



	Candles	Mincha	DafYomi	Shiur	פרשת: שלח	סוק"ש Shachris
Friday	8:14	6:45/7:45				9:11
Shabbos		8:09	7:00	7:55	9:00	9:11
Sunday		8:20	8:45		8:00	9:11

IMPORTANCE OF

The *Gemara* (*Zevachim* 65b) quotes R' Elazar b. R' Shimon as saying that he heard one may separate a *Chatas* bird's head from its body during *Melikah*. The *Gemara* asks: what about the *Posuk* which says: לא יבדיל – do not separate? The *Gemara* answers that לא יבדיל means he doesn't need to separate them, but may do so if he wishes. The *Gemara* asks should we say the same thing regarding one's pit in the *Reshus HaRabim*, where the *Torah* makes him liable if an ox falls into it, because "ולא יכסנו" – he didn't cover it? Perhaps here too we should say it means he need not cover it! The *Gemara* answers that the context of the *Posuk* makes clear that he is paying for damages **because** he didn't cover it. *Tosafos* notes that the *Gemara* would not seek to ask from all other לאווי in the *Torah*, which clearly would serve no purpose other than to absolutely forbid. However, regarding *Melikah*, since the blood must be collected, perhaps the head should be removed. And since one would assume that the owner of a pit must keep it covered, perhaps the *Torah* is making it voluntary by saying ולא יכסנו. Therefore, the *Gemara* distinguishes them. Similarly, the *Gemara* (*Sotah* 3a) records the opinion of R' Yishmael, who says וקנא את אשתו is voluntary, since to do so might violate לא תשנא (do not hate). The *Torah* had to therefore "allow" one to warn his wife. By the same token, when the *Torah* stated: שלח לך, one might have been under the impression that sending spies would violate לא תנסו (do not test Hashem). As such, the imperative to send spies had to be allowed by Hashem, but not demanded. Therefore שלח לך means it isn't forbidden – you may send, לדעתך. The *Emek Halacha* (1:44) seeks thus to distinguish between שלח לך and לך לך, where *Rashi* adds the words להנאתך ולטובתך. Since it did not say לדעתך, the צוי to Avroham could not have been optional or voluntary, and since there was no reason not to go (except possibly Kibud Av), the צוי had to be mandatory.

QUESTION OF THE WEEK:

There are two special *Tefilos*, one of which is to be said before entering the *Beis HaMidrash* to learn, and the other upon leaving. *Rambam* says they are a חובה. Why aren't they diligently said?

ANSWER TO LAST WEEK:

(Does one say *Birchas HaGomel* over a pre-Bar Mitzvah event?)

Rivevos Ephraim quotes *Shevet HaKehasi* (4:71) that since he was not a בר חיובא at the time of the event, he is not a בר חיובא for the *brocho* after Bar Mitzvah.

DIN'S CORNER:

If two members of the *Tzibur* both have a *Yahrtzeit* during the coming week, and each wishes to receive *Maftir* on the *Shabbos* before, a *Goral* should be conducted to determine priority. This is true whether or not one is a *Talmid Chocho*m or a wealthy man, who is capable of providing an alternate *Zechus* for the *Niftar*. All members of the *Tzibur* have equal rights in this. (4:8 בצל החכמה)

DID YOU KNOW THAT

The *Gemara* (*Yevamos* 25b) states that although a thief by *Torah* standards is ineligible to testify in matters pertaining to עדות אשה (e.g. that her husband died, which permits her to remarry), still, a thief by Rabbinic standards (i.e. gambler) is eligible. The *Mishna* (*Yevamos* 122a) lists additional leniencies regarding עדות אשה, accepting testimony from a single witness, second-hand testimony (עד מפני עד), a woman, slave or relative, all traditionally ineligible by *Torah* standards. Why is a thief different? The *Nimukei Yosef* (*Sanhedrin* 25b) makes the point that ineligibility to testify is by and large not based on suspicion of lying – it is based on a *Gezeras HaKasuv*, as we would not suspect Moshe and Aharon of lying. However, a thief, whose desire for money offends both *Shomayim* and his fellow man, is suspected of lying for monetary gain, and even if no gain seems to be available, he could be testifying/lying for pay. The *Beis Shearim* (74 מכתבי יד) adds that being lenient with regard to single witnesses, relatives etc., does not actively contradict *Torah* rules. However, taking testimony from a thief or from one whose ineligibility is based on *Aveirah*, would violate אל תשת רשע עד (unless a *Shogeg*) which *Chazal* did not wish to do. The *Rambam* (עדות 11:10) states that there was no need for *Chazal* to list a *Moser*, *Apikores* or *Mumar* in the list of those who are ineligible to testify, as the list is only for Jewish *Reshaim*. These 3 are less eligible than a gentile. The *Rambam* (עולם הבא 3:7-12) describes these 3 as having no share in עולם הבא, adding in a *Kofer*, who denies that *Torah* is from *Shomayim*, denies *Torah SheB'al Peh*, or claims that the *Torah* has changed and is no longer relevant today. ע"ש One would assume that such a person cannot be more eligible for testimony than an *Apikores*. However, the *Posuk* states: וכי תשגו ולא תעשו את כל המצות האלה, and the *Ramban* explains that this refers to one who does not observe כל המצות האלה – all the *mitzvos*. Thus, one who, out of error (תשגו), keeps no *mitzvos* at all, as under the belief that the time of the *Torah* has passed, such a *Shogeg* warrants a *Korban*. Possibly, the *Rambam's Kofer* is the *Ramban's Shogeg*, which may explain why the *Rambam* did not list the *Kofer* as ineligible.

A Lesson Can Be Learned From:

The custom in *Yeshivas Mir* at the end of the *Zman* was to receive a small loan for travel expenses from the *Mashgiach*, R' *Yerucham Levovitz*. This loan would then be repaid at the beginning of the next *Zman*. R' *Shimon Schwab* ZTL related that as a young bochor, he approached R' *Yerucham* for the loan at the end of his first *Zman* in the *Yeshiva*. After receiving the money, R' *Shimon* said "A Dank" (Thank you). R' *Yerucham* began to berate him for saying Thank you, which could constitute *Ribis-Devarim*, a form of interest. At the end of the next *Zman*, when R' *Shimon* received the loan, he had learned his lesson, and he turned away without saying a word. To his surprise, R' *Yerucham* said harshly "Are you not embarrassed? You've received a loan and yet you do not say Thank you?!" The *Mashgiach* went on to explain to the confused R' *Shimon*: "One must feel gratitude and be prepared to express it. Since the *Shulchan Aruch* forbids it, one cannot say it. However, you apparently understood from my earlier *Psak* simply that one may not say Thank you. That is not correct".

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

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

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