



A Kehilas Prozdor Publication

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(Monsey/Spring Valley Z'manim)

	Candles	Mincha	Daf Yomi	Shachris	פרשת: יתרו	סזק"ש
Friday	5:11	5:21				9:32
Shabbos		1:45/5:11	4:30	9:00		9:31
Sunday		5:21	5:35	8:00		9:30

IMPORTANCE OF

The *Shulchan Aruch* (ח"מ 2:1) states that in desperate times (when rampant immorality threatens), a *Beis Din* of unordained judges, a *Gadol HaDor* or the *Tuvei Ha-Ir* (elders of the city – based on the original 70 *Zekeinim*) may rule on financial or life-and death matters, provided they do so *L'Shem Shomayim*. The *Shvus Yaakov* was asked by the *Tuvei Ha-Ir* of Mitz, if they could establish a permanent *Beis Din* in their city to rule on all matters. The *minhag* until then in Mitz was to allow each side of a dispute to select one judge, and then the two so selected would choose a third. The *Shvus Yaakov* agreed that the *Tuvei Ha-Ir* would seem to have the authority to change a city's *minhag* as long as it doesn't create inequities (See *Rema* ח"מ 2:1) but in this case, the frequency with which unqualified judges were appointed as political or familial favors was too great to allow the *minhag* to change. The tried and true method of each side selecting its own judge was much more reliable. The *Noda BiYehudah* (ח"מ 1:20) invalidated a new tax on rental property that was levied by the *Tuvei Ha-Ir* of Bamberg saying that the power of *Tuvei Ha-Ir* is restricted to enforcement of longstanding *minhagim* only. They have no authority to institute new taxes on the people without their consent, particularly since such a tax would free the non-property owners of a burden at the expense of the property owners, from which the *Tuvei Ha-Ir* stood to benefit personally. *Rashi* comments on the words: *ואתה תחזה* that Moshe would need to use his *Ruach HaKodesh* to select judges who possessed the four attributes of: *אנשי חיל יראי אלוקים אנשי אמת שנאי בצע*. And yet, the *Posuk* later states: *ויבחר משה אנשי חיל מכל ישראל*, when Moshe went out to search for judges among all of *Bnei Yisroel*, he was unable to find candidates who possessed more than the one attribute of *אנשי חיל*.

QUESTION OF THE WEEK:

May one disclose derogatory information to someone who has a right to know, if that person is able to discover it himself ?

ANSWER TO LAST WEEK:

(May one disclose how teachers voted regarding expulsion of a student ?)
 If 3 or more teachers were present, it may be considered *אפי תלתא* which permits disclosure, but not to the student himself. One may disclose to others if his *Kavanah* is without an agenda, i.e. not to complain about those who voted differently. Some *Poskim* still forbid disclosure, arguing that any such "closed-door" meeting is meant to be secret, so *אפי תלתא* would not apply.

DIN'S CORNER:

Publishers of new *Sefarim* retain exclusive rights to the *Sefer* for a time, which in the past, may have been up to 15 years, because there were few buyers, and 15 years were needed to recoup their expenses. Today, with many buyers, no more than a year or two is required. *Beis Din* may examine the publisher's financials and make that determination. (*Teshuvos V'Hanhagos* 3:466)

DID YOU KNOW THAT

The *Gemara* (*Menachos* 98a) cites a phenomenon in the *Beis HaMikdash* based on the *Posuk*: *ויראו ראשי הבדים מן הקדש* – the tips of the poles [of the *Aron*] were seen from the *Kodesh*, yet, the *Posuk* continues: *ולא יראו החוצה* – they were not seen outside [the *Kodesh Kodashim*]. How could this be ? The *Gemara* answers that the tips of the poles pressed against the *Paroches* and the protrusion was seen on the other side (in the *Kodesh*), but the poles were not actually seen there. The *Tashbetz* (30) permits one to cover the *Tefillin Shel Rosh* with a cloth. Does not the *Gemara* (*Berachos* 6a) *darshen* from *נקרא עליך ד' נקרא עליך* that this refers to *Tefillin Shel Rosh*, which must be seen (*וראו*) ? The *Tashbetz* answers that *וראו* tells us **where** one should place the *Tefillin Shel Rosh* - on one's prominent forehead, adding that *וראו* is not to be taken literally, as we see it is used to mean *ושמעו*, such as in the *Posuk*: *וכל העם רואים את הקולות*. The *MaHarsham* takes issue with this equivalence between *וראו* and *ושמעו*, based on *Rashi's* comment on the words: *וירא יעקב כי יש שבר במצרים* where *Rashi* makes the point *הלא לא ראה אלא שמע* (Yaakov did not see, he heard). However the *MaHarsham* agrees with the *Tashbetz's* ruling based on the *Gemara* (above) which considers seeing protrusions as having seen the objects themselves. Thus, seeing covered *Tefillin* atop one's head qualifies as seeing the *Tefillin* itself, satisfying the requirement of *וראו*. The (15) *שיח יצחק* was asked to rule where one put on his *Tefillin Shel Rosh* but forgot to remove the thin, square-shaped guard that covered the *Tefillin* (when not being worn) for protection. Must he put on the *Tefillin* again ? Accepting the ruling of the *Tashbetz* and *MaHarsham*, but recognizing other questions, such as would one be required to fast if he dropped the *Tefillin* on the floor with its cover, or could one wear the *Tefillin* where the shaped cover was transparent, the *Siach Yitzchok* recommended that the *Tefillin* be donned again, with a *brocho*, and that *Krias Shema* be said with them.

A Lesson Can Be Learned From:

With the outbreak of World War II, the family of Pinchos Schreiber fled to Siberia where, at the age of ten, Pinchas was forced to labor in a work camp. Every day at 4:00 p.m. he and his father returned from work and immediately began studying *Shulchan Aruch Yoreh De'ah* orally. They would study while walking briskly around the camp to keep warm. When Russia entered the war, the camp laborers were released but most died of starvation, cold or disease. Pinchas managed to reach Teheran, where many other child refugees from Europe had also gathered, and Jewish Agency representatives were waiting to send them on a ship to Eretz Yisroel. During the voyage the children had their paves snipped off and were subjected to anti-religious indoctrination. Of the 1,100 children who came to be known as "the Children of Teheran," only six continued to keep Torah and mitzvos even though virtually all had come from fully observant homes in Europe. Upon arrival in Eretz Yisroel, the children were taken for a trip to Yerushalayim. Near the Kosel, Pinchos saw three bochurim from Yeshivas Chevron. He ran up to them, asking them to take him out of the group of youngsters. "What makes you different from the rest?" they asked. "I know *Shulchan Aruch Yoreh De'ah* by heart. You can test me." And so, HaRav Pinchos Schreiber wound up in Yeshivas Chevron, living in the Rosh Yeshiva's home, and eventually growing up to be a Rosh Yeshiva in Yeshivas Breslov of Bnei Brak and a Dayan in the *Beis Din* of Rav Nissim Karelitz.

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

This issue is dedicated:

ולז"נ אבי מורי הרב אהרן זאב ב"ר שמואל ולז"נ אמי מורתי מלכה ב"ר יהודה לייבוש הלוי

Dedications (\$18) and appreciations may be sent to: Kehilas Prozdor, 8 GreenHill Lane, Spring Valley, N.Y. 10977 (845) 354-7240

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