

ניצוצי אור Sparks of Light

בס"ד



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Avoiding Strife (I)

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The Tragedy of Machloikes

The Torah forbids us to behave like Korach and his group, by causing and continuing *machloikes*, controversy. Indeed, the *Gemara* says that a person who continues a *machloikes* actually transgresses a 'lav', a prohibitive commandment, which some *Rishonim* count as one of the *taryag mitzvos*.

(סנהדרין קי ע"א, ס' חרדים פכ"ד מ"ב)

Only HaShem's work on the second day of Creation is not crowned with the phrase, *...ki tov* – "and HaShem saw that it was good." Why?

The *Midrash* gives the reason: there was *machloikes* on that day, when the waters that filled the earth were split. Now, if *machloikes* that ultimately was of benefit to the world is undeserving of that phrase, how much more so regarding *machloikes* that brings confusion to the world.

(בראשית רבה ד, ח)

Chazal warn that a home split by controversy will eventually be destroyed, and a *shul* torn by controversy will eventually be transformed into a place of idolatry. Once, an angry dispute broke out among the *chachomim* in a *shul* in *Tveria*, and reached such a peak that a *sefer Torah* was accidentally torn. **Rebbi Yosei ben Kisma**, who was present at the time, said, "I would be surprised if one day this *shul* doesn't turn into a place of *avoda zara*!"

And indeed, in due course this actually happened.

(מס' דרך ארץ פ"ט, יבמות צו ע"ב, וראה חרדים פ"ז)

Rebbi Berachia said: So severe is *machloikes*, that although the Heavenly *beis din* punishes only those who are over twenty and a worldly *beis din* holds thirteen-year-olds responsible, during the *machloikes* of Korach even day-old infants were burned and swallowed into the earth.

(במדבר רבה יח, ג)

The **Shelah HaKadosh** writes that one

machloikes chases away a hundred possibilities for *parnasa*.

(אג"ק מוהרש"ב ח"א ע' קע)

The *tzaddik*, **Reb Simcha Bunem of Pshis'cha**, once told his *chassidim*: Just look at the sheer power of the *tum'a* found within *machloikes*! Korach and his followers claimed that Moshe Rabbeinu, the humblest of all people, was trying to raise himself over others. Such a senseless claim can be caused only by *machloikes*. It can even dim the vision of great men and rob them of their common sense.

(פרפראות לתורה)

Disputing a Leader

Machloikes is always repulsive, loathsome and forbidden; as the Torah instructs, "You shall not be like Korach." The **Me'iri** adds that a person who quarrels with someone whom he is obligated to respect is even more despised.

(מאירי סנהדרין קי ע"ב)

In the year 5525 (1765), a longstanding *machloikes* was seething in the city of Smargon. It had once boasted a large *yeshiva*, and many of its learned *bochurim* had married into local families and settled near them. Now, every city of course has to have a *rov*, but these young men were such impressive *lomdim* that they were unable to tolerate any newly-appointed *rov* for more than a short time. Hearing of this, the **Baal HaTanya** stopped over in the town on his way home from *Mezritch*, and spoke *Chassidus*. Its theme: the supreme value of peace.

(סה"ש תש"ה ע' 19)

Some *chassidim* once complained to the *gaon*, **Reb Avraham of Sochatchov**, the **Avnei Nezer**, that the *rov* in their town had ruled too leniently in a certain question of *kashrus*. Unwilling to accept any more of his rulings regarding *kashrus* issues, they asked their *Rebbe* to send them a different *rov*.

The *tzaddik* replied, "Even according to your claim, this *rov* has at most transgressed an *issur deRabbanan*. However, what you

want to do is an *issur deOraysa*, for the Torah explicitly forbids *machloikes*. Furthermore, since *machloikes* causes people to make mistakes, it would cause many to transgress other *issurim*."

(סיפורי חסידים זוין תורה, ע' 557)

The Power of Peace

Rav Ila'a taught: The world continues to exist in the merit of whoever closes his mouth in the midst of a *machloikes*.

(חולין פ"ט)

Peace is so powerful that regarding those who serve *avoda zara* but live peacefully, *HaShem* says that it is as if He has no control over them. The *Midrash* illustrates this by the following example: Although in the generation of Dovid HaMelech there were many men of stature, many would fall in battle because of their *machloikes*. Yet in the time of Ach'av, when many people were serving *avoda zara*, they succeeded in battle.

(בראשית רבה לח, ו ויקרא רבה כו, ב)

When Yaakov Avinu was about to take leave of his children for the last time, he said, "Gather together and I will tell you what will happen to you at the End of Days." As the *Midrash* points out, he was telling the Children of Israel that the way to prepare themselves for the *Geula* was – by togetherness.

(בראשית רבה פ' צח)

Consider This

How can *machloikes* be avoided? Isn't it inevitable that disputes will arise between people?

What value is there to avoiding *machloikes*, if one doesn't really feel *Ahavas Yisroel*?

Sparks of Greatness

The Chacham Tzvi - א' אייר

Reb Tzvi Hirsh Ashkenazi, known by the title of his *sefer*, the "**Chacham Tzvi**", was a *talmid* of his grandfather the "**Shaar Efraim**". At first, he was *Rov* of the *kehilos* "**AHU**" (Altoona, Hamburg, Vandsbek) and later, he became the *Rov* in Amsterdam. Because of an argument there, he moved locations and took on the *rabanus* in London, and later on in Lemberg, where he passed away on the 1st of *Iyar*, 1718 (תע"ח). One of his sons was **Reb Yaakov Emden**, the *Yaavetz*.

When the *Chacham Tzvi* came to Lemberg, the heads of the community prepared a large *Shabbos seuda* to be served to the *baalei-batim* after his *drasha*. The main host of the meal was an affluent *Yid* who had close connections to the government officials, and had been eager for the famous *Chacham Tzvi* to become *Rov* of Lemberg.

Arranging the seating, the wealthy *Yid* sat the important *baalei-batim* at the head and the poor *talmidai chachomim* at the end. Seeing this, the *Chacham Tzvi* moved his seat to the end of the table, placing himself among the *lomdim*... This greatly aggravated the rich man and he began spewing sharp insults at the *lomdim*. The *Chacham Tzvi* was a very heated individual, and

hearing these words, he took off his shoe and threw it at the head of the wealthy *Yid*.

The man informed the authorities, and a court case was arranged in Vienna. At the hearing, the *Chacham Tzvi* himself came fourth with a fiery defense speech, explaining the honor that ought to be given to the *Torah* and those who study it and the precept of "*Lo saguru mipnei ish*", that a *Rov* may not be intimidated by anyone. The speech made a profound impact on the judges and they freed the *Rov* from all charges. From then on, he was treated with great reverence by government officials.

The *Chacham Tzvi* had a custom of going through old letters that had been sent to him and reading over the many titles of honor that people bestowed on him. When asked what was his intent when doing this, he explained, "If the world writes such titles, this obligates me to be so much more careful with my deeds, for what would the world think if such a person sinned?"

With this, he gave a *perush* to the *possuk*: "*Adam bikar*" - if a person has honor, "*velo yavin*" - and he does not take a lesson from it, "*nimshal kabehaimos nidmu*" - he is surely likened to an animal...

Library Sparks

The first of this week's two *Torah* portions, *Tazria*, contains the *mitzva* of circumcision, *bris mila*: "And on the eighth day shall the flesh of his foreskin be circumcised."

The *Midrash* relates that our Sages asked a question: If G-d wants Jews to be circumcised, why doesn't He create them that way in the first place? Surely it is not beyond the power of the omnipotent Creator to do so.

The reason, they explain, is the principle of *tikun*, or correction. G-d deliberately creates many things in the world in an incomplete or partial state, all for the purpose of the Jew perfecting them. Indeed, this is the Jew's Divine mission: to bring G-d's creation to perfection through *Torah* and *mitzvos*.

Of course, G-d doesn't really need our help; He could just as easily have created everything at the very peak of perfection. However, appointing us as His "partners" allows us to earn merit and actually "work" for the blessings we receive in life.

When a Jew fulfills his Divinely-ordained mission and imbues the world with holiness, all the goodness G-d bestows upon him -- life, children, and livelihood -- is transformed from a "charitable donation" into his rightful due.

G-d isn't giving him a gift; he deserves all these blessings because he has worked for them.

At the same time, awareness of this relationship prompts the Jew to want to do even more to fulfill his end of the bargain, for human nature is such that a person abhors being sustained by the "bread of shame." Circumcision is only one example of how we earn this merit.

A similar question may be asked about the seemingly inequitable distribution of wealth in the world. Why does G-d give so much money to some and so little to others? Why can't the poor person receive his sustenance directly from G-d instead of relying on the generosity of others? The answer is that G-d wants the rich man to earn additional merit by giving *tzedaka* to the poor.

In truth, not all the money in his possession belongs to him; G-d merely puts it in his hands so it can be redistributed in a more equitable fashion.

Yes, the more affluent person faces a difficult test, for his Evil Inclination rises up in protest. But the fact of the matter is that when he overcomes his Inclination and gives to the needy, not only does he not forfeit his wealth, but G-d grants him even more in payment for his good deed.

Halacha Sparks

Maaser from Insurance

Rabbi Chaim Chazan

Is one obligated to give maaser from money received from an insurance payment as a result of a fire R"L or the like?

The *Torah* (*Bamidbar* 18:23) obligates a person to give *maaser* from certain specific agricultural products. Whether the practice to set aside *maaser* from money is an actual obligation, or merely a praiseworthy custom, is a debate among *Poskim*¹. Many *achronim* accept the lenient view².

Once someone began giving *maaser* (some say³ even once), it acquires the status of a *neder*⁴ (vow) for this person and he is therefore obligated to continue this practice, unless he explicitly stipulated in advance that it is *bli neder* (the same is true for any worthy practice). If it becomes impossible for him to continue, a *rov* should be consulted. (For although generally vows related to *tzedakah* cannot be nullified⁵; in some circumstances it may be possible for the *rov* to annul it⁶).

The practice of giving *maaser* on money earned applies only to the profit (i.e. the excess after accounting for the expenses incurred to obtain the profit)⁷. Therefore in order to determine whether an insurance payment is subject to *maaser*, we would need to establish if it is considered profit. For someone to be eligible to receive an insurance payment, he needs to have had paid that month's premium and have had a fire that caused damage. In other words, there was an outlay of the amount of the premium and the sum lost by the damages caused by the fire. The intention of insurance is to enable him to recover the losses caused by the fire, but not to pay him more than he lost. Therefore usually insurance is comparable to a business venture that only earned back the amount invested, and would not be subject to *maaser*.

However, often the insurance company's objective assessment of the damage is more than the actual loss to the individual. For example: if a person *ch"v* has a car crash and the insurance company assesses that the car is not worth repairing and therefore gave him the value of the car. However, the owner decided to have the car fixed and managed to find someone to do it for less than the insurance payment. The difference between the sum he paid for repairing the car and the sum that the insurance paid is profit, which is hence subject to *maaser*⁸. (Needless to say, it must be determined that it is legally permitted to take the excess money from the insurance company).

1. ט"ו י"ד סי' שלא ס"ק לב; ב"ח בי"ד שם.
2. שו"ת שב"י ח"ב סי' פ"ה, שאילת יעב"ץ ח"א סי' ו, תשובה מאהבה ח"א סי' פז, ועוד.
3. ראה שער הכוול על סדר התרת נדרים, שאילת יעב"ץ שם.
4. חות יאיר סי' רכז, שו"ת חתם י"ד סי' רלא.
5. שו"ע י"ד סי' רנח ופותר"ש שם ס"ק ח בשם הרדב"ז ח"א סי' קל.
6. ראה שו"ת ח"י הלוי ח"ב סי' סב וא"ק.
7. הסכמת הפוסקים ראה צדקה ומשפט (בלוי) פ"ה הערה לה.
8. שו"ת ח"י הלוי שם סי' סג וא"ק.

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