



A Kehilas Prozdor Publication

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פרשת: דברים

שק"ט	Shachris	Shiur	DafYomi	Mincha	Candles
9:20	9:00	7:45	7:00	6:50/7:45	8:09
9:20	8:00	7:50	8:04	7:00	8:04
9:20			8:22	7:50	8:22

IMPORTANCE OF

The *Gemara* (*Eruvin* 81b) quotes R' Yochanan who says that according to the *Torah*, מעות קונות - paying for something is sufficient to acquire its ownership. The *Rabanan* decreed however that one must also perform a physical act (*משיכה*) to effect a transfer of ownership, because of the concern that the seller may say: נשרפו חיטיך בעלייה - your wheat was burned in the attic. If ownership was transferred through payment alone, the seller would no longer have an incentive to care for the goods until delivery. However, if they are technically still his until the buyer takes physical possession, the buyer is protected. *Tosafos* states that the *Torah* implies often that מעות קונות, such as in the *Posuk* in *Devarim*: אוכל בכסף תשברני, a request to purchase food for money. *Chasam Sofer* (מ"מ 5:134) notes that this *Posuk* cannot be used as proof, since it refers to an offer made to Sichon, a non-Jew. *Tosafos* should have rather used: מאתם בכסף, which referred to Eisav, who, although was a מומר (apostate), was nevertheless a Jew. On this basis, the *Chasam Sofer* wished to prove that regarding קנין, a מומר is deemed to be a Jew, not a gentile. However, the proof from Eisav is also not valid, since by the time *Bnei Yisroel* arrived at Edom, Eisav had long since died, and the nation of Edom were all the progeny of the women of שעיר, making them gentiles as well. The *Chasam Sofer* therefore suggests that originally, מעות קונות was sufficient on a Jew-to-Jew deal, whereas נשרפו חיטיך בעלייה was a concern in non-Jew deals, until the *Rabanan* saw the inequity and established the משיכה requirement for Jewish deals as well. However, since Moshe was making overtures of peace towards Sichon and Edom, there was no mention of משיכה or of a fear that נשרפו חיטיך בעלייה, as Moshe wished to show he trusted them, in the interests of peace.

QUESTION OF THE WEEK:

When might a parent not be permitted to discipline a child by telling him/her to "go to your room !"

ANSWER TO LAST WEEK:

(Why does Shlomo replace Yosef in the שבך לחולה ?)

The *Sefer* ויצבר יוסף quotes the *Minchas Elazar* who says that the *Posuk*: מי יאמר זכיתי לבי טהרתי מחטאתי (*Mishlei* 20:9) - who says my heart is clean from sin, refers to Yosef, whom we should therefore not mention. Shlomo however, according to the *Midrash*, was rewarded for saying this *Posuk* in *Mishlei*.

DIN'S CORNER:

When *Tisha B'Av* falls on Thursday, it is מותר to *Shecht* on Thursday after midday, לכבוד שבת. Furthermore, it is even מותר to *Shecht* on Wednesday, in case the *Shechitah* is invalid and the animal must be sold to a non-Jew for consumption only on

DID YOU KNOW THAT

The *Gemara* (*Sanhedrin* 6b) says that if a student, sitting before his *Rebbi*, sees a reason to acquit a poor man or obligate a rich man, he must state his mind and not remain silent out of respect for his teacher, as derived from: לא תגורו מפני איש - do not be afraid because of a man (meaning his teacher). The *Rambam* (*סנהדרין* 22:1) adds that if a judge senses the ultimate resolution of a case, he may not withdraw out of fear of danger from the losing party, as this would violate לא תגורו. The *Chinuch* (77), in detailing the *mitzvah* of: לא תענה על ריב לנטות - a judge may not blindly follow the opinion of others without reaching his own conclusion, exempts women from this לאו as women do not judge. Yet, the *Chinuch* concedes that the לאו would apply to women according to those who permit a woman to be a judge. However, the *Chinuch* (415) also exempts women from לא תגורו because women cannot be judges, but here, the *Chinuch* does not state that women would be subject to the לאו according to those who allow her to judge. The *Mishna* (*Nidah* 49b) states that whoever is eligible to judge is eligible to testify. *Tosafos* asks, did not Devorah judge, and yet a woman is not eligible for testimony ! *Tosafos* gives 3 answers: 1) The *Mishna* refers only to men, where one eligibility implies the other; 2) Devorah's experience was a special case, מן השמים; and 3) Devorah did not actually judge - she simply educated *Bnei Yisroel* in the laws. The *Piskei Uziel* (43) understands the 3 answers *Tosafos* gives to be concerned only with the nature of Devorah's role as a שופטת. However, *Tosafos* would permit a woman to judge, if the parties accepted her. Still, a community should not appoint a woman to be their judge because of her innate sense of empathy and רחמנות, which make her incapable of fulfilling לא תגורו. It may be that for this reason, the *Chinuch* unconditionally exempted her from תגורו לא.

A Lesson Can Be Learned From:

Rav Binyomin Beinish Salant, son of R' Shmuel Salant, was very active in establishing settlements throughout *Eretz Yisroel*. Once, he was involved in arranging a *Yishuv* near Yericho and had to leave Yerushalayim for several days in order to take care of it. As R' Binyomin was a regular *Magid Shiur* in the *Beis HaMidrash* ציון, מנחם he looked for someone to take his place during that time. However, those who attended his *Shiur* refused to accept a substitute, claiming that no one explained as well as R' Binyomin. They turned to his father R' Shmuel Salant and begged him to arrange for someone else to work on the *Yishuv*. R' Shmuel refused their request. He explained to them that R' Binyomin was very knowledgeable in matters pertaining to land development. As such, it was imperative for him to attend to this himself. "*Chazal* have assured us that the *mitzvah* of יישוב א"י is as weighty as all other *mitzvos* as it brings us closer to the גאולה שלמה."

P S Shalosh Seudas is sponsored this week by the Seofian family

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