



	Candles	Mincha	DafYomi	Shiur	פרשת: שופטים	סזק"ש Shachris
Friday	7:35	6:45/7:45				9:34
Shabbos		7:30	6:30	7:20	9:00	9:34
Sunday		7:45	9:00		8:00	9:35

IMPORTANCE OF

The Gemara (Shevuos 30b) states that witnesses must deliver their testimony in *Beis Din* while standing, as is apparent from the words: 'לפני ה'... רעמדו שני האנשים'. The *Shulchan Aruch* (ח"מ 28:6) rules accordingly, adding that *Dayanim* should be sitting, and the *SMA* (33) derives this from the same *Posuk*, which implies that the witnesses are standing 'לפני ה' – before the judges, who are not standing. The *Shulchan Aruch* (*ibid* 28:26) adds that the *Dayanim* may receive testimony when leaning on something, because leaning on something is considered sitting for these purposes. However, the *Rema* (*ibid* 17:1) states that the witnesses may deliver their testimony while they are leaning on something, as leaning is considered **standing** for these purposes. The *SMA* (*ibid* 17:6) explains that both views are based on the *Rivash* (266) who opined that we should take a lenient position with regard to sitting/standing in *Beis Din* matters. However, the *SMA* maintains that the leniencies cannot be exercised at the same time. This means that we would not accept a situation where both the *Dayanim* and the witnesses were leaning against a post during the same *Din Torah*, since one or the other is not in compliance with the *Din*. Yet, the *Bach* (*ibid* 28) contends that leaning can operate as both sitting and standing. He derives this from the *Gemara* (*ibid*) which relates that the widow of Rav Huna appeared before Rav Nachman in a *Din Torah*. Rav Nachman was unsure of what to do, since he was obligated to stand up for her, out of respect for her husband. However, if he did so, her opponent would feel deprived of fair process, which would impair his position. Rav Nachman therefore arranged for a disturbance, during which he adopted a leaning position - neither sitting nor standing. Thus, says the *Bach*, it is possible for leaning to qualify as standing up for a *Talmid Chochom*, and also to be deemed sitting by a *Dayan*.

DID YOU KNOW THAT

The Gemara (*Chulin* 134a) states that a convert is not obligated to give a *Kohen* the usual *Matnos Kehunah*, such as ראשית הגז (the first shearings), זרוע לחיים וקיבה (leg, jaws and stomach) or even פדיון הבן (redemption of the firstborn) where it is not known whether the obligations arose before or after his conversion. This is because they are all monetary obligations, which cannot be demanded when in doubt. For the same reason, the general rule is that we do not rely on the majority (רוב) in monetary matters. As such, the *Shalmei Nedavah* asks how anyone can be obligated to give a *Kohen* the זרוע לחיים וקיבה from a *Korban*, since there exists a possibility that the animal slaughtered was a *Treifah*. Even if it was checked afterwards, it is possible that the *Shechitah* had cut through the spot of the *Treifah* blemish was. Although we rely on רוב (in most animals this won't occur) in order to eat meat after *Shechitah*, we should not be able to rely on רוב to obligate *Matnos Kehunah*, because of the doubt. The *Kol Aryeh* (82) cites the opinion of the *Hafla'ah* (*Kesubos* 15) who states that where a רוב has already been implemented, it creates a certainty that can even be used in monetary matters. Since regarding *Shechitah*, the רוב operates to permit eating, it can be used to obligate the *Matnos Kehunah* as well. The *Sheilas Yaavetz* (1:135) points out that today, *Kohen* status is not definite, and very few *Kohanim* have a *Yichus* letter. As such, since they rely on *Chazakah* to establish probability that they are *Kohanim*, it is tantamount to theft for an alleged *Kohen* to keep the פדיון הבן money, and he should return the money to the father after the *Pidyon*. The *Yaavetz* does not characterize taking זרוע לחיים וקיבה as possible theft as well, because he agrees that *Kohanim* who actually served in the *Beis Hamikdash* had their *Yichus* status confirmed. As such, since gifts of זרוע לחיים וקיבה only existed when the *Beis HaMikdash* stood, the *Kohanim* who received them were definite *Kohanim*, and would not have to give them back.

QUESTION OF THE WEEK:

If the punishment of *Kareis* means an early death (between 50 and 79, depending on circumstances), how would one over the age of 80 be punished if he transgressed an *Issur Kareis* ?

ANSWER TO LAST WEEK:

(When does one say a *brocho* over food only if not hungry for it ?)
The *Shulchan Aruch* (ח"מ 168:8) rules that if one eats types of "Mezonos" as dessert, where he is hungry for them (see *MB* 41) he needn't say a separate *brocho* over them. However, if he eats them not out of hunger, they require their own *brocho*.

DIN'S CORNER:

There is a *minhag* to blow the *Shofar* at the conclusion of *Shacharis* during the month of *Elul*. This applies only to a *Tzibur*. A person *davening* by himself should not blow the *Shofar*. If for some reason the *Shofar* was not sounded at the end of *Shacharis*, it should be blown after *Mincha*. But one should not sound the *Shofar* at night, even for practice. (*Piskei Teshuvos* 581:3)

A Lesson Can Be Learned From:

A couple were not *Zocheh* to bear children, despite employing every known *Segulah*, davening profusely, and visiting *Tzadikim*, both mobile and buried. When the husband next appeared before R' Chaim Kanievski, he did not want to leave until he received an appropriate *Eitzah* (advice). Finally, R' Chaim told him to find someone who qualified under the description of הנעלבין ואינו עולבין (who is offended but does not offend) and ask for a *brocho*. Surprisingly, such a person was not so easy to find. Soon after, at a *Chasunah*, the young man witnessed how someone loudly and publicly berated and insulted another guest, and the victim did not say a word. However this just incensed the attacker, who increased the abuse. The young man saw an opportunity and stood up to "make sure" the victim did not respond. When the victim did seem to have had enough and was about to reply, the young man rushed over and begged him not to say a word - that he would explain later. The victim reluctantly agreed, and later, the young man told him about R' Chaim's advice. He gave him a *brocho* which, of course, bore fruit.

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

This issue is dedicated by the Pollack family:

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