



IMPORTANCE OF

The *Midrash Tanchuma (Terumah 1)* states in R' Yanai's name that one is permitted to eat *Terumah* on the grave of a *Kohen* who is not a *Ben Torah*. As only a *Kohen* may eat *Terumah*, are we to conclude that the grave of a *Kohen Am HaAretz* does not convey *טומאה*, allowing a *Kohen* to eat there, but only one of a *Kohen Talmid Chochom* does ? The *Birchas Peretz* cites the *Gemara (Berachos 18a)* which forbids one from wearing *Tefillin* or reading from a *Sefer Torah* in a cemetery near a *מת* as it constitutes "לועג לרש" – mocking the poor (*i.e.* the dead who are deprived of *mitzvah* opportunities). The *Mishna Berurah (23:5)* notes that this restriction applies even in the vicinity of a *קטן's* grave who although was not physically obligated in *mitzvos*, might have had an adult *נשמה*. However, near the grave of a woman there is no *איסור* since she was not obligated in these *mitzvos (Torah, Tefillin)* while alive. As such, since eating *Terumah* is a *mitzvah*, a *Kohen* would not be permitted to eat *Terumah* within proximity (4 *Amos*) of another *Kohen's* grave, but near a *Yisroel's* grave it should be permitted. The *Gemara (Chulin 130b)* states that one should not give gifts to a *Kohen Am HaAretz*, citing a *Posuk* which ties gifts to strengthening of *Torah*. If so, a *Kohen Am HaAretz* could also not expect to be given gifts of *Terumah* while alive and would therefore not feel mocked if a *Kohen* ate some near his grave. Yet, doing so near the grave of a *Kohen Talmid Chochom* would still be *לועג לרש*. However, wouldn't eating "on" any grave render both the *Kohen* and the *Terumah טמא* ?! The *Gemara (Sanhedrin 71a)* quotes R' Yonasan as saying that he sat on the grave of a *Ben Sorer U'Moreh*. According to *Rashi (Bava Metzia 90)*, R' Yonasan was a *Kohen* ! How could he do so ? It must be that R' Yonasan meant he sat within 4 *Amos* of the grave, but not actually on it. Here too, R' Yanai would allow a *Kohen* to eat *Terumah* within 4 *Amos* of the *Kohen Am HaAretz's* grave.

DID YOU KNOW THAT

The *Gemara (Shabbos 122b)* states that the *Torah* permits the removal of a closet door from its socket on *Shabbos*, but not the reinsertion. As a door is considered to be a "utensil" (*כלי*), the rationale behind this ruling would seem to depend on whether the prohibitions of building and dismantling on *Shabbos* apply to utensils. Rava concludes that they do not, but reinserting the door would run afoul of the prohibition against *מכה בפטיש* – striking the final blow in a process. The question was raised in *אז נדברו (7:28)* if we derive all prohibited acts on *Shabbos* from the fact that they were performed as part of the *Mishkan's* functionality, why do we not also derive prohibitions against the building or disassembling of utensils on *Shabbos*, since such utensils as the *Aron, Menorah* and *Shulchan* were assembled regularly in the *Mishkan* ? The *Eglei Tal (Pesicha 15)* asks why the act of squeezing oil out of olives on *Shabbos* is only a form of a *דש* derivative called *מפרק*. After all, didn't they need oil for the *Korban Mincha* ? Squeezing should be an *Av Melachah*, and in fact, this is the opinion of *Rav Hai Gaon*. However most *Rishonim* disagree, limiting the list of *Melachos* from the *Mishkan* to those acts associated with the physical *Mishkan* itself, and not including activities associated with *Korbanos*. The *Gemara (Shabbos 49b)* states regarding the 39 *Melachos: הם זרעו ואתם לא תזרעו הם קצרו ואתם לא תקצרו* – they planted [for the *Mishkan*] you should not plant [on *Shabbos*]; they reaped, you should not reap. *Rashi* explains that the planting and reaping were to provide dyes for the wool and skins. Did they not need bread for the *Korban Todah* and the *Lechem HaPanim*, which would require planting and reaping ? Yet, such an objective is not mentioned as the source for these two *Melachos*. The same theory would presumably hold true regarding acts associated not with the *Mishkan* per se, but with the *כלים* of the *Mishkan*, and as such, *בנין וסתירה בכלים* on *Shabbos* would remain un-prohibited by the *Torah*.

QUESTION OF THE WEEK:

Why does the first *Parsha* of *Krias Shema (ואהבת)* include the words: *וכל מאדך*, but the second *Parsha* does not ?

ANSWER TO LAST WEEK:

(Where would one's name be used for *דבר שבקדושה* only for doing wrong ?) The *Sefer Chasidim (1103)* states that if a *Tzadik* has a wicked son, the son should be called for an *Aliyah* using a *Rasha's* name, *e.g.* instead of *Eisav b. Yitzchok*, he should use *Eisav b. Nimrod*. If he had a wicked grandfather, the grandfather's name should be used. However, if the *Tzadik-father* is even slightly to blame for the son's wickedness (*e.g.* no rebuke), his name may be used.

DIN'S CORNER:

One who rises from bed before dawn, should say *Birchos HaTorah*. Even if he goes back to sleep, he need not repeat the *Birchos HaTorah* later, because it is assumed that he had in mind for those *berachos* to be effective until he goes to sleep the following night. Some opinions hold that if one does repeat the *berachos*, he does not lose thereby. (*MB 47:29*)

A Lesson Can Be Learned From:

A *Rav* was asked to be *Mesader Kidushin* at a certain *Chasunah*. The *Rav* asked if there would be a *Kosher Mechitzah* at the wedding and he was assured that there would be. When he arrived at the hall he saw that in fact there was a proper *Mechitzah*, and he was pleased that everything appeared to be in order. After the *Chupah*, the *Rav* sat down for a short while to participate in the *Simcha*. A man approached the *Rav* and advised him that as soon as he would leave, the *Mechitzah* would come down and there would in all likelihood be mixed dancing. As long as the *Rav* remained there, however, this would not happen. The *Rav* was now faced with a dilemma, since he was scheduled to give a *Shiur* in a few minutes, and had been about to leave. On the one hand, nothing damages a regular *Shiur* like the *Magid Shiur* not showing up from time to time. On the other hand, how could he leave, and by leaving cause such prohibited behavior to take place ? Upon discussing the question, it was concluded that the *Rav* should stay at the wedding, based on a *Gemara (Succah 52a)* which relates that *Abaye* once spotted a man and woman walking into a forest, and fearing that they may have intended to sin there, *Abaye* followed them for quite a while until they emerged and entered a city. Thus, to prevent sinful behavior, *Abaye* deemed it proper to waste precious *Torah* learning time, and so should the *Rav*.

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

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