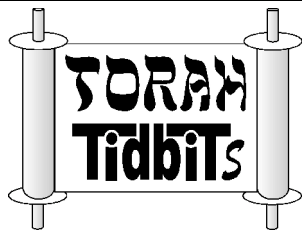




723



פרשת
פינחס
י"ט תמוז תשס"ו
July 14-15, '06



This Shabbat is the 285th day (of 354); the 41st Shabbat (of 50) of 5766 • We read/learn the FIRST perek of Avot
(Chu"l: 6th perek) • במדבר כה-יב: לָכֵן אָמַר ה'נָנִי נִתֵּן לְךָ אֶת-בְּרִיתִי שְׁלֹמֹם:

In those days, in this time

We say it for the good times, like Chanuka and Purim, when we celebrate the miracles and victories that G-d has wrought for us, Bnei Yisrael. And we try to put in the good word for our own times, with the implicit prayer that G-d continue helping us and saving us. (That, at least, is one understanding of BIZ- MAN HAZEH.

If so, then it is only fair that we apply the same "in those days, in this time" to tragedies as well. More than fair, it is very important for us to do that, because it is the only way to learn from history, and to do something towards rectifying the mistakes of the past. The 17th of Tamuz marks the day of the Breaking of the Luchot, i.e. the day of the Sin of the Golden Calf. That actually happened "Bayamim HaHeim". Unfortunately, variations of the same sin have occurred throughout Jewish History, and continue to happen "in this time". It might not be a golden calf today, but there are Jews whose faith in G-d is wishy-washy enough to declare, "these are your gods, Israel".

We've taken many opportunities in the pages of Torah Tidbits to address the issue of today's Meraglim. Today's Jews who would prefer the comfortable communities of today's Midbar to life in THE place where G-d wants us to be. This is BAYAMIM HAHEIM, BIZMAN HAZEH for Tish'a b'Av. We might not use this phrase on these fast days, but we must realize that it is there, heavily weighing upon us and challenging us to "do something about it".

"Every generation in whose time the Beit HaMikdash is not rebuilt, it is as if it was destroyed in that generation." Why? Because Bayamim HaHeim Bizman HaZeh applies to calamities. Because we still do the same things that caused the destruction of Jerusalem and the Mikdash. Because we have the potential to "repair" the damage of previous generations and merit the Geula. To use today's terminology, we must be pro-active.

Parshat Pinchas gives us a glimpse of the Geula, by showing us what should have always been: The daughters of Tzelofchad and their yearning for Eretz Yisrael. The Musafim of the Chagim, brought in the Beit HaMikdash.

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...

Hair cutting and shaving is not permitted (Ashkenazim) during the Three Weeks between 17 Tamuz and halachic noon of the 10th of Av. Women too should not cut their hair, but married women and girls of marriageable age may shave their legs, but not during the week in which 9Av falls. Clean-shaven men who shave every day, still should not shave during the 3 Weeks, or at least not during the 9 Days. The argument to allow a daily shaver to shave during this period, still may not shave during the week in which 9Av falls. Men in work situations who might suffer financial loss if they don't shave, can shave until the week in which 9Av falls. Fingernails (and toenails) may be cut during the Three Weeks, except during the week in which 9 Av falls.

from אבלות החורבן by Rabbi Yoel Schwartz



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OTHER Z'MANIM
Correct for Jerusalem

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Regular and (earliest)

CANDLE LIGHTING & Havdala times

Israel Summer Time

Correct for TT 723 • Rabbeinu Tam (l'm) - 9:11pm

7:11pm (6:19)	Jerusalem	8:28pm
7:28pm (6:21)	Raanana	8:30pm
7:27pm (6:20)	Beit Shemesh	8:28pm
7:29pm (6:21)	Netanya	8:31pm
7:28pm (6:21)	Rehovot	8:30pm
7:08pm (6:21)	Petach Tikva	8:30pm
7:27pm (6:20)	Modi'in	8:29pm
7:26pm (6:20)	Be'er Sheva	8:28pm
7:25pm (6:19)	Gush Etzion	8:27pm
7:27pm (6:20)	Ginot Shomron	8:29pm
7:11pm (6:19)	Maale Adumim	8:27pm
7:26pm (6:19)	K4 & Hevron	8:27pm
7:18pm (6:20)	Tzfat	8:30pm

Ranges are FRI-FRI • 18-25 Tamuz • (July 14-21)

Earliest Talit & T'filin - 4:46-4:51am
Sunrise - 5:43½-5:47½am
Sof Z'man K' Sh'ma - 9:14-9:16 am (8:20-8:23am)
Sof Z'man T'fila - 10:24-10:26am (9:48-9:50am)
Chatzot (halachic noon) - 12:45-12:45½pm
Mincha Gedola (earliest Mincha) - 1:21-1:21pm
Plag Mincha - 6:19-6:17pm
Sunset - 7:51½-7:48pm (7:46-7:43pm)

In the Wolinetz Family Shul
OHEL SHMUEL (entrance floor)

Early Shabbat Minyan
Mincha 6:05pm (before PLAG)

Shabbat Shiur 5:00pm Mincha 6
Yaacov Peterseil & Co.

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Note to TTreaders who live in Chutz LaAretz: The out-of-sync situation for Parshat HaShavua ends this Shabbat with Parshat Pinchas being read by Jews all over the world. Pirkei Avot remains out of sync until shortly before Rosh HaShana.

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.

Kohen - First 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, 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".

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.]

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

אחינו כל בית ישראל. הנתונים בצורה ובשבייה.
and specifically Gil'ad Shalit and the other kidnapped soldiers
העומדים בין בנים ובין בנות. המקום ירחם עליהם ויוציאם מצרה לרוחה. ומאפלה לאורה. ומשעבוד לנאולה.

[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 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 idolatrous 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 the 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 Shu-

telach'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, Eichí, 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 - Third 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 Tzelofchad 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... Do not think that before Tz'lofchad's daughters complained to 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. 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. (Similarly, for Pesach Sheini.)

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.

[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 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 pre- sented 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 - Fifth 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]**. Correspond- ingly, 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.

SDT *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 Mikdash. He explains that not only did kohanim have a role in the offering of korbanot, 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 - Sixth 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'RUA. 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.

MitzvaWatch

The Torah does not say: THOU SHALT BLOW THE SHOFAR. (Not for Rosh HaShana, that is.) It tells us to have a YOM T'RUA on the first of Tishrei. The Gemara teaches us what that means, using a G'zeira Shava (parallel termi- nology) 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 - Yirmiyahu 1:1-2:3

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, as it is this year...

The haftara consists of the opening words of the book of Yirmiyahu. Aside from the personal exchange between G-d and Yirmiyahu, we are told of his visions of an almond tree (which blooms early in the year, a sign that G-d's judgment is coming soon) and the "boiling pot", representing the enemy from the north (Bavel) who will come to destroy Jerusalem. This prophecy of destruction, because of idolatry and unfaithfulness, sets the tone for the 3 Week mourning period for the Beit HaMikdash and for the main part of the book of Yirmiyahu. The concluding pasuk of the haftara tell of the promise that G-d will punish those who rise against Israel, for Israel - despite its sins - is holy and special to HaShem.

The Israel Center family welcomes

Rabbi Avi Berman

to his new position as

Director General of the OU in Israel

Our wishes for Bracha & Hatzlacha to

Rabbi Dovid Cohen

**in his semi-retirement and his new role of
consultant and advisor to the Israel Center**

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

Lesson 339 (part iki)

A Beth Din of One Judge

In the last lesson we discussed that according to Talmudic law, a recognized expert does not require authorization to judge cases and may in those societies where halacha holds sway, compel the litigants to appear before him to adjudicate their dispute. Nowadays, in most situations, the litigants select the Beth Din that they want to adjudicate their controversy. In our Israel Center Beth Din we adjudicate cases where both parties sign a stipulation consenting to our Beth Din judging the case. We do not take any cases to be decided until the parties with their lawyers, (in most instances we strongly urge that the parties be represented by counsel) sign a stipulation authorizing us to judge the case and make a decision that the parties agree to adhere to. Thus nowadays, in most situations both litigants select their Beth Din and agree to be bound by its decision.

I will now set forth the holdings of a few of our greatest post-Talmudic scholars regarding these laws when the parties did not voluntarily confer the power on the Beth Din to adjudicate their dispute. We will be discussing concepts that do not exist today, the position of the Exilarch, the Reish Galuta (the political leader of the Jews). However, this may be the only time some of our readers will hear this term which was once a significant part of the Jewish history in the Iraq area.

Rambam states that if one is a recognized expert or has received authorization from the Beth Din, then he may render a valid decision by himself, even though he does not constitute a court. In another place he states that any competent judge who is authorized by the Exilarch is authorized to judge anywhere in the world, and the parties are compelled to accept the jurisdiction of this type of judge. If a person is not qualified, either because he lacks knowledge, or because he is unworthy but nevertheless is authorized by the Exilarch or by the court, then his authorization is a nullity until he becomes competent, since such an appointment can only be the result of an error or of a violation of the halacha. Rambam, in this latter statement, seems to say that if one is not at least an expert, then his authorization is to no avail. This holding apparently conflicts with his other statement that authorization may confer jurisdiction on one who is not an expert. R. Abraham diBaton (1560-1616) in his Lechem Mishna commentary on Rambam, attempts to reconcile Rambam's statements by making the authority of the judge and his receipt of authorization depend upon the willingness of the litigants to accept the judge. This explanation leaves many unanswered questions. Other commentators, in attempts to reconcile Rambam's statements, combine various grades of judges into one level, so that there are fewer grades of judges. According to Rabbi Yonatan Eibeschutz (1690-1764) the first grade is the recognized expert who may judge without authorization; the second grade is the expert who requires authorization; and the third grade embraces the learned person and the layman who may not judge even with authorization.

From the foregoing it is clear that there may be instance where an individual may judge cases by himself. However, a Mishna

in Tractate Avot (4:3) states in the name of R. Yishmael "Judge not alone, for none may judge alone save One." As explained by Bartinura, this Mishna contains a strong admonition to adopt the pious trait of not judging alone, since only the Lord judges alone. Tiferet Yisrael adds that this applies even to an expert appointed by the community. Tosafot Yom Tov comments that the intent of this teaching is also to further the requirement that judges should discuss the matter fully and attempt to penetrate deeply the questions involved in a case. Lacking the provocative probing of fellow jurists, an individual judge may be unable to delve so deeply into the matter. In this respect it is interesting to quote from the Jerusalem Talmud (T. Sanhedrin 1:1) which relates the statement of R. Yehuda b. Pazi that "even the Holy One, blessed be He, does not judge by Himself, as it is written 'and all the hosts of heaven stand by Him, to His right and to His left' These incline toward the scale of merit and those incline toward the scale of guilt. Although He does not judge alone, He seals the decree alone." On the basis of the Mishna in Avot, there seems to be a clearly accepted admonition against an individual judging a case by himself. Yet in the Talmud it was taught that certain great scholars judged cases by themselves. Tosafot answers that the Mishna merely provides the judge with sound advice, that he should not judge by himself lest he make a mistake in rendering a decision. Rambam in his code states that one who is a recognized expert may judge a case by himself. Although he may do so, the Sages have decreed that he should have others sit with him in judgment. R. Moses of Coucy (1200-1260) in his Sefer Mitzvot Gadol (states that according to Torah law one may judge by himself, as it is written "in righteousness shalt thou judge thy people" (Vayikra 19:15) However, the Mishna in Avot that one should not judge by himself is a wise counsel of the Sages. Moreover, Sefer Mitzvot Gadol says the principle applies even to a recognized expert. Rabbi Yosef Karo in Shulhan Aruch (Hoshen haMishpat 1:3) states that although a person who is a recognized expert may judge by himself, the Sages commanded that others should sit with him. R. Mordechai Jaffe (1536-1612) in his Levush says the principle applies even to a recognized expert, for although the Sages taught that one may judge alone, they nevertheless gave wise advice to the judge that he should not accustom himself from doing so. This view is also the view of the classical commentaries and codes such as R. Yoel Sirkis (1570-1641), R. Shabtai Cohen (1622-1663), R. David b. Samuel haLevi (1586-1667), and R. Yechiel Michel HaLevi Epstein (1829-1908) in his Aruch HaShulhan.

We may conclude that in those situations where one judge may decide a case by himself, it is preferable, if possible to have others join the judge in judging the case.

The subject matter of this lesson is more fully discussed in volume I chapter 1 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

TANACH

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

"Building Beit Yaakov" [5]

It is not often that the Avot, or for that matter Biblical characters in general, show anger. When they do, it has significant spiritual and moral perspectives. So is it with the two episodes of which the Torah tells us, "Yaakov's anger flared up". It is instructive to note that it did not happen when Lavan defrauded him regarding Rachel nor when he cunningly changed his wages ten times, but his anger did occur when Rachel said to him "give me children" (B'reishit 30:1-2) and again when Lavan searched through his belongings and those of his whole party on the accusation that they had stolen his gods (ibid. 31:36). Both cases were reactions to religious issues, the first one relating to G-d and the second one concerning human ethical behavior.

"His anger was aroused by Rachel's curse saying that she would die if she did not give birth; even unintentionally, the words of tzaddikim are subtly effective. Yaakov's anger was intended to spare Rachel from her careless talk" (Or HaChayim). "He was zealous for the honor of G-d, since she implied that Yaakov was the determining factor in her having children, whereas childbirth is one of the keys that only G-d controls. Rachel's request should, however, not be taken as simply the normal desire of all people for children, either simply for their pleasure or as security for their old age. Rather, all the Matriarchs were prophetesses and therefore Rachel knew that Yaakov was destined to have 12 sons from whom would be descended G-d's Chosen People and it was her deep desire to participate in this holy endeavor that prompted her words. Her saying that otherwise she may as well be dead, was prompted by her feeling of uselessness and futility were she not to be able to do so, just as was Rivka's saying that if she would give birth to a evil son, then why should she desire to give birth. So Yaakov replied to her that her having sons was dependent on her own actions. Realizing that she could not rely on his prayers, she then prayed and then it is written: 'G-d heard Rachel'" (Daat Torah, Rabbi Yerucham Liebowitz).

A chasid once came to Kotsk to ask the Admor Menachem Mendel to pray for him as he had no livelihood. To the Rebbe's comment that they should both pray together, the chasid admitted that he did not know how to pray. Thereupon the Rebbe dismissed him angrily, saying: "You are a fool for not asking me to teach you how to pray, since that is a greater deficiency than the lack of parnasa".

"Yaakov was admonished by our Sages for his insensitive reply to Rachel as we read in the Midrash; "Is this the way one answers the cries of the afflicted ones? Indeed, your sons are destined to humble themselves before her son". However, although Yaakov did pray for Rachel, his prayers had not borne fruit. Therefore, his anger was meant to declare that sometimes the righteous are refused their requests" (Ramban). That is to say that when our prayers do not yield fruit it is not because He does not listen to our prayers, nor because they are valueless, nor because G-d is powerless to help but simply because His answer is NO and

that NO, is also an answer.

After Lavan had searched through the tents and belongings of Yaakov's family and attendants, Yaakov's anger poured forth. "Even though the 20 years of living in his father-in-law's home would normally make it difficult for somebody not to even mistakenly have taken some of Lavan's possessions, however, he found nothing of his in all Yaakov's camp, not even a needle or a hook" (B'reishit Rabba 74:8). "Yaakov's answer to Lavan's accusation of the theft of his household gods was: "With whomever you find your gods, he shall not live" (B'reishit 31:32). This angry answer is a sign of the ethical education that Yaakov gave to his family and to his servants so that he could be so certain that none of them would even consider theft" (Rabbi S. R. Hirsch).

Yaakov's answer in later verses is the basis not only of some of the halakhic obligations of an employee but also an example of ethical behavior which is always beyond mere legal obligations. "Your ewes and she goats never miscarried [because of my negligence (Rashbam), or since I never hurried them but let them proceed at their own pace (Chizkuni). I did not eat rams of your flocks [even though legally, shepherds who were away from home and if there was not enough other food, were allowed to do so (Chizkuni). That which was torn by wild beasts I never brought to you [even though a shepherd is not required to risk fighting such beasts and therefore it is considered beyond his control (Ha'ameik Davar)], and I myself would bear the loss [paid to you for the damage, although I was not halakhically required to (Ramban)], whether it was stolen by day or by night [a paid watchman is liable for such theft (Choshen Mishpat 303]. Had not the G-d of my father- the G-d of Avraham and the Awe of Yitschak - been with me, you would surely have sent me home empty handed, but G-d saw the labor of my hands and He proved it last night [and saved me. From this our Sages learnt that deeds, active works, is worth more than the merit of ones forefathers, for the latter saved Yaakov's material wealth only while the former saved lives (Rabbi S. R. Hirsch)]" (B'reishit 31:35-42).

Surely, Yaakov's behavior was an explicit application of the words of Micha that we read as the conclusion of the haftara of Parshat Balak. "G-d has told you what is good, and what He requires of you; only the doing of justice, the love of righteous deeds and walking humbly with your G-d" (Micha 6:8).

*This is installment #136 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...



We hired a contractor to do major home renovations.

His prices for various jobs were relatively high, but he told us that he would throw in major parts of the work we asked for as a bonus. After doing about 75% of the total job but only around half of the "bonus," he became sick and had to stop working. He now demands 85% of the set price, pointing to the line items he completed and their corresponding prices on the written work order. He promises to make up for the bonus items with jobs of similar value after he recovers. While we feel bad for him, his illness not only complicated our lives, but we also had to pay another contractor good money (more than 25%) to finish up. We do not want to settle for future services of questionable value to us. How much should we pay?



We will answer your question with two reservations.

First, we refer to the letter of the law, not to matters of compassion for a worker who got sick and the value of avoiding fights. We leave those elements to you. Also, we cannot rule conclusively on monetary matters without hearing both sides in the framework of a Din Torah. We can only discuss your apparent rights and obligations based on your depiction.

Clearly, it is now common for salesmen of different types to present package deals as if you pay for one thing and get another for free. This is sometimes accurate, as in a case where one buys a car and receives a key chain as a present. However, if you clearly ask for, say, 12 projects done in your home and the contractor makes it worth your while by promising 4 of the major ones for free, it is clearly a package deal with one price for the total job. Thus, you do not have to pay the full list price of the work and can deduct for the undone work that was "free" in name only.

What happens when people arrive at a package deal of which only part is carried out as designed? Consider a precedent in the realm of a sale. Reuven agreed to buy from Shimon land and date trees, but Shimon did not provide the trees. The Rambam (accepted by the Shulchan Aruch, Choshen Mishpat 216:5) says that, in such a case, the whole deal is off, and the buyer can return the field and does not have to agree to compensation for the trees. The Rama (ad loc.) accepts the opinion that the sale of the land stands. In certain cases, all seem to agree that half a sale does not stand alone. For example, if one tried to sell a large field but was actually capable of selling only part of it, the buyer can reject the part that should have worked (Shulchan

Aruch, *ibid.* 182:8). The Netivot (*ad loc.*:8) makes some distinctions, including whether the parts of the sale form one unit or are more easily separated.

However, your case does not lend itself to voiding the whole agreement. You cannot “return” the services you received but must reckon with the work that was done. Your case is similar to the Gemara (Bava Metzia 79a) about Reuven who rented a donkey from Shimon to transport wares and the donkey died along the way. Reuven has to pay Shimon for the part of the trip he made. The Rama (Choshen Mishpat 310:2) limits this to a case where Reuven can salvage the situation by selling the wares where they are or finding alternative transportation. Other- wise, he need not pay when the job was not completed and he received no benefit. However, if there was benefit, even if the alternative brought the total cost to more than was originally agreed to, if it is only moderately so, Shimon still gets paid for the work he did. We do not deduct the added cost when it was caused by matters out of his control (see Pitchei Choshen, Sechirut 3:(33)).

In broad terms, the amount you halachically owe should be calculated as follows. Determine the relative market value of the work completed as a percentage of the whole job. Multiply that percentage by the total price agreed upon for the work (irrespective of whether it is the average market price). Use that number as a basis of arriving at an appropriate agreement.

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 or www.eretzhemdah.org. And/or you can receive Hemdat Yamim by email weekly, by sending an email to info@eretzhemdah.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

In our desire to learn from experience, we must not be too hasty to assume that the situation confronting us is indeed the same as the experience we wish to learn from.

From "A Candle by Day" by Rabbi Shraga Silverstein

A Candle by Day • The Antidote • The World Of Chazal by Rabbi Shraga Silverstein • Now available at 054-209-9200

[3] CHIZUK and IDUD

for Olim & not-yet-Olim respectively

In Parshat Pinchas (27:1) the daughters of Tzlofchad raise the issue of daughters inheriting their father's land where there are no sons. In this, the commentaries discerned their deep love for Eretz Israel. Consequently, the daughters of Tzlofchad had a law propagated through their agency and in their name -- an unusual merit.

The Kli Yakar offers an interesting insight on an earlier verse (26:64) which states that "there was no man" from those counted at the time of the Exodus who was still alive for the count taken right before entering Eretz Israel. This verse implies, argues the Kli Yakar, that there were women, for the women were not punished for the sin of the spies.

The Kli Yakar then delineates two reasons that the women merited entering Eretz Israel and even inheriting it. The first reason is that the women, due to their inborn modesty, and unlike the men, were happy to go to a land where modesty and chastity are essential; where the land vomits out those who are licentious. The second merit was that the women of Israel, who by nature are charitable, welcomed going to Israel where the people of Israel are obligated in charitable contributions to the kohanim, the Levites, and the poor. The Kli Yakar states that the men preferred Egypt where there were no laws of terumot, ma'aserot, pe'ah or leket, and they were not required to share their yields, whereas the women, who normally have no control over their husbands' money, were eager to move to Eretz Israel where the giving of charity would be compulsory.

Living in Israel requires living on a higher and more demanding spiritual and ethical level than does living in Galut. The Kli Yakar suggests that the Daughters of Israel are worthy of the challenge.

Chaya Passow, Jerusalem

TORAH THOUGHTS as contributed by Aloh Naaleh members for publication in the Orthodox Union's 'Torah Insights', a weekly Torah publication on Parshat Ha'Shavuah

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

When R' Yoshe Ber of Brisk was the head of the yeshiva in Volozhin, he used to travel to Vilna for various meetings with rabbis and public figures. His son Chaim was still a child, and like other children, begged: "Father, I want to go with you. I want to go to Vilna, the big city, and see what the world is like."

R' Yoshe Ber consented.

Along the way they passed the village of Ivnitz and stopped there. The leaders of the community came to R' Yoshe Ber with a request. It seemed that that day there was to be a public meeting of the community. Would he agree to attend? R' Yoshe Ber agreed.

As R' Yoshe Ber, accompanied by his son Chaim, entered the hall, they were met by a tremendous din. There were shouts and counter-shouts. The more boorish came to the fore to press their own points. In the end, it was the more forceful group that won.

After the meeting, R' Yoshe Ber said to his son: "Chaim, you can go back to Volozhin and I will travel on to Vilna."

"But why, father?" wondered the young Chaim. "You told me you'd take me to Vilna."

"Yes, I did," said R' Yoshe Ber. "You wanted to see what the world was like, and you've already had your wish granted. What you saw in Ivnitz is what you'll find in Vilna and in the rest of the world. The boors are the ones who press forward and those who are the more forceful are the ones who win."

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] Parsha Points to Ponder - Pinchas

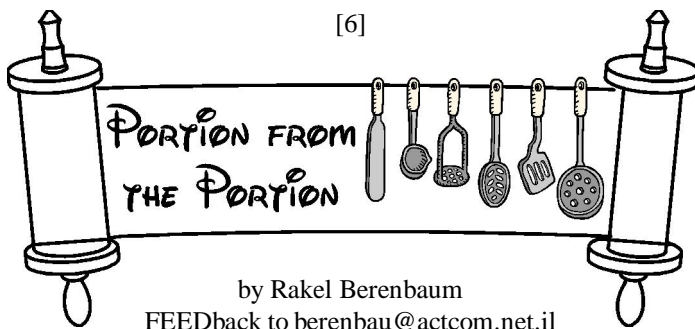
- 1) What is the connection between the act of Pinchas killing Zimri and Kozbi and his reward of a blessing of peace?
- 2) If G-d commanded Moshe to wage battle against Midian, how could Moshe shun his responsibility and send Pinchas? (See 31:6)
- 3) All of the Jewish people were given the right to live in Israel so why did the daughters of Tz'afchad insist on receiving an actual share of the land?

THESE ARE THE ANSWERS

Ponder the questions first, then read here

- 1) The Netziv answers that when a person kills another, even if the killing is completely justified, the killer is usually changed forever in a negative way. Pinchas was blessed with peace which meant that he would suffer no spiritual damage from his act.
- 2) Tosafot answer that since Moshe had spent many years in Midian when he fled from Par'o, he felt he could not personally wage war against a nation that had helped him.
- 3) Rav Moshe Feinstein explains, based on Rashi, that their request had nothing to do with materialistic concerns. Rather, it was out of a love for the land of Israel. When people love something, they want to own it and possess it as their own. That is why they wanted their own portion in the Land.

Parsha Points to Ponder is prepared by Rabbi Dov Lipman, who teaches at Reishit Yerushalayim, Tiferet, and Machon Maayan in Beit Shemesh and RBS and is the author of "DISCOVER: Answers for Teenagers (and adults) to Questions about the Jewish Faith", soon to be re-published by Feldheim ppp@israelcenter.co.il



FINGERS (ETZBON) FOR OUR EARS (OZNI)

In this week's portion, the nation is counted again. All males over 20 years of age who are fit for the army are tallied by paternal lines. They are about to enter the Holy land and the purpose of this census was to determine who would inherit the land "following the number of names recorded. To a larger group you shall give a larger inheritance, while to a smaller group, you shall give a smaller inheritance." (Bamidbar 26:53-54). All those who had been counted previously by Moshe and Aharon had died because of the Sin of the Calf (except for Yehoshua and Kaleiv).

The Sages notice numerous changes in the names of the families mentioned in Vayigash (B'reishit 45:8-27) and those mentioned in our portion.

For example Shimon's son is called Yemuel in B'reishit (46:10) and Nemuel in Parshat Pinchas. Yissachar's son is called Yov in B'reishit (46:13) and Yashuv in Bamidbar.

And three of the descendants from the tribe of Gad are mentioned differently then they were in B'reishit: Tz'fon (Tzifyon), Arod (Arodi) and Ozni (Etzbon). The sages learn things from these changes that we might just have skipped over.

On the difference of the names Ozni from Etzbon Rashi says "Ozni is the same family as Etzbon". What is the connection between these two names that seem so different? The Sh'lah HaKodesh says that the Sages relate that man was created with long thin fingers so that he could put them in his ears whenever something was said that wasn't appropriate to hear. Since it seems that the fingers were created for the ear then there is a direct connection between the two names Etzbon (fingers) and Ozni (ears). Actually the finger that we call pinky is also called auricular which means ear finger. There are two recipes this week has one for ears one for fingers.

HERBED ROASTING EARS

- ¼ cup soft butter or margarine
- 1 tsp. dried rosemary
- ½ tsp. dried marjoram
- 6 ears sweet corn, husked
- 1 head Romaine, freshly rinsed

Blend butter and herbs; spread on corn. Wrap each ear in 2 or 3 leaves Romaine; place in shallow baking dish; cover tightly with foil. Bake at 450° for 20-25 minutes.

OVEN BUTTERED CORN FINGERS

- 2 sticks butter or margarine
- 2½ cups sifted flour
- 2 Tbsp. sugar
- 4 tsp. baking powder
- 2 tsp. salt
- ¼ cup milk
- 1 can corn

Melt 1 stick butter in each of two 9x13 inch pans. Sift flour, sugar, baking powder and salt in large bowl. Add milk and corn; stir until soft dough is formed. Turn out on well-floured board. Knead 15 times. Dough will be sticky.

Roll out into a rectangle ½ inch thick. Cut into 1-inch thick strips. Roll in melted butter to coat and arrange in pan. Bake at 450° for 20-30 minutes or until golden brown. Tastes good with chili!

Ed. note: Not that the SH'LAH needs confirmation for what he said about the finger and the ear, but it is interesting that a dictionary definition of auricular finger is the pinky, called this because "it can be readily introduced into the ear passage".

[7] **From the Law of Inheritance**

...being of sound and disposing mind and memory...

That's how a Last Will and Testament begins in New York State. It is in Parshat Pinchas that we learn the Torah's Laws of Inheritance. They are more than a little different from those of New York or any other state, or any other country.

This piece is NOT going to be a survey or summary of the Jewish Laws of Inheritance. It will shortly focus on part of one mishna in Bava Batra that addresses one aspect of these laws. But before we get there, we must make a very important point.

The simple, plain, straightforward application of the Torah's Laws of Inheritance often [this is difficult to put into words...] result in situations that can be taken unfair advantage of by heirs, that cause a terrible injustice, and pervert the intention of Torah Law. [Maybe this will get a little clearer as we proceed...] What has evolved is the concept of a Kosher Will that retains the intent of the Torah and also safeguards the interests of children and spouse of the deceased. In what follows here, we are going to stick to the simpler details of the Torah's Laws of Inheritance.

[If we say, for example, that a wife does not inherit from her husband, and that only sons do, and not daughters (unless there are no sons), then resist the temptation to shout "unfair". The Laws of Inheritance provide for the wife and daughters of the deceased to be well cared for by the sons, even if they (the sons) end up with less than their mother and sisters. And today, as mentioned earlier, there are ways to handle the more complex realities of finance and society, within acceptable halachic boundaries, namely, the Kosher Will. But we are not discussing this here. See how hard it is to write this...]

One more word of introduction: The Laws of Inheritance are referred to by the Torah with a rare term: CHUKAT MISHPAT. This implies that there are logical, common sense aspects to these laws, and aspects that will confuse and confound our understanding as only a CHOK can. Keep that in mind if you are tempted to say, "that doesn't make any sense". We do our best to understand G-d's laws, but some resist our logic. And that is as it is supposed to be.

Now let's get to the mishnayot of Bava Batra, chapter 8. If a man says: "My son, so-and-so, shall not inherit from me", he has not said anything, since this contradicts the rule of the Torah that a man is inherited by his sons.

If a man gives away his entire estate while he is still alive, and his intention is to thereby disinherit his son, then "what is done is done", in other words, the gifts during lifetime are valid and there is nothing left for the son to inherit, BUT, "the spirit of the Sages do not derive pleasure from him", meaning that he has behaved improperly, because the Torah wants the son to inherit and he, in effect, went against the Torah's wishes.

What about a person with a wayward son? One who has gone off the proper path (married out, perhaps, become irreligious, or however you would define "not behaving straight"). What if you use the "gift during lifetime" to take away the inheritance from the wayward son, is that okay? Rabban Shimon b. Gamliel says, ZACHUR LATOV. Kol HaKavod. You did well, using this method to prevent such a bad person from inheriting. The Chachamim disagree. Their opinion is that the Torah never said that only good people inherit. If G-d says the son inherits, then he should. And we should not judge his worthiness. The Chachamim would not say Yasher Ko'ach to this father; they

would apply the same language as before - What's done is done, but that is not the way we are supposed to behave.

The halacha is not like Raban Shimon b. Gamliel; it is like the Chachamim. It is not up to us to judge the worthiness of heirs. Only G-d can. Some commentators add that to "freeze" out the wayward child would be to slam the door to T'shuva in his face. We dare not do that.

There is a lesson here that goes beyond the specifics of inheritance. It goes to the tendency of some people to decide who is worthy of charity, perhaps, and who is not. Whom should we be nice to and whom do we consider less of a Jew. Not our place to do these evaluations. Though there might be limits to "Love your fellow as yourself", we should be generous as to whom we love and see the great value in every Jew and every human being, and act accordingly.

[Again, it wasn't easy writing this, finding the right way to express one's thoughts, and there are certainly humans and even Jews who don't deserve our love and help. Just be extra careful and deliberate.]

[12] **Divrei Menachem**

Parshat Pinchas cannot be read without a degree of trembling. For it shakes us to the core as we realize the severity of the punishment that befell Bnei Yisrael as a result of the conniving maneuvers of the Moav-Midian alliance. After all the blessings, the people succumb to Bil'am's final stratagem whereby the gentile women seduce the Israelite men and consequently expose them to the idols of Pe'or.

We, as Jews, are not newcomers to foreign attempts to undermine our integrity and to destroy our moral fiber and physical existence. The first experience transpired in the Nile that drowned our babies and in Egypt's forced labor camps where we were persecuted daily. Amalek followed suit as he attacked our undefended flanks out of pure hatred and gave rise to the idea that, despite our Eternal Guardian, the Jewish people is vulnerable.

No wonder that throughout the generations other nations used every possible ruse to poison our passion and to eliminate Jews and Judaism from the universal lexicon. No wonder that in our parsha Hashem commands Moshe to harass the Midianites and to smite them (Bemibar 25:17).

For, as commentators note, we have always to identify our enemies, the extrinsic (such as Midian) and the intrinsic (such as lustful desires). Then having done so, it is our duty to wage war on both these adversaries.

Shabbat Shalom, Menachem Persoff

Towards Better Davening and Torah Reading

Last week, we wrote about some of the proper and improper pauses in davening, including:

HAMELECH HAYOSHEV AL KISEI RAM V'NISA

with the pause after KISEI, so that the meaning is that the King Who sits on a Throne (i.e. G-d) is high and lofty. This fits with the continuing descriptions of G-d as SHOCHEIN AD, MAROM, etc.

However, there are those who feel that it is the Throne of G-d that is RAM V'NISA. The pause should then be after YOSHEIV and KISEI RAM V'NISA should be said

without pauses. The champion of this other opinion is TReader and veteran TTriddler EB. He writes...

I am not sure why you are convinced that RAM V'NISA refers to Hashem rather than the throne. It seems to be that there are differing opinions. In SIDUR OTSAR HA'TEFILOT, I found two opinions:

1) refers to HAMELECH - quoted in the name of SIDDUR AVODAT YISRAEL

2) refers to KISEI - in commentary ETZ YOSEF

The obvious place to turn was YESHAYA 6:1 but there too the commentaries disagree.

The IBN EZRA holds strongly that it refers to KISEI, and this is also the opinion of the GRA... On the other hand, the MALBIM says it refers to Hashem.

Among siddurim with English translations, I found that the three most authoritative ones - Artscroll, Metsudah and Hirsch - all translate as High Throne.

Maybe one should read this phrase without any pause, in order to leave the meaning ambiguous.

Ed. note: The TROP seems to favor that it is G-d Who is being described as High and Lofty. Maybe. Siddur Rinat Yisrael has a comma after Kisei, agreeing with the first opinion. Most siddurim follow EB's suggestion of leaving it ambiguous. The RADAK says that High and Lofty goes on KISEI (Throne).

On another note, EB concludes...

Please would you remind readers to say correctly the concluding words of YISHTABACH:

...MELECH, KEL, CHEI HA-OLAMIM. G-d is... King, "Keil", and CHEI HA-OLAMIM (the Life of all worlds). Not the meaningless. KEIL CHEI (or KEIL CHAI) pause HA-OLAMIM.

CHAI (CHET/PATACH-YUD) means "live" (rhymes with 5). CHEI means "the life of". At the end of Yishtabach, the phrase is CHEI HA-OLAMIM.

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.

Meir Hakohein at the Genealogical Research Department!

Last week, we left Meir Hakohein gathering data for his report for the Segan on how the Beit Din Shel Kohanim (BDK) Genealogical Research Department (GRD) implemented the recommendations submitted by the Mikdash Joint Computerization Committee. From the outside, the building that housed the GRD looked grim, even non-descript, but the inside had been completely gutted and remodeled into a state of the art genealogical center. Sitting in front of a computer in an office placed at his disposal, Meir Hakohein was pounding away at his keyboard uploading notes that he would use as a basis for his report. As he worked, Meir looked over his shoulder and shivered. Some of the signs on the wall were downright intimidating.

Treat original records at all times with great respect and work with only a few records at a time, recognizing that they are irreplaceable and that each user must help preserve them for future use. This applies particularly to the information and certifications submitted by various Batei Din.

Treat books with care, never forcing their spines. Remember: "Since books are the aptest teachers, it is fitting to bestow on them the honor and the affection that we owe to our teachers."

Handle photographs properly. Never mark, mutilate or remove from the repository any original, printed, micro- form, or electronic document or artifact.

Use only procedures prescribed by the repository for noting corrections to any errors or omissions found in published works. Learn the capabilities and limits of their equipment and software, and use them only when they are the most appropriate tools for a purpose. Do not accept uncritically the ability of software to format, number, import, modify, check, chart or report their data.

Accept digital images or enhancements of an original record as a satisfactory substitute for the original only when there is reasonable assurance that the image accurately reproduces the unaltered original.

Cite sources for data obtained on-line or from digital media with the same care that is appropriate for sources on paper and other traditional media, and enter data into a digital database only when its source can remain associated with it. Remember; "Whoever repeats a thing in the name of the person who said it bring s'redemption to the world" (Pirkei Avot 6:5).

As Meir was reading, the efficacious Department Director came over and introduced himself. He said, "Our resources are used primarily, though not exclusively, by Kohanim who need to prove that their maternal ancestry is unblemished. We explain to them that with our computers, the hundreds of thousands of rolls of micro-filmed genealogical records, and the electronic resources, the needed information is literally at their fingertips. We also have staffers to help the 'computer-challenged'. You know that a Kohein who wants to marry a Kohenet, a woman of priestly stock, must authenticate the flawlessness of her maternal decent four generations back. The maternal lineage of a woman of non- priestly stock must be checked for five generations back (Kiddushin 4:4). However, a woman whose father served in the Mikdash, or who was a member of the Sanhedrin or who had served in a public office, is accepted without any further search. We assume that his ancestry already has been thoroughly researched (Kiddushin 4:4,5). Usually we have no difficulties because most of the applicant's fathers have served in the Mikdash. Our job is even made easier because Kohanim usually marry women from other priestly families. A Kohein cannot marry a divorcee, a convert, or a freed woman and we keep records of all Kohanim who do. Illicit unions disqualify the children. Sometimes there is missing data that can only be provided by an authorized Beit Din abroad. Then we approach them. The spirit of cooperation among the Batei Din is proverbial!" Meir chuckled.

The Director continued, "Even though Kohanim do not begin to serve in the Mikdash until the age of 20, usually when they reach the age of 18, they register with us and apply for a "Mikdash Service Permit" (MSP). Once we certify that the candidate's family tree is flawless, we prepare an abstract accompanied by any necessary supporting documents and submit it to the BDK. They evaluate it, interview the candidate,

and add their impressions and recommendations. Needless to say, the candidate is thoroughly examined by Mikdash doctors to ensure that there are no disqualifying physical defects. The results are uploaded into the candidate's file and the completed file is presented to the Sanhedrin's Pirchei Kehuna Committee who examines it carefully and (hopefully) accepts it. Kohanim are seldom disqualified for physical or psychological reasons. Young Kohanim with obvious problems simply do not apply. When the applicant is 19, he must participate in the grueling "Introduction to the Avoda 101 Course" and his performance is carefully graded. Twice a year, all the successful candidates of the Mishmeret are invited to Lishkat Hagazit to receive their MSPs. "If in any priest a blemish was found, he clothed himself in black and veiled himself in black and departed and went his way. ("Theoretically maybe." the Director growled, "We weed out the ineligible long before that stage!") He, in whom no blemish was found, clothed himself in white and veiled himself in white, and went in (into the Azara) and ministered with his brethren the priests. They kept it as a festival day, for no blemish was found in the seed of Aaron the Priest... They used to say, 'Blessed be G-d, blessed be He, for no blemish has been found in the seed of Aaron and his sons to stand and serve before the Lord in the House of the Holy of Holies' (Midot 5:4)." Meir Hakohein smiled.

Josephus describes how the records of priestly descent were kept:

"Our forefathers...made provision that the stock of the priests should continue unmixed and pure; for he who is partaker of the priesthood must propagate of a wife of the same nation, without having any regard for money, or any other dignities; but he is to make a scrutiny, and take his wife's genealogy from the ancient tables, and procure many witnesses to it. And this is our practice not only in Judea, but wheresoever any body of our men do live; and even there, an exact catalogue of our priest's marriages is kept; I mean at Egypt and at Babylon, or in any other place of the rest of the habitable earth, wherever our priests are scattered; for they send to Jerusalem the ancient names of their parents in writing, as well as those of their remoter ancestors, and they also signify who their witnesses are. But if any war falls out... those priests that survive... compose new tables of genealogy of the old records, and examine the circumstances of the women that remain...If any of these have been transgressors of these rules, they are prohibited to present themselves at the altar..." (Against Apion, Bk. 1:7).

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

from page 3 PARSHA PIX

- ⚡ 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.
- ⚡ 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, for the counting of the people.
- ⚡ 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 ParshaPixPuzzles. 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...
- ⚡ The pot is from the haftara

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] Jordan & Grier

Jordan, Michael Jordan that is, was THE Chicago Bull. Considered (by most) as the greatest basketball player ever. For TTriddles purposes he is a BULL as offered by Bill'am and Balak on their altars. Grier, as in Roosevelt "Rosey" Grier, a great NFL football player, among many other things (singer, minister, and more), played for the New York Giants and then the Los Angeles RAMS. The Rams are now in St. Louis, but for this TTriddle we are interested in his being a RAM to go along with the BULL as Bil'am's choice of sacrifices.

[2] Wording would link nicely 13 sedras from now

The haftara's opening pasuk contains the phrase: KIRVIVIM ALEI EISEV, like rain showers on the grass. That phrase brings an automatic recognition response to the second pasuk of Parshat Haazinu, which is 13 sedras after Balak.

[3] Alnath & Sharatan

This too was a reference to BULL and RAM, i.e. PAR VA-AYIL, that Bil'am kept requesting of Balak, to be offered on the seven altars he asked be constructed at each of the three locations from which he viewed Bnei Yisrael. Alnath is the beta star (second brightest - beta usually, but not always, is the designation of thesecond brightest star in a constellation) of the

constellation TAURUS, the Bull, the mazal of Iyar. Sharatan (not the hotel) is the beta star of ARIES, the Ram, mazal of Nissan.

Every so often we remind readers that the TTriddles report, which are reading right now, often contains Divrei Torah and other goodies. Therefore, even if you don't even try to solve the TTriddles each week, it is K'DAI to read the reports. Case in point of the extra things that find their way onto the TTriddles page, is the following G'MATRIYA MATCH: Bamidbar 23 1:

Bil'am said to Balak: Build for me seven altars and prepare for me seven bulls (5 starters and 2 on the bench - just kidding) and 7 rams (4 short of a playing team - just kidding again).

BTW, this request of Bil'am was for the first time he attempted to not-bless the people. The third time, we find almost an identical pasuk, but the final word EILIM is spelled without the second YUD. The second time, the Torah tells us that Balak built another seven altars and sacrificed another seven bulls and seven rams, without Bil'am's request.

It seems that these altars and sacrifices were a significant part of Bil'am's strategy to accomplish his goal. He knew he needed G-d's cooperation for this, and he thought he would get it with these sacrifices. He failed. Perhaps this is why (at least partially):

There are two identical p'sukim that have the same numeric value (2823) as the above pasuk - Bamidbar 29:16 and 25:

And one goat as a CHATAT, aside from the daily sacrifice, its flour-oil offerings and wine libation.

These two p'sukim are part of the MUSAF of the first and fourth days of Sukkot. The other days have similar p'sukim which produce different g'matriyot.

G-d's command to us, and our fulfillment of His command, to bring a communal sin offering, can be seen as the vaccination against Bil'am's plot.

[4] with eld he might have gone to northern England

VAYEILECH SHEFFI, and he (Bil'am) went to a high place (or a bald hilltop). Add ELD and he went to SHEFFIELD, which is in northern England.

There was a hidden challenge or two in last week's TT. Rabbi Quint's feature on Jewish Law was a two-parter - part one last week and part two this week. Instead of the English one and two, we have used bir and iki, which are Turkish for one and two. Why? Just for the fun of it.

And the bullet that marked off each element of the ParshaPix was... No, wait. Let's see if anyone gets it. A Big Deal gift or a CD awaits the first correct answer. That's last week's ParshaPix explanations.

NachKwestion of the Week

Find people and places in Tanach who have a former name also mentioned in Tanach

E.g. Avraham (Avram), Beit El (Luz)

We'll have to be a little (or a lot) flexible with this one. Avraham had a former name that is never used again after he got his new name. So too with Sara, formerly Sarai. But Yisrael had a former name, Yaakov, which becomes concurrent with Yisrael. Do we count it? Maybe. Maybe not. Most of the names

to follow can be argued as to whether they belong as and answer to this NachKwestion or not. We'll give some of the names from HC's list (he's the first winner) and roll over the NachKwestion to see how many additional names (remember: People or Places) we get.

Sara, formerly Sarai and Yiska.

Edom, Eisav. Maybe.

Gid'on became called Y'rubaal and Y'ruboshet.

Yehosha, formerly Hoshei'a. Okay

Binyamin, formerly (and very briefly) Ben Oni

Eretz Yisrael, formerly K'naan.

Yerushalayim, formerly Y'vus

Dan, formerly Layish

Dvir, formerly Kiryat Sefer

Ir David... Metzudat Tziyon

There are many others, but you get the idea. Submit good new ones (not you, HC) and be eligible for a CD from Noam Productions and or a Big Deal etc.. And anyone with a good NachKwestion is asked to submit it for consideration. Happy Ttriddling.

This week's TTriddles:

[1] One false pause and 30,968 people go missing - from whom?

[2] Without the 10, the pair can rest

[3] The third, the third, (the sixth,) the third

[4] From him comes a confused oldest