



	Candles	Mincha	DafYomi	Shiur	פרשת: שלח שוק"ש Shachris	9:12
Friday	8:15	6:50/8:00				9:12
Shabbos		8:10	7:00	7:55	9:00	9:12
Sunday		8:25	7:45		7:45	9:12

## IMPORTANCE OF ....

The *Gemara* (*Gittin* 84a) states that if a man gives his wife a *Get* על מנת שתעלי לרקיע – on condition that she goes up to the sky, since it is impossible, the *Get* is not valid. The *Rambam* (*אישות* 6:7) rules that if one gave money to a woman and said to her הרי את מקודשת on condition that you ascend to the sky, the *Kidushin* is valid and the condition is discarded because everyone knows the condition is impossible, and he only said it to annoy her. However, the *Gemara* (*Sotah* 35a) expounds on the words: ויהס כלב that Calev listed many things that Moshe had done for *Klal Yisroel*, concluding with the phrase – if Moshe said construct ladders and go up to *Shomayim*, would we not obey him? Why did Calev suggest such an impossibility? The *Gemara* (*Eruvin* 55a) states that one is encouraged to develop mnemonics, hints and study aids in order to secure the Torah that one learns in one's mind. This principle follows the concept derived from the words: לא בשמים היא – that Torah is not in *Shomayim*, from which we deduce that if it were in *Shomayim*, we would be obligated to go there in order to retrieve it. How could we be obligated in what has clearly been established as an impossibility? It must be that this obligation is satisfied by an attempt, and a willingness to be *Moser Nefesh* in the attempt. Such an effort will merit *Siyata D'Shmaya* to achieve success and will generate more *Kidush Hashem*, particularly because of the impossibility of literal success. However, making *Gittin* or *Kidushin* dependent on such an impossible condition serves no such purpose, and taken literally, must be either invalidating or ignored. In the same way, Calev's attempt to enhance Moshe's stature in the eyes of *Klal Yisroel* also profits from the literal impossibility of building ladders to *Shomayim*. However, unlike *Gittin* and *Kidushin*, the willingness to attempt it at Moshe's instruction would generate *Siyata D'Shmaya* and a much needed *Kidush Hashem*.

## DID YOU KNOW THAT ....

The *Mishna* (*Beitzah* 36b) characterizes judging a *Din* as a *Reshus* (not obligatory) and as such, forbids it on *Shabbos*. The *Gemara* asks: is not judging a *Din* a *mitzvah*? The *Gemara* answers that it is not a *mitzvah* where there is another judge who can do it better. *Tosafos* quotes Rabbeinu Tam's opinion that where the conditions are such that it is a *mitzvah*, it is definitely *Mutar* to conduct a *Din* on *Shabbos*. The *Rambam* (*Peirush HaMishnayos*) agrees. On this basis, the *Shevus Yaakov* (א"ר"ח 1:14) permitted testimony to be taken on *Shabbos* from a dying man who was the only witness to another Jew's death, in order to permit his widow to remarry. The necessity of preventing a woman from becoming an *Agunah* created sufficient imperative. By the same token, the *Shevus Yaakov* would permit the seizing of an about-to-disappear husband, also to avoid the wife becoming an *Agunah*. However, the *Beis Yosef* (א"ר"ח 263) quotes Rav Sherira Gaon who ruled that where one committed an *Aveirah* and *Beis Din* became aware of it on *Shabbos*, even if there is strong suspicion that he is preparing to run away and won't be available on *Motzai Shabbos*, we may still not apprehend him on *Shabbos*, as that would be a forbidden act of *Din*. The *Rema* (א"ר"ח 339:4) rules accordingly that one may not incarcerate on *Shabbos*, even if the delay allows the criminal to escape. The *Shevus Yaakov* notes that the *Gemara* (*Sanhedrin* 41a) establishes from the words: וימצאו אותו מקושש עצים that the *Mekoshesh* had been warned, and nevertheless committed the act, and was apprehended - all on *Shabbos*. He suggests that holding someone for a later adjudication is not a punishment or a *Din*, and even if it were, it only became *Assur MiDeRabanan* (for fear of writing) later, which would not have applied to the *Mekoshesh*. However, he concludes, even Rav Sherira Gaon would have been lenient with regard to an *Agunah*.

## QUESTION OF THE WEEK:

When would a *Mohel* perform 2 *Bris Milahs* identical to each other in all respects (same day, same time, same family status etc...), one after the other, yet the 1<sup>st</sup> is *Assur* and the 2<sup>nd</sup> *Mutar*?

## ANSWER TO LAST WEEK:

(When would one's own purchase be shared, but for another not be shared?)

Based on *Shulchan Aruch* (ח"מ 183:6), if Reuven buys a lottery ticket and puts Shimon's name on it, if it wins, Reuven can keep the winnings. But if Reuven bought a second ticket and put his own name on it, if Shimon's wins, the two of them must share it.

## DIN'S CORNER:

*Tefilas HaDerech* must be said once on each day of travel, providing that one did not decide during the day to cease travel for the day. If one did so, and then changed one's mind and resumed travel, it must be said again. (א"ר"ח 110:5)

## A Lesson Can Be Learned From:

An elderly wagon driver had put in many years of hard and dedicated work eking out a living and unfortunately, it had taken a toll on his spirituality. Not only were his children far from observance or from having even basic knowledge of mitzvos, but he too had forgotten his youth and had settled into a lifestyle that had little involvement with the Torah way. Eventually, he became ill in what appeared to be a terminal illness. As his family waited for the final hour, they watched their father's pain, but the end would not come. After a week of this, his daughter contacted a Rabbi to come see what was keeping him alive. The Rabbi asked the wagon driver what special deed (if any) he had done. The wagon driver said that once he had provided free transportation for the Noam Elimelech of Lizensk. "And what did the Rebbe give you?" the Rabbi asked. "He blessed me that I should not die before doing *Teshuvah*", the old man replied. The Rabbi sat with him and slowly guided him through 'Ashamnu, Bagadnu ..' until he finally passed away.

**P.S.** Mazel Tov to the Tyberg family upon Reuven's Chasunah, and to the Sternberg family upon Rivkie's. Sholosh Seudos sponsored by the Grant family.

This issue is dedicated:

לד"ר פערל ב"ר יצחק הלוי

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