



	Candles	Mincha	Daf Yomi	Shachris	שק"ש
Friday	5:52	6:02			9:57
Shabbos		1:45/5:52	5:15	9:00	9:57
Sunday		6:02	6:30	8:00	9:58

IMPORTANCE OF

The Gemara (Bava Basra 100a) states that if a pathway through private property is used consistently by the public, the public are deemed to have acquired it. The Gemara records the opinion of R' Eliezer who derives from Avraham's travel through the land of Canaan לארכה ולרחבה (its length and width) that the simple act of walking across land can acquire it. The Chachomim disagree, requiring a more proprietary act of Chazakah - a physical act which improves the land, such as digging in the ground or mending a fence. However, the Chachomim agree with R' Eliezer regarding a pathway thru a vineyard, since it is obvious that the pathway was made to be walked upon, and using it in the manner it was intended to provide benefit can constitute an act of Chazakah. The Shulchan Aruch (ח"מ 192:7) rules accordingly, and the Taz applies the rule to a Beis HaKnesses, where the "purchase" of a seat can be consummated by sitting in it, since that is what it is for. The Nesivos points out that even regarding the vineyard pathway, one who walks through does not establish full ownership which would allow him to dig and plant in it. He only receives a "right" to walk through. The same would apply to one's acquisition of a seat in a Beis HaKnesses, where one does not acquire any property rights, as they belong to the Tzibur - but only the privilege to sit there. HaDrash V'HaIyun suggests that establishing the right to sit in a seat by sitting in it may work for a Beis HaKnesses, where the expected activity is sitting for Tefilah. However, a Beis HaMidrash is used for studying, eating, drinking etc..., activities which are open to those who have not acquired a seat there as well. The act of sitting is no more proprietary in such a case than walking through the Beis HaMidrash, and thus both acts would not be effective ways of acquisition. What may be required is a more substantive, traditional form of Chazakah to secure a place.

QUESTION OF THE WEEK:

Who must put on Tefillin properly on Shabbos ?

ANSWER TO LAST WEEK:

(When saying Shemona Esrei with the Shatz, does one say דוד or אתה קדוש ?) The Rivevos Ephraim (8:24) cites the various opinions on this. For Nusach Sfar, everyone agrees he says אתה קדוש, as the Shatz also says it. For Ashkenaz, although to say דוד דוד appears to be a departure from the Nusach HaTefilah, there is support for the position that an individual davening with the Shatz has Shatz status. As such, he may say דוד דוד with the Shatz.

DIN'S CORNER:

If someone wakes up in the middle of the night from thirst, and it is difficult for him to wash his hands, he may wipe them on a cloth or some other material, especially today when everyone sleeps in pajamas, say the brocho of SheHakol, and drink. In the summer, when the top pajama button is left open, there is a greater imperative to wipe the hands on something that will clean them. However, if one had to urinate, and has no water to wash with, he should say אשר יצר in his heart. (Yabia Omer א"ח 4:4)

DID YOU KNOW THAT

The Gemara (Chulin 84b) states that one must eat and drink (at a cost) less than he can afford, clothe himself according to what he can afford, and provide for his wife and children more than he can afford, as they are dependent upon him. The Mizrachi notes that the Posuk ויט אהלה which says that Avrohom set up his tent, used the word אהלה (her tent), because Avrohom extended himself to set up Sarah's tent first, beyond his means. The Gemara (Kesubos 50a) states that Chazal enacted a Takanah in Usha which restricted the amount of money one should spend on mitzvos to 1/5 of his assets. If so, how could one spend more than he has to provide for his wife ? The same question can be asked regarding the Gemara (Pesachim 49a) which states that one should spend "all that he has" in order to marry the daughter of a Talmid Chochom. How are these imperatives, important as they may be, greater than Tzedakah or other clear mitzvos in the Torah which require only limited expenditure ? A question was raised by a man whose son's Bris was to take place on Friday. Because it was a short day, it was difficult to arrange for a Mohel to travel to him, and the only ones willing to come wanted an exorbitant fee, which the poor father could not afford. If the Bris was pushed off to Sunday, he might have been able to secure a Mohel for free. How great was his financial obligation to ensure a Bris בזמנו ? The Marcheshes (1:43:9) suggests that most mitzvos do not require an expenditure of money. Such mitzvos as Tzedaka or Pidyon Shevuim obviously do, and if the 1/5 limitation applies to them, it certainly applies to all other mitzvos, including the בזמנו aspect of a Bris Milah. The להורות נתן (8:86) states that where Chazal made statements that one should spend "all that he has", or more than he has, it was only a יירו - to provoke recognition of its importance, and not an actual חיוב to spend money. The Shvus Yaakov (on עין יעקב) combines both Chazals, and suggests that one spend all that he has on his wife in appreciation of her father being a Talmid Chochom. It would seem however, that even if taken literally, these are not technically expenditures on mitzvos, but rather investments in Torah and שלום בית, and may therefore be exempt from the 20% limitation.

A Lesson Can Be Learned From:

On one of the last trips made by the Ponovezher Rav to Los Angeles, a woman contacted the Rav's assistant and said she wanted to meet the Rav and donate a large amount of money to the Rav's Yeshivos. The Rav refused to meet with her, giving no explanation. When pressed later for the reason, the Rav said that many years before, the Ponovezher Yeshiva was in financial difficulty and a woman asked to meet with the Rav, intending to offer him a very large sum. When the woman extended her hand to "shake on it", the Rav told her that he trusted her even without shaking hands. The woman replied, "If my hand is Traife, then so is my money", and she left. This is the same woman, continued the Rav, who wants to meet with him now. "When I wanted, she didn't want; and now that she wants, I do not want her to have the Zechus".

P.S. Shalosh Seudos sponsored this week 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

As this contains Divrei Torah and partial Pesukim, it should be treated with proper respect, both during and after use

ולע"נ יהודה לייבוש ב"ר אברהם יום טוב הלוי ולע"נ פערל ב"ר יצחק הלוי ולע"נ אברהם ב"ר יעקב חיים ולע"נ רבקה ב"ר מנחם מאיר