



A Kehilas Prozdor Publication

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	Candles	Mincha	DafYomi	Shiur	Shacharis
Friday	7:56	6:50/7:30			
Shabbos		2:30/6:00	2:50	2:00	9:00
Sunday		7:30	8:15P		8:30

## IMPORTANCE OF ....

The *Gemara* (*Sanhedrin* 5a) states that although money disputes must be adjudicated by a panel of three judges, a single judge who is known to be a **מומחה** (expert) may adjudicate alone without liability. Rav Nachman gives himself as an example, since he had learned from his teachers and was able to analyze further on his own. A non-**מומחה** judge who obtained approval to adjudicate from the *Resh Galusa*, would also not be liable to make restitution to a wronged party in case he erred in his judgement. Without permission however, if the judge erred **בשיקול הדעת** (analysis), he must make restitution. The *Gemara* (*ibid* 33a) adds that if a greater judge is present, he can reverse the erroneous judgement, excusing the erring judge from paying. The *Gemara* (3a) also states that an expert judge is not crucial, since to require a **מומחה** would make it difficult for borrowers to find lenders. If so, shouldn't we exempt the non-expert judge from paying if he makes a mistake? Otherwise, no one will want to be a judge! The *Gemara* concludes that to exempt a judge will make borrowing even more difficult. In *Eruvin* (100b), the *Gemara* says that Moshe was able to find judges who were **צדיקים** and **ידועים**, but not **נבונים**. The *Chadrei Torah* suggests that this explains why the *Posuk* first says: **הבו לכם אנשים חכמים ונבונים** - choose wise and analytical judges for yourselves, followed by: **חכמים וידועים ... ואקה** - I took wise and knowledgeable [judges] and finally: **אשר יקשה מכם תקריבון אלי** - what is difficult for you, bring to me. Moshe hoped there were **נבונים** among the Jews who would agree to be judges because their analytical expertise would free them from paying for errors. When Moshe saw there were no **נבונים**, he chose judges himself, assuring them that they wouldn't have to pay if they came to him since he would reverse.

## QUESTION OF THE WEEK:

When would a fasting adult be obligated to say **נחם** on the evening of Tisha B'Av?

## ANSWER TO LAST WEEK:

(When would someone be called for an *Aliyah* and remain for three *Aliyos*?)

The *Shulchan Aruch* (א"ח 135:6) rules that if in the absence of a *Kohen*, a **ישראל** is called for his *Aliyah*, and after he says *Borchu* (but not the *brocho*) a *Kohen* walks in, the *Kohen* takes back the *Aliyah* but the **ישראל** remains at the *Bimah* and receives **שלישי**.

## DIN'S CORNER:

When Tisha B'Av falls on *Shabbos* or Sunday, the procedure for *Shabbos* afternoon-evening is: *Sholosh Seudos* should be eaten somberly, without restriction up until just before **שקיעה**. Sneakers etc.. should be brought to Shul before *Shabbos* and changed into after *Borchu*. **אתה חוננתנו** is said in Maariv and women should be reminded to say .. **ברוך המבדיל**. Only the *brocho* of **אש** is said as *Havdalah*. **הגפן** and **המבדיל** are said Sunday night.

## DID YOU KNOW THAT ....

The *Gemara* (*Megilah* 5a) states that when Tisha B'Av falls on *Shabbos*, we observe it on Sunday rather than the previous Thursday (as we do with some other fast days) because we do not advance reminders of **פורענותא** - tragedy. The *Eliyahu Rabba* (550) asks why we need this reason, since the *Gemara* (*Taanis* 29a) quotes R' Yochanan who says Tisha B'Av should really have been on the 10<sup>th</sup> of Av, as most of the *Beis HaMikdash* burned then, and the only reason the *Chachomim* decreed that we observe it on the 9<sup>th</sup> is because we consider the beginning of the **פורענותא** to be more significant. If it cannot be observed on the 9<sup>th</sup> however, it should certainly revert to the 10<sup>th</sup>! The *Shoel Umaishiv* (1:3:179) suggests that since the major destruction of the first *Churban* took place on the 10<sup>th</sup> of Av, while that of the second occurred on the 9<sup>th</sup>, R' Yochanan meant that had he been present after the first *Churban*, he would have established Tisha B'Av on the 10<sup>th</sup>. However, the *Rambam* (פ"מ"ש"ר"ה 1:2) notes that during the second *Beis HaMikdash*, Tisha B'Av was already being observed as a fast day on the 9<sup>th</sup>, particularly because 5 things were no longer present in the 2<sup>nd</sup> **בית**. This observance was only a **זכר** (memorial) to the *Churban*, because after all, the *Beis HaMikdash* was standing at the time. As "just" a **זכר**, it could theoretically be pushed forward as well. Therefore, the *Gemara* states as its reason that even a **זכר** of **פורענותא** is not to be advanced.

## A Lesson Can Be Learned From:

When R' Eliyahu of Vilna was young and just becoming known as a Gaon, some *Talmidei Chachomim* were jealous over his notoriety. One skeptic remarked to the Dubner Magid that he failed to see the Gaon's greatness, arguing that all scholars were capable and worthy. The Dubner Magid replied that the greatness of the Gaon was that he always had precisely the right answer for every question. "For example, there is a rule in *Chazal* that wherever a limit is placed on a period of time, such as where the *Mishna* states that the *Megilah* may be read from the 11<sup>th</sup> of Adar through the 15<sup>th</sup>, the phrase **לא פחות ולא יותר** (not less and not more) is used. Yet, the *Mishna* in *Shabbos* (19:5) also designates a period during which an infant might be circumcised - from its 8<sup>th</sup> day through its 12<sup>th</sup> day. What reason would you imagine that *Mishna* might have, to leave out *Chazal's* phrase of **לא פחות ולא יותר**?" The *Talmid Chochom* thought a moment and then launched into a long and windy *Pilpul*, distinguishing between the two *Mishnayos* using very tenuous arguments and conclusions. With a satisfied smile, he asked the Dubner Magid if the Vilna Gaon could give a better answer. The Magid replied "The Gaon would have simply answered that the *Mishna* in *Shabbos* **does** use the phrase **לא פחות ולא יותר**!"

**P.S.** בתוך שאר אבלי ציון וירושלים Mrs. Anita Goldfisher המקום ינחם ע"ה upon the *Petirah* of her mother.

This issue is dedicated by the Elbaum and Pfeffer families:

לע"נ אנשיל ב"ר אברהם יעקב

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ל"ג פערל ב"ר יצחק הלוי