



	Candles	Mincha	DafYomi	Shiur	Shachris	שוק"ש
Friday	4:10	4:20	7:30			9:33
Shabbos		4:10	3:45	4:05	9:00	9:33
Sunday		4:25	9:00		7:45	9:34

IMPORTANCE OF

The Gemara (*Sanhedrin* 86a) states that if one kidnaps one's own son, the *Chachomim* would absolve him of liability because the *Posuk* dealing with kidnapping describes the event with the words: **וּנְמָצָא בְיָדוֹ** – and he is found [to be] in his hand. This implies that kidnapping does not occur when the victim is easily accessible to the kidnaper. Only where the victim happens to be "found" by the kidnaper, will the laws apply. The *Rambam* (*גיבנה* 9:5) rules accordingly, and adds additional examples of victims who are too accessible to the kidnaper, such as a teacher kidnapping a student, a guardian kidnapping one of the orphans under his charge or one who kidnaps his minor brother. All of these are not liable. The *MaHariTatz* (1:165) asks: Where did the *Rambam* find the word "minor" (*קטן*) brother? The *Gemara* doesn't mention it, and all the other examples listed by the *Rambam* don't differentiate between orphans or students etc... who are below or above the age of Bar-Mitzvah. Why did he emphasize it with regard to a brother? R' Shmuel Attia asked the question of how the brothers could have sold Yosef – was it not kidnapping? R' Shmuel answered, based on the above *Gemara*, that since Yosef was accessible to his brothers, they were not liable for his kidnapping. However, Yosef was 17 years old at the time, and according to the *Rambam*, the access exception only applies to a minor brother. The *MaHariTatz* concludes therefore, that 1) there does not appear to be any source for the *Rambam's* distinction, 2) there are too many open questions on it, and 3) apparently R' Shmuel Attia was not concerned with it or aware of it. However, if Yosef was with Yaakov when the brothers went off to tend the sheep, how could Yosef be deemed **מְצוּי** (accessible)? It must be that Yosef accompanied them whenever they stayed near home. When they traveled a distance, Yaakov kept Yosef home. As such, most of the time he was still accessible to them, and they would be *Potur*.

QUESTION OF THE WEEK:

If a boy whose family *minhag* is to light Chanukah *Licht* shortly after the *Shekiyah* becomes Bar Mitzvah in Chanukah, should he wait until after *Tzais* that night, or still light after *Shekiyah*?

ANSWER TO LAST WEEK:

(Why is *SheHechianu* said at a *Petirah* but not a *Bris Milah*?)
In *משמרת חיים* (3) Rav Scheinberg distinguishes as follows: The pain and pleasure of a *Bris Milah* manifest in the same *mitzvah* object – *ערלה*, and both must happen together. With inheritance, however, pain comes from the *Petirah*, and the joy comes from the money, which he could have also gotten without the *Petirah*.

DIN'S CORNER:

Those who wait 72 minutes to end *Shabbos* all year, should do so on *Motzaei Shabbos* Chanukah as well. (*Igros Moshe* אור"ה 4:62) But those who wait 72 minutes only on occasion, should not do so on *Motzaei Shabbos* Chanukah (R' S.Z. Auerbach quoted in *Shevus Yitzchak*, pg. 75).

DID YOU KNOW THAT

The *Rambam* (*חנוכה* 4:12) states that even one who is supported by *Tzedaka* must beg [for money] or sell his clothing to buy oil and candles for Chanukah. Regarding *Shabbos*, the *Rambam* (*שבת* 5:1) requires only that one ask for the funds necessary for *Shabbos* candles, but does not say that he must sell his clothing. The *Ponovezher Rav* points out that *Shabbos* candles are mentioned by the *Rambam* in both the context of *שבת* (enjoyment) as well as *כבוד שבת* (honor). In describing *שבת* *כבוד שבת*, the *Rambam* (*ibid* 30:3) also requires that one put on clean clothing and distinguish between one's weekday clothing and one's *Shabbos* clothing. As such, it would be self-defeating for *שבת* *כבוד שבת* to require special *Shabbos* clothing, and then require that one sell that clothing for *Shabbos* candles. Therefore, there is no requirement for *Shabbos* candles that one sell one's clothing, as there is for Chanukah. The obvious question is, why do the Rabbinic *mitzvos* of *שבת* *כבוד שבת*, *עונג שבת*, *ד' כוסות* and Chanukah candles obligate one to the extent that he must beg for money to fund them (which implies that one has no available money), whereas money spent on Scriptural *mitzvos* such as *Tefilin* and *Tzitzis* are limited to 20% of one's assets. Even according to the *Baal Hatur*, brought in the *Tur* (אור"ח 483), that *mitzvos* involving *Pirsumei Nisa* are as obligatory as *Lulav* and *Esrog*, that only means their necessity is **equal** to that of a Scriptural *mitzvah*, but not greater. The *Moadim U'Zmanim* (2:150) suggests that the obligations spoken of by the *Rambam* are discussing one who is so poor that he must go around collecting for all his needs. He must ask for candles and wine as well. If one is willing to suffer and eat nothing, he is not obligated to collect for Chanukah candles. [*Machatzis HaShekel* (והדל לא ימעיט)] does require him to collect to pay.] Otherwise, *כבוד שבת* - perform *mitzvos* from your money. If you don't have, you are *Potur*.

A Lesson Can Be Learned From:

A bochur from the United States studying in the Ponovezh Yeshiva in Bnei Brak, became very close to the Mashgiach, R' Yechezkel Levinstein ZTL. The bochur, Moshe, would sit on the Bimah step so as not to miss a word from the Mashgiach's Drashos. When Moshe became a Chasan, his mother flew over from the U.S. and was scheduled to arrive at 7:00 PM, on the day before the Chasunah. Unfortunately, 7:00 PM was the time when the Mashgiach gave his Drasha, and Moshe didn't want to miss it. The Mashgiach told Moshe to fulfill Kibud Eim, and go to the airport. Another bochur, Asher Zelig, was going to be Moshe's Shomer starting that night, and was shocked to see Moshe in the Beis HaMidrash at 7:00 PM. Moshe told him that he had said to Hashem that he wanted to fulfill both *mitzvos*, and left the "details" to Hashem. Earlier that day, he checked with the airport and learned that his mother's plane was to arrive at 5:00. After picking her up, she told him that the pilot mentioned that he had never had such a strong tailwind "helping" the plane along. Years later, R' Asher Zelig told this story to an audience. A man came over to say how impressed he was. It was Moshe himself, who apparently didn't even remember it as so miraculous.

P.S. HaMakom Yenachem the family of Mrs. Idy Sternberg on the *Petirah* of her father. Sholosh Seudos sponsored by the Zelcer family.

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