



	Candles	Mincha	DafYomi	Shiur	Shachris	ש"ש
Friday	4:57	5:09	7:45			9:38
Shabbos		4:57	4:05	4:35	9:00	9:38
Sunday		5:10	5:40		7:30	9:37

IMPORTANCE OF

The Gemara (*Sanhedrin* 17a) states that if all the judges of *Sanhedrin* vote unanimously to convict without even one dissenting vote, the defendant is acquitted. The *Or HaChaim* comments on the *Posuk*: לא חה' אחרי רבים לרעות that if one judge sees everyone else voting to convict, he might be tempted to a) vote with them (in order to acquit); or b) vote against them (in order to convict). Therefore, the *Posuk* warns him to vote his mind, regardless of the consequences, and not base it on the majority. However, the Gemara (*ibid*) also states that one may only appoint a judge who is so sharp that he could find grounds to rule a *Sheretz* to be *Tahor*. *Tosafos* wonders what use such an intellectual exercise might serve, as the *Torah* clearly rules a *Sheretz* to be *Tamei*. The *Yaaros Dvash* (2:8) suggests a use in a case where guilt is so clear that all judges vote to convict. A sharp judge looking to fulfill הרע מקרבך, would be capable of justifying a dissenting argument to acquit, in order to ensure execution. The *Berach Moshe* says that the *Or HaChaim* and *Yaaros Dvash* do not argue, based on the *Midrash* (*Shemos Rabba* 14:61) which states that all *Malochim* agreed that Egypt deserved to be smitten with חשך, for 2 reasons: 1) to allow the Jews to discover the Egyptians' hidden assets; and 2) to eliminate the wicked Jews who deserved death. The *Rebbe R' Heshl* explains that 2 reasons were necessary because the unanimity of the *Malochim's* vote should have acquitted. However, with 2 reasons, the vote was not truly unanimous, i.e. for the same reason, thus allowing the conviction to stand. So too, all agree that a judge must vote his mind and not base his vote politically on any desired outcome. The *Yaaros Dvash* suggested that a sharp judge would be able to come up with a different reason to convict, removing unanimity while maintaining integrity and conviction.

QUESTION OF THE WEEK:

What serious עבירה is permitted in order to honor the *Shabbos* ?

ANSWER TO LAST WEEK:

(Why would a *Talmid Chochom's* food be אסור but an *Am HaAretz's* be מותר ?) The *Darchei Teshuva* (116:4) cites an opinion that if they were wearing *Tefillin* while cooking, and the *Tefillin Shel Rosh* fell into the pot, the *Talmid Chochom's* food would be אסור because of the sweat on the underside of his *Tefillin*, which the *Shulchan Aruch* (116:4) deems to be poisonous. However, since the *Am HaAretz* is presumed to have worn his *Tefillin* (improperly) on the front of his forehead rather than above it, the sweat would be from his face, which the *Shulchan Aruch* (*ibid*) allows.

DIN'S CORNER:

One must cover one's face when saying *Tachanun* (רחום וחנון) only when a *Sefer Torah* is present, or if he can see the ארון from where he is, even if he is not in the room with it. לכתחילה one should be seated. (MB 131:11-13)

DID YOU KNOW THAT

The Gemara (*Chulin* 135a) states that if two partners own a sheep, they are obligated in ראשית הגז - giving the first of its fleece to the *Kohen*. R' Ilai disagrees, based on the words of the *Posuk*: גז צאנך (fleece of your sheep), which excludes sheep that isn't entirely yours. However, the *Rabonon* maintain that all Jews are as one, and that גז צאנך only excludes an animal owned jointly by a Jew and non-Jew. [The *Tosafos HaRosh* notes that we do not derive a similar outcome with regard to such *mitzvos* as *Mezuzah* and *Tzitzis* even though the words ביתך (for *Mezuzah*) and כסותך (for *Tzitzis*) would also seem to exclude a partnership with a non-Jew.] The *Poskim* are unclear with regard to שביתת בהמה - preventing one's animal from doing מלאכה on *Shabbos*, where the *Torah* says: למען ינוח שורך וחמורך. The *Rivash* (151) recognized that where a Jew and non-Jew own an animal jointly, the non-Jewish partner would probably use the animal on *Shabbos* regardless of his Jewish partner's objections, which establishes firmly that the non-Jew has rights in the animal and therefore שביתת בהמה would not apply. The בית יצחק (32:9) asks, why does the *Rivash* need such a theory - can he not simply derive from למען ינוח שורך וחמורך that an animal owned by such partners is not subject to שביתת בהמה ? The Gemara (*Bechoros* 3a) discusses the status of a first-born of an animal owned jointly by a Jew and non-Jew as dependent on the *Posuk*: קדש לי כל בכור. R' Yehudah says that the word בכור implies a full בכור, but כל then includes even a partial one. The *Rabonon* say the opposite - בכור implies any kind of בכור, even a partial one, but כל then teaches that it must be a full בכור. They therefore argue over the sanctity of such a jointly-owned בכור. Similarly, the fact that the *Torah* states regarding *Shabbos*: וכל בהמתך could, according to R' Yehudah, include even such a hybrid animal in the obligation of שביתת בהמה. Therefore, the *Rivash* used a סברא to exclude it.

A Lesson Can Be Learned From:

In the yeshiva of Baranovitch, the Talmidim were displeased with the schedule and curriculum for the term and so, they decided to get a group together and petition R' Elchanan Wasserman to change it. As yeshiva bochurim, they prepared themselves with arguments and went in to see R' Elchanan. The bochurim listed their claims, concluding with the Gemara (*Avodah Zara* 19a) which states that a man cannot learn Torah unless it is מה שלבו חפץ - that which his heart desires. R' Elchanan replied: "Certainly, where one knows clearly what one's heart desires, he should turn to that and study it. However, it is very different where one has not yet matured and only thinks he knows what his heart desires. In such a case, there is no imperative to experiment and the curriculum will remain".

P.S. Sholosh Seudos sponsored this week by the Zelcer and Gelb families. Mazel Tov to the Wercbeger family upon their daughter Mindy's Chasunah.