



	Candles	Mincha	DafYomi	Shiur	פרשת: ראש שוק"ש Shachris
Friday	7:21	6:45/7:31			9:37
Shabbos		1:45/7:16	6:15	7:05	9:00
Sunday		7:31	8:10		8:00
					9:38
					9:38

IMPORTANCE OF

The Gemara (Pesachim 23a) discusses the rule that all items forbidden by the Torah to be eaten imply an Issur to derive benefit from them as well. However, a Mishna is cited which permits hunters and fishermen to sell off non-kosher creatures that they acquire, which is a clear benefit. The Gemara concludes that one is permitted to derive benefit, but only *Bedieved*.. One may not do business with them *LeChatchila* if they are the type of commodity that is usually eaten. *Tosafos* adds that horses, camels and mules that are usually used as beasts of burden may be bought and sold because they are not normally eaten. If the merchandise just happens to "fall" into one's lap, it is categorized as *נודמנה לו* and it may be sold. For example, if the catch of a trap or fisherman yields both permitted and non-permitted game, he may sell off the non-permitted as incidental. The *Shulchan Aruch* (י"ד 117:1) rules as such. The *פתחי תשובה* discusses the question of one who wishes to engage in the business of selling rabbit (ארנבת) hides and fur. Apparently, the hunters were unwilling to sell the hide alone to the merchants. One would have to buy the entire rabbit and then somehow dispose of the rabbit meat while selling the skin. The *תפארת ישראל* was inclined to rule leniently, rationalizing that if the merchant made enough on the sale of the hide to render the rabbit meat's value insignificant, he would have thereby converted the meat to a status of *נודמנה לו*. The *Noda BiYehuda* (י"ד 2:62) faced with a similar question ruled that since the whole prohibition was Rabbinic (*Chasam Sofer* disagrees), we may rely on the assumption that the merchant's real interest centers around the hide or fur only. As such, the whole rabbit may be viewed as a mixed catch, where the fisherman may sell off the non-permitted portion under the rule of *נודמנה לו*. The preferred method would be to sell the rabbit to a buyer with the understanding that if he wishes to sell back the hide at a percentage of the price he may do so. As long as the meat is not sold separately, there is sufficient basis to withhold objections.

QUESTION OF THE WEEK:

Shulchan Aruch (י"ד 157:2) rules that one may not openly state that one is an idolater, even to save one's life. Which significant group is not bound by this constraint, in any situation ?

ANSWER TO LAST WEEK:

(Why is it only the *מוזבח* that "cries" when a first marriage dissolves ?)
The *Sefer haAil Mשה* explains that the *מוזבח* is characterized as "cruel", since animals are slaughtered and offered on it all day. Still, the tragedy of a first wife's death or divorce is significant enough to move even the *מוזבח* to tears.

DIN'S CORNER:

If one knowingly eats something that is prohibited, whether intrinsically or only forbidden to him or on that day alone, he does not recite a *brocho* before eating it, nor afterwards, even if he ate enough to normally obligate oneself in *Birchas HaMazon MiDeOraisa*. If he ate *B'Shogeg* and then realized it was *Assur*, he may recite a *brocho* afterwards. (MB 196:1-4)

DID YOU KNOW THAT

The *Mishna* (*Makos* 5b) states that a relative or one who is ineligible to testify may not be a witness, and if he is a member of a group of potential witnesses, they are all *Posul*. R' Yosi limits this restriction to capital cases (*דיני נפשות*), and allows the eligible witnesses to testify in monetary cases. Rebbi applies the rule in both capital and monetary cases, but limits the group to those who had participated in the warning (*התראה*). Otherwise, in any situation where a crime or transaction takes place and one of the spectators nearby happens to be related or ineligible to testify, he would invalidate all the eligible, designated witnesses, despite his lack of interest in the event. The *Gemara* proceeds to suggest that a murder victim might invalidate witnesses to his own murder, as he "witnessed" it, and is related to himself. The *Gemara* answers that *על פי שנים עדים יקום דבר* teaches that witnesses are limited to those who seek to establish (*מקיימי דבר*) what occurred, and does not include those who participated (*עושי דבר*) in it. However, the *Mishna* (*Sanhedrin* 67a) states that if a *מסית* says to 2 people "Let's go worship idolatry", those 2 are witnesses against him, and upon their testimony in *Beis Din*, he will be executed. Are not those 2 witnesses also *עושי דבר* – participants that he attempted to incite to *Avodah Zarah* ? It would seem that the nature of the crime of *מסית* is such that we must ignore any potential *עושי דבר* status and focus only on their role as *מקיימי דבר*. If so, when the *Torah* says: *כי יסיתך אחיך בן אמך*, making a brother the target of a *מסית*, how could this ever be prosecuted, since the brother's inclusion as a witness would invalidate all the other witnesses present, and we've already decided to ignore his role as *עושי דבר* ? The *שדה יצחק* (1) suggests that this supports the position of the *Rambam* (*עדות* 13:1) and other *Rishonim* who hold that only relatives through one's father are considered related and *Posul* to testify by the *Torah*. Relatives through one's mother are only deemed related *מדברי סופרים* - Rabbinnically.

A Lesson Can Be Learned From:

After the *Malbim* left the town of Mohilov, the community was not in a hurry to find a replacement. Several years went by until the leaders heard that R' Yoshe Ber Soloveitchik was leaving Slutsk. When they approached him and offered him the post of Rav, he immediately turned them down. Feeling insulted, they asked why he was so quick to decide. R' Yoshe Ber replied that Mohilov was indeed a wonderful place and it would be an honor to hold the position once held by the *Malbim*. However, he recalled some advice he had once heard, where a person looking to marry a widow was advised to marry one that had been recently widowed. Such a woman feels lost, without a partner, a breadwinner, someone to make *Kiddush* and *Havdalah* for her etc... She will definitely appreciate being remarried. A woman who has been widowed a long time has already settled in and knows she can survive quite well without a husband. A community is the same. If their Rav has been gone only a short time, they would still feel the need for one. As Mohilov has been without a Rav for a while, it undoubtedly believes it can do without.

P.S. Sholosh Seudos sponsored by the Stauber family in honor of the double engagement of Mindy Stauber to Yitzchak Safran and of Rivky Weidberg to Tzvi Stauber. May all the *Mechutanim* shep much Nachas.