

## Ki Setze

### כי תצא

#### Simlah

(garment) is mentioned in five different contexts in this parsha!

- 1) A yefas to'ar (woman of beautiful form) must remove the garment that she was wearing when captured (21:13).
- 2) A Simlah is one of the examples given of a lost object that must be returned to its rightful owner (22:3).
- 3) The Torah forbids a man to wear a woman's garment (22:5).
- 4) If a man accuses his new wife of infidelity while they were betrothed, her parents refute his allegation, and "the garment shall be spread before the elders of the city," a figurative expression indicating that the claims must be fully investigated and clarified (Rashi 22:17).
- 5) If a poor borrower needs the collateral that he gave for a loan, such as the שמלה in which he sleeps, the lender must return it to him at night (24:13). [Torah teasers - and Rabbi Ozer Alport]

כי-תצא למלחמה על-איביך ונתנו ה' אלקיך בידך ושבת שבי

**"When you will go out to war against your enemies . . ."** Rashi z"l comments: "The Torah is speaking here of a Milchemet Reshut." Literally, Milchemet Reshut refers to a war that is not obligatory, as opposed to the wars against the Canaanites and Amalek, which are obligatory. However, notes **R' Yehoshua Heschel (Harry) Kaufman** (rabbi in Washington, D.C. and Montreal), teachers of Mussar interpret Rashi as referring to the most difficult battle of all—the war against things that are "Reshut" / permitted pleasures. R' Kaufman explains: The Yetzer Ha'ra generally cannot cause an upstanding, observant Jew to sin outright. Instead, the Yetzer Ha'ra entices us to become absorbed in permitted pleasures—for example, to eat kosher

## Keep your word

"מוצא שפתיך תשמור" - מעשה בריבה שהיתה הולכת לבית אביה, והיתה יפת תואר ומקושטת כסף וזהב. תעתה בדרך והלכה בלא ישוב. כיון שהגיע לחצי היום, צמאה ולא היה לה מים. ראתה באר וחבל של דלי תלו עליה. אחזה בחבל ונשתלשלה וירדה. לאחר ששתתה, בקשה לעלות ולא יכלה. היתה בוכה וצועקת. עבר עליה בחור אחד ושמע קולה. עמד על הבאר והציץ בה. אמר לה: מי את, מבני אדם או מן הרוחות? אמרה לו: מבני אדם אני. אמר לה: שמא מתנכרת את לי? אמרה לו: לאו. אמר לה: השבעי לי: נשבעה לו. אמר לה: מה טיבך? ספרה לו כל המעשה. אמר לה: אם אני מעלך תנשאי לי? אמרה לו: הן. העלה אותה. בקש לזקק לה מיד. אמרה לו: מאיזה עם אתה? אמר לה: מישראל אני וממקום פלוני אני וכהן. אמרה לו: הקב"ה בחר בך וקדשך מכל ישראל, ואתה מבקש לעשות כבהמה בלא כתובה ובלא קידושין. בוא אחרי אצל אבי ואמי שהם ממשפחה פלונית, גדולים ומיוחסים בישראל, ואני מתאסרת לך. נתנו אמונתם זה לזה. אמרה לו: מי מעיד? היתה חלדה אחת עוברת כנגדם. אמרה לו: חולדה זו ובור זה בדבר. הלכו כל אחד לדרכו. אותה הריבה עמדה באמונתה, וכל מי שהיה תובע (להנשא) היתה ממאנת, וכיון שהחזיקו בה, התחילה לנהוג עצמה נכפית, ומקרת בגדיה ובגדי כל מי שהיה נוגע בה, עד שנמנעו בני אדם ממנה. והוא כיון שבא לעירו, עבר על אמונתו ונשא אשה אחרת, והוליד שני בנים: אחד נפל לבור ומת, ואחד נשכחו חולדה ומת. אמרה לו אשתו: מה מעשה הוא זה שבנינו מתים במיתת משונה? אמר לה: כך וכך היה המעשה. נתגרשה ממנו, ואמרה לו: לך אצל חלקך שנתן לך הקב"ה. הלך ושאל בעירה. אמרו לו: נכפית היא, וכל מי שתובעה, כך וכך עושה לו. הלך אצל אביה, פרש לו כל המעשה, ואמר לו: אני מקבל כל מוס שבה. העמיד עליו עדים. בא אצלה. התחילה לעשות כמנהגה. ספר לה מעשה חולדה ובור. אמרה לו: אף אני באמונתי עמדתי. מיד תנישבה דעתה ונשאת לו, וזכו לבנים ולנכסים הרבה. ועליה אמר הכתוב "עניי בנאמני ארץ" (תהלים ק"א, ו'). (תענית ח', א' עפ"י רש"י ותוספות שם - וראה בערוך).

food to excess—at the expense of studying Torah and performing Mitzvot. Since these pleasures are permitted according to Halachah, it is very difficult for a person to recognize that he is in the Yetzer Ha'ra's clutches. That battle is the war ("Milchamah") against Reshut. Alternatively, R' Kaufman writes, "Milchemet Reshut" can be explained as follows: There are some Mitzvot—for example, the requirement to have Bitachon / trust in Hashem—that apply differently to each person based on his personality and circumstances. With regard to Mitzvot in this small category, every person has "Reshut" (here meaning "permission") to determine how they apply to him. But, being honest with oneself when making this determination is extremely difficult;

לכבוד האי גברא וב"ב הרוצים בעילום שמם על הסיוע שמושיטים לי בעין יפה להמשיך את הגליון עוד הפעם בשנה זו שיהיה לזכותם ולזכות כל משפחתם הקב"ה יברך אותם בכל מילי דמיטב בעושר ואושר ואריכות ימים בבריאות מיט יידישע נחת בזה ובבא ענגצב"ב

that is the war against Reshut. (Ohr Yehoshua)

והיה אם-לא חפצת בה ושלחתה לנפשה ומכר לא-תמכרנה בכסף לא-תתעמר בה תחת אשר עניתה

**And it will be if you did not want her (21:14)** The Hebrew term "did not want her" is in the past tense. Why isn't it stated in the future tense, since he wanted her in the beginning but later on he didn't? There is a difference between passion and lust on the one hand, and wanting because of a rational desire that something or someone is good for you on the other hand. The Torah teaches that one who wants to marry another out of infatuation and passion based on physical attraction or other external trappings never really wanted the person from the beginning (therefore, the past tense is used). It was just desire, not a honest love for the other person. **Rabbi Noach Weinberg** said, "Love is the pleasure of seeking virtue; it is based on the reality of knowing the good qualities in another person. Infatuation, however, is blind; it is when your emotions prevent you seeing the entire picture and you mistakenly believe that the object of your infatuation is totally perfect and without any faults". (Growth Through Torah)

כי את-הבכר בן-השנואה יכיר לתת לו פי שנים בכל אשר-ימצא לו כי הוא ראשית אנו לו משפט הבכרה

**But he shall acknowledge the son of the hated as the firstborn, by giving him a double portion (21:17)** The "son of the beloved" is symbolic of the first Tablets of the Ten Mitzvos, which G-d gave to Moses before the Jewish people sinned with the Golden Calf. The "son of the hated" refers to the second set of Tablets, which were given after the Jews repented and became baalei teshuva. The first set of Tablets contained only the Ten Mitzvos, but the second set contained a "double portion" - not only the Ten Mitzvos, but all of the minutiae of halacha (Jewish law), Midrash and Aggada.

**But he shall acknowledge the son of the hated for the firstborn (bechor), by giving him a double portion of all that he has (21:17)**

Even the letters of the word "bechor" allude to the firstborn's inheritance of a double portion, as each letter is numerically equivalent to double the one that immediately precedes it in the Hebrew alphabet: beit (2) is twice alef (1); chof (20) is twice yud (10); and reish (200) is twice kuf (100). (HaGra)

## Enjoy what you have

"ואכלת ענבים כנפסך שבעך" - וכי אין אנו יודעים שאין בחרם לאכול אלא ענבים? ומה תלמוד לומר "ענבים"? אלא מכאן אנו לומדים שאם היה עושה בתאנים לא יאכל בענבים, ואם היה עושה בענבים - לא יאכל בתאנים. (ירושלמי מעשרות פרק ב', הלכה ד').

ואמרו אל זקני עירו בנו זה סורר ומרה איננו שמע בקלנו זולל וסבא

**"They shall say to the elders of his city, 'This son of ours is wayward and rebellious; he does not listen to our voice; he is a glutton and a drunkard.' All the men of his city shall pelt him with stones and he shall die; and you shall remove the evil from your midst; and all Yisrael shall hear and they shall fear."** (21:20-21) The Gemara

(Sanhedrin 71a) states that there are so many improbable circumstances that would have to occur before a boy could be labeled a "Ben Sorer U'moreh" / "wayward and rebellious son" that there never has been, and never will be, such a case. Why, then, is the Ben Sorer U'moreh mentioned in the Torah? The Gemara answers: "Expound upon it and receive reward." [Until here from the Gemara] **R' Chaim Friedlander** z"l (1923-1986; Mashgiach Ruchani of the Ponovezh Yeshiva) explains: **R' Moshe ben Nachman** z"l (Ramban; 1194-1270; Spain and Eretz Yisrael) writes that a Ben Sorer U'moreh is punished for violating the commandment to be holy and the commandment to cling to Hashem. But these are challenging Mitzvot even for adults! R' Friedlander notes. Does the Torah really hold a 13-year-old boy, which a Ben Sorer U'moreh is, liable for not fulfilling such difficult commandments? R' Friedlander answers: As noted, there

never has been or will be a Ben Sorer U'moreh. Rather, the Torah is teaching us about the importance of our aspirations. If, at the tender age of thirteen, a boy's thoughts already focus on meat and wine, it is likely that he is headed for disaster. This is what our Sages mean when they say, "A Ben Sorer U'moreh is put to death because of his future." Why do we assume that he will not repent and change his future? Because without lofty aspirations, a person cannot effectively repent. Instead of true repentance, a person who lacks aspirations will satisfy himself with making small changes "at the edges," not truly identifying that which needs to be addressed. That is not Teshuvah! R' Friedlander adds: This is the meaning of, "Expound upon it and receive reward." Expound upon the law of Ben Sorer U'moreh, learn the importance of having high aspirations, and then you will merit to receive reward. Without high aspirations, on the other hand, one cannot even begin to serve Hashem. (Siftei Chaim: Mo'adim)

לא תראה את חמור אחיך או שורו נפלים בדרך והתעלמת מהם הקם תקים עמו

**"Do not observe your brother's donkey or his ox falling and turn yourself away — you shall surely help it up."** (22:4) **R' Yaakov Yosef Hakohen** of Polnoye z"l (1710-1784; author of the first Chassidic work and a primary source for the teachings of the **Ba'al Shem Tov**) interprets this homiletically: "Do not observe your brother's donkey or his ox falling"—it would be better not to see your brother in a state of spiritual decline (becoming like a donkey or an ox). "Turn yourself away." But if you do see, "You shall surely help [him] up." (Toldot Yaakov Yosef)

כי תבנה בית חדש ועשית מעקה לגגך ולא תשים דמים בביתך כי יפל הנפל ממנו

**"You shall make a fence for your roof, so that you will not place blood in your house if a fallen one falls from it."** (22:8) Rashi z"l comments: The person who falls is called "fallen one" to indicate that he deserved to fall to his death on account of some crime he had committed. Nevertheless, make a fence around your roof so that you won't be the agent of his misfortune, for meritorious things are brought about through the agency of

meritorious people and bad things through the agency of unworthy people. [Until here paraphrased from Rashi] **R' Yaakov Kranz** z"l (1741-1804; Dubno Maggid) writes: We should learn from this teaching that, no matter what happens to a person, he is expected to study the event to determine why Hashem did this to him. Every misfortune, great or small, is a message from Hashem, a sign of some Divine displeasure. By studying the particulars of the

## Due diligence

"ושנאה האיש האחרון - או כי ימות האיש האחרון" - אם זכה האיש השני - שולחה, שנאמר "ושנאה האיש האחרון וכתב לה ספר כריתות", ואם לאו - היא קוברת אותו, שנאמר "או כי ימות האיש האחרון" - כדאי הוא איש זה במיתה, שהכניס מרשעת זו לתוך ביתו... (גיטין צ', ב').

misfortune—its timing, its severity, its nature, etc.—one can find hints as to its cause. He adds: The Gemara (Chullin 94a) says that a guest may not share his food with the child of his host without permission. The Gemara relates that this decree was made after an incident in which three guests did share their food with their host's child, unbeknownst to their host. When the host saw his child eating, he assumed his child had taken the food without permission, and he hit his child so hard that he killed him. When the child's mother saw this, she went up to the roof and jumped off. Why, asks the Dubno Maggid, did our Sages react by decreeing that guests not share their food? Clearly, the host and his wife reacted irrationally! Nevertheless, he explains, our Sages understood that, if such a tragedy could result from sharing one's food with the host's child, it must be an act of which Hashem disapproves [even if we don't know why]. Therefore, they outlawed that practice. We, too, are expected to look for signs that Hashem disapproves of our actions and to react to those signs. (Sefer Ha'middot: Sha'ar Ha'Yir'ah ch.14) **R' Yitzchak Maltzen** z"l (1854-1916; Lithuania and Eretz Yisrael) writes: Based on the above, we can understand also the Gemara (Shabbat 10b) that teaches: "One should never show favoritism to one child for, because of the two measures of silk that Yaakov gave Yosef over his brothers [i.e., the

Ketonet Pasim], one thing led to another until our ancestors went down to Egypt.” R’ Maltzen asks: Did Yaakov’s favoritism really cause our ancestors’ exile? Hadn’t Hashem foretold the exile to Avraham more than 150 years earlier? He explains: The Gemara does not mean that Yaakov’s favoritism caused the exile to Egypt. Rather, the Gemara is teaching that the fact that Hashem used Yaakov’s favoritism of Yosef as an instrument to bring about the exile indicates that Hashem does not approve when parents show favoritism to one child. (Haggadah Shel Pesach Siach Yitzchak)

**“When you build a new house, you shall make a fence for your roof, so that you will not place blood in your house if a fallen one falls from it.” (22:8) R’ Naftali Zvi Horowitz z”l** (1760–1827; Chassidic Rebbe of Ropshitz, Galicia) writes: We pray, “Build it [the Bet Hamikdash] soon B’yameinu,” literally, “in our days.” “B’yameinu” also can be translated, “Using our days.” With what does Hashem build the Bet Hamikdash? With “our days,” i.e., with the Mitzvot that a person performs every day. Some days, a person may, so-to-speak, add an entire row of bricks to the future Bet Hamikdash, while, other days, he may add only a brick or two. Indeed, writes the Ropshitzer Rebbe: “I heard from the holy rabbi **R’ Elimelech z”l** [of Lizhensk; died 1787], that his soul ascended to Heaven and he saw angels carrying vessels of the Bet Hamikdash, and they told him that those were vessels that he had liberated from exile through his Divine service.” The Ropshitzer Rebbe continues: In this vein, we may understand our verse allegorically [in addition to its literal meaning, i.e., that one is commanded to build a fence around his roof or porch from which someone could fall]. “When you build a new house”—when you perform good deeds that will help to build a new house, a new Bet Hamikdash, “you shall make a fence”—you shall conceal your good deeds to the extent possible, serving Hashem with discretion and humility, and keeping your Mitzvot to yourself as much as possible, “lest a fallen one falls from it”—because one who is not sufficiently devoted to Hashem will

experience a spiritual downfall from publicizing his service of Hashem. (Zera Kodesh)

**“If you build a new house, you shall make a fence for your roof.” (22:8) R’ Naphtali Zvi Horowitz z”l** (1760–1827; Ropshitzer Rebbe) writes: “Building a new house” refers to rebuilding the Bet Hamikdash through the good deeds we do. We pray, “Build it speedily b’yameinu,” usually translated, “in our days.” However, this also can mean, “Build it speedily with our days,” i.e., the good deeds with which we fill our days are the construction materials with which the Third Temple is being built. The Ropshitzer continues: The verse says that when you do the good deeds that will become the building blocks of the future Bet Hamikdash, “You shall make a fence for your roof.” This teaches that your spiritual ascent should not be public; rather, you should conceal your good deeds behind a barrier of humility and discretion. (Zera Kodesh)

גדלים תעשה לך על ארבע כנפות כסותך אשר תכסה בה

**You shall make for yourselves twisted threads... (22:12) R’ Ephraim of Luntschitz z”l** (17th century; author of Kli Yakar) writes that the five knots of the tzitzit allude to five “marriages”: 1) the Jewish people to the Torah; 2) the Jewish people to Hashem; 3) the Jewish people to Yerushalayim; 4) the body to the soul; and 5) man to woman. (Olelot Ephraim)

כי יקח איש אשה ובא אליה ושנאה

**You shall make for yourselves twisted threads [i.e., tzitzit] on the four corners of your garment with which you cover yourself. If a man marries a woman... (22:12-13)** It is the prevalent custom among Jews of Eastern European descent that men begin to wear a tallit when they marry. **Rabbenu Asher ben Yechiel** (“Rosh”; died 1327) writes that the proximity of these two verses is the basis for that custom. (Peirush HaRosh Al HaTorah)

ואמר אבי הנער אל-הזקנים את-בתי נתתי לאיש הזה לאשה ושנאה

**I gave my daughter to this man as a wife (22:16)** When the wife of the **Chozeh of Lublin** passed away, one of his Chasidim suggested to **Rabbi**

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**Azriel Rosh HaBarzel**, the Rabbi of Lublin, to give his daughter to the Rebbe in marriage. Rabbi Azriel said: “I cannot do it! The Torah says that a father is supposed to give his daughter to a man, as it is written: ‘I gave my daughter to this man.’ However, according to you people, the Rebbe is an angel, not a man.” (Chiyuchah Shel Torah)

לא יבא ממזר בקהל ה' גם דור עשירי לא יבא  
לו בקהל ה'

**“A mamzer shall not enter the congregation of Hashem; even his tenth generation shall not enter the congregation of Hashem.”**

(23:3) Why did the Torah pick specifically the “tenth generation”? **Rabbi Aryeh Leib Tzintz** explains as follows: The Talmud Yerushalmi states that a Biryah (creature) is nullified in 960. Now a child born from a mamzer is only half a mamzer. The second generation is only a quarter, the third generation is an eighth, the fourth – a sixteenth, the fifth – a thirty-second, the sixth – a sixty-fourth, the seventh – a hundred twenty-eighth, the eighth – a two hundred fifty-sixth, the ninth – a five-hundred twelfth, and the tenth – a one thousand twenty-fourth. If so, by the tenth generation, one might have thought that he is nullified, and as a result, permissible to enter the congregation of Hashem. For that reason, the verse is informing us that

even by the tenth generation, although he is nullified in a thousand, he is nevertheless prohibited to enter the congregation of Hashem. (Sichas Chulin)

לא תשיך לאחיך נשך כסף נשך אכל נשך כל  
דבר אשר ישך

**"You shall not cause your brother to take interest . . ." (23:20) R' Chaim of Volozhin z"l** (Belarus; 1749-1821) writes: Pirkei Avot (1:2) teaches that the world stands on three pillars: Torah, service of Hashem, and kindness. It is important to know, however, that once the Torah has been given, only it defines what is "service of Hashem" or "kindness." For example, before the Torah was given, making a loan at a reasonable interest rate also was an act of kindness. Now, in contrast, making such a loan to another Jew is a sin. (Ruach Chaim)

**You shall not give interest to your brother... anything that is lent upon interest** (literally, "anything that bites") (23:20) Usury is likened to the bite of a serpent. Just as it takes the body a few minutes to react to a snake's poison, so too does it take time for the full effect of the compounding of interest to be felt by the borrower (Baal Haturim)

לנכרי תשיך ולאחיך לא תשיך למען יברכך ה'  
אלקיך בכל משלח ידך על הארץ אשר אתה בא  
שמה לרשתה

**"You may not cause your brother to take interest, so that Hashem, your Elokim, will bless you in your every undertaking on the Land to which you are coming, to possess it." (23:21) R' Yehonatan Eyebchutz z"l** (Central Europe; 1690-1764) writes: Eretz Yisrael (referred to here as "the Land") is a small area that "expands" to hold a lot (e.g., a large population and great wealth). Experiencing success in Eretz Yisrael is a fitting reward for one who does not lend with interest: He gave up the opportunity to turn his small loan into something bigger, and he will conversely experience a great blessing in a small land. (Tiferet Yehonatan)

**Maharal's Study Plan** In the we discussed the arguments that were made for and against the study method known as Pilpul as it was practiced in the Polish Yeshivot of the 16th and

17th centuries. Perhaps no name stands out among the opponents of Pilpul more than that of **R' Yehuda ben Bezalel**, the "Maharal of Prague" (ca.1512-1609). Numerous places among the Maharal's thousands of pages of writings does he take on those who he feels are corrupting the system of the Jewish people. In particular, Maharal stands out among his contemporaries in his concern for the youngest elementary-Yeshiva student, and the effect that Pilpul will have on his education. Maharal's comments on these issues are scattered throughout his writings, but are found in particular in Tiferet Yisrael (ch.56), D'rush Al HaTorah, Netivot Olam ("Netiv HaTorah"), and Gur Aryeh (Devarim 6:7). (A detailed listing of Maharal's writings on the subject may be found in **R' Moshe Tzuriel's** Oztrot Maharal, pages 5 and 46-49.) In Maharal's view, the popularity of Pilpul was only one symptom of a greater crisis in Jewish education, one that led the student's valuable childhood years to be lost. This situation arose, Maharal wrote, because the generations after the Talmud had abandoned the curriculum which the sages of the Mishnah had developed. It is described in Avot (chapter 5) as follows: *At age five, to "Mikrah" (Bible). At age ten, to "Mishnah". At 13, one becomes obligated in Mitzvot. At 15, to "Gemara"...* **Mikrah** - both "Chumash" and books of the prophets - explains Maharal, is the basis on which the rest of the Torah is built. It forms the roots of the Torah. **Mishnah** is the trunk of the tree, for it is the framework which supports the branches or details. Only after one has mastered Mikrah (the roots) and Mishnah (the trunk) is one prepared for the branches, i.e. the details which **Gemara** provides. Yet in most schools this order is not followed. Rather, at the age of eight a child is introduced to Gemara, and soon after, to the commentary of Tosfot, yet another level of complexity for which the typical child is not prepared. Even when Chumash is taught, writes Maharal, it is not done properly. In a typical school, the teacher will teach "Parashat HaShavuah" (the weekly Torah reading) each week, moving on to the next Parasha whether or not he has completed teaching the previous one. As a result, the child learns only part of each Parasha - at best - and nothing at all from those Parashot which fall during vacation periods. (The vacation period has its own detrimental effect, as well, for the

student wastes that time and forgets all that he has learned.) Furthermore, under this system, the student reviews (part of) each Parasha only a full year after he has first learned it. Such is not considered review, and without review, no studies - whether Chumash or Gemara - can succeed. Maharal addresses as well the correct use of the works of the "Poskim" - the Halachic codifiers who lived after the time of the Talmud. While Maharal opposed the study method of the Tosfot, which concentrated on analysis and not Halacha, he opposed as well the methods of those who studied Halacha from the Shulchan Aruch and similar works, without any resort to Gemara. The correct path, in Maharal's view, is the middle road, one which calls on students to discover the Halachic conclusions hidden within the Gemara's discussions, and to use the Halachic codes as the standard against which each student's conclusions are measured. ("If only," muses Maharal in Netivot Olam, "those who print the Gemara would place the Halachic code of Rabbenu Asher alongside the text and leave off the Tosfot.") Rather than Pilpul, writes Maharal, the study of Gemara should emphasize the plain meaning. This does not necessarily mean (as some have suggested) that Maharal favored "Bekiut" (covering ground) over a strong grasp of the material. Rather, one should review over and over again until his student has mastered one or two tractates. In this way, writes Maharal, one will earn the Talmud's blessing of "If you see a generation that has abandoned Torah, arise and support it so that you may receive the reward due all of them." (Hamaayan)

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