



	Candles	Mincha	DafYomi	Shiur	פרשת: בחר	סזק"ש Shachris
Friday	7:44	6:45/7:54				9:19
Shabbos		1:45/7:39	6:45			9:18
Sunday		7:54	8:15			8:00 9:18

**IMPORTANCE OF ...**

The *Mishna (Bava Metzia 58b)* states that one should not ask a merchant the price of an item if he has no intention to purchase it. R' Yehudah says one should not even look at it if he does not have the money to pay for it. Such behavior is called **אונאת דברים** – verbal deception, and transgresses **לא תונו איש את עמיתו**. The *Meiri* explains that by asking about the price and then not buying it, one gives the impression that he considers the price to be too high, which, when others hear about it, might force the merchant to lower the price and suffer a loss. However, the *Raavad* holds that **אונאת דברים** requires an element of embarrassment, which exists in the other examples of the *Mishna* (i.e. telling a *Baal Teshuvah* to recall his past deeds, or reminding someone that his ancestor was a convert). He therefore views one who looks at an item without the money to pay for it, as ridiculing the merchant. The *SMA* (ח"מ 227:51) cites the *MaHarshal* who says that even in instances of **אונאת ממון** where one intentionally commits financial fraud, he is also guilty of **אונאת דברים**. Can it be that every instance of fraud causes embarrassment? The *Rambam* (מכירה 14:15) states that if one defrauds a convert, then he automatically transgresses **אונאת דברים** as well. The *Or Sameach* explains that this is because of the convert's fragile self-esteem, and his suspicion that he is being cheated because of his lineage, ideas which embarrass him and erode his confidence. This would not necessarily apply to a born Jew. However, the *MaHarshal* was speaking of situations where **אונאת ממון** is not actionable, such as with regard to real estate transactions. Since a person who is defrauded in such a case is without **אונאה** recourse, he would likely be embarrassed by his circumstances, and would thus render his defrauder guilty of **אונאת דברים**.

**DID YOU KNOW THAT ....**

The *Mishna (Arachin 31b)* states that since we derive from the words: **ימים תהי גאולתו** - that one who sells a residence in a walled city may redeem it up to a year, at first, the buyers would hide on the last day of that year to prevent the seller from delivering the money and taking back the property. Therefore, Hillel established a **תקנה** allowing the seller in this situation to deposit the money with *Beis Din* and forcibly repossess the house. The *Sefer HaAgudah* on *Gittin* (132) learns from this that without Hillel's **תקנה**, the seller would not have been able to argue that his inability to redeem was an **אונס** caused by the buyer's disappearance, since he should have shown up earlier and not waited for the last day. As such, the *Agudah* maintains, if one swears he will do something within 30 days and then on the 30<sup>th</sup> day, circumstances beyond his control prevent him from fulfilling his word, he cannot claim that it was an **אונס**, because he also should have taken care of it earlier. However, the *Chasam Sofer* (ח"מ 42) questions the validity of this association because a seller is given a year to redeem for this very reason - he may not come up with the money until the last day! Hillel's **תקנה** was designed to avoid a **דין תורה**! A man once gave his wife a *Get* to be effective after 30 days, provided he did not return home before then, appear before her and make up with her. When he arrived before the 30<sup>th</sup> day, he discovered that his wife was hiding from him, and he was thus unable to reconcile with her. The *Mabit* (2:177) ruled that had he arrived in town and done nothing to find her and present himself before her, the *Get* would have been effective. However, here, he had done all that he could by coming and trying to fulfill the condition. As such, the *Get* was deemed null and void.

**QUESTION OF THE WEEK:**

If one were **רח"ל** forced to be *Mechalel Shabbos*, which form of *Chilul Shabbos* should he choose? avoid?

**ANSWER TO LAST WEEK:**

(When would a *Tzibur* continue to *lain* from a *Posul Sefer Torah*?)  
 The *B'Tzeil HaChochmah* (3:14) confirms a *minhag* that if a mistake is found in a *Sefer Torah* during its very first use, the *Kriah* is completed in it anyway, because it is compared to a *Chasan*, whose suspected *Negaim* are to be temporarily ignored.

**DIN'S CORNER:**

Where several *minyanim* are *davening* in a large area (such as the *Kosel*), it is possible, if not likely that one *minyan* is *davening Mincha* while another is *davening Maariv*. Those who complete *Maariv* may certainly answer *Amein* to a nearby *Mincha*, but on *Erev Shabbos*, those who are about to *daven Mincha* should not respond to a *Borchu* said by another *minyan*, unless he specifically bears in mind that he is not being **מקבל שבת** thereby. (*Tzitz Eliezer* 10:15)

**A Lesson Can Be Learned From:**

In a certain Chassidic shtiebel, the custom was not to recite *Tachanun* on the *yahrtzeit* of many *Tzadikim*. One of the *Mispallelim* could not reconcile himself to this *minhag*. He wondered why the *yahrtzeit* was treated as a joyous day that would make *Tachanun* inappropriate. He pointed out that *Tachanun* was usually said on the *yahrtzeit* of *Moshe Rabbeinu*, as it was a sad day. Why are these other *yahrtzeits* different? When he voiced his concerns to the *Rav* of the shtiebel, the *Rav* said that the *Divrei Chaim* explains that *Tachanun* is said on *Moshe Rabbeinu's* *yahrtzeit* because *Moshe* was barred from entering *Eretz Yisroel*. Had *Moshe* been permitted to enter *Eretz Yisroel* and build the *Beis HaMikdash*, that *Beis HaMikdash* would have never been destroyed, making the death of *Moshe* a sad occasion. However, on the *yahrtzeit* of *R' Shimon b. Yochai* (*Lag BaOmer*) *Tachanun* is not said because *R' Shimon* completed his mission in this world, which is a cause for rejoicing. The same is true regarding all the other *Tzadikim* whose *yahrtzeits* are similarly "celebrated" by refraining from saying *Tachanun*. Even *R' Shlomo Zalman Auerbach ZTL*, who was not Chassidic, ruled that when one *davens* with a *Kehilah* whose *minhag* it is to skip *Tachanun* on such *yahrtzeits*, he should also skip it, for the *minhag* is based on an acceptable tradition.

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

This issue is dedicated:

לע"נ אבי מורי הרב אהרן זאב ב"ר שמואל ז"ל

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