



Friday	8:00	6:45/7:35							9:25
Shabbos		6:15	5:15	8:17	9:25	9:00			9:25
Sunday		7:45	9:45	8:16	8:55	8:30			9:26

ציון במשפט תפדה

ושביה בצדקה

IMPORTANCE OF

The Gemara (Sanhedrin 8a) explains the *Machlokes* between R' Meir and the *Chachomim* regarding a case of **מציא שם רע** - where a husband attempts to deprive his wife of her *Kesubah* by falsely accusing her of infidelity. R' Meir says that a *Beis Din* of 3 is sufficient because the husband's penalty payment of 100 *Selaim* to his father-in-law is a financial matter. The *Chachomim* require a *Beis Din* of 23 because they hold: **חוששין ללעו** - we are concerned for **לעו**. *Rashi* defines **לעו** as gossip which spreads when an issue goes to court. Witnesses to the wife's infidelity may hear and come forward, turning it into a capital case which requires 23 judges. *Tosafos* explains **לעו** as disgrace to the original 3 judges when later adding another 20, if it turned into a capital case, since it appears as if they weren't knowledgeable enough. Yet, the *Mishna* (*ibid* 29a) states that if 2 judges reach a decision and the 3rd says "I don't know", 2 more judges are added on, several times if necessary, until a majority decision using at least 3 judges is reached. A *Talmid Chochom* was once roped in to serve on a *Beis Din* with 2 other judges who were not qualified. To ensure a proper decision, the *Talmid Chochom* was prepared to say "I don't know" so that 2 other qualified judges would be added. The *Shvus Yaakov* (1:138) agreed that it was a good idea. However, where a judge saw that he was in the minority and, hoping that new judges would side with him, planned to do the same thing, the *Beis Yaakov* (15) forbade such a ruse, based on considerations of **לעו**. One of Moshe's criticisms - **טרחכס** complained of this very thing - stalling and subverting justice by trying to add on new judges to avoid losing a case.

DID YOU KNOW THAT

The Gemara (*Taanis* 30b) states that during the 40 years that *Bnei Yisroel* wandered in the *Midbar*, *Hashem* spoke to Moshe with a cold manner. At the end, after those over the age of 20 finished dying, *Hashem* restored His previous affectionate manner. *Tosafos* cites a *Midrash* which describes the graves dug each year on *Erev Tisha B'Av* to claim the bodies of those destined to die that year and the *Rashbam* explains that all year no one ever died, except on *Tisha B'Av*, and every *Tisha B'Av*, 21,000 plus a little more from those destined to die in the *Midbar*, would succumb. The excess over 21,000 added up over the years to total a little in excess of 15,000. The *MaHarsha* and others are quick to point out that 21,000 for 40 years, plus 15,000 was far more than the 600,000 number, upon whom the decree of death in the *Midbar* fell, and accordingly, the *MaHarsha* advocates modifying our version of this *Tosafos*. However, the *Chavas Yair* (250) suggests that the *Midrash* implies in several places how during those 40 years, whenever *Tisha B'Av* would fall on *Shabbos*, the usual deaths would not occur. As such, since Moshe sent the *Meraglim* in the 2nd year and the Gemara (*Bava Basra* 121a) makes clear that no one died in the 40th year, only 37 years of possible deaths remain. The *Levush - Hilchos Rosh Chodesh* determines that in 37 years, *Tisha B'Av* will fall on *Shabbos* 9 times, yielding a total of 28 years in which *Bnei Yisroel* died on *Tisha B'Av*. Since the *Posuk* in *Bamidbar* lists the actual number of those over the age of 20 at 603,550, the calculation of 28 years X 21,000 plus 15,000 = 603,000, which, if one adds a little for the excess over the 15,000, should equal the exact amount.

QUESTION OF THE WEEK:

Where would it be **מותר** for someone to do a **מעשה עבירה** only if he expects his companions to join in, but not if he knows that one or more of them will not ?

ANSWER TO LAST WEEK:

(Must one avoid **תשחית** by always finding someone to give things to ?)
R' Shlomo Z. Auerbach *ZT"L* ruled that if one knows someone who can use the about-to-be-discarded item, he should definitely give it to him. Otherwise, one must be more concerned with the **תשחית** of one's time, wasted pursuing a recipient, than in that of the item. One must also maintain order in the house; not store everything, anticipating a beneficiary. (*YD*:158) **ועלהו לא יבול**)

DIN'S CORNER:

A child may eat on *Tisha B'Av* Sunday even though he did not hear *Havdalah*. A sick person who must eat on *Tisha B'Av* must recite or hear *Havdalah* before eating. If at night, **בשמים** is not said; if by day, both **נר** and **בשמים** are left out. If he plans to eat after **חצות**, he should don his *Talis* and *Tefilin* before eating, and then again during *Mincha*. (*Shem. Shabb. K'Hilchasah* 62:45)

A Lesson Can Be Learned From:

In the Polish city where R' Yosef Engel was Rav, a tragedy occurred and a *Sefer Torah* fell to the floor. However, the *Sefer* was wrapped in a *Talis* at the time, and the townspeople asked the Rav if they had to fast. R' Yosef examined the issues and ruled that the *Sefer* had not fallen on the floor but rather onto the *Talis*, and therefore they did not need to fast. After this ruling, strange mishaps began to occur in the city and the townspeople came to R' Yosef with a complaint that apparently his ruling was incorrect, they were really required to fast, and he was therefore responsible for all the unusual problems that had arisen. R' Yosef sat down once again and examined the question of the *Sefer Torah* in more depth, eventually reaching the same conclusion. However, "If you wish to know why these strange events have begun to occur, I believe it is because the Gemara (*Berachos* 5a) states that if one sees **יסורין** (afflictions) befalling him, he must examine his deeds to determine what he had done to deserve such afflictions. A falling *Sefer Torah* is also an affliction but no one investigated why it had occurred".

P.S. A *Hartzicha* Mazel Tov to the Naftali Salomon family upon the birth of a daughter and the Mordechai Schulman family upon the birth of a son. May they be *Zocheh* to a *Bris B'Zmano* and much *Nachas* from all their children. *Sholosh Seudos* will not be eaten **ברבים** this week.