



	Candles	Mincha	DafYomi	Shiur	Shachris	ש"ש
Friday	5:40	5:50				10:01
Shabbos		5:40	4:45	5:20	9:00	10:01
Sunday		4:45	5:30		7:30	9:02

## IMPORTANCE OF ....

The Gemara (Berachos 47b) quotes R' Yehoshua b. Levi that a *minyan* may consist of nine Jews and one *Eved Canaani* (gentile slave). The Gemara asks, why then did R' Eliezer, after arriving in a Shul where there was no *minyan*, free his slave to complete the *minyan*, if the slave was eligible as is? The Gemara answers that R' Eliezer had 2 slaves with him, both of whom were needed. He freed one as the 9<sup>th</sup>, and left the other as a slave for the 10<sup>th</sup>. Did this not transgress "לעולם בהם תעבדו" which forbids one to free a slave? The Gemara answers that it is permitted for a *mitzvah*. Is it not a מצוה הבאה בעבירה? Perhaps, but a מצוה דרבים (for the public good) is different. The Magen Avraham (או"ח 90:30) asks why it would be a מצוה הבאה בעבירה. According to the RaN, the prohibition against freeing a slave is to prevent doing the slave a favor, akin to לא תחנם. Here, it is obvious that R' Eliezer freed the slave to complete the *minyan*, not to benefit the slave. As such it should not be an עבירה at all! The Yeshuos Yaakov (או"ח 90:7) cites the Gemara (Gittin 41b) which says that we force the master of a half-slave (who is also a half-Jew) to free the enslaved half. As a half-slave may not marry a Jewess, non-Jewess or half-Jewess, his Jewish half will be unable to fulfill the *mitzvah* of פרו ורבו unless freed. The Gemara (ibid 38b) also cites the case of R' Eliezer when asking how the master may transgress לעולם בהם תעבדו, and answers that for a *mitzvah* it is permitted. Here, the Gemara does not raise the מצוה הבאה בעבירה issue. Why not? Because there is no עבירה in the *mitzvah* of benefiting the Jewish half of the slave. However, R' Eliezer's choosing to free one slave over the other was a clear, gratuitous benefit to him.

## QUESTION OF THE WEEK:

If the tenth man of a *minyan* walks out during *davening* against the *Halacha*, is it then permitted for the ninth to walk out?

## ANSWER TO LAST WEEK:

(What unique *Halacha* is shared by these five *mitzvos*?)

The Avudraham (quoted in Darchei Noam או"ח 3:3) states that these 6 *mitzvos*: Omer, Kiddush Levanah, Tzitzis, Shofar, Lulav and Milah, which form the acrostic שלם עלץ שלם, all require that one stand when reciting their *brocho*. Since the Torah states the word לכם in each case, a Gezerah Shava is used to apply the obligation to stand for Omer (derived from חרמש בקמה) on the others as well.

## DIN'S CORNER:

If one added יעלה ויבוא or זכרנו לחיים etc... to Shemona Esrei by mistake on a regular day, he must go back and restart the *brocho*, or, if in the first or last 3 *berachos* of Shemona Esrei, he must restart all 3. However, if he is saying תשלומין (i.e. a makeup Shemona Esrei) for having missed יעלה ויבוא in the previous Tefilah (e.g. Mincha), even though יעלה ויבוא would not normally have been required now (in Maariv), it would not require a restart. (Biur Halacha 108:12)

## DID YOU KNOW THAT ....

The Gemara (Shabbos 154b) says that the donkey of Rabon Gamliel was once loaded with sacks of honey as Shabbos began, but R. Gamliel did not wish to unload it during Shabbos so as to avoid several possible Rabbinic prohibitions. On Motzai Shabbos the donkey died. The Gemara asks how R. Gamliel could cause such suffering to the animal - was it not צער בעלי חיים to leave it burdened all Shabbos? The Gemara answers that R. Gamliel held צער בעלי חיים to be only a Rabbinic prohibition (Rema rules otherwise). As such, he was unwilling to transgress Shabbos prohibitions to avoid it. The Chasam Sofer notes that our right to use beasts of burden in the first place, as well as to use a whip or stick on them is based on the Posuk: ... ובכל חיה ... ורדו בדגת הים, and where there is a human need, צער בעלי חיים is not an issue. The Gemara's interest in suggesting צער בעלי חיים here was only to be דוחה (push aside) the Shabbos Rabbinic prohibitions. Once they were gone, R. Gamliel would have no need or use for causing the animal pain and would thus have been obligated to unload it on Shabbos. The Terumas HaDeshen (Psakim 105) determined that acts like removing feathers from a live goose or beautifying a dog by removing its tail or ears were also not per se violations of צער בעלי חיים since there was a human benefit. Yet, people apparently did not commit such acts, as they were inherently cruel, and perhaps they were aware of how Rabbi suffered (see Bava Metzia 85a) when he did not have pity on a calf that came over and cried to him upon being taken to slaughter. Based on the above, the Tzitz Eliezer (14:68) ruled to permit animal experimentation with the caveat that all attempts should be made to minimize the suffering through anesthesia and the like.

## A Lesson Can Be Learned From:

R' Chaim Shmulevitz was once on his way to visit the Keiver of the Or HaChaim HaKadosh when he passed the monument of Yad Avshalom. He stopped and stood quietly in front of it for a while and then suddenly began to daven. His companions looked at him and wondered why he was davening there. Avshalom was a killer, a rebellious son. Dovid HaMelech had to raise him seven levels to get him out of Gehinom. Of what use would a Tefilah be in such a place? R' Chaim explained to them that as he stood before Yad Avshalom, he realized that when a person says "I forgive you" to another, they are only words. When a father says it to a son, he really means it. Imagine the disappointments and persecution that Dovid HaMelech had to suffer and endure from his son Avshalom. Yet, as a father, he forgave him. Only when the Ribono Shel Olam is viewed in a father's role can we hope for His forgiveness. R' Chaim added that many times, after he had davened at the Keiver of a Tzadik, he would not feel confident that his Tefilos were being accepted. Here however, after this Tefilah, he regained the sense that his Tefilos were being answered.

**P.S.** Sholosh Seudos sponsored this week by the Sternberg family.