



	Candles	Mincha	DafYomi
Friday	5:19	5:29	8:15
Shabbos		5:19	4:45
Sunday		5:30	

Shiur	Shachris
9:27	9:26
9:00	9:25
8:00	

IMPORTANCE OF

The *Mechilta (Mishpatim)* states that the words: **יכה איש את עבדו** must refer to a gentile slave, since the next *Posuk* ends with the qualification: **כי כספו הוא**, and only a gentile slave is deemed the owner's "property". The *Ramban* adds that any reference to a Jewish servant (**עבד עברי**) always includes the word **עברי**; the word **עבד** alone would refer to a gentile slave. The *Gemara (Menachos 43b)* quotes R' Meir that one is obligated to recite 3 *berachos* everyday: 1) **שעשאני ישראל**; 2) **שלא עשאני אשה**; 3) **שלא עשאני בור**. R' Acha b. Yaakov heard his son saying **שלא עשאני בור** ([that Hashem] did not make me a boor) and questioned it, since a boor is obligated in all *mitzvos*, just as he was. The son asked: what then should I recite [for the 3rd *brocho*] ? R' Acha replied: say **שלא עשאני עבד**. The son said: but an **עבד** is the same as a woman regarding *mitzvos*. I'm already saying: **שלא עשאני אשה** ! R' Acha replied that an **עבד** is lower than a woman, which warrants a special *brocho*, unrelated to *mitzvah* obligations. Clearly, the *brocho* **שלא עשאני עבד** can refer only to a gentile slave. *Tosafos* notes that **שלא עשאני בור** seems to have replaced **שלא עשאני עבד** permanently, since a boor is not something commonly found, where a person is totally ignorant of *Mikra, Mishna* and is not employed. Besides, it makes more sense to mention **עבד** (**אשה** & **אשה**) whose obligation in *mitzvos* is smaller. It makes more sense because if the reason for **שלא עשאני בור** being replaced was that a boor was rare, perhaps today, when boors are commonplace, and gentile slaves are not found, the *berachos* should be switched back. However, if until the time of R' Acha b. Yaakov everyone said **שלא עשאני בור**, how could R' Acha have changed it in the first place to **שלא עשאני עבד**? The *Bnei Banim (4:1)* suggests that the *Gemara (ibid)* records a prior statement of R' Meir, that one is obligated to recite 100 *berachos* everyday. Just as there, it is the number (100) that is important, so too, regarding the 3 **שלא עשאני עבד** *berachos*, it is the number – 3 – that is the main requirement. The secondary requirement is that they cover the general area of *mitzvos* appreciation. The specific language is not essential.

QUESTION OF THE WEEK:

Which place is *Mutar* for some to *daven* in, but *Assur* for others ?

ANSWER TO LAST WEEK:

(When would *Tachanun* in *Shacharis* be skipped because of the time ?)

There are days when *Tachanun* is not said during *Mincha*, such as every Friday, because the next day is a non-*Tachanun* day. If one *davened Shacharis* after *Chatzos* on such a day, that same *Mincha* rule would apply to skip *Tachanun* for *Shacharis* as well.

DIN'S CORNER:

The *Rema (או"ח 694:1)* rules that only one who is 20 years and older is obligated to give *Machatzis HaShekel*. Accordingly, one should insist that the *Baal Kriah* who reads *Parshas Shekalim* should also be at least 20. (*Mikrai Kodesh – פרשיות 1 ארבע*)

DID YOU KNOW THAT

The *Gemara (Sanhedrin 83a)* lists all the *aveiros* for which one is punished with **מיתה בידי שמים**. One who afflicts a widow or orphan, of whom the *Posuk* says: **וחרה אפי והרגתי אתכם בחרב**, is not included. The *Meshech Chochmah* explains that the afflicter is only punished if the widow or orphan cry out (**כי אם צעוק יצעק**), so the punishment is not absolute. The *Rambam (דעות 6:10)* states that Hashem does not inflict **מיתה בידי שמים** on the afflicter as a judgment of punishment, but rather as a form of vengeance, in the role of a **גואל הדם** for those who need a champion, as the *Posuk* says: **שערי תשובה**. *Rabbeinu Yonah (ד' יריב ריבם 3:24)* explains that one who steals from a pauper is also subject to a **מיתה בידי שמים** for the same reason - **יריב ריבם**. This may resolve the following question: In *Sefer Shmuel (2:12:1)*, when *Noson HaNovi* told *Dovid* about the wealthy man who took his poor neighbor's only lamb, and served it to his guests, *Dovid* was outraged. He exclaimed that the wealthy man should be put to death, and he should pay back the poor neighbor with four sheep. The *Malbim* explains that the four sheep was to fulfill the *Torah's* mandate of: **ארבע צאן תחת השה**, the penalty assessed against one who steals and then slaughters or sells what he stole. The *Gemara (Kesubos 30a)* states that the rule of: **קם ליה בדרבא מיניה** – which exempts one from a lesser punishment when he will be given a greater one, applies to **מיתה בידי שמים**, so that as a result of being punished with death, he should be exempt from any monetary liability. As such, the wealthy man should not have been required to pay the 4 sheep to his poor neighbor. The *חבצלת השרון* points out that since the **מיתה בידי שמים** to be administered to one who afflicts widows and orphans, or one who steals from a pauper is not a regular **מיתה חייב** like all others, but is rather the result of Hashem's fulfillment of: **ד' יריב ריבם**, it does not fall into the rule of **קם ליה בדרבא מיניה**, and therefore does not relieve the sinner from monetary liability. As such, the 4 sheep were collectible.

A Lesson Can Be Learned From:

When the *Chasam Sofer* was a young boy, he was studying the laws of *Kidushin*. When his class reached the law which requires two men to witness the marriage, his *Rebbi* asked how the marriage of *Adam* and *Chavah* could have been valid, if there were no kosher witnesses at the time. The young *Moshe Sofer* immediately replied that the *Gemara (Kidushin 65b)* derives the requirement of 2 witnesses for marriage from the fact that 2 witnesses are required to establish monetary obligations. If so, just as where someone admits that he owes money he is believed (without witnesses), so too, if a man and woman "admit" that they married, they should be believed without witnesses. However, the *Gemara* points out that where someone admits to owing money, he is believed only where/because his admission does not cause harm to another. Since a marriage causes "harm" to others, by forbidding the betrothed woman to all her husband's relatives, the "admission" is ineffective. However, since *Adam* and *Chavah* had no relatives when they married, no one was harmed by their admission. They therefore did not need witnesses and could freely admit to their marriage.

P.S. Sholosh Seudos sponsored by the Schoenfeld family.

This issue is dedicated:

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

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