

תשס"ו



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(Monsey/Spring Valley Z'manim)

פרשת: משפטים - שקלים

	Candles	Mincha	DafYomi	Shiur	Shachris	שקלים
Friday	5:23	5:33	8:15			9:24
Shabbos		5:23	4:45	5:10	9:00	9:23
Sunday		5:35	8:30	7:45	9:22	

IMPORTANCE OF ...

The Gemara (Pesachim 113a) states that if a single witness sees the commission of a sin, he may not testify alone against the sinner (as it would be *Rechilus*) but it is מצוה לשנאתו – a *mitzvah* for the witness (alone) to hate the sinner. *Tosafos* asks, does not the Gemara (*Bava Metzia* 32b) derive from כי תראה חמור שונאך that when given a choice between unloading a friend's mule or loading up an enemy's, one should help his enemy (שונאך) so as to overcome his *Yetzer HoRa*? What is he overcoming, if it is a *mitzvah* to hate his enemy? *Tosafos* answers that as a result of his hatred toward the sinner, the sinner will hate him back. That reciprocal, total hatred should be avoided. This may explain an apparent contradiction. R' Yochanan states (*Yuma* 9b) that the 2nd *Beis HaMikdash* was destroyed because of שנאת חנם. R' Yochanan also states (*Bava Metzia* 30b) that the 2nd *Beis HaMikdash* was destroyed because the *Rabanan* were too precise in their application of *Din*, never going beyond it. Which was the real reason? The *Peninim Yekarim* brings a third statement of R' Yochanan (*Gittin* 55a) which states that the *Churban* came about because of *Kamtza* and *Bar Kamtza*, where *Bar Kamtza* was motivated by the seeming indifference of the *Rabanan* at the party, to his embarrassment. It may very well have been that the host bore a hatred towards *Bar Kamtza* because he had witnessed *Bar Kamtza* sinning. The *Rabanan* were לךפ זכות that this was the case and did not interfere in his *mitzvah* (לשנאותו). However, according to *Tosafos*, even in such a case it is recommended that one overcome his *Yetzer HoRa* to stop the hatred from spreading. Why didn't the *Rabanan* tell this to the host? It must be that *Tosafos'* position is לפנים משורת הדין, and the *Rabanan* did not go beyond the *Din*. Thus, both reasons conspired to bring the *Churban*.

DID YOU KNOW THAT ...

The *Sefer HaChinuch* (65) states that the source rationale of the *mitzvah*: כל אלמנה ויתום לא תענוך, which prohibits the affliction of widows and orphans, is based on their inherent weakness, having no one to stand up for them. Is a widow that much weaker than a divorcee, who would seem to be in a similar position? The Gemara (*Bava Metzia* 115a) states that according to R' Yehudah, when the Torah says: לא תחבול בנד אלמנה which prohibits taking a widow's garment as collateral for a debt when she defaults, the Torah included both a poor widow and a wealthy one. According to R' Shimon, only a poor widow is intended, because she would need to have the lender come by each morning to return the garment, a sight which will damage her reputation among the neighbors. The *Shulchan Aruch* (97:14) rules like R' Yehudah, and the *SMA* adds that not only is a wealthy widow deemed weak and defenseless, but so is a divorcee, and both are included in the *Issur*. The *ShaCH* disagrees, assuming that the Torah was sympathetic to the broken heart and worry of a widow, which presumably does not apply to a divorcee. However the *TaZ* holds that all women are included, as the damaged reputation reason applies to them all, and only a widow is mentioned in the *Posuk*, because widows are assumed to be somewhat capable in business. The *Orach Mishpat* (5) questions this, pointing out that טעמא דקרא sheds light on the specific *Posuk*, but is never used as a basis for a *Chidush* to expand the reach of the *Posuk* beyond its *Pshat*. As such, although the damaged reputation rationale could apply equally to other women, the *Posuk* specifically mentions only a widow, and therefore, the *Issur* should be restricted to widows. Here too, the scope of the *Posuk*: כל אלמנה ויתום לא תענוך is also restricted to widows, despite the possible equivalent vulnerability of a divorcee.

QUESTION OF THE WEEK:

Where do we find that a *Katan* is obligated in a certain *mitzvah*, but is *Potur* from it upon becoming a *Gadol*?

ANSWER TO LAST WEEK:

(When should one not answer *Amein* to a *brocho*?)
The *Yabia Omer* (2:13) rules that one should not answer *Amein* to a *brocho* recited by a child under six, since (*inter alia*) he is not of *Chinuch* age, his *brocho* is only a "training" *brocho*, and he is suspected of not being entirely clean.

DIN'S CORNER:

Although one who didn't sleep all night does not say the *berachos* of אלוקי נשמה and המעביר שינה (but should hear them from another) because they don't apply to him, one still says the other ברכות השחר, even if he did not hear a rooster crow, or he did not put on shoes, or a belt, etc... which makes several of those *berachos* technically inapplicable to him as well. (MB 46:24)

A Lesson Can Be Learned From:

A son was born to a Jewish woman who had רח"ל been married to a non-Jew. After the birth, the gentile father undertook to convert himself. Years later, the son married, and then divorced. In the Get that was prepared, his name was listed as נחמן בן אברהם, where the אברהם was purportedly a reference to his gentile father, who had since converted and been given the name אברהם. Some argued that it should have said, to be more accurate, נחמן בן אברהם אביו, which was more appropriate with a formerly gentile father. As such, was the Get kosher? R' Chaim Kanievsky ruled that the Get was kosher. He brought proof from the *Eved Ivri* who claims את אשתי ואת בני אהבתי ... referring to the children born to his gentile maidservant. Although the children of a gentile maidservant have no ancestry, and are not connected to their father (the *Eved Ivri*), still, the Torah refers to them as בני, children of the *Eved Ivri*. So too, it is acceptable to refer to Nachman by his biological father's name אברהם, despite having no Halachic connection with him.

P.S. Sholosh Seudos sponsored this week by the Schoenfeld family.

This issue is dedicated:
לז"נ פערל ב"ר יצחק הלוי

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