

**IMPORTANCE OF**

The *Gemara* (*Bava Kamma* 27b) relates that two partners shared a well, alternating days to draw its water. When one partner drew water on the wrong day despite the other's protest, the aggrieved partner hit him with a shovel handle. Rav Nachman approved the blow as a permissible exercise of self-help, particularly where one knows he is in the right, and where to delay and initiate a *Din Torah* would cause a continued loss. *Shulchan Aruch* (4:1) rules accordingly. The *Gemara* also quotes Ben Bag Bag who advises one who is thus **עביד דינא לנפשי** to do so proudly and publicly, as a matter of right. The *Yalkut Shimoni* (241) describes how Uza, the agent of Egypt complained to *Hashem* at the *Yam Suf* that the Egyptians did not deserve to be drowned for merely enslaving the Jews, especially since the Jews had been "paid" with Egypt's gold and silver. *Hashem* agreed to convene a *Beis Din* for Uza to adjudicate the matter. **עביד דינא לנפשי** asks why Uza did not come to complain during **מכת בכורות** when Egyptians were also dying. He answers by reference to the *Zohar* which says that had the Jews remained a moment more in Egypt, they would have descended irretrievably into the 50th level of **טומאה**. As such, *Hashem* would not have convened a *Beis Din* for Uza in Egypt, since the risk of loss to the Jews every extra moment was so great. Instead, *Hashem* **עביד דינא לנפשי**, forcing Pharaoh to free the Jews by killing the first-born, without a *Beis Din*. At the *Yam Suf*, however, there was no immediate **פסידא** and *Hashem* agreed to a *Din Torah* with Uza. Therefore, Shmuel (*Pesachim* 116a) characterizes **עבדים היינו** as the *Hagadah's* beginning with **גנאי** (shame), since *Hashem* was "forced" to redeem us preemptively to prevent the **פסידא** of our sinking into the **טומאה** of Egypt. And He did so **בדחוקה**, as Ben Bag Bag had advised.

QUESTION OF THE WEEK:

When would a *Hefker* item in a private **חצר** (property) not be acquired automatically by the owner of the **חצר** but instead, by the first stranger to come along and take it ?

ANSWER TO LAST WEEK:

(What *mitzvah* may we not do for another if he never did it himself ?)

Tosfos (*Bava Basra* 74a) says that if one never wore a *Talis* with *Tzitzis* in his life, burying him in them would mock the *mitzvah* and we should not do so for him. In order not to embarrass him however, the *minhag* developed to bury everyone without them, placing *Tzitzis* briefly on the *Talis* of those who had observed the *mitzvah*, and then removing them before burial.

DIN'S CORNER:

The *Seder* table should be set before dark on *Erev Pesach* so that one can begin the *Seder* immediately upon returning home from *Shul*. Although one may not begin until after **צאת הכוכבים**, the *Seder* should "move along" so that young children can hear the answers to **מה נשתנה** and see the Matzoh etc... (שו"ת הלכות 472)

DID YOU KNOW THAT

The *Mishna* (*Pesachim* 50a) states that the permissibility of going to work on *Erev Pesach* morning was dependent upon custom. *Rashi* explains that one who goes to work runs the risk of forgetting *inter alia* to destroy his **חמץ** and/or to offer the *Korban Pesach*. Other *Rishonim* (*Tosafos*, *Rosh*, *Ramban*) cite the *Yerushalmi's* reason, that one simply does not work on a day upon which a *Korban* is brought. *Baal HaMaor* disagrees, arguing that since we do not bring *Korbanos* today, that rule is no longer relevant. However, *Ramban* criticizes that theory, since it is an accepted rule that even when the reason for a **תקנה** seems to be moot, we still require a greater *Beis Din* to nullify the **תקנה** itself. *Ramban* proves this by citing the *Mishna* (*Pesachim* 99b) which advises one not to eat *Erev Pesach* afternoon, lest he forget to offer the *Korban*. R' Yehudah Ben Besaira stated that if one offered it in the morning, it was also valid **בדיעבד**. As such, Rav Sheshes would fast the entire *Erev Pesach*, even though the *Beis HaMikdash* was no longer standing in his day. *Chasam Sofer* rebuts this proof, citing a *Magen Avraham* (9:7) which distinguishes between a **תקנה** whose reason is known to all, and one where the reason is not clear. Since the reason for not working was explicitly to facilitate the *Korban*, once the reason is no more, the **תקנה** is automatically nullified. *Pnei Yehoshua* offers the unique perspective that since the *Torah* specifically included the 14th day of Nisan in its discussion of the *Moadim* (festivals), *Erev Pesach* takes on a different identity than other *Erev Yom Tov* days, since it is itself a pseudo-**מועד**, similar to *Chol HaMoed*. As such, *Erev Pesach's* **איסור מלאכה** stems not from offering the *Korban* but from designating *Erev Pesach* as a **מועד**, which itself is the basis for bringing a *Korban*.

A Lesson Can Be Learned From:

R' Shmuel Mohilever was one of the foremost supporters of the *Chovvei Zion* movement, a religious group intent on returning to *Eretz Yisroel* and reestablishing a community according to *Torah* standards. Once, during a *Drasha*, someone asked him why the events leading up to **יציאת מצרים** required two of *Hashem's* messengers – Moshe and Aharon. Surely Moshe could have performed all that was necessary himself. R' Shmuel replied that a parallel existed between **יציאת מצרים** and the **גאולה** that we will merit very soon **בעזרת השם** when *HaKadosh Boruch Hu* will send down both *Moshiach ben Yosef* and then *Moshiach ben David* to redeem us. One of R' Shmuel's *Talmidim* asked why two *Moshiachs* would be necessary. Surely one could effect the **גאולה**. R' Shmuel sighed for a moment and then, looking around the room, he explained that although one *Moshiach* could certainly take the Jews out of *Golus*, a second *Moshiach* would be necessary to take the *Golus* out of the Jews !

P.S. Sholosh Seudos should be eaten as soon after 1:30 P.M. as possible, preferably after *Mincha* is *davened*.