



IMPORTANCE OF

The *Gemara* (*Makos* 13b) states that one who is liable for one of the four forms of *Beis Din*-administered executions cannot absolve himself of the death penalty by doing *Teshuvah*. In light of the well-documented efficacy of *Teshuvah*, how it effects atonement and expunges sin from one's records, why should one who did *Teshuvah* properly nevertheless be executed? If Hashem has forgiven him, why is *Beis Din* still going ahead? The *Noda BiYehuda* (א"ח 1:35) explains that punishment in such cases is a *Gezeras HaKasuv* to act as a deterrent. Otherwise, which sinner/criminal wouldn't save himself by doing *Teshuvah*? The *Chida* (*Ein Zocher* – *Malkus* 20) adds that since *Teshuvah* is in one's heart, how is *Beis Din* ever to know if the sinner has sincerely repented? However, if one will be punished in any case, why is it necessary for him to still do *Teshuvah*? Rav Schlesinger (שואלך ודורשך 4:48) suggests that עונש is not a form of revenge for having violated the *Torah*, but rather an incentive for one to regain one's former stature by repenting. Obviously, he/she did not possess sufficient spiritual strength to prevent the transgression which led to the punishment, and must be encouraged to try harder. For this reason every transgression is not "fixable" by *Teshuvah* as a לא שניתק לעשה, because the point of the punishment – to bring about sincere *Teshuvah* for having done the *Aveirah*, would not be accomplished if the *Malkus* consequences of the לא were technically removed by such a concept. *Beis Din* has the power to administer it, as clearly described in the *Gemara* (*Bava Metzia* 59b) where R' Eliezer sought to prove his point with several supernatural effects, the last of which was a *Bas Kol* which proclaimed his superiority. R' Yehoshua stated: לא בשמים היא – the arbiters and decisors of *Halacha* are on Earth, in *Beis Din*, not in Heaven.

QUESTION OF THE WEEK:

Someone was appropriately called up for an *Aliyah*, he went up quickly and said the *Birchos HaTorah* properly, yet he did an *Aveirah*. Why?

ANSWER TO LAST WEEK:

(When would one step back the 3 steps in the middle of *Shemona Esrei*?)

The *Mishna Berurah* (124:13) states that if one wishes to say a "long" *Shemona Esrei* and he fears that others may mock him, he may step back when the *Shliach Tzibur* begins the repetition, and upon returning the three steps, he should complete the *Shemona Esrei*, as long as his intentions were purely לשם שמים.

DIN'S CORNER:

One may not smell one's *Hadasim* on *Succos* as *Hadasim* are normally smelled, and thus they must not be utilized for their regular purpose as they are *Muktzeh*. An *Esrog* on the other hand, may be smelled since it is normally eaten. It may also be smelled, on *Shabbos*. (*MB* 653:1)

DID YOU KNOW THAT

The *Gemara* (*Beitzah* 30b) says that normally, the decorations hanging in a *Succah* are *Muktzeh* until after the whole of *Succos* has ended, unless the owner specifically states before *Yom Tov* that he retains the right to use them during *Bein HaShemashos* (twilight) of the first night of *Succos*. The designation of and dependence upon this time controls the *Din* of *Muktzeh* for *Shabbos* as well, although the theory in *Hilchos Shabbos* is one of *Hachanah* (*Muktzeh* items were not prepared for *Shabbos* use) whereas *Succah* items are *Muktzeh* as *mitzvah* items. However, the *Rema* (א"ח 638:1) rules that the walls of the *Succah* are not *Muktzeh* until the *Succah* is actually used. Mere designation (הזמנה) as a *Succah* is insufficient. As such, especially since during the first *Bein HaShemashos* most men are in *Shul* and are not using the *Succah*, how could anything become *Muktzeh* then, as the *Gemara* implies? The *Minchas Shlomo* (2:54) suggests that although *Hazmanah* is insufficient on its own, when it is followed by actual use, the use combines with the prior *Bein HaShemashos Hazmanah* time to establish *Muktzeh*. This is evident from the *Mishna Berurah* (638:3) who says that *Muktzeh* only affects a *Succah* which was built for the *Yom Tov*. However it would not apply to shelters built for shepherds and watchmen, even if used on *Succos*, as they had no *Hazmanah* at the first *Bein HaShemashos*. Furthermore, even if one had actually sat in such a shepherd or watchmen shelter during that first *Bein HaShemashos*, *Muktzeh* would still not apply, as there is a significant distinction between the *mitzvah* of *Succah* and the *Kedusha* (sanctity) of *Succah*. Although any shelter built for shade is potentially valid for *Succah* use, it does not obtain the *Kedusha* of a *Succah* unless it enjoyed a proper *Hazmanah* as such during *Bein HaShemashos*. It is therefore possible to build a *Succah* with a specific intent that it be a shelter and not for the *mitzvah*, use it temporarily as a *Succah* without designating it, and be permitted to otherwise use its walls and decorations.

A Lesson Can Be Learned From:

A Rav gave a *Drasha* in which he recounted the story of a woman who had constantly prayed that she should merit a son who would be a distinguished *Talmid Chochom* and make her proud. When the woman died she was survived only by a daughter whose son did eventually grow up to be the *Talmid Chochom* that his grandmother had prayed for. The Rav wished to illustrate how every prayer, although sometimes appearing to go unanswered, will someday bear the requested fruit. Someone pointed out that the woman's prayer had been for herself and that although her grandson turned out to be a *Talmid Chochom*, she had really wanted such a son for her own. The Rav replied: "This woman's daughter was a big disappointment to her as well and she constantly prayed that her daughter do *Teshuvah*. When the daughter saw what a son she had, she finally did *Teshuvah*. Thus, although the grandmother had already died, both of her prayers were answered".

P.S. I would like to apologize to anyone who felt slighted or insulted by something that I wrote this year, and sincerely ask for *Mechilah*.

This issue is dedicated:

לז"נ פערל ב"ר יצחק הלוי

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