

B'S'D'

To: Parsha@YahooGroups.com
From: crshulman@aol.com

INTERNET PARSHA SHEET ON PINCHAS - 5761

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RABBI MORDECHAI WILLIG

Pinchas, Bris Mila, and Parenting

Every bris begins with the first three pesukim of Parshas Pinchas, which describe the heroism of Pinchas, and the subsequent reward of "bris shalom." Why were these pesukim chosen? Let us examine the background of this story.

"And now I will advise you," (24:14). Rashi, citing Sanhedrin (106a), tells us what Bilaam=s advice to Balak was: Since Hashem hates promiscuity, induce the Israelite men to sin. This strategy, attributed to Bilaam (31:16) proved successful and caused 24,000 to die in a plague (25:1,9). The zealous act of Pinchas halted the plague by turning back Hashem=s anger, and earned Pinchas the covenant of peace (25:7-12).

Why was Bilaam=s strategy successful at this particular time, a point alluded to by his opening word, "veata" (and now)? Rav C.Y. Goldvicht, z"l, answered this question based on Rashi (23:8) who quotes Sanhedrin (105b), saying that Bilaam=s power was that he knew the precise moment that Hashem is angry each day. This is a difficult answer to understand because, on the days that Bilaam came to Balak, we don=t see Hashem getting angry at all.

Now, anger is generally a negative attribute. Why then does Hashem exhibit anger every day? Apparently, anger, which is a manifestation of strict justice (din) and strength (gevurah), is necessary, albeit in very small measure, to create a balance in the heavens with Hashem=s dominant attribute of kindness (chessed).

An unchecked overabundance of chessed can lead to immorality (arrayos) (Vayikra 20:17). Bilaam was frustrated at the complete absence of Hashem=s anger for many days, which prevented him from cursing Am Yisroel. He sensed that the lack of anger created an imbalance, on overabundance of chessed, which would make people more susceptible to the temptations of immorality. Thus, his cunning, and successful advice that now was the right time to entice the men of Am Yisrael to commit a sin which is a perversion of chessed.

To this interpretation of the Rosh Yeshiva z"l, one may add the following. Why was Hashem=s anger so powerful as to threaten the very existence of our people and how did an act of Pinchas quell this anger? Perhaps there was, kivyachol, a measure of pent up anger because of all the days when no anger was shown. This posed a great threat when the men of Am Yisroel succumbed to the sin of zenus.

Pinchas is introduced as the grandson of Aharon, who personified love and the pursuit of peace. When he, of all people, overcame his inherited predisposition to avoid controversy, and zealously avenged the crime on behalf of Hashem, the balance was restored and Hashem=s anger abated.

The reward that Pinchas received, "brisi shalom", seems inappropriate for an act of violence. In reality, however, a peace of no principles cannot stand. Pinchas, by fighting for principle, and by

utilizing an attribute that was antithetical to his personality and up bringing, achieved true shalom.

At every bris, a father overcomes his innate, overwhelming and unconditional love of his son, and performs, by proxy, what has been called a barbaric act. Thus the appropriate introduction to the bris is the similar, though much more heroic and dramatic, action of Pinchas. Perhaps the parallel of "brisi shalom", the reward for Pinchas, is the proper balance of discipline and unconditional love required for successful parenting.

The Rambam (Moreh Nevuchim 3:49) suggests that a reason for bris milah is the curbing of male desire, which enables a Jewish man to resist the temptation of immorality. If so, the introduction of Pinchas=zealousness is directly on point. As noted earlier, the males of Am Yisroel sinned because the balance of chesed and gevura was impaired by the absence of Hashem=s anger. Pinchas=zealousness restored the balance and saved us from Hashem=s wrath.

Similarly, a bris, according to the Rambam, is necessary to achieve a proper balance to ensure that the powerful male yetzer hora be held in check. Therefore, the pesukim describing how Pinchas achieved this critical balance are quoted as the appropriate introduction to each bris milah.

In our times, society has lost its sense of balance and proportion in these areas. Parenting in America avoids placing limitations on the activities of children. In Israel, spanking a misbehaved youngster, a biblically and talmudically sanctioned act (see Mishlei (13:24) and Makkos 8A), has been criminalized by the court. While overly restricting a child is inadvisable, and hitting too hard of too often is prohibited, the nearly total absence of discipline has led to a situation in which the traditional balance of child rearing has been lost.

The decadence and permissiveness of modern society poses a threat to all of our children. At a bris, when we involve the pesukim describing Pinchas=s act and its reward we should be mindful of the lessons that apply to all generations. By learning these lessons and acting upon them, parents can raise their children in the traditional, balanced way and thereby be blessed, as was Pinchas, with the bracha of peace, shalom. [From last year]

PINCHAS - TWO TORAH CLASSES FROM HARAV JOSEPH B. SOLOVEITCHIK ZT"l

(As transcribed by RABBI HESHIE REICHMAN, with comments in brackets)

THE YICHUS OF PINCHAS

Why is it necessary for the Torah to give us Pinchas' entire family lineage?

Perhaps Torah is trying to reveal that his courageous action was not a freak, but rather a behavioral manifestation of the rich heritage in which he had been brought up at home. "The apple does not fall far from the tree".

Pinchas harnessed the courage for his act of zeal by copying his forbears. All great leaders have been at one time loyal followers. He was therefore prepared for the moment in history when the situation arose that required him to act and assume a role of leadership.

The reward was a covenant of peace, and in addition, a covenant of everlasting priesthood. For a leader must first demonstrate that he can act like a leader before being designated as a leader by the Almighty.

It seems ironic that he was awarded the covenant of peace and the covenant of Kehuna. After all, he demonstrated warlike heroism, to take on the daughter of the Midyanite king and a leader of a tribe, to act zealously to crush the rebellion, would seemingly qualify him as a general, perhaps a secular leader, but how does it qualify him as a peacemaker and a kohen?

There was a time amongst the movements in this word, that there was

a generous representation of those who felt pacifism was a cure for man's problems. They had argued that if we would only unilaterally announce arms cuts, we would be able to spare the world its human caused disaster. And so they tried to prove the immorality of war to justify the cause of pacifism.

We know from our history, to our bitter cost, that many tragic consequences have arisen from the cause of pacifism. Who can tell how many Jewish lives would have been saved had the pacifists in England and America not delayed the entry into the war against the Nazi butchers and aggressors.

[The cause of Pacifism has been discredited in recent years, except in regards to Israel. The media, in their prejudice, with few exceptions, seems to expect the Arabs to be warlike, but demands the Jewish response to terrorism, suicide bombs, stone throwing, drive by shootings, be restrained, non-violent, pacific.]

What is the philosophy of Torah towards the use of force? Certainly the great goal is to establish a world dominated by patience, understanding, peace, and a resolve to settle differences peacefully and amicably.

Some theologians turn to the Bible with accusation, quoting the Torah's statements about the seven nations of Canaan, Lo tehayeh kol neshama. These theologians overlook the covenant of peace that Joshua offered each nation in turn (and the requirement that in laying siege to their cities we leave one side open so that they can escape [Rambam, Hilchot Melachim, 6:1-5]).

The Torah philosophy is clear. To gain peace in the world, we must first fight for it.

It is interesting that to gain anything precious we must be willing to make sacrifices. A businessman, to earn money, must first invest capital he already has. For a person to be able to enjoy time with his family, he must first give up time from work and from making a living for them. Similarly, for us to acquire peace, we must be ready to fight for it, to relinquish peace on a temporary basis in order to keep it on a long term basis.

The Chamberlains of history made the tragic mistake of conceiving that peace could be made with those very individuals who denied the worth and importance of the individual. Peace cannot be bought by bribery. A true peace lover has to be ready to take up arms and resort to their use if necessary, to attain and protect the sacred institutions that these aggressors seek to destroy.

[Churchill, speaking of the nations who tried to appease Hitler, said, "Each one thinks that by feeding the crocodile the most, the crocodile will eat him last...."]

The Torah writes, Pinchas ben Elazar ben Aharon haKohen. We know what the character of Aharon personifies; Ohev shalom, rodeph shalom, ohev et habriyot umekarvan laTorah (Avot 1:12). Some might fallaciously think that Pinchas' action as inconsistent with the tradition of Aharon. To dispel this fallacy, the Torah records the entire yichus, introducing Pinchas with his link to Aharon, thus emphasizing that his actions were rooted in the beliefs that these great teachers taught him and embedded in his soul.

Zimri's sin was to flaunt his immorality publicly. He thus indicated his contempt for Moshe and the authority of God. Pinchas rightly understood that Zimri represented a cancer, which if allowed to exist, would mean the destruction of everything that had been accomplished under the leadership of Moshe Rabenu. The fight for peace therefore required us to give up peace.

Pinchas did not relish the role of using force. He was not eager to smite the sinners. He did it most reluctantly, but with the conviction that only through his bold action could the Jewish people be saved.

Upon analysis, it is therefore appropriate that God should select Pinchas as the most appropriate person to serve as peacemaker for the Jewish people, because he did not only espouse the cause of peace

verbally, but fought for it in order to save our people. It is only those individuals who are prepared to fight for peace and risk their entire credibility for the sake of peace, who succeed in creating an inner unity. It is most appropriate that the covenant of peace should be their reward.

So the Torah attitude towards force is that it is sometimes absolutely necessary for the sake of survival and to establish the overriding long term goal of peace.

PINCHAS - TORAH CLASS THE APPOINTMENT OF YEHOSHUA; THE MEANING OF SEMICHA

(From RABBI JOSEPH B. SOLOVEITCHIK, ZT"L, as transcribed by RABBI HESHIE REICHMAN)

This week's parsha contains the transfer and appointment to Joshua.

The process of selection begins when Moshe approaches Hashem to appoint a successor, praying, Yifkod adoshem, elokey haruchos, ish al haeda.

Moshe continues by saying asher yetze lifneyhem, veasher yavo lifneyhem, velo tihiye adas adoshem katzon asher eyn lahem roeh.

Every word in this request has significance.

First, he approached God, says Rashi, with the hope that his own son would be designated as his successor. He would have naturally liked this.... But God replied, Lo kach alsa mahshava lefanay. Keday hu Yehoshua litol sechar shimusho, shelo mash hitoch haohel.

[It is significant that in the seder halimud which the Gemara cites in Eruvin (54b) and which Rambam quotes in the Hakdama leseder Zeraim, Joshua is omitted. He was not amongst those who listened to Moshe, then repeated each lesson, as described there, because he was always with Moshe, never leaving him.]

This is perhaps Moshe's second greatest disappointment. First, that Moses himself would not lead us into Israel. This, however, could have been lessened had he been allowed to appoint his son as his successor. But God played no favoritism.

And therefore, despite the great qualifications that Moshe's son may have had, God said Yehoshua is worthier, because he is your servant who did not budge from your tent. Rashi, in citing this Midrash, reveals to us why Moshe's own son was passed over for the sake of Yehoshua. Apparently Yehoshua's selection did not stem from any intellectual or emotional superiority, but related to his personal service of Moshe Rabenu.

We may ask, "Why was this so critical a factor" in the designation of the appointment of Moshe's successor?

The answer is that a true leader will learn the essentials of leadership from another great leader. So a true leader must first be a good follower. Leadership has certain intangible qualities that can only be learned from first hand observation, by sharing in the experiences and lessons of an earlier great leader. It involves a certain approach that is best learned by being there and observing....

The Torah tells that when Moshe returned from his forty days on the mountain, he found Yehoshua waiting for him at the foot of the mountain. Yehoshua was apparently unaware of the great tragic episode of the Golden Calf that the Jewish people had constructed in the meantime.

Why was it necessary for Yehoshua to wait at the foot of the mountain?

Apparently, Yehoshua wanted to grasp every second that he could be together with his mentor, Moshe Rabenu. The extra thirty minutes or so that he could spend together with Moshe Rabenu by being at the foot of the mountain, was a good enough reason to move from his home, family and Jewish community, and wait impatiently for Moses to return.

This unquenchable thirst of Yehoshua to be able to learn, had grown, by observing every aspect of Moshe's behavior, resulted in his being selected to be Moshe's successor, as described in this week's parsha.

Great leaders must start out by being great followers. Perhaps there

were others who were intellectually worthier to be the leaders of our people, as hinted by Joshua being enumerated in the fifth position in the order of the Meraglim, whose order, according to the Ramban, corresponded to their individual greatness. He was only number five!

Nevertheless, he knew more about Moshe's leadership behavior than others, even than Moshe's own son, and this quality was even more important and critical than any other quality that others might have had. That is why he was selected to lead the Jewish people.

The Torah writes that Moshe Rabenu said to Hashem, Elokey haruchot lechal basar, "The God of the spirit of all flesh" . . . Why does he refer to Hashem with this title which he does not use at any other time? Rashi alludes to the Midrash, and says, Ribono Shel Olam, bau lefanecha daato shel kal echad veechad, veynan domin ze laze; mane aleyhem manhig sheyehy sovel kol echad veechad lefi daato.

He was in effect saying that God should appoint a person who can understand the mentality of each individual. He cannot lead from an ivory tower. A leader must be able to understand and communicate to each individual on that individual's own level.

Notice the emphasis that Moses places on the leader's role and relationship to the individual as opposed to the relationship to the masses as a whole.

Many people mistakenly assume that all a successful leader must do is to adequately relate to the masses as a whole. Moshe demands of Hashem a leader who can relate to the individual according to that individual's own needs and style of thinking.

Rashi goes a step further than this description; He tells us that the leader must be a sovel; He must bear with each individual with patience.... Every individual has his own idiosyncrasies, his own mishegaasin... The leader must go down to the level of the people and find out what is on their minds.... He can't use the same approach with each individual....

The Torah continues with Moshe's request; Asher yetze lifneyhem veasher yavo lifneyhem; Lo kederech malchey haumos asher yoshvim bebateyhem umeshalchin es hayaloseyhem lemilchama, ela kemo sheasisi ani shelachamti beSichon veOg.

A great leader must inspire, not only order... "Follow me", not "Go and do". This is the important difference between management and leadership. Management is telling others what to do, delegation. Leadership is showing an example. And perhaps that is why Moshe was at first reluctant to give up judging the people and to delegate that function instead, until Yisro told him navol tibol, "You'll wither and be no good for anything else!"

Hashem answers Moshe Rabenu: Kach lecha es Yehoshua bin Nun, ish asher ruach bo, vesamachta es yadecha alav.

Rashi explains that Hashem answered Moshe that Yehoshua displayed the qualities that Moshe asked for, and then continues to point out that God instructed Moshe to place one hand on the head of Yehoshua, but when Moshe carried it out, he used two hands.

What is the relevance, the meaning behind this deviation?

Perhaps we can explain the significance of one hand versus two hands in terms of the two aspects of Moshe's leadership.

On the one hand, Moshe was the leader of the Jewish people in terms of being their representative before God. He was their political leader, responsible for every aspect of their living, and brought all their needs to God, (Tzelafchad, etc). On the other hand, Moshe Rabenu was also God's emissary to the Jewish people. Through him, Torah given to B'nai Yisrael....

At first God said to Moshe that Yehoshua would still have to turn to Elazar, the son of Aharon the Kohen Gadol, to ascertain God's will, as it is written in the Torah, Veshoalo bemishpat haurim vetumim. But in fact we find that Yehoshua seldom approached Elazar, seldom had to ask Elazar what was the thinking of God, on a particular issue. Perhaps this is related to the fact that Moshe placed both his hands on Yehoshua, thus

making him more than their emissary to God as originally intended, but also God's emissary to Israel. That is why Moshe used two hands... That is why Joshua hardly needed to refer to Elazar.

The ceremony of semicha has a profound meaning. Torah leadership cannot be bought, and cannot even be self-taught. The process of one generation passing on the mesorah to the next generation is expressed in the semicha. What gives us the tradition unadulterated? Entrusting the Torah to the great Torah leaders of the generation. That is the nature of the semicha.

The Ultimate fulfillment of this generation's mission is when they can see their successors can carry on in their spirit and with their mission. This is the significance of semicha. The old leader placing his two hands on the new, and in effect saying "I trust you to completely replace me in the leadership role. I give you the mantle of leadership."

Rabbi Soloveitchik zt"l, pointed out that the old leaders rely on the leadership of the new, "lean upon them", and that is the significance of semicha, which is really leaning upon, or "depending" on, the nismach....

From: RABBI YISSOCHER FRAND [SMTP:ryfrand@torah.org]

"RavFrand" List - Rabbi Frand on Parshas Pinchas

Note: This will be the last "RavFrand" prior to the summer break.

The next class is planned for the week of Parshas Shoftim. Have a wonderful summer! Dedicated This Year Le'eluy Nishmas Chaya Bracha Bas R. Yissocher Dov - In memory of Mrs. Adele Frand

THE DOUBLE VOV: Sometimes a Vov of Connection, Sometimes of Division

Parshas Pinchas begins with the conclusion of the incident that occurred at the end of Parshas Balak. In an act of zealous jealousy for G-d (Kanaim pog'im bo), Pinchas killed both a Jewish tribal leader and a Midianite woman while they were publicly engaged in an act of sexual immorality.

In the beginning of this week's parsha, the Torah grants Pinchas "The Covenant of Peace" (es Brisi Shalom) as a reward for his action. The letter "vov" [the sixth letter of Hebrew alphabet] in the word Shalom is split (vov k'tiah), as if there are two vovs, one on top of the other. What is the symbolism behind this unique vov?

Throughout the description of Creation, the Torah concludes each day with the comment, "And the L-rd saw that it was good." Chazal note, however, that at the conclusion of the second day of Creation, when G-d split the waters [Genesis 1:6] (between the waters above and below the "Rakiah" -- the firmament), the Torah omits that comment. The Rabbis explain that the reason for this omission is that the splitting of the waters marked the first time in history that there was division (Machlokes). Prior to this act, there was Unity in the world; now there was Division. Regarding "Machlokes" [literally: Argument] we can never say "It was good".

Chazal elaborate: If this original Division, which enabled establishment of the world, could not be described as "Ki Tov" [it was good], then certainly regular disputes, even with the noblest of motives, cannot be described as "Tov".

However, there appears to be a contradiction to this Chazal from the very same parsha in Bereishis. G-d divided between the Light and the Darkness, and the pasuk [verse] there immediately comments, "And the L-rd saw that it was good" [Genesis 1:18].

Rav Shlomo Breuer resolves this contradiction with a beautiful insight: He quotes the verse "...Truth and Peace you shall love" [Zechariah 8:19]. We must love Peace. However, there is something that comes before Peace... and that is Truth. As much as we emphasize the importance of Shalom [peace], in the final analysis Shalom is important up to a certain point -- and that is the point of Emes [truth]. A person should not make Shalom if making Shalom is going to compromise the Emes, by causing him to throw out principles and values that he knows

to be Emes.

The Mishnah [Uktzin 3:12] states "G-d did not find any vessel to hold Blessing, other than the vessel of Peace". Shalom is the receptacle; it is the vessel that holds everything; but a person sometimes has to look and ask himself, "what am I left holding?" If I compromise everything in the name of Shalom, then what is this vessel of Shalom left holding? It is holding nothing. Yes, Peace, but remember the sequence of the verse: Truth and (then) Peace you shall love.

Now we can understand the difference between the Separation between "the waters and the waters" (the Rakiah) and the Separation between "Light and Darkness". In the case of the Rakiah, there was no real difference between the waters above and the waters below. The division was merely for the sake of division. While the division was necessary for the welfare of the world, inherently it had no purpose. Therefore, the verse does not say "Ki Tov". However, separation between the Light and the Darkness -- between something that represents good and something that represents bad; between something that is right and something that is wrong -- that is a division about which we can indeed say "Ki Tov".

Pinchas did not seek out compromise with Zimri and Kozbi in the name of Peace. Pinchas knew that there is a point at which a person must draw the line and say "here, and no further!" That is an example of "between Light and Darkness".

Now we can understand why the vov of Shalom is split: Yes, Shalom is important, but there are two kinds of Shalom. The "vov" can sometimes be a "vov haChibur" -- a vov that connects [the vov used as a conjunctive "and"] and sometimes the "vov" can be used for distinction as a letter which divides, a vov of "machlokes", of division.

That is why the "vov" of Shalom is split. When pursuing the cause of Shalom, a person must remember that there are two vovs. Sometimes the "vov haChibur" is appropriate and he should say, "Yes, here it is worthwhile to compromise". However, sometimes the "vov of chiluk" -- of separation -- is appropriate. Sometimes in the name of Shalom, a person must say "No, machlokes is better than Shalom at any price".

The Chasam Sofer takes note of the fact that the language of the Mishnah [Avot 1:12] is "Loving Peace and Pursuing [Rodef] Peace". Usually the connotation of the word Rodef means one who pursues (for the sake of harming). The Chasam Sofer notes that sometimes in the name of Peace, we must be a Pursuer of Peace. When Pinchas was trying to kill Zimri, he was indeed a Rodef (a pursuer), but sometimes that is what is in fact necessary in the name of Shalom.

Transcribed by David Twersky; Seattle, Washington twerskyd@aol.com Technical Assistance by Dovid Hoffman; Baltimore, MD dhoffman@torah.org This dvar Torah was adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tapes on the weekly Torah portion: Tape # 64, The Yarmulka: At Home and In the Office. Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. RavFrand, Copyright © 2001 by Rabbi Yissocher Frand and Torah.org. Torah.org depends upon your support. Please visit <http://torah.org/support/> or write to dedications@torah.org or donations@torah.org. Thank you! Torah.org: The Judaism Site <http://www.torah.org/> 17 Warren Road, Suite 2B learn@torah.org Baltimore, MD 21208 (410) 602-1350 FAX: 510-1053

From: Ohr Somayach[SMTP:ohr@ohr.edu] To: weekly@ohr.edu
* TORAH WEEKLY * Highlights of the Weekly Torah Portion Parshat
Pinchas For the week ending 23 Tammuz 5761 / July 13 & 14, 2001
THE HEEL GENERATION

"Pinchas...followed the Israelite man and pierced them both, the Israelite man and the woman into her stomach..." (25:7-8)

A few weeks ago, a great and holy Jew passed from this world of illusion to the World of Truth. He was a man noted for his pithy and incisive sayings; a man who was not in the business of being mealy-mouthed when the occasion demanded. Over thirty years ago he commented that having a television was like having a sewer running through the middle of your living room.

I have a sneaking suspicion that television hasn't improved over the past three decades. A TV "Rip Van Winkle" awaking from a half-century snooze in front of a fifties test-card would pass out at what greeted his awakening. He would find it impossible to reconcile that fledgling invention with the permissive and permitted lewdness assaulting his eyes in all its gory Technicolor.

He would not believe what he was seeing on the television. If, thirty years ago, having a television was like having a sewer run through your living room, today it's like having a full-blown, round-the-clock sewage plant.

Ah, some say, but what about all the redeeming social value of the Great Mezmerizer? The creation of a global village, the arts and music programming, the politics, the sports, all the culture, dee-dah dee-dah. Debauchery dressed up as art. The "global village" - a soap opera of materialism preying on people's fantasies and weaknesses.

We are so inured to immorality, vice and violence in our society that we barely bat an eyelid unless something particularly sordid leaps off the screen and into our homes to assault our jaded sensitivities.

At the beginning of this week's parsha is an incident which to our refined twenty-first century sensibilities seems outrageously violent. With one spear, Pinchas justifiably kills a prince of Israel and a princess of Moav who are committing an act of gross depravity. He skewers them through their lower stomachs. How can such violence be condoned by the Torah? Where is the Torah's sensitivity?

I'd like to ask you a question - Where is our sensitivity? Is there anything that still shocks us? And even if two consenting adults don't yet have the right to consent to ultimate public intimacy - are we that far away?

Our permissive age has lost all perspective of the impact of immorality. Not just on ourselves. Not just on each other and our families. On the creation itself.

What Man does echoes throughout all space and time. Immorality doesn't just destroy lives. It destroys the world. That's Jewish Ecology. My actions affect nature. My actions echo in the farthest reaches of the cosmos. The era of Noach was filled with perversion to the extent that man started to be intimate with animals. G-d brought a flood to wash away that corruption from the earth.

How can we be so insensitive to what is going on around us? We are living in a period of history know as the ikvata d'mashicha - the birth-pangs of mashiach. We are witnessing a world sinking to a level from which it cannot descend further. Depravity can go just so far before it devours itself; it will rot like a seed until nothing is left.

But from that putrefaction will spring forth a shoot of untainted and un-taintable purity.

Ikvata is an Aramaic word. It has the same root as the word for "heel." Why should the coming of the redemption be connected to the "heel"?

Every generation corresponds to a part of the body. We are the generation of the "heel." The heel is the lowest and the least sensitive part of the human body. You can stick a needle in the fleshy part of the heel and not even feel pain.

If we really knew what was going on in these last generations, we would literally not be able to stand. G-d in His infinite mercy has given us an insensitivity to events so that we can carry on.

In Israel, we are sitting on a volcano. And life goes on. Almost every day people die in violent and tragic circumstances. And life goes on. We don't feel it. We just carry on.

Very soon, G-d will bring the final curtain down on world history. It will be clear why every little thing had to happen in the way that it happened. We will laugh at what we thought was tragedy. Our mouths will be full with the laughter of recognition.

And then G-d will take our hearts of stone and replace them with hearts of flesh and blood.

Sources: * Rabbi Elchanon Wasserman and others
Written and compiled by RABBI YAAKOV ASHER SINCLAIR (C)
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From: RABBI MORDECHAI KAMENETZKY
[SMTP:rmk@torah.org] Subject: Drasha - Parshas Pinchus - Absolute Soul Volume 7 Number 47

There is a lesson, meted out in this week's portion that has eternal ramifications upon the theological nature of the Jewish nation. It is a lesson that defines our attitudes toward spirituality and its relevance to modern living.

After Bila'am's failed efforts to curse the Jewish people, he devised another ploy. He advised the nations of Midian and Moav to lure the Jews to sin through salacious activities. Midian complied wholeheartedly, offering its daughters as conspirators in the profanity. The scheme worked. The Jews cavorted with Midianite women, and the wrath of Hashem was aroused. A plague ensued and thousands of Jews died.

In this week's portion, Hashem commands his people to administer justice. "Make the Midianites your enemies and attack them!" For they antagonized you through their conspiracy that they conspired against you in the matter of Peor, and in the matter of Cozbi, daughter of a leader of Midian, their sister, who was slain on the day of the plague, in the matter of Peor" (Numbers 25:17-18). Eventually Jews go to war with Midian.

The issue that may confront the modern thinker is simple. War? Over what? They were not fighting over land. There was no dispute over oil or natural resources. Why such vehemence to the point of physical attack over the incident at Peor? Why call for such physical retribution for an act that caused spiritual sedition through secular seduction?

Rabbi Eliezer Sorotzkin of Lev L'Achim related the following story: In November 1938, before the onset of World War II, some Jewish children had the opportunity to escape from Nazi Germany and resettle in England through what became known as kindertransport. Unfortunately, their were not enough religious families able to accept these children and other families who were willing to take them were not willing to raise the children with Jewish traditions. The Chief Rabbi of London, Rabbi Yechezkel Abramski, embarked on a frantic campaign to secure funding to ensure that every child would be placed in a proper Jewish environment.

Rabbi Abramski called one wealthy Jewish industrialist and begged him for a donation sizable enough to ensure that the children would be raised in proper Jewish environment. "It is pikuach nefesh!" cried Rabbi Abramski.

At that point, the tycoon became incensed. "Rabbi," he said, "Please do not use that term flippantly. I know what pikuach nefesh is. Pikuach nefesh means a matter of life and death! When I was young, my parents were very observant. When my baby sister was young, she was very sick. We had to call the doctor, but it was on Shabbos. My father was very conscientious of the sanctity of Shabbos. He would never desecrate Shabbos. But our rabbi told us that since this is a matter of life and death, we were allowed to desecrate the Shabbos! He called it pikuach nefesh. Rabbi Abramski," the man implored, "with all due respect. The children are already here in England. They are safe from the Nazis. The only issue is where to place them. How they are raised is not pikuach nefesh!" With that, the man politely bade farewell and hung up the phone.

That Friday evening, the wealthy man was sitting at dinner, when the telephone rang incessantly. Finally, the man got up from his meal and answered the phone.

As he listened to the voice on the other end of the line, his face went pallid.

"This is Abramski. Please. I would not call on the Sabbath if I did not think this was pikuach nefesh. Again, I implore you. We need the funds to ensure that these children will be raised as Jews."

Needless to say, the man responded immediately to the appeal.

We understand matters of life and death, justice and injustice, war and peace, in corporeal terms. It is difficult to view spirituality in those terms as well.

The Torah teaches us that our enemies are not merely those who threaten our physical existence, but those who threaten our spiritual existence as well. Throughout the generations, we faced those who would annihilate us physically and others who would be just as happy to see us disappear as Jews.

What our enemies were unable to do to the Jewish people with bullets and gas, they have succeeded in doing with assimilation and spiritual attrition.

People fail to equate the severity of spiritual disorders with those of a physical nature. They may scoff at a prohibited marriage in the eyes of the Torah, or seek a leniency to absolve themselves from following matrimonial law, yet they will leave no stone unturned in searching for a genetic incompatibility or suspect health issue. The Torah teaches us that the two the physical world and the spiritual world are inseparable. An attack on spirituality, breaches the borders of our very essence, and our response must be in kind. It is essential to know that when we do some serious soul-searching there is really something out there waiting to be found. Good Shabbos 1 2001 Rabbi Mordechai Kamenetzky

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<http://www.jpost.com/Editions/2001/07/12/Columns>
Shabbat Shalom: HOW TO KEEP THE MARRIAGE FRESH
BY RABBI SHLOMO RISKIN

(July 12) PINHAS (Numbers: 25:10-30:1)

"Pinchas, the son of Elazar, the son of Aaron the priest, has turned My wrath away from the children of Israel, in that he was very jealous for my sake among them..." (Numbers 25:11)

One of the more surprising elements of Pinhas is that a large part is devoted to the special sacrifices the Israelites are to bring throughout the year. The Torah delineates the daily offerings, the additional Sabbath sacrifice, the New Moon offering and then all of the festival offerings, including the High Holy Days and the Intermediate Days.

What makes this especially unusual is that the cyclical days of celebration as well as the sacrifices are already mentioned in Leviticus, which deals with the sacred, and seems to be out of place in Numbers, which deals with rebellions against Moses and the continuation of leadership.

To better understand the underlying message we must take note of Rashi's commentary on the introductory verse of the sacrifices: "Command the children of Israel and say to them, My offerings, the provision of my sacrifices made by fire... for a pleasing fragrance to me, shall you observe to offer to me in their appointed season (Numbers 28:2)."

In his desire to connect the sacrificial order to the transition in leadership - since Moses has just requested that "God the Lord of spirits of all flesh, appoint a man-leader over the community... (Numbers 27:16)."

Rashi explains: "The Holy One blessed be He said to him [Moses],

Instead of requesting of Me a command regarding My children, request of My children a command regarding Me!" (Rashi 28:2).

I would suggest that our portion serves as a transition point between the generation of the desert and the generation that will be entering the Land of Israel. In order to prepare for the far-reaching change about to occur, in order for the entrance into Israel to succeed, the Torah wants us to understand what difficulties lie ahead, and how they can be overcome.

And herein lies the significance of the festival sacrifices.

To a large extent, the Book of Numbers is about rebellion. In Chapter 11 (Beha'alotcha) the people, sick and tired of manna, complain about the lack of meat and watermelons. They hunger for the good old days in Egypt.

They then rebel against the goal of the land of Israel (Shlah), preferring to stick it out in the desert; then they move into high gear by attempting to displace Moses as leader. The final act of insolence takes place at the conclusion of last week's portion of Balak, when Zimri, Prince of Simeon, flagrantly cohabits with the Midianite Kozbi despite Moses warning against any relationship with idolaters.

Why doesn't Moses react? The reason is simple. Moses also has a Midianite wife. And implicit in Zimri's action is his rebellion against and contempt for the persona of Moses, husband of the Midianite Zipporah. Clearly the period of Moses' leadership has ended. The great liberator of the Israelites, the prince of Egypt who came from the outside and was therefore blessedly unaffected by a slave mentality, now finds that his very "outsiderness" prevents him from continuing as leader during the next historical phase of his nation.

Moses has not only lost the backing of the people, but has himself become incapable of action. The generation of the desert is over and new leadership is required. It is important to note that the rebellions in the desert were targeted against Moses, never against God. How can we best understand this desert mentality? We find that the Midrash, on the verse "Thus says God, I remember in your favor the devotion of your youth, your love as a fiancée, when you went after me in the wilderness..." (Jeremiah 2:2), compares the wilderness with our engagement to God, and our arrival into Israel, like a marriage.

When a young man and woman become engaged, they enter into an entirely new and adventurous period. The engagement is a period of discovering the unknown. This is what happened to the Israelites in the desert - living in a strange, difficult terrain where every step of the way was burdened with uncertainty. The elements of the desert are so unpredictable that whoever survives knows that God's guiding hand made all the difference. Hence, all the various rebellions - including Korah's, were all against Moses - never against God. Similarly, when the young woman and man meet during the engagement there is a feeling of trembling and excitement. It may not be easy to be engaged, but it certainly is not boring. Marriage, on the other hand is both a culmination and a "humdrumification," a relationship of comforting permanence which can turn into boring predictability.

So it is with a nation-state achieved. Survival ceases to become a miracle, everyday life can be taken for granted, and God's role can easily be overlooked. The era of post-Zionism begins to dawn.

When God commands Moses in our portion about the festival sacrifices that are to be brought during the calendar year, the Torah is underscoring the crucial significance of how to make the "marriage" in the Promised Land work. The fiery Moses will be gone, the more subdued and approachable Joshua rather than the hot-blooded zealot Pinchas, will have taken over, daily life-challenges will give way to rhythmic calendars - what then? The Torah gives us a simple approach as to how to retain the Divine even after the Israelites have become "normalized": daily sacrifices, the Sabbath, the new moon, and all the festivals.

What is unique to the Jewish people is that the Seder is not merely an

evening of commemoration, but rather a reliving and re-experiencing of a seminal moment when an entire people felt the love of the Divine.

Shabbat Shalom

From: Rabbis Yaakov Menken and Avraham Rosenblum[SMTP:genesis@torah.org] To: Our subscribers Subject: What \$1 Can Do

Dear Project Genesis - Torah.org Subscriber:
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Rabbi Yaakov Menken, Director Rabbi Avraham Rosenblum, Executive Director Project Genesis - Torah.org

From: aweiss@shaalvim.org[SMTP:aweiss@shaalvim.org] To: ys-Parasha@shaalvim.org Subject: Parashat Pinchas

YESHIVAT SHA'ALVIM Parashat Hashavuah

RAV MOSHE GANZ

Translated by Rachel Azriel

THE ZEALOTRY OF PINCHAS

Pinchas's reward "I give him my covenant of peace," raises the question of why as a reward for zealotry, which is the opposite of peace, Pinchas receives a "covenant of peace"? The Netziv in HaEmek Davar answers that Pinchas's act of zealotry could naturally lead to violent tendencies and corrupt his character, and therefore he needs a special blessing so that this zealous act will not influence him negatively.

This issue should actually be perceived differently. The perception of zealotry as being opposed to peace is a superficial one. In order to understand Pinchas's act, we must first understand the concept of peace in depth. The Gemara in Brachot speaks of three different kinds of peace: A bird, a river, and a kettle. A bird because it is written, "Like

flying birds, so will Hashem, Master of legions, protect B" A river, for it is written, "Behold I will extend peace to her like a river." And the kettle as it says, "Hashem set (also meaning set on the fire) peace for us." Harav Yigal Ariel interprets this as follows. Concerning the bird's peace, we would say, "He came out of it alive." As it is written in Tehillim, "Our soul escaped like a bird from the hunter's snare." In this "peace," although the person being chased managed to escape without getting hurt, his enemies are not really at peace with him.

On a higher level, we have the river's peace. The river is different than the sea whose waves storm and rage, blending together unceasingly. "But the wicked will be like the driven sea that cannot rest and whose waters disgorge mire and mud. 'There is no peace,' said my G-d, for the wicked." The river, on the other hand, has a regular, constant and quiet current. There is no harm; no one is raging against the other looking to cause injury. This is a much greater peace than that of the bird, but there still isn't any cooperative relationship between the drops of water. Although they flow one next to the other, they are still estranged from each other.

Superior to both of these types of peace is that of the kettle. One who places the kettle on the fire to cook puts in it all kinds of spices and ingredients, each with its own unique taste. The flavors blend together and the result is a fine dish. This is a different kind of peace, one of cooperation, belonging and harmony, none of elements alienated from one another. Each component contributes something unique to the dish and they all become part of the new product. This is peace at its highest level: peace of harmony and joint effort. This is where peace and perfection meet.

In the Mizmor, Barchi Nafshi, (104) David praises Hashem for the creation of the world, focusing on the harmony revealed within it when all the different elements of creation cooperate with one another blending together. The rocks are refuge for the gophers, the springs quench the thirsts of the wild animals, and the birds burst out in song. The lions search their prey by night and man goes to work by day. Nature, which can be perceived as a war between the creations, where each is out for his own, is seen optimistically by the poet as a place where there is balance, where the individuals complement and supplement one another, as we see in the "peace" of the kettle. This is a song of praise: Bless Hashem!

This beautiful song concludes with, "Sinners will cease from the earth and the wicked will be no more." The wicked corrupt the harmony of creation. The song of praise is not complete without a prayer for their removal from the world, necessary for its peace and perfection, like the removal of too much salt from the "peace of the kettle." This is similar to the idea of the Brit Milah, the mitzvah associated with Pinchas/Eliyahu. The section speaking about the Brit Milah opens with, "Walk before me and be perfect," when the mitzvah itself seems to damage and impair. The removal of the foreskin, however, is really the completion of man

Zealotry has two faces. It can derive from pettiness, from hate of strangers, from the zealot's hostility to anyone that is different from him. This kind of ignorant fanaticism is a war of one individual against the other and is the opposite of peace. But zealotry can also arise from greatness of spirit. When there is evil that destroys the peace and harmony of reality, a person may feel that as a representative of the greater community he must eradicate this destroyer of peace. In this case the zealot's action is a necessary step towards peace, and he is worthy of the blessing of a covenant of peace. The scripture itself testifies that Pinchas's act was one of peace by stating, "so I did not consume the children of Israel in my vengeance." The sin of Baal Peor was the destruction of peace, and therefore the plague came upon the people, while Pinchas's act caused the plague to cease, restoring peace.

It is clear that there is a fine line between the two types of zealotry, that which is derived from ignorance, and that resulting from greatness,

and a person can easily mistake his weaknesses as great actions deserving of praise. There is great danger in fanaticism and it is not recommended as a path of action for most people. Even so it is important to have a basic comprehension of the value of zealotry done for the sake of Heaven at the correct time and place, because it helps us understand that spiritual degradation can destroy the universe even more than physical damage. This is apparently what the Parasha comes to teach us.

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From: Jeffrey Gross[SMTP:jgross@torah.org] To: weekly-halacha@torah.org Subject: Weekly Halacha - Parshas Pinchas
By RABBI DONIEL NEUSTADT Rav of Young Israel of Cleveland Heights

A discussion of Halachic topics. For final rulings, consult your Rav.
THE THREE WEEKS

The three-week period between the fast of the 17th of Tammuz and Tishah b'Av, known as Bein ha-Metzarim, was established by the Rabbis as a period of mourning over the destruction of the two Batei Mikdash. There are certain activities, normally permitted, which are prohibited during this period. The Talmud(1) tells us that only one who has properly mourned the Temple's destruction will merit to see its rebuilding. It is important, therefore, to become more knowledgeable about the exact nature of those prohibited activities. Let us review:

There are four forbidden activities, for men and women, which are specific to the Three-Weeks period: 1. Taking a haircut or a shave; 2. Getting married or participating in a wedding; 3. Listening to music and dancing; 4. Reciting shehecheyanu.

Important Note: The Three Weeks period includes another period of mourning, called the Nine Days. The halachos of those days - from Rosh Chodesh Av through midday of the tenth of Av - are more restrictive in several areas. Here we are discussing the laws of the Three Weeks only, not the special, more stringent, halachos of the Nine Days.

CUTTING HAIR - WHEN IS IT PERMITTED? WHEN IS IT PROHIBITED?

It is permitted to trim a mustache that interferes with eating(2). It is permitted to pluck one's eyebrows or eyelashes(3). Married women may cut hair that is protruding from their head covering(4). It is permitted to comb one's hair even though some hair will get torn out while combing(5). Nail cutting is permitted(6). It is permitted to shave if one's employer insists upon it(7). But if one's job is not at stake, though he may be ridiculed, it is forbidden to shave(8). A mourner who completed his mourning period during the Three Weeks, may take a haircut and a shave(9). The prohibition of hair-cutting applies even to small children under the age of chinuch(10). Thus if an upsheren falls during the Three Weeks, it should either be moved up or postponed(11). If absolutely necessary, some poskim permit taking a haircut or a shave on the evening and night of the 17th of Tammuz(12). There are poskim who support the custom of those who shave on erev Shabbos(13), but this is not the custom today in most communities(14). On the day of a baby's bris(15), the father, the sandek and the mohel may take a haircut (16).

WEDDINGS - WHEN ARE THEY PERMITTED? WHEN ARE THEY PROHIBITED?

A wedding may be held on the evening before the 17th of Tammuz if no other date is feasible(17). Engagements are permitted and may even be celebrated with a party or a meal(18).

MUSIC - WHEN IS IT PERMITTED? WHEN IS IT PROHIBITED?
A professional musician, or one who is learning to play professionally, may play music during the Three Weeks(19). Listening to music is prohibited, whether it is live, broadcast on the radio, or taped(20). Programs or other occasions where the musical accompaniment is

incidental to the main event may be attended or viewed(21). Children who are old enough to understand about the destruction of the Beis ha-Mikdash may not listen to music(22). Several poskim, however, permit a child to practice his musical instrument(23). Singing in praise of Hashem at a seudas mitzvah, without musical accompaniment, is permitted(24).

SHECHEYANU - WHEN IS IT PERMITTED? WHEN IS IT PROHIBITED?(25) On Shabbos, it is permitted to recite shehecheyanu(26). On Rosh Chodesh Av, it is permitted to recite shehecheyanu(27) over new fruit(28). A new fruit that will not be available after the Three Weeks may be eaten and a shehecheyanu recited(29). A shehecheyanu is recited at a pidyon ha-ben(30) and upon seeing one's newborn daughter(31). A shehecheyanu may be recited if by mistake the Borei pri ha-eitz was already said over a new fruit(32). The blessing of ha-Tov v'ha-Meitiv may be said during the Three Weeks. Since it is prohibited to recite shehecheyanu, it is also prohibited to buy any item that normally requires shehecheyanu to be recited. It is forbidden, therefore, to buy a new car for personal use during the Three Weeks. It is permitted, however, to buy a car for business use [and recite the shehecheyanu after the Three Weeks] or for the benefit of the family [since in that case ha-Tov v'ha-Meitiv is recited instead of shehecheyanu](33). It is forbidden to buy or wear clothing which normally would require a shehecheyanu to be recited(34). Clothes that require alteration may be bought during the Three Weeks and altered after the Three Weeks are over(35).

FOOTNOTES: 1 Ta'anis 31b, quoted in Shulchan Aruch O.C. 554:25. 2 O.C. 551:13. 3 Bein Pesach I'Shavuos, pg. 241, quoting an oral ruling from Harav S.Z. Auerbach and Harav S. Vosner. 4 Mishnah Berurah 551:79. When necessary, women may shave their legs; Harav M. Feinstein (Ohalei Yeshurun, pg. 9). See also Igros Moshe Y.D. 2:137 where he allows women to take haircuts when necessary during the Three Weeks. When necessary, a girl of marriageable age may take a haircut; Harav S.Z. Auerbach (Halichos Beisah, pg. 371). 5 Mishnah Berurah 551:20. 6 Kitzur Shulchan Aruch 122:5. 7 Igros Moshe O.C. 4:102; She'arim Metzuyanim b'Halachah 122:5. 8 Igros Moshe C.M. 1:93. 9 Mishnah Berurah 551:87. 10 Sha'ar ha-Tziyun 551:91. Aruch ha-Shulchan 551:31, however, seems to hold that only children above the age of chinuch are prohibited to take a haircut. See also Igros Moshe Y.D. 1:224 who agrees with this opinion. 11 Mishnas Ya'akov O.C. 551 quoting Harav Y.Y. Teitelbaum (Satmar Rav). 12 Igros Moshe O.C. 4:112-2; She'arim Metzuyanim b'Halachah 122:1; Sharaga ha-Meir 2:13. Others do not agree with this leniency. 13 Kaf ha-Chayim 551:66. See also Beur Halachah 551:3, quoting R' Akiva Eiger. 14 Shemiras Shabbos K'hilchasah 42:52. 15 Or the evening before, Mishnah Berurah 493:13. If the bris is on Shabbos, it is permitted to take a haircut on Friday, *ibid*. If the bris is on Sunday, most poskim do not permit taking a haircut on Friday; see Kaf ha-Chayim 493:36. 16 Kitzur Shulchan Aruch 122:15; Sha'ar ha-Tziyun 551:4, quoting Chasam Sofer; Kaf ha-Chayim 551:10; Pischei Teshuvah 551:1; She'arim Metzuyanim b'Halachah 122:16. See, however, Be'er Heitev 551:3, who is stringent. 17 Igros Moshe O.C. 1:168. Other poskim are more stringent; see Tzitz Eliezer 10:26. 18 Mishnah Berurah 551:19 and Sha'ar ha-Tziyun 26. 19 Beur Halachah 551:2; Igros Moshe O.C. 3:87. 20 Igros Moshe O.C. 1:166; 3:87; Minchas Yitzchak 1:111; Yechaveh Da'as 3:30. 21 Harav M. Feinstein (quoted in Ohalei Yeshurun, pg. 128). 22 Igros Moshe O.C. 4:21-4. 23 See She'arim Metzuyanim b'Halachah 122:2 and Ohalei Yeshurun, pg. 128. 24 Harav M. Feinstein (Ohalei Yeshurun, pg. 128). Harav S.Z. Auerbach (quoted in Bein Pesach I'Shavuos, pg. 285); Yechaveh Da'as 6:34. 25 Not all poskim prohibit reciting shehecheyanu during the Three Weeks and some conduct themselves according to that view; see Aruch ha-Shulchan 551:38. Our discussion here is based on the view of the Mishnah Berurah, who is stringent, and this has become the custom of the majority of people. 26 Mishnah Berurah 551:98. Bein Pesach I'Shavuos, pg. 293, quotes Teshuvos Riva that this is permitted only on Shabbos itself, but new clothing may not be worn for the Minchah service on erev Shabbos. 27 Sha'ar ha-Tziyun 551:99. 28 Halichos Beisah, pg. 371, since clothing may not be bought during the Nine Days. 29 Rama O.C. 551:17. 30 O.C. 551:17. 31 Nitei Gavriel, pg. 35. 32 Birkei Yosef 555:12. 33 Igros Moshe O.C. 3:80. 34 Mishnah Berurah 551:45; Igros Moshe O.C. 3:80. 35 Kaf ha-Chayim 551:88. Weekly-Halacha, Copyright © 2001 by Rabbi Neustadt, Dr. Jeffrey Gross and Torah.org. The author, Rabbi Neustadt, is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. The Weekly-Halacha Series is distributed L'zchus Doniel Meir ben Hinda. Weekly sponsorships are available - please mail to jgross@torah.org. Torah.org depends upon your support. Please visit <http://torah.org/support/> or write to dedications@torah.org or donations@torah.org. Thank you! Torah.org: The Judaism Site <http://www.torah.org/learn/>

From: Kollel Iyuan Hadaf[SMTMP:kornfeld@netvision.net.il] Reply To: owner-daf-insights@shemayisrael.com Sent: Thursday, July 05, 2001 1:44 PM To: daf-insights; Yehudah Landy; Avi Feldman; DPKINZ@aol.com Subject: Insights to the Daf: Kidushin 61-70 THE YISRAEL SHIMON TURKEL MASECHES KIDUSHIN

INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyuan Hadaf of Yerushalayim daf@dafyomi.co.il, <http://www.dafyomi.co.il>

KIDUSHIN 68 - This Daf has been dedicated Il'lyu Nishmas Harav Ze'ev Wolf Rosengarten of Zurich, Switzerland (Yahrzeit: 14 Adar 5760) by his nephew and Talmid, Eli Rosengarten of Zurich. **KIDUSHIN 69** - dedicated by Mr. Avi Berger of Queens, N.Y. in memory of his parents, Pinchas ben Reb Avraham Yitzchak and Leah bas Michal Mordechai *** Please send your D.A.F. contributions to: *** D.A.F., 140 -32 69 Ave., Flushing NY 11367, USA

Kidushin 65b INTENTION FOR KIDUSHIN QUESTION: Beis Shamai and Beis Hillel argue concerning a case of a man who divorced his wife and then secluded himself with her. Beis Shamai says that no new Get is necessary, for we do not assume that the man lived with his former wife with intention to be Mekadesh her again. Beis Hillel says that a new Get must be given, since we assume that the man lived with his former wife with intention to be Mekadesh her again. The Gemara concludes that the Machlokes involves a case where there are witnesses who saw them seclude themselves with each other, but there are no witnesses who saw the act of Bi'ah. Beis Shamai maintains that the testimony of the witnesses who saw the seclusion, Yichud, does not qualify as testimony that there was Bi'ah. Beis Hillel maintains that the testimony of the witnesses who saw the Yichud *does* qualify as testimony that there was Bi'ah ("Hen Hen Edei Yichud, Hen Hen Edei Bi'ah").

However, according to Beis Hillel, even if we assume that since there was Yichud there was also Bi'ah, why does that presumed act of Bi'ah constitute a valid Kidushin? Perhaps the man intended to commit Z'nus with his former wife, and not to do an act of Kidushin! (See RASHI, DH Amrinan Hen Hen.)

ANSWER: THE RITVA explains that since the man was once legally married to the woman, we assume that he would not commit an act of Z'nus with her, but would rather continue to have relations with her legally.

In contrast, if a man is found to have secluded himself with a Penuyah (a woman who was never married), then we do not say that the presumed act of Bi'ah was done for the sake of Kidushin, but rather that it was done for Z'nus, and the woman does not need a Get from the man in order to marry someone else.

HALACHAH: The issue of whether a man has intention for Kidushin or intention for Z'nus when he has relations with a woman to whom he is not married has important practical ramifications today, particularly with regard to civil marriages. Contemporary authorities discuss the Halachic status of a civil marriage. Needless to say, the actual "marriage" itself is meaningless since it is not a Halachic procedure and does not create Kidushin. However, after the civil procedure is performed, when people see the man and woman living together, they might constitute "Edei Yichud," and, if so, the principle of "Hen Hen Edei Yichud, Hen Hen Edei Bi'ah" would apply. Consequently, it is assumed that the man and woman had marital relations. Since we know that the intentions of the man and the woman are to live together as husband and wife (since they performed a civil marriage ceremony), perhaps this is sufficient grounds to assume that the Bi'ah was done "I'Shem Kidushin," for the sake of Kidushin.

The consequences of this question can be very serious. If the man and woman later decide to get divorced through a civil procedure (without a proper Get), and the woman remarries someone else, the children from the second marriage would be Mamzerim since she is still married (due to the Bi'ah I'Shem Kidushin) to the first man!

Ha'Rav Eliyahu Henkin zt'l maintained that the Yichud that occurs subsequent to a civil marriage *does* create Kidushin. According to his ruling, all children born to the woman from a second marriage after she was divorced from her husband through a civil procedure are Mamzerim.

Ha'Rav Moshe Feinstein zt'l ruled leniently on the matter. His leniency was based on a number of proofs that show that a person who is suspected to transgress Isurei d'Oraisa is also suspected to commit Z'nus. Even though the man and woman expressed interest in being "married," the does not mean that they were interested in the actual concept of marriage that exists through Kidushin. The obligations and responsibilities (Shi'abudim and His'chayevus) that are created through Kidushin are not part of the world's concept of marriage. Since we cannot clarify the man's intention, and since such persons are suspected of Be'ilas Z'nus, we cannot assume that any Kidushin took effect. (See IGROS MOSHE EH 1:74, II:19.)

Kidushin 70 HALACHAH: MARRYING FOR MONEY QUESTION: The Gemara says that "anyone who marries a woman for the sake of money will have children who do not act properly." RASHI (DH Banim Zarim) explains that the Gemara is not referring to one who marries a woman solely for the sake of gaining money, but rather it is referring to one who marries a woman *who is Pasul to him* for the sake of gaining money. The Gemara is discouraging a man from transgressing an Isur for the sake of monetary gain.

The REMA (EH 2:1) quotes our Gemara according to Rashi's explanation and states clearly that "when the woman is not Pasul to him and he is marrying her for the sake of money, it is permissible."

The Rema continues to discuss a case in which the parents of the Kalah promised to give the Chasan a certain sum of money, and then the parents of the Kalah retracted their promise. The Rema rules that the Chasan should not start a quarrel or delay the wedding because of monetary considerations, and one who makes an issue out of the money that he is not receiving will not have a successful marriage, "because the money which a man receives by virtue of his wife is not rightful money (Mamon Shel Yosher), and anyone who does this is called 'one who marries a woman for the sake of money.'" These words seem to contradict the earlier ruling of the Rema, in which he states that the Gemara's prohibition applies only to one who marries a woman who is Pasul, while there is nothing wrong with marrying a woman for the sake of money. How are these two statements of the Rema to be reconciled?

ANSWERS: (a) THE BI'UR HA'GRA explains that the Rema is quoting two conflicting opinions. The first opinion that the Rema quotes is that of Rashi and the RIVASH. Indeed, according to that opinion, there is nothing wrong with marrying a woman for the sake of

money, or delaying a marriage because of money matters.

The Rema, though, then quotes a second opinion, that of the BEIS YOSEF in the name of the ORCHOS CHAIM, who understands our Gemara differently than Rashi and explains that marrying a woman "for the sake of money" refers to any case in which the man is marrying for monetary gain (even if the woman is completely permitted to him). The Vilna Ga'on adds, though, that even according to this explanation, the prohibition applies only if the man would otherwise not have been interested in marrying this woman. If, however, he would have considered marrying her even without the monetary incentive, there is nothing wrong in taking money that might be offered to him as part of the Shiduch.

(b) The CHELKAS MECHOKEK (EH 2:1) explains that the two statements of the Rema complement each other and do not argue.

Everyone agrees that the Gemara is teaching that one should not transgress a n Isur for the sake of monetary gain (as Rashi explains). The first statement of the Rema, in the name of the Rivash, is expressing the Isur to marry a woman who is Pasul for the sake of money. The second statement of the Rema, in the name of the Orchos Chaim, is teaching that *delaying* one's marriage because of monetary concerns is also akin to transgressing an Isur for the sake of money. The delay of marriage is prone to lead to the man having sinful thoughts (Hirhurim Ra'im), which itself is a sin. If he delays his marriage in order to gain money, he is effectively transgressing an Isur (of Hirhurim Ra'im) for the sake of gaining money, and thus he is considered like one who marries a woman who is Pasul for the sake of monetary gain.

"KOL B'ISHAH" QUESTION: Rav Nachman told Rav Yehudah to bring greetings to Yalsa, Rav Nachman's wife. Rav Yehudah refused, responding that Shmuel ruled that "Kol b'Ishah Ervah," and if he brings greetings to Rav Nachman's wife, she will return the greeting and it is prohibited for him to listen to her voice.

The Halachah of "Kol b'Ishah Ervah" appears in a different context in the Gemara in Berachos (24a). There, the Gemara teaches that it is prohibited to recite Keri'as Shema in the presence of Ervah. The Gemara adds that since the voice of a woman is also considered Ervah, one may not recite Keri'as Shema when the sounds of a woman's voice is heard. When citing this Halachah, the TALMIDEI RABEINU YONAH states that a *singing* voice of a woman is an Ervah, and this is how the SHULCHAN ARUCH (OC 75:3) rules as well: "One must avoid hearing the sound of a woman's voice singing at the time of reciting Keri'as Shema." The Poskim point out that only the sound of a woman's voice singing is considered Ervah. Ordinary speech, though, is not considered Ervah.

This seems to contradict Shmuel's ruling in our Gemara. Rav Yehudah's fear was not that he would hear Rav Nachman's wife *singing*, but merely that he would hear her *talking*, when she would respond to his greeting. Why should "Kol b'Ishah" be prohibited in such a situation, if the prohibition applies only when hearing a woman's voice *singing*?

ANSWER: The BEIS SHMUEL explains that there is no contradiction between our Gemara and the Gemara in Berachos (as explained by the Talmidei Rabeinu Yonah and Poskim). The reason why only a singing voice, and not a talking voice, is considered Ervah is because it arouses the Ta'avah of a man. In normal cases, speech does not arouse such Ta'avah. The case of our Gemara, though, involved She'eilas Shalom -- bringing greetings to a woman. Asking another person about his or her welfare engenders a certain degree of intimacy between the two people; it expresses the existence of a relationship. Hence, if a woman responds to such a greeting, even in a regular tone of voice, there is reason to be concerned that it might arouse the man's Ta'avah.

70b HALACHAH: ASKING ABOUT THE WELFARE OF ANOTHER MAN'S WIFE OPINIONS: Shmuel rules that one may not inquire about the welfare of another man's wife, even by sending the inquiry to the woman via the woman's husband.

What is the reason behind this prohibition, and in what circumstances might it be permissible to inquire about the welfare of a woman?

(a) RASHI (DH Ein Sho'alin b'Shalom Ishah Klal) says that asking a woman about her welfare is prohibited because one thereby "makes her heart and mind familiar with him," creating a feeling of affection within the woman which could, Chas v'Shalom, lead to sin.

According to this reasoning, it would be permitted for a man to inquire about a woman's welfare from her husband, since the woman herself is not aware of it and thus she will not feel affection towards the other man.

Indeed, this is the way RASHI seems to rule in Bava Metzia (87a, DH Al Yedei Ba'alal). The Gemara there explains that the reason why the Mal'achim were permitted to ask Avraham Avinu about the welfare of his wife is because they asked only her husband. Rashi there explains that it is only prohibited to ask the woman herself about her welfare, but it is permitted to ask her husband how his wife is doing. (According to the BACH (EH 21, DH v'Ein), for this reason it is permitted to ask any other person, and not only her husband, how the woman is doing. The CHELKAS MECHOKEK (EH 21:7) argues and says that it is only permitted to ask her husband, as the Gemara in Bava Metzia implies, for her husband specifically avoids relating the man's inquiry to his wife, while any other person will not be so particular.)

(b) The RITVA, however, implies that the reason a man may not inquire about the welfare of another man's wife is because the *man* will feel close to the woman and might, Chas v'Shalom, have sinful thoughts. (This also seems to be the view of the ME'IRI.) The Ritva writes that if a man knows himself well and he knows that he has subjugated his Yetzer ha'Ra and he is in complete control of his thoughts such that he never allows sinful thoughts into his mind, it is permitted for him to ask a married woman about her welfare.

According to the Ritva, the Isur is because of the man's tendency to have sinful thoughts, and is not because the woman will feel affection towards the man. Consequently, it is permitted for a man who is in complete control of his thoughts to ask a woman about her welfare. According to Rashi, such a man would still be prohibited from asking a woman about her welfare. On the other hand, according to the Ritva, it would *not* be permitted for a man to ask a husband about his wife (when the wife will not know about it), since there still exists the concern that he will have sinful thoughts.

How, though, does the Ritva explain the Gemara in Bava Metzia, that says that the Mal'achim were permitted to ask Avraham Avinu about his wife? The DIVREI SHALOM (2:14) explains that the Ritva learns like TOSFOS in Bava Metzia (87a, DH Al Yedei). Tosfos says that the Mal'achim were permitted to ask only "where is Sarah" (in order to make her more beloved to her husband, by emphasizing how Tzanu'ah she was, or because of the requirement to act with Derech Eretz and ask a man about his wife), but not to ask about her welfare.

HALACHAH: The SHULCHAN ARUCH (EH 21:6) rules like Shmuel, who says that it is prohibited to ask a married woman about her welfare, even via a messenger, and even via her husband.

The Shulchan Aruch rules like Rashi's understanding of the Gemara in Bava Metzia and says that it is permitted to ask a husband about his wife's welfare.

It is interesting to note the comments of the BEN YEHOYADA to the Gemara here. The Ben Yehoyada suggests that this Isur applies only a man who is completely unknown to the woman; by inquiring about her welfare, he creates a bond of affection. If, however, the man is a relative of hers, or is a frequent guest in her home, it is not prohibited to inquire about her welfare, because it is clear that his intention is not to form a bond of affection, but rather to express to her his gratitude for her hospitality, and, on the contrary, it is a proper act of Derech Eretz to express concern about her welfare.

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