

This Shabbat is the 311th day (of 383); the 45th Shabbat (of 55) of 5765 • We read/learn the SIXTH perek of Avot

כִּן בְּנֵי עֹלָמְנוֹת הַדְּבָרִים הַזֵּהוּ יִתְּנֶה לָהֶם... במדבר כ"ז

## The subtle follow-up to Chukat

With the Torah's announcement that Para Aduma is the quintessential CHOK, Rashi says that when the nations of the world scoff at us for doing things that don't seem to make sense, we say to them that we follow G-d's commands because they are edicts of the King - not because we understand everything.

There is an implication in the above, that non-Jews would not scoff at mitzvot like giving Tzedaka, the laws of damages, honoring parents, et al, because these kind of mitzvot do lend themselves to be readily understood (at least looking at them superficially). Aside from what the nations of the world ask us, there is another concern: What questions do our own Jews ask? And we have to be able to give them answers as well.

Many Jews have problems with CHUKIM. If you can convince me of the sense, logic, rationale of such-and-such a mitzva, I would consider following it (Baloney, you say, they probably will find another excuse not to observe the mitzva. And do they observe all the mitzvot they do understand? - Good point, but...)

And maybe we can convince our fellow Jews of the value and significance in keeping the King's commands, even when we cannot grasp their logic.

But there is another, more subtle area of mitzva that needs special attention. The laws of inheritance (for example, in this week's sedra) are labeled with the rare term, CHUKAT- MISHPAT. Almost an oxymoron. A CHOK is almost "easier" to accept because its obscurity is part of its character. And a MISHPAT is supposed to be so readily understood that other societies have similar laws that they derived on their own. Perhaps the toughest mitzvot to accept fully are the ones that we think we understand until a detail "throws us for a loop". Because we thought we had a "handle" on this mitzva, the "illogical" aspects of it threaten us more. Bottom line: ALL mitzvot are edicts of the King and that is our prime reason for keeping them.

## Word of the Month



A weekly feature of Torah Tidbits to help clarify practical and conceptual aspects of the Jewish Calendar, thereby better fulfilling the mitzva of HaChodesh HaZeh Lachem...

The mishna in Taanit tells us that 5 tragedies occurred on the 17th of Tammuz and 5 on Tish'a b'Av. On the 17th of Tammuz, the Luchot were broken. Note that the mishna does not mention Moshe as the one who broke them, nor the sin of the golden calf which caused the whole thing. Yet we consider 17 Tammuz to mark the very first sin of the new nation so soon after Matan Torah. The Korban Tamid, daily sacrifices, ceased on 17 Tammuz. Jerusalem was breached (prior to the destruction of the second Beit HaMikdash). Apostimus publicly burned a Sefer Torah, and an idol (or two) was set in the Beit HaMikdash (by Jews).



The fast is a dawn to stars-out type, beginning at 4:26am (one opinion as to dawn in Jerusalem) and ends at 8:11pm (again, based on one calculation, for "end of fasts").

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**regular and (earliest)**  
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**HAYDALA TIMES**  
Israel Summer Time (DST)  
Correct for TT 677 • Rabbeinu Tam (I'm) - 9:05pm

<b>7:07pm</b> (6:16)	Jerusalem	<b>8:23pm</b>
7:24pm (6:18)	Gush Katif	8:25pm
7:24pm (6:18)	Raanana	8:25pm
7:23pm (6:17)	Beit Shemesh	8:24pm
7:25pm (6:18)	Netanya	8:26pm
7:24pm (6:18)	Rehovot	8:25pm
7:04pm (6:18)	Petach Tikva	8:25pm
7:23pm (6:17)	Modi'in area	8:24pm
7:23pm (6:17)	Be'er Sheva	8:23pm
7:22pm (6:16)	Gush Etzion	8:23pm
7:23pm (6:17)	Ginot Shomron	8:24pm
7:07pm (6:16)	Maale Adumim	8:23pm
7:19pm (6:17)	Tzfat	8:25pm
7:22pm (6:16)	K4 & Hevron	8:23pm

Ranges are THU-THU 14-21 Tamuz (July 21-28)

Earliest Talit & T'filin	- 4:51-4:56am
Sunrise	- 5:48-5:52am
Sof Z'man Sh'ma	- 9:16-9:18am (8:23-8:26am)
Sof Z'man T'fila	- 10:26-10:27am (9:50-9:53am)
Chatzot (halachic noon)	- 12:45½-12:45½pm
Mincha Gedola (earliest Mincha)	- 1:21-1:21pm
Plag Mincha	- 6:16-6:13pm
Sunset	- 7:48-7:44pm (7:43-7:39pm)

In the Wolinetz Family Shul  
OHEL SHMUEL (entrance floor)  
**"Early Shabbat" Davening**  
Mincha 6:01pm (15 min. before Plag)  
Shabbat afternoon shiur, 5:00pm  
**Yaacov Peterseil & Co.**  
Mincha at 6:00pm

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## Kohen - 1st Aliya - 13 p'sukim - 25:10-26:4

**[P> 25:10 (6)]** When Pinchas killed Zimri and Kosbi, a tremendous controversy erupted among the people as to whether his actions were correct or criminal. This week's sedra begins with G-d "testifying" to the correctness of what Pinchas did. First, because of what Pinchas did, the plague that had broken out, stopped. Second, the Torah repeatedly identifies Pinchas as the grandson of Aharon HaKohen. Third, G-d places His stamp of approval upon Pinchas by giving him "the covenant of the eternal kehuna" and the "covenant of peace".

**SDT** Most scribes write the VAV in the word SHALOM with a break. Peace that results from violence, even required violence, is defective.

**Clarification:** Aharon and his four sons were anointed as kohanim. They were not born kohanim, nor were they kohanim until being anointed. From that point, all their descendants are kohanim from birth. Pinchas was not born to a kohen, since he was born before Elazar was anointed. He was not originally included in the Kehuna of his grandfather, father, and uncles. Pinchas became a kohen in the unique way - by G-d's decree. In other words, there are three ways to be a kohen. Five people were anointed as kohanim by G-d's command. One was given the kehuna by G-d. All other kohanim that ever existed or ever will exist are kohanim because they were born to a kohen. [Added points: Some people born to a kohen are NOT kohanim. The son of a kohein and a woman that a kohein is not allowed to marry because of his kehuna, is not a kohen. If the father is a kohen, the son might or might not be a kohen. But the father of a kohen is always a kohen - except for Aharon, whose father Amram was not a kohen.]

**[P> 25:16 (3.23)]** Next, G-d tells Moshe to go to war against Midyan in revenge for their seduction of Israel to the worship of Baal Peor. (The battle does not take place until next sedra, the rest of Pinchas is a digression of sorts.) It is after the plague...

**[P> 26:1\* (10.77)]** (this parsha break comes in the middle of a pasuk - unusual, but not unique) G-d commands Moshe and Elazar that a new census be taken of the people.

The counting of the people at this point has several functions. Rashi says that after the plague(s) that devastated the people, G-d wants to count them as a shepherd would count his sheep after wolves attacked the flock. Having just been commanded to prepare to fight against Midyan, a census of men of military age is necessary. Most significantly, it is these people who will fight for Eretz Yisrael, and it is to these people that the Land will be apportioned (but based on the original post-Exodus census).

**SDT** Moav was the partner of Midyan and should have been included in this avenging war. Some explain that Moav was spared this battle in the merit of Ruth. (Note that G-d can "give credit" not only for past deeds but for that which is only in the future.) Some commentaries explain that there was a significant difference between Moav and Midyan. Moav was afraid of Israel. They feared that their land would be conquered by them. That is why they wanted to fight against us. Midyan

## PINCHAS STATS

41st of the 54 sedras; 8th of 10 in Bamidbar  
 Written on 280 lines in a Sefer Torah (rank: 2nd)  
 35 Parshiyot; 10 open, 25 closed (2nd most)  
 168 psukim - ranks 2nd (2nd in B'midbar)  
 1887 words - ranks 9th (2nd in B'midbar)  
 7853 letters - ranks 4th (2nd in B'midbar)  
 Second shortest psukim in the Torah, wordwise.  
 Longest words in the Torah (on average).  
 49th of 54 in length of psukim, letterwise.  
 Second longest sedra, pasukwise.  
 These factors combine to explain the unusual fluctuation in rankings.

Pinchas is the most often-read from sedra in the whole Torah (Rosh Chodesh & Chagim)

## MITZVOT:

Contains 6 of the 613 mitzvot, all positive.  
 1 of only 6 sedras that have only positive mitzvot

## Aliya-by-Aliya Sedra Summary

Numbers in [square brackets] are the Mitzva-count of Sefer HaChinuch AND Rambam's Sefer HaMitzvot. A=ASEI (positive mitzva); L=LAV (prohibition). X:Y is the perek and pasuk from which the mitzva comes.

[P> X:Y (Z)] and [S> X:Y (Z)] indicate start of a parsha p'tucha or s'tuma respectively. X:Y is Perek:Pasuk of the beginning of the parsha; (Z) is the number of p'sukim in the parsha.

agreed to help Moav because of their desire to destroy the Jewish People. They went as far as using their women to seduce the Israelites to immoral and pagan behavior. G-d's command of revenge is directed at the latter type of enemy.

## Levi - Second Aliya - 47 p'sukim - 26:5-51

This is the longest 2nd-Aliya in the Torah, tied with Ki Tisa. Both of which are tied for 3rd place for all Aliyot

In preparation for conscripting an army to fight Midyan, a new census is taken. The Torah lists each of the tribes, their family sub-units, and the number of males of military age.

In addition to this information, it is interesting to note the "extra" material mentioned in this portion...

Under Reuven, the Torah tells us about Datan and Aviram who, with Korach, were swallowed up by the ground. The Torah then makes a point of telling us that Korach's sons did not die. Korach was from Levi. The inclusion of the sons of Korach at this point is not of census value, but does teach us the power of T'shuva. Korach's sons did not follow in their father's ways. They were right- eous.

Generally, the family units of a tribe are based on the sons of sons of Yaakov. In Reuven's case, we have Chanoch, Palu, Chetzron, and Karmi, giving Reuven a total of 43,730. Palu's son, Eliav, is mentioned because his sons were N'mu'el, Datan and Aviram.

**One more observation:** Reuven is called B'CHOR YISRAEL. This is noteworthy in light of the fact that Reuven "lost" the status of first born to three younger brothers. The Kehuna went to Levi, the kingship was destined to go to the Yehuda, and the double portion of the B'chor went to Yosef. Yet the Torah repeatedly calls Reuven the B'chor of Yisrael.

Reuven's count dropped 2770 since the first counting in the Midbar. (Expected because of their involvement in the Korach rebellion.)

[S> 26:12 (3)] Shimon: note the relatively small number. Members of the tribe of Shimon were the main victims of the plague that followed the Zimri (one of the leaders of Shimon) affair. Shimon: 22,200. Down 37,100!

Shimon's family units are from N'mu'el (another one), Yamin, Yachin, Zerach, and Sha'ul.

[S> 26:15 (4)] Gad: 40,500. Down 5150. The families are from Gad's sons Tz'fon, Chagi, Shuni, Ozni, Eiri, Arod, Ar'eili.

[S> 26:19 (4)] Yehuda: 76,500. Up 1900. Yehuda's families are from sons Sheila, Peretz, Zerach. From Peretz come the families of Chetzron and Chamul. Yehuda's first two sons Er and Onan, who died childless, are mentioned at this point in the Torah.

[S> 26:23 (3)] Yissachar: One of his sons is identified as Yashuv. Commentaries say that he is Yov, as recorded in Vayigash. Yov was an inappropriate (pagan) name. The extra SHIN that was added to his name is symbolically taken from his father's name - spelled with two S(H)INs but pronounced as if there is only one. The families of Yissachar are Tola, Puva (family name is Puni), Yashuv,

and Shimron. Yissachar: 64,300. Up 9900.

[S> 26:26 (2)] Zevulun: 60,500. Up 3100. Families are from sons Sered, Eilon, and Yachl'eil.

[S> 26:28 (7)] Notice that the sons of Yosef are listed as Menashe and Efrayim - in that order. Although this is birth order, it is unusual to find Menashe mentioned first.

Also note the great increase in the population of Menashe, and the decrease in the population of Efrayim. The increase in Menashe is considered to be related to the fact that their tribe was given land on both sides of the Jordan. They were not the ones who asked to settle on the east side of the Jordan — that was Reuven and Gad. Menashe was sent along, so to speak, to keep an eye on the other two tribes. It would therefore be unfair to give them a smaller portion of Eretz Yisrael (west side of the Jordan). Their increase in population got them a "regular" share on the west side in addition to their territory on the east side of the river.

Menashe: here we are introduced to the five daughters of Tzelofchad. We will hear more from them shortly. Menashe: 52,700. Increase of 20,500. By the way, Efrayim was mentioned before Menashe in that earlier census. Menashe's sons/families are Machir, Machir's son Gil'ad, Gil'ad's sons I'ezer, Cheilek, Asri'el, Shechem, Sh'mida, Cheifer, and Cheifer's son Tzelofchad.

[S> 26:35 (3)] Efrayim: 32,500. Down 8000. Efrayim's families are from Shutelach, Becher, Tachan. And Shutelach's son Eiran. The Torah then says again that these two (Menashe and Efrayim) are the children of Yosef.

[S> 26:38 (4)] Binyamin: Families from sons Bela, Ashbel, Achiram, Sh'fufam, Chupam. Bela's sons Ard and Naaman. Binyamin: 45,600. Up 10,200. Note: Back in Vayigash, Binyamin is recorded as having 10 sons: Bela, Becher, Ashbel, Geira, Naaman, Eichi, Rosh, Mupim, Chupim, and Ard.

[S> 26:42 (2)] Dan: One son, Shucham, family name Shuchami. Previously, Dan's son is called Chushim. Dan's total: 64,400. Up 1700.

Note that Binyamin's ten sons produced a smaller tribe than the one son of Dan. This is considered as a(nother) lesson that we cannot second-guess G-d. He has an agenda, we do what we have to do, but He "calls the shots".

[S> 26:44 (4)] Asher: Note the rare inclusion of a daughter — Serach bat Asher. Great longevity is attributed to her, and she is considered the bridge between Yaakov and his sons on the one hand, and the new nation of Israel which emerged from Egyptian slavery. Serach was alive throughout the entire Egyptian experience, and then some. Asher's total: 53,400. Up 11,900, comes from sons Yimna, Yishvi, B'ri'a. Bri'a's sons Chever and Malki'el.

[S> 26:48 (4)] Naftali: Yachtz'eil, Guni, Yeitzer, Shileim. 45,400. Down 8000.

And, within this Naftali parsha we are presented with the total for Bnei Yisrael: 601,730. Down 1820 from the 603,550 following the Exodus.

## Shlishi - 3rd Aliya - 19 p'sukim - 26:52-27:5

[P> 26:52 (5)] It is to these people that the Land will be apportioned. The actual distribution of land will be done by (Divine) lottery and will involve this census and the earlier one.

[S> 26:57 (9)] The Torah next details the family tree of Levi (whose Tribe does not receive land). Specific attention is paid to Amram's family — namely, his wife Yocheved (Levi's daughter), Moshe, Aharon and his sons, and daughter Miriam.

The Torah next states that no one in this national census was in the previous census except for Kalev and Yehoshua.

[S> 27:1 (5)] The daughters of Tzelofchad (identified here as 6th generation from Yosef, an unusually long ancestry to record) approach Moshe, Elazar HaKohen, the leaders of the Tribes, and the People, and petition for property in the Land of Israel for themselves because their father had no sons. They emphasize that their father was not part of Korach's rebellion but died for his own sins

(Tradition tells us that Tzelafchad was the "wood-gatherer" who was executed for desecrating the Shabbat. Had he been part of Korach's rebellion, he would have been considered a MOREID B'MALCHUT, one who rebels against the king, and would have forfeited any claim to land.)

Moshe appeals to G-d for a decision in their case. (Commentaries say that the details of the laws of inheritance momentarily escapes Moshe's memory, either as punishment for an inappropriate comment he had made, or to give honor to these "lovers of the Land" - Tzelofchad's daughters - by having the laws of inheritance presented "to them"... or both.)

**Clarification...** This is one way to understand what happened with the presentation of the Laws of Inheritance.

Do not think that before Tz'lofchad's daughters approached Moshe, that only males were to inherit. And that when they made their claim, G-d changed or adjusted the rules to accommodate them. Not so. The Laws of Inheritance are part of Torah from Sinai, as are all mitzvot. The presentation of these laws to the people was held in abeyance, so to speak, until this moment, so they would be in response to the plea of the daughters.

This has similarities to the presentation of the mitzvot of Pesach Sheni. They were already there, but they were told to the people as a response to the plea of those who were TAMEI and did not want to miss out on the precious mitzva of Korban Pesach. There is a phrase used in each of these two episodes that seem to link them. LAMA NIGARA and LAMA YIGARA respectively. Why should we miss out... Why should our father miss out...

In both cases, Moshe honored the occasion (and the people who came before him with the "requests") by asking G-d, so to speak, to clarify the issues. This is not the only way to see matters, but it works.

## R'vi'i - Fourth Aliya - 18 p'sukim - 27:6-23

[P> 27:6 (6)] G-d's answer to the daughters of Tzelofchad is in the affirmative - they will acquire both their father's share and part of their grandfather's share (specifically a double portion of Chefer's allotment, Tzelofchad was Chefer's firstborn. Note that both Chefer and Zela'fchad were among those who left Egypt - males 20 and up).

Furthermore, the laws of inheritance [400,A248 27:8] are hereby set down as follows:

A man's son(s) inherit from him. If there are no sons, his daughters inherit. (When a man has both sons and daughters, his sons inherit and are responsible to support the daughters, even if it means begging door-to-door.) A man without children is inherited by his father, then his brothers, and if there are no brothers, by the closest relatives along paternal lines on the family tree.

The laws of inheritance are called by an unusual term — CHUKAT MISHPAT. The term implies that there are aspects to the rules that seem to make perfect sense, and there are other aspects that seem to defy logic. Part CHOK, part MISHPAT. (See Lead Tidbit.)

[P> 27:12 (3)] G-d next tells Moshe to ascend Har HaAvarim and view the Land into which he (Moshe) will not go. Moshe is then to prepare for his death.

Having just been commanded to divide the Land according to the census and lottery (and being physically in the territory of the 2½ tribes), Moshe might have thought that the decree against his entry to the Land was being rescinded. Therefore, his being told to view the Land and prepare to die comes as a poignant reminder that the decree banning him from Eretz Yisrael stands.

[S> 27:15 (9)] "And Moshe spoke to G-d saying."

This unique variation of the most common pasuk in the Torah ("And G-d spoke to Moshe saying" which occurs 70 times in the Torah - Sh'mot, Vayikra, and Bamidbar - not counting the many variations on that pasuk), creates a dramatic and suspenseful mood as we wait to see what he is about to ask of G-d. Will he ask for his life? Will he ask to be permitted even a brief excursion into the beloved Land of Israel?

**Moshe Rabeinu asks that a suitable leader be appointed to take his place.**

The true leader of the People is concerned first and foremost with his charges. This is part of the great legacy of Moshe Rabeinu.

G-d's response to Moshe's request is immediate. Yehoshua is to be presented to the People as Moshe's successor and Moshe is to transfer to him some of his "majesty". Elazar has already taken over from Aharon, and it will be Yehoshua and Elazar who will bring the People into the Land.

## Chamishi - 5th Aliya - 15 p'sukim - 28:1-15

**[P> 28:1 (8)]** This entire Aliya is the Torah reading of Rosh Chodesh when it falls on a weekday. The first part contains the mitzva of the Daily Sacrifices **[401,A39 28:2]**, one in the morning and one before evening.

**[P> 28:9 (2)]** Next the Torah speaks of the "Musaf Offerings" for Shabbat - two lambs **[402,A41 28:9]**. Correspondingly, we daven Musaf on Shabbat.

**[P> 28:11 (5)]** The Musaf of Rosh Chodesh **[403,A42 28:9]** consists of two bulls, one ram, and seven lambs. In addition to these "Olot", a goat was to be offered as a communal "Sin Offering". Korbanot were accompanied by wine for libation (in varying amounts for the different animals) and fine flour & oil mixtures, known as MENACHOT.

**SDI** *Rashi notes that G-d told Moshe to command the Children of Israel (all of them, not just Kohanim) to observe and preserve the mitzva of the daily sacrifices in the Beit HaMikdash. He explains that not only did kohanim have a role in the offering of korbanot in the Beit HaMikdash, but so did Leviyim, and so did Yisra'eilim. Kohanim had their AVODA, the Leviyim were on the DUCHAN singing, and a representative of the rest of the people stood in the courtyard of the Beit HaMikdash and directed the AVODA to take place. Without the members of the MA'AMAD, both in the Mikdash and "back home" in the particular district responsible for the particular week, the sacrificial service could not take place. Says Rashi, we learn that from TZAV ET B'NEI YISRA'EL.*

## Shishi - 6th Aliya - 27 p'sukim - 28:16-29:11

**[S> 28:16 (10)]** Next the Torah presents the Musafim of the Holidays, beginning with Pesach. Note that each day of Pesach is a "carbon-copy" of the first day (as opposed to Sukkot).

**[S> 28:26 (6)]** Then, Shavuot - here referred to as Yom HaBikurim. The Musaf of Shavuot is counted as a mitzva here **[404,A45 28:26]** - that of Pesach has been counted already from Parshat Emor.

**[P> 29:1 (6)]** Next comes Rosh HaShana, called here YOM T'RU'A. Its Musaf has also been counted as a mitzva previously (in Emor), but the mitzva of blowing Shofar is counted here **[405,A170 29:1]**. Since Rosh HaShana is also Rosh Chodesh Tishrei, double musafim are brought.

## MITZVA WATCH

The Torah does not say: THOU SHALT BLOW THE SHOFAR. (Not for Rosh HaShana, that is.) It tells us to have a YOM T'RU'A on the first of Tishrei. The Gemara teaches us what that means, using a G'zeira Shava (parallel terminology) to Yovel. In B'har, there is a command to blow the Shofar on Yom Kippur of Yovel. The Oral Law teaches us a parallel between the T'RU'A of Tishrei (Yovel) and the T'RU'A of Tishrei (Rosh HaShana). Although the word SHOFAR does not appear in context of Rosh HaShana, it DOES appear in connection with the "other" Tishrei-T'ru'a. The Talmudic principle of G'zeira Shava is used to define the Rosh HaShana T'ru'a requirement as Shofar. Shofar is one of several mitzvot that the Torah commands in an indirect way.

**[S> 29:7 (5)]** Next comes Yom Kippur's Musaf. All the Chagim are presented here and previously in Emor (aside from other places as well).

Notice that there is brief reference to the requirement of fasting and the Shabbat-like prohibition of Melacha, and slight reference to the special Yom Kippur service (presented back in Parshat Acharei). Here, in Parshat Pinchas, the main emphasis is on the Musaf korbanot of the Holy days.

## Sh'vi'i - Seventh Aliya - 29 p'sukim - 29:12-30:1

**[S> 29:12 (5)]** Lastly, the musafim of Sukkot and Shmini Atzeret are presented. The numbers of animals on Sukkot vary day-to-day, with the bulls totalling 70, a symbolic universal number. Specifically, each day has 2 rams, 14 lambs, and a goat as a Chatat, but the bulls range from 13 down to 7 for the 7 days of Sukkot.

Note that each day of Sukkot has an "identity", so to speak, of its own. There IS a third day of Sukkot in the Torah. In contrast, there is no mention of a third day of Pesach. On the other hand, the counting of the Omer gives Pesach what Sukkot has by virtue of the Musafim - a counting dimension.

**[S> 29:17 (3)]** And on the second day,

**[S> 29:20 (3)]** And on the third day,

**[S> 29:23 (3)]** And on the fourth day,

**[S> 29:26 (3)]** And on the fifth day,

**[S> 29:29 (3)]** And on the sixth day,

**[S> 29:32 (3)]** And on the 7th day,

**[S> 29:35 (6)]** On (without "and", because Shmini Atzeret is its own holiday, in addition to being the 8th day of Sukkot, sort of) the eighth day...

These musaf passages for Chagim are the respective Maftirs of the Holidays.

The sedra concludes with references to other korbanot in the Mikdash. And finally, a summary/divider pasuk - And Moshe told the people all that HaShem had commanded.

Rashi explains that Matot begins with Moshe speaking to the people, so the pasuk at the end of Pinchas has to restate that Moshe has been transmitting G-d's words all along, and not just from the portion of Nedarim at the beginning of Matot.

The last 6 p'sukim are reread for the Maftir. (6 p'sukim is the most for a regular maftir. Only one other sedra has a sixer - Nitzavim.)

## Haftara - 22 p'sukim - Melachim Alef 18:46-19:21

Pinchas has two haftaras, one for when it falls before (rare) and one for when it is during (majority) the 3 Weeks, when it is first of the three HAFTAROT OF TRAGEDY (also 22 p'sukim, Yirmiyahu 1:1-2:3)

When Matot and Mas'ei are combined, Pinchas is the first of the Three Weeks sedras, M&M is the second, and D'varim is the third (Chazon). When M&M are separated, Matot is the first, Mas'ei the second, and D'varim is the third.

**And now for the STATS...**

Matot and Mas'ei are usually combined. In a Shana M'uberet (13-month

year) that begins on Thursday (first day of Rosh HaShana), they are separated. Reading them separately occurs 10½% of the time, but not evenly distributed. Before this year, the last time M&M were separated (all over the world - see further) was 21 years ago, in 5744 (1984 to their counting). The next scheduled separation of M&M is 3 years from now (5768), then three years after that (5771), and then three years after that (5774). But then, not until 5795, 21 years later. This means that the last time the "regular" haftara of Pinchas was read in London and Cape Town, Philadelphia and San Francisco, was 21 years ago.

In Eretz Yisrael, there is another situation that results in splitting M&M, accounting for another two year-types, and another 10% of the years. When Pesach is Shabbat to Friday, we continue with Parshat HaShavua when the rest of the world is celebrating the 8th day of Pesach and reading a special Torah portion for the occasion. We separate a combined pair of sedras to allow Chutz LaAretz to catch up with us. In 12-month years, we separate B'har and B'chukotai. But in 13-month years, there are no doubles to split until Matot-Mas'ei. The two most recent times that happened were 5752 and 5755. So we are more familiar with the non-Three Weeks haftara of Parshat Pinchas than our brothers and sisters abroad.

CHU"l: separate M&M occurs 10½% of years.  
ERETZ YISRAEL: 20½% of years.

And now, the haftara of Parshat Pinchas:

**Yalkut Shimoni states that Pinchas is Eliyahu. Whether you understand that literally, or personality-wise, both being zealous for the honor of G-d, this is the main connection between Torah reading and haftara. Furthermore, in the sedra, Moshe announces Yehoshua as his successor. In the haftara, Eliyahu is told by G-d to appoint Elisha to succeed him. Tradition tells us that the people of the tribe of Shimon, Zimri's tribe, ridiculed (and perhaps wanted to do more) Pinchas for what he did. Izevel (Jezebel) wanted to kill Eliyahu for what he had done to the prophets of Baal.**

## **THE JERUSALEM INSTITUTE OF JEWISH LAW - Rabbi Emanuel Quint, Dean**

Lesson # 293 • part one

### **Dina D'Malchuta Dina Abiding by the Laws of the Land**

With this lesson we begin a series of lessons that is of halachic interest to every Jew in his everyday conduct, certainly to those who live outside the State of Israel and according to most authorities, also to those residing in the State of Israel.

I have used the following example in a series of lectures I gave at the Israel Center on this topic. I shall also use halachic sources throughout these lessons so that the reader may study the sources on his own. I shall also give the dates and places where these halachic giants lived so that the reader will have an idea when and where these matters were dealt with.

A Jewish man is driving along a highway in the United States and in the intersection in front of him there is a flashing red light that indicates a full stop; in addition there is a large red sign that says "STOP". There is also written across the road in large white letters "FULL STOP". The driver goes through the intersection without stopping. He is immediately stopped by a policeman who asks the driver: "Didn't you see the blinking red light?" and the driver answers "Yes. I did". The policeman asks "Didn't you see the red stop sign?" and the driver answers "YES, I did". The policeman again asks "Didn't you see the large white letters in the road that said FULL STOP?" Again the

driver answers "Yes, I did". The policeman then asks, "If you saw the blinking red light and you saw the large red stop sign and you saw the large white letters in the road spelling "full stop" why didn't you stop. The driver answered "I saw the blinking red light, and I saw the large stop sign, and I saw the large red letters in the road that said full stop. But I didn't see you."

The question arises, did the Jew in addition to violating the laws of the state in which he was driving also violate Jewish law? Is there a religious doctrine of a Jew having to abide by the laws of the land in which he resides?

The doctrine that a Jew must abide by the laws of the land in which he resides is an integral part of halacha. It appears in at least 25 places in Shulhan Aruch. In Hebrew (actually in Aramaic) it is known as Dina D'Malchuta Dina, abiding by the laws of the land where the Jew resides. As stated by R. Ganzfried (Hungary 1804-1866) in his *Kitzur Shulhan Aruch* 182:16, "The law of the temporal government must be recognized as law."

### **Torah Doctrine**

The question arises whether the doctrine of Dina D'Malchuta Dina is of Torah origin or of Rabbinic origin and may result in major differences how it is applied.

It is stated in Shulhan Aruch Eben haEzer 28:1, "If a man betroths a woman with the proceeds of robbery, theft, or violence, the rule is as follows: If the owners have abandoned hope of recovery, and it is known that the culprit has acquired title to the object because of their abandonment of hope, the betrothal is valid, if not it is not valid." If there is an abandonment of hope by the owner of having the stolen object returned to him and the thief transfers possession of the object to a third party, who knows that the object was stolen, the current possessor must pay the owner for the object; if he does not know it was stolen only the thief must pay the owner for the object. R. Samuel ben Uri Shraga of Furth (Poland, second half of the 17th century, Beth Shmuel commentary on Shulhan Aruch Eben haEzer 28:3) in his commentary discusses the situation where the laws of the land require a thief or someone who is holding a stolen object to restore it to its owner. That being so, the betrothal should not be valid since there has not been a change in possession of the stolen object to accompany the abandonment of hope of recovery of the object by the owner. He discusses Dina D'Malchuta Dina and concludes that it is not a Torah doctrine but rather one enunciated by the Rabbis of antiquity. This question and all its ramifications under Dina D'Malchuta Dina is also discussed b R. Yoel Sirkis (Poland; 1561-1640, Bach response new, 7). However, R. Aryeh Leib Heller (Galicia, Poland; 1745-1813; Avnei Milu'im) in his commentary to Shulhan Aruch Eben haEzer writes that this is not correct, but a Torah Doctrine. This is also the view of R. Moshe Sofer (Hungary; 1762-1832; Chatam Sofer, Yoreh De'ah response 314), and R. Yaakov Ettlinger (Germany; 1798-1871; Binyanei Tzion 2:15).

The former deals with the question of a cow that is pregnant for the first time; if its calf is a male it has certain holiness attached to it. As stated by Maimonides Book of Offerings, Laws of Firstlings 1:2, these laws apply today. (Stories are told of Rabbi Yosef Dov Soloveitchik declaring a first born male calf being non-holy because of a blemish.) However, if the owner of the cow sells any interest in the cow or the unborn calf to a Gentile, it is not subject to these laws. Very often the question arises whether the sale of such an interest was a valid sale; it may not

complied with the laws of sales of animals according to halacha, but it may be a valid sale under the laws of the land. In discussing this question, R. Sofer concludes that Dina D'Malchuta Dina is of Torah origin. This is also the view of R. Eliezer Waldenberg (Israel 1917-); Tzitz Eliezer 12:83.)

We shall in this lesson begin to cite the sources for the Dina D'Malchuta Dina doctrine and IYH continue with the sources in the beginning of next week's lesson.)

Source #1. A Mishna in Nedarim 3:3 states: One may take a vow to murders and to robbers and to tax collectors that which they have belongs to a priest (tithe) though it is not the priest's tithe. The Talmud asks how can he make such a vow since the tax collector is collecting taxes for the government and the taxpayer must pay it under Dina D'Malchuta Dina. The Talmud answers that in this case the tax collector was unauthorized to collect these taxes. The inference is that had he been authorized, the Jew could not make a false vow, since the Jew would have to abide by the law of the land to pay taxes.

*The subject matter of this lesson is more fully discussed in volume IX chapter 369 of A Restatement of Rabbinic Civil Law by E. Quint. Copies of all volumes can be purchased via email: orders@gefenpublishing.com and via website: www.israelbooks.com and at local Judaica bookstores. Questions to quint@inter.net.il*

## Meaning in Mitzvot

Each week we discuss one familiar halakhic practice and try to show its beauty and meaning. The columns are based on Rabbi Meir's Meaning in Mitzvot on Kitzur Shulchan Arukh by

### Rabbi Asher Meir

## Meaning in Marriage

What is marriage all about? A first glance at the halakhic sources would give the impression that raising a family is the primary motivation. But a deeper look shows that Shalom Bayit, marital harmony between husband and wife, is just as important.

The very first commandment in the Torah, according to Rambam and the Chinukh, is P'RU UR-VU - be fruitful and multiply. This is also the first halakhah in Even haEzer, the section of the Tur and the Shulchan Arukh relating to marital laws. There are also a number of laws which seem to make marital harmony subordinate to the need for procreation. For example, if a couple are together for ten years and have no children, Rambam rules that he is obliged to divorce her and seek another match which will enable him to fulfill the mitzva of procreation. (Ishut 15:7.)

Yet examining these very examples ultimately convinces us of the independent importance of the emotional and spiritual connection between husband and wife. It is true that the first mitzva of the Torah is to "be fruitful and multiply" (B'reshit 1:28). But the previous verse describes the creation of mankind as follows: "And G'd created mankind in His image, in the image of G'd He created him; male and female He created them". Male and female are two different, essential aspects of the single creation of Mankind; afterwards, they are commanded to procreate. In the following chapter of B'reshit as well, the reason for the creation of woman is so that man should have "a help suitable for him". Only much later in the chapter is reproduction mentioned, as Chava is punished with painful labor and referred to as "the mother of all living".

The Tur does begin his code with the laws of reproduction, but

the beginning of the book reads as follows:

"It is not good for man to be by himself, I will make him a help suitable for him."

Blessed be the name of the Holy One, blessed be He, Who desires the welfare of His creatures, and knew that it is not good for man to be alone, and thus made him a help suitable for him. And ALSO (my emphasis - AM), because the intention of the creation of man was for him to be fruitful and multiply, and this is impossible without a help.

Of course there is an intimate connection between the two, as the Bach points out. The "help" created for Adam was specifically one who would join him in propagating the human race. But the human element is given separate and even primary importance.

The Rema in the Darkhei Moshe on this same chapter relates to the various laws that seem to subordinate marital harmony to the need to raise a family. He cites the Rivash who writes: "All our days we have never seen, and for many generations we have never heard, of a Beit Din which occupied itself with separating a wife from her husband if she lived with him ten years without children". He then goes on to give a number of other examples where the law seems to forbid marriage or oblige a divorce where having children is impossible, but practically speaking "the sages of the generations never paid attention to prevent such [childless] matches, and it goes without saying that they did not seek to separate them."

One opinion in the Gemara (Avoda Zara 5a) suggests that in the absence of sin, procreation would have ceased at Matan Torah; but the same opinion acknowledges that marriage and marital intimacy would have continued.

Domestic harmony and raising a family are not independent, unrelated aspects of marriage. They are intimately related, as we see from the adjacent mention in the Torah and in the Tur, and as explicated by the Bach. When the human experience is complete, when the Divine image is realized jointly, "in the image of G'd He created him; male and female He created them", then our humanity is also fertile and prolific, tending to multiply itself. And conversely, family life and raising children make an invaluable contribution to deepening the affection and understanding among spouses.

But it is true that in our sources as well as in our law the psychological and spiritual connection between man and wife has its own independent importance.

## TANACH

### SPIRITUAL AND ETHICAL ISSUES IN THE BEREISHIT STORIES by Dr. Meir Tamari

"Noah, a righteous man [Tzadik], was perfect [Tamim] in his generations"

Popular imagination and childish memories combine to give a picture of an old man and his wife, together with their three sons and their wives, floating in a huge boat filled with animals and beasts, on the waters of a flooded world. The true story is far more traumatic, judgmental and spiritually challenging. A whole old world, created by G-d was to be destroyed and a new one created since ten generations of Mankind had succeeded in perverting the whole of creation. A second attempt and a new Adam was made to see if Mankind was able to fill the world with righteousness and the word of Hashem; failure would mean

the selection of one nation to serve as example of how this was to be done.

"The whole world was filled with Chamas". CHAMAS is often translated as violent robbery, but Rabbi Hirsch points to something more widespread and pernicious than simple armed robbery when he sees it as conniving to shrewdly defraud others even of things of petty value. So does the Talmud: "What did that generation do? A person had some beans and each one came and took one bean, thus not being liable for theft that can be claimed in a Beit Din [being worth less than a Shaveh P'ruta, the smallest coin for legal action]" (Yerushalmi Bava Metzia 4:2). "Most people are not outright thieves and robbers, but in their business dealings most of them get a taste of theft whenever they permit themselves to make an unfair profit at the expense of others" (M.Ch. Luzzato, Mesillat Yesharim, chapter 21).

"These were the generations of Noah". "Every person has three elements and they each give birth as it were to generations. Firstly, there is the bodily one that guarantees the continuation of the species, like in everything that lives. Then there is the spiritual and divine element that exists only in Mankind and that leads to the intellectual recognition of G-d. Thirdly, there is the combination of these two elements that lead to the doing of justice between men and the establishment of a moral and just society. So the verse tells us that Noah indeed had all these generations" (Malbim).

Chazal expressed the dilemma that this combination poses for us and the difficulties that lie in attaining it, in the two very different views that they had of Noah.

The use of 'in his generations' in our verse, while in no way denying the tzidkut of Noah, would seem to make it relative. "Rabbi Yehuda said, in that generation he was a tzadik but if he would have been in the generation of Moshe or of Shmuel, he would not have been considered one. Rabbi Nechemia taught, if he was a tzadik in that evil generation, how much more so in the generation of Moshe or of Shmuel" (B'reishit Rabba 30:9).

In support of Rabbi Nechemiah, there are many statements of our commentators:

A TZADIK is one who ignores his own interest and looks at everything from the point of what is right, primarily social justice; TAMIM on the other hand, is the development that a person goes through to the perfection of his own personality. He let himself be led by G-d (Rabbi S. R. Hirsch). "And Noah walked with G-d; the merit of 'walking with G-d is more sublime than being a tzadik or even being tamim" (Rabbenu Bachaya). "All the 120 years between Hashem's warning and the actual flood, Noah planted trees, cut them down and planted anew, in order that the people should ask him why he did not plant them all at once. When they did, he answered that Hashem was about to send the flood. They mocked him but he remained the torch of G-d, and persisted with his message; indeed tzadik tamim" (B'reishit Rabba 30:7); "Tzadik in all his actions and a Tamim in his ways" (Avoda Zara 6a).

In support of Rabbi Yehuda, the commentators compared Noah to Avraham, who likewise was the beginning of a new world, after the descendants of Noah proved to be a replay of the generations of the Flood. "When Hashem told Noah that He was about to destroy mankind and all flesh, he remained silent. He could not bring himself to plead for love and mercy. However, when Hashem told Avraham about the impending destruction of S'dom, immediately Avraham called out for them in prayer, invoked Divine Mercy and bargained at length for the sinful

cities" (Zohar 106a). In the case of Noah we read, "Noah walked with G-d" while Hashem said to Avraham, "Walk before Me and be TAMIM" (B'reishit 17:1); Noah needed the support of G-d while Avraham's righteousness enabled him to walk before Him, unaided (Rashi). Noah was a man of the earth rooted in the natural order so that he could save himself and his family only; that is he was a tzadik for himself only. Avraham could light up the whole world with the knowledge of G-d; "Avraham converted the men and Sarah converted the women" (B'reishit Rabba 39:14), while Noah could only obey Hashem and build an ark. He was a 'tzadik in pelts'.

"Let us say that it is true that Noah would not have been a tzadik had he lived at the time of Avraham, yet what is so wrong with that? Why should our sages see that as a defect? However, while Avraham's righteousness could exist in order to change the world, despite its evil and evildoers, Noah's could only exist if that evil world were destroyed" (Shem Mi Shmuel).

This is the 91st installment in Dr. Tamari's series on "Tanach and its messages for our times"

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[1] From the virtual desk of the OU **VEBBE REBBE**

*The Orthodox Union – via its website – fields questions of all types in areas of kashrut, Jewish law and values. Some of them are answered by Eretz Hemdah, the Institute for Advanced Jewish Studies, Jerusalem, headed by Rav Yosef Carmel and Rav Moshe Ehrenreich, founded by HaRav Shaul Yisraeli zt"l, to prepare rabbanim and dayanim to serve the National Religious community in Israel and abroad. Ask the Rabbi is a joint venture of the OU, Yerushalayim Network, Eretz Hemdah... and the Israel Center. The following is a Q&A from Eretz Hemdah...*

**Q** May I borrow my friend's property without permission if I am confident that he would let me do so?

**A** This is an important question. Adherence to every halachic nuance is as important in day-to-day monetary and personal relations as in the most famous ritual laws.

The matter starts with the sugya of Yeius Shelo Mida'at (lost hope without knowledge) in Bava Metzia 21b-22b. One loses an object under circumstances that he will give up hope of retrieving it when he finds out. Can someone who found the object before the owner became aware keep it? The gemara tries to answer from the following story. Three rabbis visited Mari bar Isak's orchard, and his sharecropper brought them fruit from the orchard. Mar Zutra refused to eat, because Mari was not there to give permission, although he clearly would have wanted the honored guests to have them. Thus, we see that we follow that which one did authorize, not what he would have

authorized. Tosafot (ad loc.) says that the other rabbis agreed with Mar Zutra in principle but assumed that the sharecropper had given them from his own portion, thus, this approach is halacha.

Others disagree with Tosafot. The Ran (ad loc.) cites the Rashba, that when one can assume that the owner would be happy to share his food with certain guests, it is permitted to give them. He cites Talmudic precedents where we assume that a homeowner has in mind to authorize others to give on his behalf. The Shach (358:1) makes a distinction between this case and Ye'ush on a lost object. A person would prefer not to have Ye'ush. Therefore, only if he actually loses hope does he lose the object. In a case where the owner would want to share with his unknown guest, he may partake without the owner's knowledge.

There is not a consensus among today's poskim on which position to accept. Thus, it is better to refrain from taking a friend's object without permission. This not only applies to food, which is eaten and lost to its owner. Paying later mitigates but does not erase the fact that according to Tosafot, the action was theft (excuse the harsh term). Even in regard to objects that can be borrowed and returned, one who borrows without permission is a thief (Shulchan Aruch, CM 359:5). However, we cannot condemn one who relies on the Shach's leniency and, at best, can teach those who would want to know that there is a dispute on the matter.

In certain cases, one may clearly take things without the owner's permission. One can give blanket permission, which may be assumed for some neighbors and for guests during their stay. It is permissible to use an object of so little value that owners generally do not care if anyone uses it (Pitchei Choshen, Geneva 1:15). If a responsible member of the household gives one an object under normal circumstances, one can assume that he has explicit or tacit authority to make such a decision on behalf of the household head(s). For that reason, tzedaka collectors may accept modest donations from older children at the door without knowing the family situation (based on Bava Kamma 119a). In a setting in which it is clearly accepted for people to borrow certain things without permission, one can assume that it applies to any given person. For example, in many yeshivot there is a policy of borrowing another's sefarim for short periods of time. If a talmid does not want people to borrow his sefarim, he should note that in writing to save others from unknowing sin. Regarding borrowing articles used for mitzvot, it depends on the article and other factors, which likely change based on time and place, and the matter is beyond our present scope.

Let us caution the borrower. It is wrong to assume: "I would give him, so he would give me." People have different natures and upbringings. On top of halachic concerns, many relationships among siblings and friends have been strained by incorrect assumptions of this sort. As it says in Pirkei Avot: "Mine is yours, yours is yours, that is a righteous person."

*Ask the Rabbi Q&A is part of Hemdat Yamim, the weekly parsha sheet published by Eretz Hemdah. You can read this section or the entire Hemdat Yamim at [www.ou.org](http://www.ou.org) or [www.erezhemdah.org](http://www.erezhemdah.org). And/or you can receive Hemdat Yamim by email weekly, by sending an email to [info@erezhemdah.org](mailto:info@erezhemdah.org) with the message: Subscribe/English (for the English version) or Subscribe/Hebrew (for the Hebrew version). Please leave the subject blank. Ask the Vebbe Rebbe is partially funded by the Jewish Agency for Israel*

## [2] Candle by Day

What we dignify by the name of "introspection" is usually nothing more than inspection of a relatively smaller field surrounding us. Most of us never really get to look inside.

**From A Candle by Day by Rabbi Shraga Silverstein**

## [3] CHIZUK and IDUD

(for Olim & not-yet-Olim respectively)

Often, we use the term "Klal Yisrael", while referring to the sum total of the Jewish people residing throughout the world. We speak of the Jewish people today consisting of those currently living in Eretz Yisrael, along with our brethren located in the Diaspora. Sociologically, this may be correct. However, from the Halachic standpoint, this is far from being the case.

Our great Rebbe, HaRav Yosef Dov Soloveitchik zt"l - quoting his father R' Moshe zt"l - distinguished between two categories of Mitzvot that are Eretz Yisrael bound. The first group - all of the agricultural variety of Mitzvot - demand, as a necessary Halachic prerequisite, that the Land be in a "sanctified" state. Practically, the map of Eretz Yisrael for this purpose is the reduced map operative during the Second Temple era until this very day (according to the dominant opinion voiced by the Rambam). However, a second category - all of non-agricultural concerns - also demands Eretz Yisrael as the only Halachically-approved location for the performance of such Mitzvot. In this category, it is the expanded map - as explicitly described in various Torah sections - that form the relevant and binding borders of Eretz Yisrael (including the Gush Katif area!).

Three central Mitzvot of this latter category are referred to in Parshat Pinchas.

1. The very Mitzva of residing in Eretz Yisrael (including owning land, followed by either cultivating it or building upon it) is the core issue revolving around the daughters of Tzlofchad's demand to receive their deceased father's land section in Eretz Yisrael.

2. The formal act of "Semicha", that of granting Halachic authority to the next generation, is pioneered by Moshe giving over that authority to his prime student, Yehoshua. This formal granting of the "Semicha" of old, linking the recipient - generation to generation - back to Moshe, can only take place in Eretz Yisrael.

3. The Musaf sacrifices for Rosh Chodesh and for all the festivals, are described in great detail. None of these special calendar dates would enjoy any sanctity whatsoever unless the appropriate sanctification of the moon and leap year adjustments were incorporated into the calendar in Eretz Yisrael. Rambam goes so far (Positive Mitzva #153) as to suggest that even today, the calendar owes its Halachic energy to the mere fact that a Jewish community exists in Eretz Yisrael.

Rambam's overall understanding is that the Halachic "address" for Klal Yisrael is Eretz Yisrael - and only Eretz Yisrael. The remaining Jewish population throughout the world is somehow "related" to the authentic Klal Yisrael in Eretz Yisrael.

Any Jew abroad willing and interested in (re)joining the authentic Klal Yisrael, and perhaps has difficulty in directions, should immediately consult one's local El Al timetable for the next available scheduled flight home to Eretz Yisrael.

**Rabbi Dr. Aaron Adler, Ramot Alef**

#### [4] **A Touch of Wisdom, A Touch of Wit**

R' Yaakov Berlin, father of the Netziv, was a prosperous merchant.

Once, when he came back from a long business trip, he brought back an expensive glass vase, such as could not be bought locally. His wife was overjoyed at the gift, and it became one of her prized possessions.

One day, as the maid was cleaning the vase, it slipped from her fingers and shattered. R' Yaakov's wife began berating the maid angrily for her clumsiness, but R' Yaakov stopped her. "You can't shout at the maid," he said, "she is a Jew like you, and comes from the same distinguished line."

"But look at the damage she did," said his wife. "That vase cost a fortune."

"According to halacha," R' Yaakov said, "you have the right to sue her in a Beit Din, but not to be angry at her."

"Well, if that's the case," exclaimed his wife, "I'll go right now," and as she finished speaking she grabbed her coat and told the maid to follow her to the Beit Din.

When R' Yaakov saw her leaving, he rose and donned his coat.

"You can stay home," said his wife. "I don't need your help. I know exactly what to say."

"You misunderstand," said R' Yaakov. "I am not going to help you, but to help the maid, who does not know how to defend herself."

*Shmuel Himelstein has written a wonderful series for ArtScroll: Words of Wisdom, Words of Wit; A Touch of Wisdom, A Touch of Wit; and Wisdom and Wit — available at your local Jewish bookstore (or should be). Excerpted with the permission of the copyright holder*

#### [5] **Torah From Nature - Coqui Frog**

Named for their distinctive "ko-kee, ko-kee" chirp, coqui frogs are tiny frogs, native to Puerto Rico. A species of the "free toed" frogs, coqui has no connecting membranes between its toes, which are padded in order to allow it to adhere to surfaces. Green, brown, or yellowish in color, the coqui ranges in length from 15-18mm (about the size of the turtle in the logo of this column). The coqui is particularly known for the songs that its males sing from dusk until dawn, which is why it made the news lately (see below). Coquies breed year-round... unlike other amphibians, coqui do not lay eggs on the water; rather, fertilization is internal. As a result, the entire tadpole stage takes place within the egg and a tiny, fully formed frog hatches after a period of 17-26 days. Coquis lay 4-6 clutches of eggs a year, with an average of 28 eggs in each.

Coqui frogs spread from their native Puerto Rico to Hawaii in 1990, when they arrived on the island in a shipment of tropical plants. They had no natural predators. By January 2005, they had infested 150 communities, with their nocturnal singing shattering the silence and their voracious appetite for insects and spiders cutting into the food supplies of native birds and fauna... Living near a large concentration of these frogs was compared to living near an airport, noise-wise. But coqui noise is all night long! No break between jet planes... it is no longer considered practical to eradicate coqui in Hawaii; they just hope to contain them...

#### [6] **MicroUlpan**

Paint is TZEVA, which coats a surface. STAIN is a liquid that colors wood (for example) by being absorbed, allowing the texture of the wood to show. In Hebrew - TZARAV

#### [7] **PERSONAL**

**There are many ways to protest the "disengagement plan" - this is my way. What gives me the right to take space in Torah Tidbits to make personal statements? Nothing really, but some- times you gotta do what you gotta do. For me, it's instead of moving down to Gush Katif. It's instead of or in addition to other forms of protest. I am opposed to blocking traffic. I'm in favor of going to rallies and roadside protest points. I'm taking advantage of a vehicle that consumes so many hours a week and so much energy, that I consider this to be like taking out a paid ad in the Jerusalem Post, or in... Torah Tidbits.**

**I've started this piece about 6 different ways so far, but I think I'm ready to continue now. Will what I'm writing change Sharon's mind? No. What I'm hoping for is people will use some of the following statements of opinion as springboards to discussion. Parents should ask their children and children should ask their parents how they feel about this issue.**

**Each of the following statements begin with "I, Phil Chernofsky, speaking only for myself, believe / feel / am of the opinion that..."**

- **if a person believes that disengagement is a step towards peace and will save lives, then he should favor it.**
- **if a person feels that disengagement will be harmful to Israel and its people, then he should oppose it. And protest it. And not consider it a "done deal".**
- **the first person described is tragically wrong and the second person sadly has the more correct reading of the situation.**
- **it is obscene and immoral for Jews to uproot Jews from their homes and their communities.**
- **Ariel Sharon pushed the disengagement plan in an undemocratic and dictatorial manner that went against the mandate that elected him, against the principles and policies of his party.**
- **there is tremendous pressure on Sharon from the US (and England) to proceed towards the "US Road Map" and a two-state situation and that means acting AGAINST our best interests. Which the PM might feel compelled to do, but it should not stop people from protesting.**
- **the disengagement plan is perceived by the Arab world as a reward for terror, and that alone makes it a very bad plan.**
- **the disengagement plan is perceived by the world**

(and by many Jews) as a statement that we do not really have a legitimate claim to Eretz Yisrael. And that makes it a very bad plan.

• the Palestinians are not interested in peace with Israel but rather will take whatever they can get and never be satisfied until, G-d forbid" we cease to exist. And that makes disengagement a bad plan.

Please notice that each statement begins with a lower case letter and is meant to follow the first half of the sentence, "I, Phil Chernofsky, speaking only for myself, believe / feel / am of the opinion that..."

I sincerely hope that people who disagree with me will not stop reading Torah Tidbits because of that disagreement. I say again that just like people study and discuss the ParshaPix or read aloud a part of the Sedra Summary, an SDT, the articles on Jewish Law, the Mikdash, Mitzvot, Tanach, Davening or whatever to their family and guests, so too with this, in a constructive manner.

## [8] Divrei Menachem

Parshat Pinchas reminds us that Israel is not short of enemies. Our arch enemy will always be Amalek, the embodiment of cruelty and wanton aggression. However, in our parsha G-d commands Moshe, "to harass the Midianites and smite them for they harass you" (B'midbar 25:16). For they beguiled us in the matter of Peor and in the matter of Kozbi, the daughter of a Midianite prince.

In ancient times, Rashi tells us, the Midianites prostituted their daughters in order to mislead us into worshipping Pe'or. Today we might associate Pe'or with sexual immorality and self-gratification, those pervasive ailments that seems to attack us from all sides.

An earlier text records, however, that the Israelites had committed harlotry with the daughters of Mo'av (ibid 25:1). Why then are the Midianites singled out? It seems that the sorcerer Bila'am, passing through Midian after his unsuccessful attempt to curse the people, lured the Midianites into initiating this plot. And to cite Rabbi Hirsch, the above text clearly implies that even after the Moabite women entered the play and Israel was plagued, the Midianites continued to taunt Bnei Yisrael.

And "Midian" still threatens Israel's essence, the family purity and pedigree that have preserved its very fabric from earliest times. No wonder the plague that purified Israel was followed by a census according to patrimony. Clearly, Israel's integrity is a function of its moral standing.

**Shabbat Shalom, Menachem Persoff**

## **SHEYIBANEH BEIT HAMIKDASH...**

A series of articles on Beit HaMikdash-related topics by Catriel Sugarman intended to increase the knowledge, interest, and anticipation of the reader, thereby hastening the realization of our hopes and prayers for the rebuilding of Jerusalem and the Beit HaMikdash.

## **The Sota - Suspected Adulteress (1)**

A Sota was a married woman who was suspected by her husband of adultery. To give her an opportunity to prove her innocence, the Torah decreed that she submit to the ordeal of drinking Mayim HaMarim ("bitter waters") and then Heaven would reveal her innocence or guilt (B'midbar 5:11-31). The only "trial by ordeal" ordained by the Torah, the Sages taught that this Divine intervention was a continuous miracle which endured until late Bayit Sheini times. At that time, because of the increased immorality of the period, and because "adulterers became many, the Mayim HaMarim ceased." (Mayim HaMarim are also called Mei HaMarim HaMe'aririm - "the bitter waters that cause a curse" B'midbar 5:18). The Mishna notes that this ordeal was officially abolished by R. Yochanan ben Zakkai in the period shortly before the destruction of Bayit Sheini (Sota 9:9). A variant reading in the Tosefta states that the Mayim HaMarim were already in abeyance in the days of R. Yochanan ben Zakkai.

Briefly the sequence of events was as follows:

A married woman was warned by her husband, in the presence of two witnesses, not to seclude herself with a particular man who, by his conduct, had aroused her husband's suspicions.

The woman nevertheless, continued to seclude herself with the man.

Two witnesses, testified that - while they could not be certain that intimate relations between the man and woman actually took place - nevertheless because of their prolonged seclusion together, ample opportunity for such activity to have taken place certainly existed.

The woman then assumed the status of a Sota - a suspected adulteress - not a proven adulteress. The aggrieved husband and the Sota had to live apart until, by undergoing the ordeal of drinking the Mayim HaMarim in the Beit HaMikdash and emerging unscathed, she had been proved innocent by Heaven. If even a single witness appeared and testified that intimate relations had indeed taken place, the integrity of the marriage was destroyed and the marriage had to be terminated at once. (Normally the evidence of one witness would not be acceptable but in this case, the single witness' testimony was reinforced by the previous declaration of the two attestants who testified as to the woman's suspicious behavior.) However, there was one very important stipulation which had to be met to ensure the effectivity of the Mayim HaMarim, the husband himself had to be completely above suspicion. "'And the man shall be free from iniquity" (B'midbar 5:31). At the time when the man is free from iniquity, the Mayim HaMarim establish the innocence of his wife, but if the man is not free from iniquity himself, the Mayim HaMarim does not establish his wife's innocence" (Sota 47b). The Navi warns, "I will not punish your daughters when they commit harlotry, nor your daughters-in-law when they commit adultery; because they (their husbands) themselves dally with harlots, and they themselves sacrifice with temple-prostitutes" (Hoshea 4:14). "R. Eleazar said, 'The prophet (Hoshea) spoke to Israel, 'If you will be scrupulous with yourselves, the water will prove your wives (innocent or guilty); but if you are not scrupulous with yourselves, the water will not prove your wives'" (Sota 47b).

The Sota was brought to Lishkat HaGazit (the Chamber of Hewn Stone adjacent to the Azara) where she appeared before the Sanhedrin. There in the very shadow of the Mikdash, the Sages explained to her the seriousness of her offense and admonished her as to how frightful an effect the Mayim

HaMarim would have on her person when she drank it if she was guilty. If she confessed her transgression, she forfeited the sum due to her under her marriage settlement and was formally divorced. She was not subject to the usual penalty of the adulteress because she had not been tried and convicted by Beit Din by the usual procedure. She had merely confessed her misdeed; two trustworthy witnesses had not testified against her in court. (The great leader and sage R. Shimon ben Shetach ordained that a when a man married, he was required to obligate himself to pay his wife a mutually agreed upon amount on his death or in the event that he divorced her. Legally binding, the document which embodied this enactment (the Ketuba) was (and is) signed by the husband and countersigned by witnesses. The original text was drawn up by the Sages and was enacted by them to protect women from the vagaries of irresponsible husbands. The financial obligations of the Ketuba served to restrain them from frivolously divorcing their wives without just cause. In essence the Ketuba is a lien on all the property owned by the husband and the Sota, by her confession of misconduct, forfeited this marriage settlement.) If she did not confess but refused to undergo the test, it was assumed she was guilty and her husband divorced her. In this case she also was denied her marriage settlement.

"But if she said, 'I am pure' (i.e. innocent) they take her over to the Eastern Gate... by the entrance of the Nicanor Gate where they give the Sotot (the Mayim HaMarim) to drink... A Kohein seizes her garments (from the neck) and if they are ripped, they are ripped, if they are torn open, they are torn open until he exposes her heart and he loosens her hair..." (B'midbar 5:18, Sota 1:5). Rambam posits that her head was not completely uncovered; she wore a Kipa on her head "just like a woman in her own home" (Rambam, Hilchot Sota 3:5). "If she was clothed in white garments, he (the Kohein) clothed her in black. If she had ornaments of gold, chains, earrings and finger rings, they were taken from her to make her less attractive. He then brought an Egyptian rope and tied it above her breasts (to keep her clothes from falling down completely) and anyone who wished to behold came and beheld except for her male and female slaves. (Sota 1:6). Tiferet Yisrael postulates that the presence of those familiar faces would cause her to be too embarrassed to confess. However Rashi (Sota 7b) and the Rambam (Hilchot Sota 3:6) maintain that their presence would give her courage to resist (Sota 7b). And all women were permitted to view her as it is written, "That all women may be taught not to do after your lewdness" (Yechezkel 23:48, Sota 1:6). "Then the woman brought a special meal offering called Minchat Kina'ot - "the meal offering of jealousies." This offering - Minchat Sota - was unique among Menachot in that it consisted of one tenth of an Eifa of coarse barley flour prepared from the entire kernel including the bran (Sota 2:1). "R. Gamliel said since her behavior was similar to the behavior of an animal, her offering is the food of animals". Rashi, quoting the Sifri and the Tosefta, explains that the expression "Minchat Kina'ot" is in the plural because the Sota's conduct aroused the "jealousy" of G-d as well of that of her husband. <TBC>

Catriel's book in progress: The Temple of Jerusalem, A Pilgrims Prospective; A Guided Tour through the Temple and the Divine Service

## Towards Better Davening and Torah Reading KEDUSHA

Let's do some fine-tuning of our Kedusha - Daily Shacharit and Mincha as well as Shabbat and Chag, Shacharit, Musaf, and Mincha. Although there are differences among the Kedushas, there are some basic principles that apply to all of them.

The essence of Kedusha are the p'sukim KADOSH, KADOSH, KADOSH..., BARUCH K'VOD HASHEM MIM'KOMO, and YIMLOCH HASHEM... (There are opinions that only the first two of these three p'sukim are the essential Kedusha, but we will consider all three p'sukim of equal status.)

There are opinions (Vilna Ga'on, Aruch HaShulchan, to name two) that the KAHAL (congregation) says only these three p'sukim, all the rest being said only by the SHATZ (Shali'ach Tzibur, Chazan).

It is a widespread practice that the KAHAL also says the other parts of Kedusha, but attention of the TTreader is called to the following comments.

First and foremost, as was already said, the essential Kedusha is the three p'sukim, which do not change from weekday to Shabbat and Chag, nor do they change from Asheknaz to S'fard, to Eidot Mizrach to Yemenite. They are the p'sukim of Kedusha. They are the only parts a person says when he is in a place in the davening that he may not talk but may participate in Kedusha. (As opposed to situations when no participation except silence is permitted - e.g. in the middle of the Amida.)

N'KADEISH, NAKDISHACH, NA'ARITZCHA, KETER & YACHAD are invitations of the SHATZ to the KAHAL to join him in saying Kedusha. Technically, only the SHATZ should be doing the inviting. However, as mentioned earlier, it is common for the KAHAL to say it too. If so, it is preferable to say (or sing) the intro along with the SHATZ (his voice should be heard above that of the KAHAL). When the SHATZ finishes M'CHYEI HAMEITIM, the KAHAL should say AMEN and the SHATZ should preferably begin N'KADEISH (etc.) right away. KAHAL joins him, hums along, or just listens.

Then all (SHATZ and KAHAL) should say KADOSH, KADOSH... together, with the SHATZ loudest.

If that doesn't work well (shul habit-wise), the SHATZ should start KADOSH, KADOSH... at least before the KAHAL finishes saying it. And the SHATZ should definitely say it out loud, and not just continue with AZ B'KOL (for example). If the SHATZ says KADOSH, KADOSH... only after the KAHAL finishes, it is as if he has absented himself from his own call to the congregation to sanctify G-d's name with the reciting of Kedusha together. Which is the main point of Kedusha.

So too for the other p'sukim of Kedusha. SHATZ calls to the KAHAL to say them, they do not begin the p'sukim until he finishes the sentence leading to it, and then he and they should say each pasuk together. Or at least, the SHATZ should begin his aloud recitation of the p'sukim before the KAHAL finishes theirs. Together is preferable, with the SHATZ's voice the loudest.

If you are going to sing along with the SHATZ (e.g. on Shabbat & Chag) when he says the parts between p'sukim (e.g. Mim'kom'cha), then don't say it a first time; just wait for the SHATZ and join him. Remember that technically, these are parts for the SHATZ. But if you are going to join him, which is the common practice, then at least don't say it twice.

The NUSACH of the shul should be used by everyone. If you usually daven Nusach Ashkenaz, for example, and you are davening in a Nusach S'fard minyan, Kedusha follows the KAHAL. <more to come>

# from page 3 PARSHA PIX

Upper-right are contradictory symbol of war (the spear) and peace (the dove with olive branch). Pinchas' act of "violence" was rewarded by the Covenant of Peace. It works this way sometimes. Pacifism does not necessarily always lead to peace and sometimes, forceful offensive action can.

The Brit Shalom is the Kehuna, the CHOSHEN.

The broken 6 represents the broken VAV in Shalom.

The small 10 is for the small YUD in Pinchas.

The large 50 is for the large NUN SOFIT referring to the claim of the daughters of TZ'lofchad.

Bill Cosby stands for his Midyanite namesake.

The calculator stands for the counting of the people.

The lambs are the daily T'MIDIM, or the Musaf of Shabbat - both of which are mitzvot in Pinchas.

Along the bottom... The binoculars are for Moshe Rabeinu to look out over the Land...

There is a collection of symbols representing Shabbat (candle sticks), Pesach (3 matzot), Shavuot (Har Sinai with the Luchot), Rosh HaShana (apple and honey - the shofar is extra because it is one of this sedra's mitzvot), Yom Kippur (the scales), Sukkot (the sukka, sort of).

That leaves the nostalgic inclusion of one of the very first Parsha PixPuzzles. It reads from left to right. A candy CANE inside a musical NOTE. Which gives us KEIN B'NOT... Next is a sniper, TZALAF in Hebrew. Combined with the 1 gives us TZELOF-CHAD. The bear is a DOV and the piece of the multiplication table reminds us of the method by which many of us had to learn it - namely, by ROTE. All together, we have G-d's answer through Moshe to Machla, No'a, Chogla, Milka, and Tirtza: KEIN B'NOT TZELOFCHAD DO'V'ROT...

Leaving 2 visual TTriddles

## TTRIDDLES...

are Torah Tidbits-style riddles on Parshat HaShavua (sometimes on the calendar). They are found in the hard-copy of TT scattered throughout, usually at the bottom of different columns. In the electronic versions of TT, they are found all together at the end of the ParshaPix-TTriddles section. The best solution set submitted each week (there isn't always a best) wins a double prize a CD from Noam Productions and/or a gift (game, puzzle, book, etc.) from Big Deal

### Last issue's (BALAK) TTriddles:

[1] From 626 to 728, more than 100 numbers, there's only one of these.

[2] 4 saw, 1 heard, 1 told - who? x 6

[3] For openers, a connection to last week's haftara

[4] Bil'am and Zerubavel are the only two

[5] ...son of Joel and Mary Ann (Britton), was born 25 Aug. 1844 in Linn County, Iowa... died 8 April 1923 in Waterloo, Iowa. (There are others, but one will do for TTriddle purposes.)

### And the envelope, please...

[1] This one is not even related to the sedra, but just to the issue number of last week's Torah Tidbits. 676 is a perfect square;  $26 \times 26 = 676$ . The previous perfect square is 625 ( $25^2$ ); the next one is 729 ( $27^2$ ). That means that from 626 to 728 inclusive - a span of more than 100 numbers, there is only one perfect square. 626-725 is the first span of 100 numbers to contain only one perfect square. So what? Not much. Just a number observation. First thoughts for this TTriddle was to use the fact that the g'matriya of G-d's name is 26. Nothing worked for that. Had last week's sedra been Chayei Sara, the issue number would have matched the g'matriya of the first pasuk of the haftara. But last week was Balak, not Chayei Sara. So we went with the perfect square thing. Earliest we'll bother you with that kind of TTriddle is more than a year, at the earliest. So rest easy.

[2] EIT KOL ASHER ASA... All that was done. That phrase appears 10 times in Tanach. This TTriddle is restricted to the 6 times it appears in the Torah. Four times, it is preceded with some variation of "to see". First it was G-d Who saw all that was done and it was TOV M'OD... Balak saw all that Israel had done to Emori. Yehoshua was shown all that happened to the two kings... (end of D'varim, D'varim). Moshe reminds the people all that G-d had done in Egypt, etc. The other two verbs go with Yitro. He heard and Moshe told him... all that G-d had done...

[3] Cryptic crossword type of TTriddle. Openers is a play on words - can refer to the first word of something and/or the word for "open". As in VAYIFTACH HASHEM ET PI HA'ATON... G-d opened the donkey's mouth, and the similar word to VAYIFTACH, namely V'YIFTACH as in the opening word of the previous week's haftara.

[4] EKACHACHA, I will take you. Unusual form of the root LAKACHAT, to take, appears only twice in all of Tanach. Balak offers to take Bil'am to a different place to see the people of Israel. The only other occurrence of the word is in CHAGGAI 2:23. q.v.

[4] William Nation. Also known (not really, just in TTriddle-land) as BILL AM. BIL'AM, get it? There are other William Nations, but one is enough for a TTriddle.

### This week's TTriddles:

[1] Shabbat - Sunday connection

[2] Daughters the same, sons 150 more

[3] It contributes to the pronunciation until family suffix is added. For one of his sons, it is exactly the opposite

[4] Zula's Shevet?

[5] Follows the post-motana break

[6] When personal names became family names, theirs changed the least, his changed the most. Who they - who he?

[7] plus two visual TTriddles from the ParshaPix