



## HELPING WITH DIGNITY (1)

### Fulfilling a Responsibility

The Roman emperor Tornos Rufus asked Rabbi Akiva, "If HaShem truly loves the poor, why does He not provide them with *parnasa*?" "To save us from *gehinnom*," replied Rabbi Akiva. The emperor countered, "On the contrary, giving *tzedaka* should send you there! Suppose a king imprisons his servant and commands that he not be served food or drink. If someone would disregard the king's bidding and give the prisoner food, wouldn't he get angry?!"

Rebbi Akiva explained, "Imagine a king imprisons his own son and commands that no food or drink be given to him, but despite his command someone brings the prince some sustenance. When the king hears about this, wouldn't he send this man a gift? Similarly, we are HaShem's children..."

(בבא בתרא י"א)

The Rambam writes: We are obligated to be more careful with the *mitzva* of *tzedaka* than with all the other *mitzvos*, for it is a distinguishing mark of Avraham Avinu's descendants. The whole of *Yiddishkeit* is dependent on *tzedaka*. Indeed, the Yidden will be released from *galus* only because of their acts of *tzedaka*.

Whoever has *rachmanus* on others, HaShem has *rachmanus* on him. If someone is mean and does not have *rachmanus*, there is reason to suspect his ancestry, for such a trait is only found among *goyim*. All Yidden are like brothers, as the Torah says, and if one brother will not have pity on another, then who will? Should needy Yidden turn to the *goyim*, who hate us and persecute us, as their source of help?!

Whoever avoids giving *tzedaka* is called 'lawless,' like a worshiper of *avoda zara*, and he is also called a *rasha* and sinner. HaShem listens closely to the outcry of the poor, so one must be careful not to cause them anguish.

(רמב"ם הל' מתנות עניים פ"ה הל' א-ג)

Once, at a *farbrengen*, the Rebbe Rashab discussed the negativity of giving *tzedaka* in a manner that makes the receiver feel that he is being given *tzedaka*. Indeed, the giver should feel his friend's need and this should cause him heartache. Yet, the satisfaction that his

friend was helped through him, and the coarse contentment from his being the provider, are inappropriate. This is completely contrary to the ideal effect of *tzedaka*, because, as the Alter Rebbe says, *tzedaka* refines one's mind and heart a thousandfold.

(סו"ת תש"ג ע' 10)

The Rebbe clarified that the common English translation for *tzedaka*, "charity," is misleading, for it implies that giving is a kindness. Truthfully, *tzedaka* is simply the proper thing to do – from the word *tzedeq*, which means plain justice, because part of the money that is now in one's hands was originally intended for the pauper.

(לקו"ש ח"ב ע' 410)

### True Kindness

The Rambam writes: We are obligated to fill the needs of every poor person according to his previous state. If he does not want to accept *tzedaka*, we need to find some other means, such as representing it as a gift or a loan.

There are eight levels in giving *tzedaka*. In descending order, they are: Giving a man a job so that he is not reliant on others; giving without knowing who is the recipient and in such a way that the receiver does not know who is the giver; giving in such a way that only the receiver knows who the giver is; giving in such a way that only the giver himself knows to whom he is giving; giving to the poor before being asked; giving after being asked; giving less than one is able to, yet with a smile; and giving in a cheerless manner.

(רמב"ם הל' מתנות עניים פ"ז, פ"ה הל' ח-יד)

The Frieddiker Rebbe relates: In the winter of תרנ"ח (1898), my father (the Rebbe Rashab) received a letter from a chossid in Borisov about his woeful state of affairs. The chossid's home and shop had been destroyed by fire, and he was living in a rented apartment with no source of income. Concerned for his *parnasa*, and not knowing how he would repay his debts, he was unable to focus on his learning.

My father instructed me to write a letter to a chossid in Minsk, asking him to lend this unfortunate man 300 rubles, and in addition, to

offer that he come to Minsk where he would help him find *parnasa*.

About a month later, those two chassidim arrived in Lubavitch. The chossid from Minsk told me how immediately upon receiving the letter, he had sent a messenger to bring the chossid from Borisov to Minsk. He had helped the chossid in opening a store, and was currently offering him partnership in a forest business he owned. He also advised the Borisover's daughters to take over management of the store.

The chossid from Borisov related to me how that chossid had lent him 400 rubles and had helped him open a store, and how he was *Boruch HaShem* beginning to see solid *parnasa*. He expressed his amazement that the chossid from Minsk had come to his rescue with such a generous spirit, for they were only slightly acquainted, having seen each other a few times in Lubavitch. The chossid concluded, "My own relative from Vitebsk was unwilling to lend me money to begin a new business, and this man showed me such wonderful kindness!"

My father agreed to their new partnership and gave them his *bracha*.

Later my father told me, "The natural *middos tovos* of a Yid are a necessary preface to understanding the explanations of *Chassidus* about the *neshama*."

(אג"ק מוהרי"צ ח"ה ע' ק"ט)

### CONSIDER THIS!

- Is any credit due to the giver for his kindness?
- What is the connection between having natural *middos tovos* and understanding the explanations of *Chassidus*?

# A WAY OF LIFE

Rabbi Moshe Gourarie

## Trespassing in Halacha

Is it permitted to use someone else's property as a shortcut?

- In a case where loss is incurred to the owner due to the trespass, it is clear that trespassing is prohibited, unless one knows with certainty that the owner would not mind – see Way of Life, Lmaan Yishmeu 203. Types of damage include: (a) damaging items on the property while trespassing. I.e. walking through a vegetable garden. (b) causing slight expense to the owner, even if only a very minor expense, like using an elevator while cutting through a building<sup>1</sup>. (c) disrupting the privacy of the owner, I.e. passing through a fenced backyard where the owner wants privacy<sup>2</sup>.
- What remains in question is passing through a property when no loss is caused and it is not a private space, such as a front unfenced lawn.
- In general, *halacha* forbids a property owner from refusing someone from benefitting from the property when no loss will be incurred (“*koifin al midas sdoim*”). Nevertheless, *halacha* says that if one owns a vacant house, with not intention of renting it out, the owner may still protest someone who came to live there. Some Poskim explain<sup>3</sup> that even though the owner was not planning to use the property, he has a right to protest use of a property that he could potentially gain from. It follows, that he can not refuse the use of a property that cannot be rented.
- Other Poskim<sup>4</sup> explain that the *din* of not stopping others from benefiting at no loss, only applies when the benefit does not involve the use of one's **own property**. For example: Inheritors must allow one of them to take the portion of land adjacent to his own field, since that piece of land is preferable for him and not for them. By contrast, one may protest the usage of his own property, even when no loss is incurred.
- Based on the above, the question of trespassing is a dispute amongst the Poskim. According to the first opinion one may trespass when no loss will be incurred, while the second opinion prohibits trespassing, even in such a case. Indeed recent Poskim disagree if one may protest<sup>5</sup>.
- According to all opinions one may protest someone who trespasses his property on a regular basis. The reason is that in this case the owner can be concerned that the trespasser may one day claim that he has a right (*chazaka*) to cross the property and the owner may not obstruct his way.
- On a practical level, recent Poskim<sup>6</sup> suggest that one should not trespass unless he is sure that the owner does not mind (but should not trespass on a regular basis).

Please note that the above may not be applicable for your situation. Consult your Rov for a final psak.

- לנזקודות הנ"ל ראה ספר פתחי חושן: 4. ראה שו"ת בית בית אפרים ח"מ סי' מט. הובא בפתחי תשובה שם סק"ד.
- גיבה ע' קצה, נזיקין ושכנים ע' תלז.
- פשוט, וק"ו מהמבואר בט"ז אורח תרל"ז
- סק"ד ע"ש. והפוסקים הזכירו גם דין היזק ראייה בענין זה בדרך אגב לענין אי יש חזקה לעובר דרך (ראה לדוגמא בשו"ת מהרש"ם ח"ג סי' שט).
- רמ"א ח"מ סי' שסג ס"ו.
- ראה בב' המקומות בפתחי חושן שם.

לע"נ מרת ציפא אסתר בת ר' שלום דובער ע"ה

## OUR HEROES

י"ג אלול

### Ben Ish Chai

Rabbi Yosef Chaim of Bagdad, one of the greatest Sephardic rabbanim in the last century, was a *posek*, *mekubal*, *darshan*, author and great leader. He wrote tens of *seforim* and is known as the title of one of his works, the “Ben Ish Chai.” He passed away on the 13<sup>th</sup> of Elul, תרס"ט (1909).



One Erev Shabbos of Reb Yosef Chaim's childhood, a man came to tidy the courtyard of his home. Seeing the worker, Reb Yosef Chaim's mother hurried to bring him a bowl of food she had prepared for Shabbos, but the man declined. The *rebbetzin* encouraged him to eat and not be ashamed, but he still refused. The woman continued to assure him of the kashrus standards, explaining that her husband is the chief rabbi of the city. At this point, the workman told the sincere *rebbetzin* of his custom only to eat food prepared in his own home. Hearing this, young Reb Yosef Chaim began crying profusely, pained that he had not yet attained the level of this simple workman.

Reb Yosef Chaim's *drashos* were renowned. On Shabbos, he would speak for four or five hours at a time, with thousands of people silence listening to his every word. Once, the *ezras nashim* gallery, supported by a series of pillars, began to give way under of the overcrowded section. Hysteria broke out, but Reb Yosef Chaim continued saying his *drasha*. He raised his eyes to the caving floor and, behold, the collapsing floor stopped in midair. He finished his *drasha* as scheduled. Forty minutes later, the miraculous suspension ended. The gallery fell in an empty shul.

לזכות הילדה תפארת מלכה שידליר תחי' שיגדלוהו הורי' לתורה לחופה ולמע"ט

## A MOMENT WITH THE REBBE

### Include Every Detail

The legendary *chassidische* artist, Reb Hendel Liberman, drew inspiration for his art from his years at the great yeshiva in Lubavitch. During a *yechidus* on 3 Kislev 5725, he told the Rebbe of the bochurim he hosts for Shabbos meals, and how he shares with them his memories of those days of glory. Upon the Rebbe's request, he repeated in full the story he had told them the past Shabbos.

The Rebbe instructed him how the stories should be told. “Acquaint them with everything, down to the most subtle detail. Describe the entire picture, so that when you refer to a house in Lubavitch, they should know exactly where the house stood.”

The Rebbe then added, “however, do not try to clarify more details from your friends who were also there; this will only confuse you.”

The Rebbe continued discussing the wonderful era of Lubavitch, and commented that the bochurim who eat at his home are students of Reb Shlomo Chaim Kesselman, who spent an especially long time in Lubavitch.

לזכות השליח שלום דובער בן לובה

לזכות הילד אפרים שמעון שי'

בן הרה"ח צבי הירש ורעייתו פערל שיחיו רימלער  
שיגדלוהו הורי' לתורה לחופה ולמע"ט

נדבת וקניו הרה"ח שרגא פייוויל ורעייתו צפורה שיחיו רימלער

לע"נ מרת שרה רבקה בת ר' שלום מאיר הכהן ז"ל  
נלב"ע י"ט מנחם אב ה'תשס"ג  
לע"נ הרה"ח משה צבי בן ר' ישראל ז"ל  
נלב"ע ד' אלול ה'תשס"ט

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