



IMPORTANCE OF ...

The *Gemara* (Yuma 53a) states that when R' Elazar would take leave of R' Yochanan, he would walk backwards until R' Yochanan could no longer see him, and then R' Elazar would turn and walk away. When R' Yochanan was the one to leave, R' Elazar would stand bowed, until he could no longer see R' Yochanan. The *Shulchan Aruch* (י"ד 244:9) rules that one must remain standing when one's *Rebbi* walks past until he is out of sight or until he sits in his seat. Similarly, one must remain standing when a *Sefer Torah* passes by, until its carrier is out of sight or until he stops at the place he was headed to. This is derived from a *Kal VaChomer* (*Kidushin* 33b) where if one must stand before he who learns *Torah*, he must certainly stand before the *Torah* itself! The *ShaCh* adds that if the *Torah's* carrier stops to rest and sits before reaching his destination, one must still remain standing as he hasn't reached "his place". By the same token, once he has reached his place, even if he remains standing with the *Sefer Torah*, one may sit. As such, it would appear that one is permitted to sit when the *Aron HaKodesh* is opened, since the *Sefer Torah* is in its place, and not moving. The *TaZ* (*ibid* 13) writes that the world's custom is to stand when the *Aron* is opened, out of respect, but that it is not a *חייב*. *Igros Moshe* (א"ח 5:38) suggests that the *TaZ* could have declared it a *חייב* from a *מנהג* perspective (like *bentsching* over a *כזית*), but was unwilling to do so because he felt that people were willing to stand voluntarily out of respect for the open *Aron*, but would not be willing to be obligated to stand, as a *חייב*. Yet, not to stand would seem to be a serious departure from custom and therefore discouraged. If a congregation does not wish to stand at the many openings of the *Aron* throughout *Yomim Noraim*, they should make sure the *Aron* is opened less than 3 *Tefachim*, which leaves it *halachically* closed under the rule of *לבד*.

QUESTION OF THE WEEK:

Is it permitted for a *Gemach* to turn away a borrower and not extend him a loan, if he has a history of bad repayment?

ANSWER TO LAST WEEK:

(Where would a thief not have to pay back the money if used for a *מצוה*?)

Rashi (*Kidushin* 52b) states that if a thief wishes to be *מקדש* (betroth) a woman with money that he stole from her, it is valid provided the *שידוך* had previously been made. This indicates that she was the *מרחל* and the thief/husband need therefore not make restitution. (See *Rashba* who disagrees based on a *Yerushalmi*)

DIN'S CORNER:

The *Nusach of Hatoras Nedarim* - the release from vows that one made during the year, only applies to vows that he has forgotten; it does not apply to those vows which he remembers making. For these, he must describe the vow in detail to someone, and find an opening for release. The same rule applies to his *קבלה* for the future, nullifying all vows, which will only apply when he forgot about the *קבלה* when making the vow. (*Piskei Teshuvos* 581:17)

DID YOU KNOW THAT ...

The *Gemara* (*Yevamos* 16b) states R' Assi's opinion that if a gentile betroths a Jewish woman today, we are concerned for the possibility that the gentile might have descended from the 10 "lost" Tribes who intermarried in *Galus*, and thus we require a *Get* from the gentile for her to remarry. *Shmuel* (*איכא דאמרי*) disagreed, stating that a decree issued declaring that all those who intermarried lost their Jewish status. The *Gemara* (*Sanhedrin* 110b) states that according to R' Akiva, the 10 tribes have no share in *Olam Haba*, derived from: *מלך אדמתם וישליכם* where *ויתנם* refers to *Olam HaZeh* and *וישליכם* refers to *Olam HaBa*. R' Shimon holds that they will be returned from *Galus* if they do *Teshuvah* and Rebbi holds they will all reach *Olam HaBa* regardless. Some *Meforshim* explain that this all refers only to the generation which actually went into *Galus* and intermarried. However, *Rashi* comments that this refers to all of the 10 tribes, who according to R' Akiva will not be included in Moshiach's ingathering, for having spoken ill of *Eretz Yisroel*. If the general rule is that the *Halacha* always sides with R' Akiva, can it truly be so that *Olam HaBa* will consist of only 2 tribes? The *Radvaz* (8:85) suggests that members of many *Shevatim* were stationed in Yerushalayim to serve in the *Maamados* (see *Taanis* 26a) and these were not exiled with the 10 tribes. In the future they will be identified and their *Shevet* can/will be rebuilt, as Binyomin's was. The *Gemara* (*Rosh HaShanah* 18b) quotes R' Shimon who said he disagreed with (his *Rebbi*) R' Akiva regarding *צום העשירי* - the last of the 4 Rabbinic fast days. R' Akiva held it was *Asarah B'Teves* (when Yerushalayim was besieged) while R' Shimon held it was the 5th of *Teves*, the day when news of Yerushalayim's destruction reached those already in *Galus*. The *Posuk* listing the 4 fast days (*Zechariah* 8:19) states that they will become festivals and days of joy for *בית יהודה*. Why not for all of *בני ישראל*? The *Zichron Yosef* (א"ח 21) says that according to R' Akiva, only *בית יהודה* (i.e. *Malchus Yehudah*) will arise for *Olam HaBa*. But according to R' Shimon, who holds the 10 tribes can be helped with *Teshuvah*, the *צום העשירי* was the 5th of *Teves* because of the news. The 10 tribes were not in Bavel and received no news. As such, the prophecy of sorrow to *Simcha* was only for *בית יהודה*.

A Lesson Can Be Learned From:

A non-observant man whose married daughter was very ill asked his "Rabiner" to travel to Sanz and receive a brocho from the Sanzer Rav. The Rabiner arrived on Tuesday and immediately gave in a *Kvitel* to the Rav, who did not respond. He did so again on Wednesday, Thursday and Friday. Finally, on Motzai Shabbos, the Rav told him that the daughter would recover if the family agreed to 3 conditions: 1) She must cover her hair; 2) They must kasher their whole house; and 3) They must close their stores for Shabbos. Having no "choice", they agreed, and the woman recovered. After a year went by, the father and son-in-law agreed that enough time had passed, and they reopened their stores on Shabbos. On the first such Motzai Shabbos, the daughter suddenly and inexplicably died.

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

This issue is dedicated:

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

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