



IMPORTANCE OF

The *Gemara* (*Sanhedrin* 8a) states that as a consequence of Moshe Rabbeinu having said: והדבר אשר יקשה מכם תקריבוני אלי, to his assistant *Dayanim*, which may have had an air of arrogance to it (perhaps he should have said: (תקריבוני אל ד', he did not know what to reply to the claim of Tzela'fchad's daughters, as the *Posuk* indicates: 'ויקרב משה את משפטן לפני ד'. However, if this were the case, might not the *Posuk* have been better phrased if similar words had been used to connect them? Why did the *Torah* use the word *משפטן* (which suggests a legitimate claim for judicial determination) instead of *דבריהן* (i.e. *והדבר* – an unknown query) which would have created a clearer connection between Moshe's earlier words and their consequences here? The *Gemara* (*Bava Basra* 119b) describes Tzela'fchad's daughters as wise and clever. While Moshe was teaching the *Dinim* of *Yibum*, they argued to him that if they were to be denied the right to inherit, which belonged only to sons, then their mother should also be subject to *Yibum*. Why should daughters be significant for *Yibum*, but not for inheritance? From this *Gemara* it seems that their "wise" argument would not be viewed as a "lesson" to Moshe for having asked for all *דבר אשר יקשה*. The *Gemara* (*ibid* 119a) quotes Shimon HaShikmoni saying that Moshe knew that Tzela'fchad's daughters were entitled to inheritance. What he did not know was if they were also entitled to *Bechorah* - the double portion due to Tzela'fchad for having been the firstborn son of Chefer. How had Moshe known that they were entitled to inheritance? The *Torah Temimah* suggests that it was the very argument of Tzela'fchad's daughters that Moshe found to be so convincing. As such, the wisdom of their argument established their right to inheritance. The only issue was how much (double or single portion). Therefore, Moshe submitted their legitimate claim for *משפט*, while the question of *Bechorah* was the unknown *קשה*.

QUESTION OF THE WEEK:

What is better when spending money earmarked to build a Yeshiva building – to build a new building for an existing Yeshiva or to build a building for a brand new Yeshiva?

ANSWER TO LAST WEEK:

(Which *Kohen* may *Duchan* but will not get the first *Aliyah*?)

The *Kitzur Shulchan Aruch* (23:9) states that a *Kohen* must be an *אדם כשר* (i.e. not a *Baal Aveirah*) to receive an *Aliyah*. However, in *Siman* 100:21, the *KSA* allows a *Baal Aveirah* (except for a *Mechalel Shabbos B'Farhesia*) to *Duchan*.

DIN'S CORNER:

If one put food in one's mouth without having said a *brocho*, if the food is such that he can take it out without disgust, he should do so, say the *brocho* and put it back in his mouth. Otherwise, he should push it to the side and say the *brocho*. (SA אור"ח 172:2)

DID YOU KNOW THAT

The *Gemara* (*Berachos* 27b) states that when one is presented with two *Tefilos* to daven – *Mincha* and *Musaf*, he is to daven *Mincha* first because of the law of *Tadir*, giving precedence to the one that occurs more often. R' Akiva Eiger (*Teshuvah* 9) notes that the *Gemara* could have used another distinction – that *Mincha* is obligatory on everyone, whereas women are not obligated in *Musaf*, since they did not contribute the half-*Shekel* with which to fund the *Korbanos*. But why was the *Korban Musaf* singled out for this distinction? Aren't *Shacharis* and *Mincha* also in the place of *Korbanos*, to which women apparently did not contribute? Why are women still obligated in them? The *Mishna* (*ibid* 20b) states clearly that women are obligated in *Tefilah*. The *Gemara* explains that it is because *davening* evokes Hashem's mercy, which women also need. Therefore, we ignore the fact that *Tefilah* is apparently *Zman Grama* (time-dependent) as seen in the words: *ערב ובקר וצהרים* (evening, morning and noon) and women remain obligated. The *Tzlach* points out that this is true only of *Shacharis* and *Mincha*. However, *Musaf* is not intended to evoke *Rachamim* – it is praise for Hashem. As such, women are not obligated. However, not every *Korban Musaf* is strictly praise. Some, such as the *Musaf* of *Rosh Chodesh*, effect *Kaparah* as well. Would the exclusion of women from *Musaf* mean that they do not enjoy the *Musaf's* *Kaparah*? The *Gemara* (*Zevachim* 4a) defends the statement that: *אין שינוי בעלים בקרבן צבור* - it is impossible to bring a *Korban Tzibur* (communal *Korban*) for the wrong person (i.e. one who will not obtain *Kaparah* from it), since it is for everyone. *Tosafos* notes that even if one intended the *Korban* for a gentile, that intention would not disqualify it because the gentile has no need or obligation for the *Korban's* *Kaparah*. The *Kehilas Yaakov* concludes that since women are in need of a *Kaparah*, if the *Korban Musaf* would not "work" for them, that would create a *שינוי בעלים*. Therefore, they must also enjoy its *Kaparah*.

A Lesson Can Be Learned From:

When R' Yisroel Salanter began his Musar movement, he encountered resistance from many people, including Gedolim. The Rav of Kovno, R' Leibele Kovner, was one of R' Yisroel's opponents, and when R' Leibele made a Bris for a newborn son, he did not "notify" R' Yisroel. As a result, R' Yisroel was in a quandary – If he goes to the Seudah anyway, it could be *Gezel* (theft); If he does not attend, then tongues will begin wagging and a significant *Chilul HaShem* could be the result. Suddenly, R' Yisroel stood up and told his assistant that he was going, based on a *TaZ* in *Hilchos Pesach* (429:1) which states that a Rav is *Meshubad* - to his constituent's needs (so that if they borrow an animal from him, it is *שאלה* and they are *אונס* Potur for *אונס*). This includes the need to maintain peace and avoid a *Chilul HaShem*. When R' Yisroel arrived, he was shown the proper *Kavod* and discovered that a messenger had been sent to notify him, but had somehow neglected to fulfill his mission.

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