo that day's income, nor would a person be willing to designate his time to Torah study and observe daily *mitzvos*. Commitment to Yiddishkeit requires *bitachon* in Hashem that He will supply for all our needs. Thus, *shmita* is used to teach that all *mitzvos* and their details were said to Moshe on Har Sinai, because it is this *mitzvah* that is the *yesod* of all *mitzvos*.

Later in the Parsha the *issur* of taking *ribis* (interest) on a loan to a Jew is discussed. The Ksav Sofer quotes one of the *meforshim* as saying that one who takes *ribis* loses his *bitachon* in Hashem. In a common business deal, one never knows if he will succeed or not, and he must have *bitachon* in Hashem. However, in a *ribis* deal, a person views it as a sure deal because he assumes that the Jew will surely pay up his debts with the *ribis*. This can cause him to weaken his *bitachon*.

May we learn from the *mitzvah* of *shmita* the important lessons of *emunah* and *bitachon* which are the *yesodos* of *kol haTorah kula*.

Rabbi Goldstein is the Rosh Chaburah at the kollel.

HALACHA ENCOUNTERS

Financial Obligations in Helping the Sick

Rabbi Hensch Plotnik

Amongst the many mitzvos found in this week's parsha, there are two that specifically address the obligation to help our fellow Yidden when they are in need. One is the mitzvah of "vehechezakta bo"- and you shall support him. This includes the mitzvah of tzedaka as mentioned in the Rambam and by others. Shortly thereafter, the Torah instructs us "V'chay achecho imach"- and you shall facilitate your brother's life with your own. There is the well known case of two people dying of thirst, and one of them has a flask of water that can only sustain himself. Ben P'turah holds that it is better for them to both die rather than one witness his friend's demise, whereas Rabbi Akiva holds "chayecha kodmin"- one only needs to secure his friend's life after he has taken care of himself first. This is derived from the word "imach"- with you, meaning your life comes first. In the absence of any such dire situations, one must do all he can to save his friend's life. (As a philosophical aside, we see the incredibly selfless attitude of Chazal Hakedoshim, that if not for a pasuk to teach us that the one owning the water can drink, he would have no right to life more than his fellow Jew. The concept of "it's mine so I am entitled to it" was totally foreign to them!)

The Rambam in Perush Hamishnayes (Nedarim ch.4) spells out the obligation we have in helping a sick person in need. "The doctor's obligation from the Torah to heal is included in "vahashayvaso lo", when he sees someone in danger and is able to save him either physically, through financial means, or his wisdom". Clearly, even laymen that can help through the means available to them have a mitzvah to do so. According to Rav Achai Gaon (Shilto 38) this is derived from the previously mentioned "V'chai achecho imach" (There are numerous other mitzvos one fulfills when aiding the sick as mentioned in various well known sources. See also the Ibn Ezra in Tehillim on the pasuk of "Ashrei maskil el dal" where he exhorts us to be keenly aware of any possible way to assist the sick and downtrodden).

In his sefer Ahavas Chesed, the Chofetz Chaim encouraged people to financially support a home for the aged population, something he termed as "very honorable and holy", surpassing the merit of regular hachnosas orchim and bordering on actual hatzolas nefashos. (See Tzitz Eliezer vol.15 #38 quoting a drasha from Rabbeinu Chaim Berlin Zt"l at the opening of a hospital in Yerushalayim in 1910, perhaps Sha'arei Tzedek. In it, he said that even B'nei Torah are obligated to take time off from their learning to join in the effort to see that the hospital be built). Indeed, over the years, Jews have always been at the forefront of establishing institutions such as these.

The following question came to Gedolei Torah in Eretz Yisroel. A young girl needed a life saving lung transplant, the cost of which was exorbitant. Many people contributed from their ma'aser money- some even gave a thousand dollars, to help defray the expenses. Unfortunately, the girl did not survive the ordeal but it soon became known that she was not a Bas Yisroel! The question was, could the money still be "written off" as ma'aser and tzeddaka or not?

Rav Yitzchak Zilberstein Shlita, the oft-quoted posek and son-in-law of Rav Elyashiv reasoned as follows. The Ramo (Y.D. 249:1) is of the opinion that one cannot use ma'aser money for mitzvos such as lights for the shul etc., rather he must give the money to the poor. It would then seem, that although supporting the poor of the "rest of the world" is encouraged along with aniyei Yisrael, it is technically not "tzedako" rather a regular mitzvah and therefore does not qualify for using ma'aser funds. The Shach however disagrees and says that the ma'aser can indeed be used for other mitzvos such as hachnosas kallah, if otherwise the person would not perform the mitzvah at all. According to that opinion, our case would seem to be no worse for two reasons. Firstly, there is a mitzvah to support other poverty stricken people together with our own. Secondly, the donors thought the girl was Jewish at the time they gave. At that moment, they were engaged in the mitzvah of "v'chai achecha imach" which is a "ma'aserable" expense.

Rav Elyashiv Shlita however disagreed with the first reason given by Rav Zilberstein shlita. He believes that the mitzvah to support aniyei umos can be fulfilled with a minimum amount of even ten shekel or so, certainly nothing close to the hundreds of dollars those well meaning individuals gave. After all, the mitzvah to support aniyei akum is only to avoid hatred by the other nations for ignoring their poor. One does not need an exorbitant sum to avoid this. The second reason however may still stand, thereby allowing the donors to consider it ma'aser. This same line of reasoning would also apply to any case where someone was compelled to give money to an "ani akum" such as a convert supporting a poverty stricken parent. Here though, one may debate what the minimum shiur of avoiding "ayva" (hatred) would be. Perhaps when it comes to supporting a parent the shiur increases. This requires further study.

Organizations such as the March of Dimes etc. would not qualify as "aniyei akum" and could therefore not be supported with ma'aser money although their importance is certainly not to be minimized or ignored. As with anything else, one's involvement with these organizations should be done with rabbinical guidance. As much as Chazal were concerned for aniyei akum, they were more concerned about withholding funds from aniyei yisrael which is our primary interest.

Rabbi Plotnik, an alumnus of the kollel, is a R"m in Yeshivas Meor Hatorah, and rav of Beis Tefillah.