

# PLEASANT REBUKE

*by Shlomo Katz*

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**Mishpatim**

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Today's Learning:

Shabbat 22:3-4

Orach Chaim 240:6-8

Daf Yomi (Bavli): Yevamot 67

Daf Yomi (Yerushalmi): Sotah 29

The midrash on this week's parsha teaches: We read in Tehilim (99:4), "Mighty is the King Who loves justice. You founded straight ways. The justice and righteousness of Yaakov, You have made." What is meant by "You founded straight ways"? Rabbi Alexandri said, "Two donkey drivers who hated each other are walking on the road, and one of the donkeys collapses under his load. The other donkey driver sees this and says to himself, 'Does it not say in the Torah (in our parsha, 23:5), "If you see the donkey of someone you hate crouching under its burden, would you refrain from helping him?"' He helps his enemy reload his donkey and he accompanies his enemy on the way. They begin to converse. Eventually, they enter a tavern, they eat and drink together, and they become friends. This is the meaning of 'You founded straight ways'."

R' Chaim Elazary z"l (rabbi in Canton, Ohio) explained this midrash as follows: The gemara asks about the verse, "If you see the donkey of someone you hate crouching . . ." - Is it permitted to hate another Jew? The gemara explains that this verse refers to someone you hate because you have seen him sin. It follows from this, R' Elazary writes, that the midrash quoted above encourages us to make peace even with those that we are permitted by halacha to hate, i.e., sinners.

King Shlomo writes (Mishlei 3:17), "Her [the Torah's] ways are pleasant." This means that all mitzvot must be performed in ways that are pleasant, including the mitzvah of rebuking another Jew. R' Elazary writes that he once met a non-observant Jew who stopped smoking on Shabbat because once, when he was passing by a synagogue as the congregation was exiting, he hid his cigarette behind his back in shame, and a young man said to him in a pleasant way, "Be careful, you might burn your hand." He had expected the youth to shout, "Sinner! Go away from here!" Instead, the genuine concern that the young man expressed caused this person to change his ways, at least slightly. (Netivei Chaim 297)

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"But if the slave shall say, 'I love my master, my wife, and my children - I shall not go free.' Then his master shall bring him to the court . . . and his master shall bore through his ear with an awl, and he shall serve him forever." (21:5-6)

Why? Rashi explains: The ear that heard at Har Sinai, "You shall not steal," and he stole, let it be bored through.

R' Gavriel Ze'ev Margolis z"l (1847-1935; Boston and New York) asks: Why do we wait until after the thief has been enslaved for six years before boring his ear? Based on the reason given by Rashi, we should do so immediately!

He answers: We read in Mishlei (6:30), "A thief is not scorned if he steals to satisfy his soul when he is hungry." While we do not condone such behavior, we understand it. Indeed, some commentaries explain, the real sin of such a thief is not that he stole but that he failed to place his trust in Hashem. Rather than taking what belongs to another, he should have trusted that Hashem would provide for him through legal means.

Because we understand and sympathize with the thief's pain, we do not bore through his ear immediately. Instead, we give him an opportunity to reform. However, if, after six years, he refuses to go out in the world and to fend for himself, then we know that he has not yet learned to trust in G-d and that he has not repented for his earlier sin. At that point, we exact punishment from the ear that failed to heed the commandment: "You shall not steal." (Torat Gavriel)

"But if the slave shall say" -  
If a servant of Hashem will say,

"I love my master" -

Hashem,

"my wife" -

the Torah, which is called (Mishlei 31:10), "Eishet Chayil/ A woman of valor,"

"and my children" -

the good deeds that I do (see Rashi to Bereishit 6:9);

"I shall not go free" -

I do not wish to throw off the yoke of Heaven and be "free."

"Then his master" -

Hashem

"shall bring him to the Elokim" (literally: "to the elokim/the court") -

Hashem will support such a person in his spiritual quest;

"and shall bring him to the door or to the doorpost" -

this alludes to Hashem's statement, cited in the midrash:

"My sons! If you open the door of teshuvah a crack, I will open it wide";

"and his master shall bore through his ear with an awl" -

He will open his ears wide to hear the words of the Torah,

"and he shall serve him forever" -

Hashem will enable this person to serve Him forever.

(R' Binyamin David Kornet: Kibbutz Mezareh Yisrael)

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"Do not accept a false report." (23:1)

Rashi writes: This is a warning not to accept lashon hara.

R' Dov Berzon z"l (rabbi in various American communities beginning with Bangor, Maine in 1935) asks:  
Why is it forbidden to accept lashon hara?

The answer is simply that one who accepts lashon hara is an accomplice to the sin of speaking lashon hara. If no one would listen to lashon hara, no one would speak it.

Rambam (Hil. Teshuvah 4:3) writes: There are five sins that if one commits one of them, complete repentance is impossible. One of these is "sharing with a thief" (i.e., fencing stolen goods), because one who shares with a thief enables the thief to steal. R' Berzon explains that if thieves had no means to dispose of what they stole, they would be less likely to steal.

People frequently argue, "Who am I hurting by listening to lashon hara?" This argument is mistaken;

one who listens to lashon hara causes others to sin by speaking lashon hara. (Dovaiv Meisharim p.245)

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"The entire people responded with one voice and they said, 'All the words that Hashem has spoken we will do'."

(24:3)

There is a similar verse in last week's parsha (19:8): "The entire people responded together and said, 'Everything that Hashem has spoken we will do!' Moshe brought back the words of the people to Hashem."

Rashi asks: Did Moshe need to report their response to Hashem? [Hashem certainly knew what they had answered!] The Torah is teaching us, Rashi explains, that it is derech erez/proper etiquette for a messenger to report back to the sender regarding the mission's outcome!

R' David Leibowitz z"l (see page 4) observes: At that lofty moment, at the moment when Bnei Yisrael uttered the most important words in Jewish history, the Torah is concerned with teaching us derech erez! And, what was the etiquette that the Torah teaches us? Not that one should take care not to harm another person, not that one should be concerned with another person's feelings, but that one should report back to the one who sent him regarding the mission's success! Something seemingly so mundane also falls within the definition of derech erez. (The lesson is made even starker by the fact that Hashem already knew the outcome of Moshe's mission.)

Why did the Torah choose this moment to teach us something so insignificant? The answer, obviously, is that derech erez is never insignificant.

There is another lesson here, R' Leibowitz continues: Many people claim that the parameters of proper etiquette depend on the times or on the sensibilities of the people involved. The Torah teaches us here that this is not so. Rather, Hashem has decided what derech erez entails and what is proper. (Kuntreis Zichron Le'David: Ma'amar Derech Eretz)

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### **Rabbis of the New World**

R' David Hakohen Leibowitz z"l was born in 1890. In his youth he was known as "R' David Warshawer." As a teenager, he studied in the yeshiva of Radin, where he held private study sessions (twelve hours daily!) with his great-uncle, the Chofetz Chaim. (They learned the laws of sukkah together at the time that the latter was writing the portion of the Mishnah Berurah relating to that subject.) In 1908, R' Leibowitz transferred to the Slabodka yeshiva, where he became a favorite disciple of the mussar giant, R' Nosson Zvi Finkel (the "Alter").

In 1915, R' Leibowitz succeeded his father-in-law as rabbi of Selechnik. After six years, however, he

returned to Slobodka as a founding member of the Slabodka Kollel. In 1926, R' Leibowitz came to the United States as a fund-raiser for the kollel and was invited to become rosh yeshiva of Mesivta Torah Vodaath. R' Leibowitz would later write of the scene that he encountered in America:

How painful it is to see the degradation of the Torah's status in general, and particularly here in America. How despised is she, and forlorn. No one seeks her out, no one inquires of her welfare. How estranged she is! People relate to the abandonment of Torah as something entirely acceptable. They look at people who learn with derision and loathing.

Although a distinguished position awaited R' Leibowitz in Warsaw, he remained in New York with his great-uncle's blessing. Among R' Leibowitz's students were R' Gedalya Schorr z"l and R' Avrohom Pam shlita (both future roshei yeshiva of Torah Vodaath).

In 1933, R' Leibowitz founded Yeshivat Rabbenu Yisrael Meir Hacoen (better known today as the Chofetz Chaim Yeshiva/Rabbinical Seminary of America in Forest Hills, N.Y.) There he transplanted to the United States his unique style of Talmud study as well as the Slabodka school of mussar.

R' Leibowitz died on 15 Kislev 5702/1941. The yeshiva he founded has been headed for the past half-century by his son, R' Henach Leibowitz shlita. (Source: Torah Luminaries, p. 160; Gedolei Hadorot p. 1125; Otzar Harabbanim No. 4893)

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