



A Kehilas Prozdor Publication

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(Monsey/Spring Valley Z'manim)

פרשת: משפטים-שקלים

	Candles	Mincha	Daf Yomi	Shachris	ש"ק
Friday	5:19	5:29			9:27
Shabbos		1:45/5:19	4:40	9:00	9:26
Sunday		5:29	5:50	8:00	9:25

IMPORTANCE OF

The Gemara (Chulin 11a) derives the principle that majority rules from the Posuk: **אחרי רבים להטות**, where a *Beis Din's* decision will be based on a majority of the judges. The Gemara (ibid 98b) derives from the same Posuk that the **מיעוט** (minority) will be **בטל ברוב** - nullified in the majority. Normally when the *Miyut* is *Batel B'Rov*, the *Miyut* "disappears", being absorbed into the *Rov*. So with food, for example, the *Miyut* that is *Assur* is *Batel* in the *Rov* that is *Mutar*, and the whole mixture may be eaten. However, the *Rosh* (Chulin 7:20) states that this may be true only where the *Miyut* is mixed in so well as to be indistinguishable from the *Rov*. Where the *Miyut* can be distinguished, it will not be *Batel* in the *Rov*. As such, if a *Beis Din* of 23 *Dayanim* is required for capital crimes and 13 rule guilty while 10 rule not guilty, the only way that a subsequent execution can be the verdict of a 23-man *Beis Din* is if the *Miyut* of 10 are absorbed into the *Rov* of 13, to equal 23. But are the 10 not distinguishable, which means they cannot be *Batel*? The *Mishna* (Succah 2a) states that a Succah where the sunlight is more than the shade is *Pasul* because, as *Rashi* explains, the shade of the *Schach* is *Batel* to the sunlight. The *Maharitz Chayis* asks: Is not the *Schach* distinguishable? and answers that it is not the *Schach* which becomes *Batel*, but rather the shade, which has no substance, and can therefore not be distinguished. He brings proof from the *Rambam* (Berachos 9:9) who rules that when 2 aromas are present where one of them requires a *brocho* and the other does not, we follow the *Rov*, even though the source of each aroma is distinguishable, because the aromas themselves are insubstantial and not distinguishable. The *Ohr Avrohom* suggests therefore, that with regard to the *Dayanim*, it is not the *Miyut* of 10 judges that is *Batel* to the *Rov* of 13, but rather their opinions, which like shade and aroma, are not a substance that can be distinguished, and therefore *Bitul* will work..

DID YOU KNOW THAT

The Gemara (Berachos 32b) states that a *Kohen* who killed may not *duchan*. *Tosafos* (Yevamos 7a) notes that such a *Kohen* is still eligible to do *Avodah* in the *Beis HaMikdash*, and it is only a *Chumra* that prevents him from *duchaning*. *Tosafos* then suggests a second rationale, based on the theory that a prosecutor cannot be a defender (**אין קטגור נעשה סגור**), which invalidates the *Kohen's* hands which have shed blood, from using them to *duchan*. This is based on a Posuk (**ידיכם דמים מלאו**) which states that Hashem will ignore hands that are full of blood. The *Yerushalmi* (Gittin 5:9) states that if one were to complain about a *Kohen* who sheds blood or engages in immoral acts, asking how such a person's *brocho* could be effective, Hashem's reply would be "Is he blessing you? I am blessing you!", as the Posuk says **ואני אברכם**. Many *Rishonim* hold that the *Bavli Gemara* (which says he may not *duchan*) is speaking of a known killer who continues to kill, while the *Yerushalmi* speaks of a *Kohen* who killed and did *Teshuvah*, making him eligible again. However, the *Rambam* (Tefilah 15:3) rules that *Teshuvah* does not help him in this regard, and he remains ineligible to *duchan*. According to the *Rambam*, the *Yerushalmi* permits him to *duchan* only if there is no more than rumors that he has killed, while the *Bavli* speaks of one who is known to have killed. Accordingly, the *Shulchan Aruch* (א"ח 128:35-37) is lenient on rumors but strict even after *Teshuvah* (the *Rema* disagrees), with a clear exception where one was forced to kill against his will. However, whether it is known or only suspected, the *Kohen* himself who knows what he has done, is certainly obligated to abstain from *duchaning* if he has shed blood. The *Mechilta* (*Mishpatim*) states that where the Posuk says: **וכי יזיד איש על רעהו להרגו בערמה**, the word **רעהו** excludes non-Jews. This raises the question of whether a *Kohen* who has killed a non-Jew becomes ineligible to *duchan*. Most *Poskim* restrict the ineligibility to one who has killed a Jew, especially where the non-Jew is not known to observe the 7 Noachide laws, but some hold that the **אין קטגור** rule may still apply. The *Chavos Daas* (2:14) finds consensus for *Kohen* soldiers in the IDF to remain eligible after killing enemy soldiers in war, as such a defensive act certainly qualifies as being done against one's will.

QUESTION OF THE WEEK:

If one publicly claims money from another without any proof, may such an attempt be viewed negatively?

ANSWER TO LAST WEEK:

(May one disclose to someone who can find it out on his own?)
It is *Mutar* to disclose negative information *L'Toeles* to someone who has the right to know it, even if he could find it out on his own. However one should try, if possible, to find another way for the "asker" to find the information, without actually telling him.

DIN'S CORNER:

If one ate a fruit but is unsure if the fruit is one of the seven types of food that *Eretz Yisroel* is praised with, he may not say the special **ברכה אחרונה** of **על העץ**. If he also drinks wine or eats a grain product, he may then add in the words **על העץ** to the *brocho* he says over those foods, since he did in fact eat fruit. However, if unsure if he drank wine, even if he ate cake, he may not add in the words **על הגפן** to the **על המחיה**. (MB 208:81)

A Lesson Can Be Learned From:

Rav Betzalel Rakow was the Rav of a unified Kehillah in Gateshead, England and was therefore known as the Gateshead Rav. This position carried great responsibility as he was the only Rav in the town and he had to make himself available at all times for the needs of the Kehillah. On one of those rare occasions when the Rav would take a vacation, a notice was posted in the Gateshead Shul that the Rav would be available for one hour a day for Shailos, and a time and telephone number were listed. What the members of the Kehillah did not know was that the Rav was staying in an apartment that did not have a telephone. As this was many years before mobile phones were available, how did R' Rakow make himself reachable? The non-Jews in the Rav's vacation area could have explained it, as they saw him every day, "hanging out" next to a public phone box for an hour with his eyes glued to a Hebrew book!

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

This issue is dedicated:

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