



	Candles	Mincha	DafYomi	Shiur	Shachris	שק"ש משפטים
Friday	4:54	5:04	8:00			9:39
Shabbos		4:54	4:30	4:45	9:00	9:38
Sunday		5:05	6:30		8:00	9:38

IMPORTANCE OF

The *Rambam* (*Sanhedrin* 14:3) rules that whoever is sentenced by *Beis Din* to be executed, if he is not executed, *Beis Din* has transgressed and not fulfilled a positive *mitzvah*, but they have not violated a *לא תעשה*. The exception to this is the case of a sorcerer, where the *Torah* states: 'מכשפה לא תחיל', and letting a convicted sorcerer live transgresses this directive. Apparently, the *Rambam* does not apply the *לא תעשה* of *לא תחוס עיניך* (do not be merciful) to a post-conviction murderer, the way it is applied pre-conviction. However, the *Ramban* (*לא תעשה* 13) explains the reason behind the application of *מכשפה לא תחיל* after conviction as based on the potential for an experienced sorceress to talk her way out of being executed by taking advantage of weak-minded people. As such, the same concept should apply to a murderer as well. Why does the *Torah* express the mandate for dealing with a sorcerer in the form of 'לא תחיל' rather than 'מות יומת' as it does in the very next *Posuk*, regarding bestiality? The *Panim Yafos* suggests that although the *Gemara* (*Sanhedrin* 67a) derives that a sorcerer is to be executed with stoning, the likelihood that *Beis Din* would be able to actually implement such an execution is small, since the sorcerer will use any talent or "power" it has to evade being executed. As such, it will probably be necessary to accomplish the execution by utilizing another method. R' Akiva derives that stoning is the preferred method from the *Posuk* which describes the fate of those who went onto *Har Sinai* during *Matan Torah* – 'אם בהמה אם איש לא יחיל'. Just as there, if one's animal wandered up the mountain, he could not follow it up and remove it, but would have to find an alternate method of putting it to death, so too, is one bound to find a way to execute the sorcerer who will probably not sit still for the prescribed form of execution.

QUESTION OF THE WEEK:

May one teach *TaNaCh* to men who are not wearing a *Kippah*?

ANSWER TO LAST WEEK:

(If a woman forgot *רצה* on *Shabbos*, must she *bentsch* over?)

The *Kaf HaChaim* (אור"ח 188:24) rules that since there is a *Machlokes* if women are obligated in *Birchas HaMazon D'Oraisa*, they need not repeat *bentsching*. However, many other *Poskim* (R' Akiva Eiger 1, *Yechave Daas* 2:20) rule that at least for the first 2 *Shabbos* meals, even if the obligation is *D'Rabonon* it takes on *D'Oraisa* requirements, and they must repeat.

DIN'S CORNER:

One should teach children and even adults where necessary, how to recite *berachos* over food, but one may only use Kosher food for this purpose. To use non-Kosher food turns the *brocho* into blasphemy. Yet, one need not be concerned over the probability that the newly-learned *brocho* will be recited in their home over non-Kosher food, since the *berachos* will also be recited over Kosher food as well. (במראה הבזק. p. 17)

DID YOU KNOW THAT

The *Gemara* (*Bava Kamma* 26b) states that if a gentile slave asks his master to treat an eye or tooth, and in so doing, the master knocks out the tooth or blinds the eye, the slave goes free, even though it was clearly unintentional. The *Rivash* wonders if this extends as well to a situation where the slave picks a fight with his master, hoping to go free through the loss of an eye or a tooth. The *Chasam Sofer* understands the *Torah's* verdict as absolute - the slave goes free in all situations where the master caused his loss. The *Gemara* (*Pesachim* 113a) quotes Rav's advice to his son Chiya not to take medicines unnecessarily, that he not jump over small streams, that he not extract a tooth, and that he not provoke a snake or gentile to anger. *Rashi* and *Rashbam* explain that one should not extract a tooth, even if diseased, because it will eventually heal itself. The *Meforshim* point out that in reality, today we do not find that diseased teeth heal themselves, and it is common practice among even the most pious to have teeth extracted where necessary. *Rabbeinu Chananel* understands Rav's advice as based on the weakening of one's eyesight that comes about through a tooth extraction. Possibly, this may be an area of *גביע הכסף* – nature has changed. The (*Sefer*) *גביע הכסף* suggests that today, a dentist can examine a tooth and determine if it will heal itself, in which case it may not be extracted. Even if the dentist believes it will heal, if it still presents a danger to nearby teeth, it should be extracted. The question is, may one extract a tooth to enhance appearance? Apart from Rav's warning, to do so would seem to be *חובל בעצמו* – damaging oneself, which is generally forbidden. However, this would seem to fall within the general category of plastic surgery, which many *Poskim* permit, based on the theory that a woman would suffer much more and longer from the lack of improvement in her appearance, than from the procedure itself. This is supported by the *Gemara* (*Kesubos* 74b) which states that if a man betroths a woman on condition that she have no blemishes, even if she goes to a doctor and has her blemishes removed, the marriage is not valid. However, we see the *Gemara* accepts that she may do so.

A Lesson Can Be Learned From:

The *Chasam Sofer* was once pacing back and forth, obviously disturbed. His wife asked him what was bothering him, and he pushed her off. Finally, after asking him a number of times, the *Chasam Sofer* remarked: "What do you have to do with my learning and the difficulties that I must resolve? You should stick to your *Tzena U'Rena*!" Undaunted, she kept pestering him, wanting to know what problem he was working on. Eventually, he weakened and told her that he was trying to figure out why *Tziporah* (wife of *Moshe*) used a sharp stone to perform a *Bris Milah* on her son *Eliezer*, instead of using a knife. The *Chasam Sofer's* wife said that actually, he could find the answer to that question in the *Tzena U'Rena*, which explains that originally, *Bris Milah* was always done with a sharp stone. When *Dovid* hurled a stone at *Goliath*, it struck *Goliath's* metal helmet, and penetrated the metal to kill *Goliath*. As a "reward" to metal for allowing a stone to penetrate, henceforth, a metal knife was used for a *Bris*.

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

This issue is dedicated:

לז"נ פערל ב"ר יצחק הלוי ולז"נ אברהם ב"ר יעקב חיים

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