



## IMPORTANCE OF ....

The *Gemara* (*Temurah* 4b) records a *Machlokes* between Abaye and Rava regarding the effectiveness of an act which is an *Aveirah*. For example, if one sinfully slaughters an animal on *Shabbos*, without an acceptable excuse, was the *Shechitah* effective to permit the animal to be eaten? Abaye says yes, Rava says no. Abaye says yes, because if the act was not effective, then why should he receive lashes or be otherwise punished, since he did not complete that which the *Torah* forbade? Therefore, his act must have been effective to impose a punishment upon him. Rava says no, and the reason one still receives lashes is because he performed a physical act prohibited by the *Torah*. The *Rambam* is apparently inconsistent with his *Psak* on this matter, seeming to side sometimes with Rava, and other times with Abaye. In *Hilchos Tum'as Tzaraas* (10:1) the *Rambam* states that if one transgresses the prohibition against removing signs of a *Nega*, he does not receive lashes unless he accomplished something by his act. Thus, if he had three white hairs, and he removed one of them, since he remains *Tomay* because of the two hairs that he left, he would not receive lashes. This indicates that the *Rambam* holds like Abaye, since according to Rava he should receive lashes for the act of removal alone, even if it accomplished nothing. However, the *Tzitz Eliezer* (4:3) suggests that here, even Rava would agree that no lashes are warranted. It is only where one performs an act which on its own would be effective (thus making lashes due), if not for the fact that the *Torah* says don't do it, that lashes are still warranted because the act was complete. However, where, as here, the act itself was not a complete act, and was ineffective before the *Torah* forbade it, Rava would also not insist on lashes for him.

## DID YOU KNOW THAT ....

The *Mishna* (*Arachin* 31a) states that when one sells a house in a walled city, he may redeem it: עד מלאות לו שנה תמימה - until a full year has completed. The *Chachomim* understand the word *תמימה* to include the extra month in a leap year, while Rebbi derives from *תמימה* that a full solar year of 365 days is always available for redemption in every case. R' Abba b. Mamal illustrates how a leap year creates certain inequities, since a house sold on the first day of a leap year's *Adar Shenit*, or a firstborn sheep born that day, will reach a complete year on the first of the only *Adar* in the next year. Were such an event to occur on (e.g.) the 20<sup>th</sup> of *Adar Rishon* in a leap year, a full year is reached later, on the 20<sup>th</sup> of the only *Adar* in the next year. The *Gemara* asks: if the inclusion of the 13<sup>th</sup> month is derived from *תמימה*, perhaps it only applies to houses in walled cities where the *Posuk* says *תמימה*, but not to sheep. However, the *Gemara* concludes that since the *Torah* uses the word *שנה* in both cases (שה תמים זכר בן שנה by *Korban Pesach*), we may apply the inclusion in both cases. *Tosafos* (*Rosh HaShanah* 6b) extends this inclusion to all appearances of the word *שנה*, even without *תמימה*, while the *Rashba* requires the word *תמימה*. The *Sefer HaMitzvos* of the *Rambam* (214) describes the *mitzvah* of a newly-married man who must spend "שנה תמימה" with his new wife, free of the army and other oppressive obligations. This might indicate that in a leap year, perhaps the *mitzvah* extends to 13 months. However, where the *Rambam* records this *mitzvah* in his *Yad HaChazakah*, (7:10-12), he mentions 12 months, but no *שנה תמימה*. The *Divrei Yatziv* (ע"א 84) states that the rule is well-known that wherever there is a *Machlokes HaPoskim*, we follow the *Zohar* to resolve conflicts. The *Zohar* states 12 months for *שנה ראשונה*, even in a leap year.

## QUESTION OF THE WEEK:

When may a qualified Rav, in the absence of any other Rav, rule only on monetary matters but not on matters of *Issur V'Heter*?

## ANSWER TO LAST WEEK:

(When would a *Gabbai Tzedakah* take a donation and then give it back?)

The *Shulchan Aruch* (י"ד 251:12) states that two עניים may agree to give each other their respective donations of *Tzedakah*. However, if they were obligated by *Beis Din* to pay a קנס to *Tzedakah*, they may not pay it to each other because that would not be a קנס. However, once it is paid into *Tzedakah*, the *Gabbai* can then give it back to the pauper.

## DIN'S CORNER:

If one is leaving their residence before *Pesach* and will not be returning until after *Yom Tov*, an agent should be appointed to perform *Bedikas Chometz* in the residence at the proper time. If this cannot be arranged, the *Bedikah* should be done the night before one leaves, without a *brocho*. (MB 436:1)

## A Lesson Can Be Learned From:

The Subalker Rav, R' Yechiel Mechel Heller, was a renowned Talmid Chochochom whose opinions and advice were sought by many. His grandfather had been a wealthy man, with a successful business, but unfortunately, his success aroused jealousy. Once, when he had to leave town for a few days, he arranged for his daughter, a fine and capable young lady, to manage the business in his absence. Some unscrupulous people seized the opportunity to spread a false and vicious rumor, accusing her of improper behavior. As a result, it became difficult, in spite of all her Maalos, to marry her off. As time went on and the situation did not improve, her father became more and more desperate until he finally told her that he was prepared to marry her off to the son of a local Baal Agalah (wagon-driver) who was a simple and ignorant young man. Sorely disappointed at the prospect of marrying an Am HaAretz, the young lady nevertheless obeyed her father and the Shidduch was arranged. Before the Chupah, she davened fervently, asking Hashem who knew she had been wronged, to at least provide her with children who would be Tzadikim and Talmidei Chachomim. She merited to see her sons and sons-in-law serve as Rabbonim throughout Europe, as well as the Subalker Rav, her grandson.

**P.S.** Sholosh Seudos sponsored this week by the Miller family.

This issue is dedicated:

לז"נ פערל ב"ר יצחק הלוי

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