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From: owner-weeklydt@torahweb2.org on behalf of TorahWeb.org [torahweb@torahweb.org] Sent: Wednesday, July 12, 2006 1:26 PM To: weeklydt@torahweb2.org Subject: Rabbi Yaakov Neuburger - Leadership Focused on the Individual

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Rabbi Yaakov Neuburger
Leadership Focused on the Individual

As we begin our yearly mourning for Yerushalaim and Bais Hamikdosh, ironically, the parshas hashavua relates Moshe Rabeinu's initial preparations for his own decreed death and his children's subsequent entry into Israel. Moshe counts the people one more time, an event which Rashi likens to a shepherd returning the flock with which he was entrusted. Next we are reminded of the rules that will govern the distribution of the land. Following that, Moshe concerns himself with his own successor, who will lead the conquest and begin to establish and organize tribal territories and cities.

It is here that Moshe gives us a definitive insight into his notion of Jewish leadership. Introducing his request that the next leader be announced, Moshe addresses Hashem as the "G-d of spirits of all people". This uncommon reference to Hashem, according to Rashi, refers to His infinite capacity to relate to everyone's personal needs and stresses. Following Rashi's comment, by addressing Hashem in this way Moshe is advocating that Jewish leaders should, above all else, embody these aspects of Hashem. Thus, Moshe requests that Hashem appoints a person who understands that every individual comes with strengths and weaknesses and who pays attention to individual pursuits and aggravations. Hashem accepts Moshe's concern and appoints Yehoshua by saying that he is a "man in whom there is spirit" which, explains Rashi, is a person who is attuned to the individual makeup and spirit.

All of this in and of itself should not surprise us. After all, Moshe himself is faulted by his father in law for investing himself in the disputes and questions of individual Jews, at a time when others may have developed elaborate strategies for teaching and implementing the newly revealed Torah law. Indeed, according to medrash, Moshe displayed this focus on the individual while still a humble shepherd, running after a runaway sheep, bringing it back to the group, selflessly concerned for its wellbeing on the way.

Nevertheless, we cannot ignore that were we in Moshe's position at this juncture in time, we would, I believe, have vastly different priorities. Would we not be consumed with appointing a military mind who will ably ready the people for the battles ahead; or a wise administrator who will establish a nation of wanderers into an efficient agrarian society; or

perhaps a respected sage positioned to address the many spiritual crises that certainly will affect the nascent nation.

Therefore there can be no greater expression of Moshe's commitment to his approach and no greater instruction as to its importance, than to insist with Hashem's consent, when the nation is experiencing formative and altogether new experiences, that the next leader be focused on the individual.

Perhaps Moshe is stressing that ultimately our leaders will be measured by the closeness to Hashem that their charges have achieved. This life long pursuit of "deveikus" (closeness to Hashem) varies from person to person and is crafted by personal challenges and triumphs. Thus one who has been disciplined to see and focus upon the strengths and concerns of others will be invaluable in shaping lives that are meaningful and genuine in their quest for greater spirituality ("ruchniyus").

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Grandson of Aharon -- The Lover of Peace & Pursuer of Peace
Parshas Pinchas is somewhat of a sequel to the events that happened in the previous parsha [Balak]. In parshas Balak, one of the more sordid incidents in the history of the Jewish people occurred. A leader of one of the tribes of Israel publicly and brazenly had relations with a non-Jewish woman in front of the entire community. People were so stunned by this event that they literally did not know what to do.

The pasuk [verse] says that Pinchas saw this and he remembered (according to the Talmud in Sanhedrin [82a]) the law which Moshe had previously taught -- that when an individual is having relations with a non-Jewish woman in public, a person has the right to take the law into his own hands. Pinchas, acting on this law, killed both the man and the woman. The plague (which had broken out amongst the people) then ceased.

The narration in Parshas Pinchas continues at this point: "Pinchas the son of Elazar the son of Aharon the Priest, returned my anger ... therefore I am granting him My Covenant of Peace" [Bamidbar 25:11]. Rashi here cites a very famous Medrash, which explains why the Torah goes to such great lengths to tell us the genealogy of Pinchas: Some members of the community were skeptical about the use of such brazen tactics, killing someone publicly. They cynically traced his behavior to that of his maternal grandfather, Yisro, who in his earlier years had "fattened calves for idol worship". People began to murmur, "How does this grandson of a Priest of Idolatry have the audacity to kill the Prince of one of the tribes of Israel?" Therefore, the pasuk traced his genealogy to Aharon -- his paternal grandfather.

Why did tracing Pinchas' genealogy to Aharon satisfy anyone? Everyone realized that Pinchas had two grandfathers. What does it help that he was the grandson of Aharon? No one disputed that. This would not seem to mollify anyone's complaint -- that in this instance he undertook an action which reflected on his descent from a Priest of Avodah Zarah [Foreign Worship, i.e. -- idolatry].

The Sha'arei Orah, by Rav Meir Bergman, explains the answer: Everyone knew that Pinchas had two grandfathers, and everyone knew about genes

and genetics. But the people analyzed what had happened and they argued as follows:

We know that one of his grandfathers was Aharon. However, we know that Aharon was the most peace-loving man that one could ever meet. He was the quintessential "lover and pursuer of peace." But Pinchas had another grandfather as well. This other grandfather was an idolater; he was into paganism and all that that suggests. So, they reasoned, if we are wondering from whom Pinchas got the ability and character to get up in front of everyone and kill somebody, it seems certain that he did not get this quality from Aharon, the man of peace. Which grandfather, which genes, were coming into play here? It must be the act of the grandson of a Priest of Avodah Zarah!

Therefore, the verse says "No, that is not true!" The genes that were responsible for this action, at this time, were the genes of Pinchas the son of Elazar the son of Aharon the Priest. This is what Aharon himself would have done.

One might ask, "But would the 'Man of Peace' take a spear and spear two people publicly"? The Chasam Sofer explains that this act might not be associated with the "Lover of Peace" (Ohev Shalom), but it is associated with the "Pursuer of Peace" (Rodef Shalom).

The terminology of 'Rodef' in the expression Rodef Shalom should give us pause. It seems to have connotations that do not fit in with the context of peace. The Chasam Sofer says that, sometimes, in order to make peace, a person must be Rodef Shalom -- chase away the peace. He must, in fact, create machlokes [argument]. Sometimes, the ultimate peace is only achieved through a temporary act of pursuing (i.e. -- chasing away) peace.

There are some incidents and situations in life that demand that we stand up and say "No." Sometimes you need to protest "This is not Emes [True], and I have to give up Shalom [Peace] for Emes [Truth]." Aharon is the Lover of Peace, but sometimes he also had to be the Pursuer of Peace. The Pursuer of Peace was acting because, ultimately, that was the way to make Peace between the Jewish People and their Father in Heaven.

The Brisker Rav, zt"l, said in the name of his father, that one would have expected that G-d's reward to Pinchas would have been "My Covenant of Zealotry." L'Havdil [to distinguish (between a holy and a more mundane topic)], if we were going to vote for who was to get the Nobel Peace Prize that year, would the candidate have been Pinchas? That would have raised eyebrows!

No one would have a problem giving Pinchas the reward for Zealotry or for Bravery, but the Nobel Peace Prize doesn't seem appropriate. The Torah therefore emphasizes that as much as we would consider this not to be Peace, this is the real Peace. Sometimes the real Peace (of making Peace between G-d and Israel) needs to be made in ways that appear less than peaceful.

We often hear criticism of great Rabbis who take stands on an issue. People complain, "Why do they have to make machlokes? Why do they have to start up? Why can't they leave well enough alone? Is this peace? It's machlokes! It's divisiveness!"

That complaint goes all the way back to Pinchas. Just like there are people in our times that question and say "Isn't Shalom more important?", the same people existed in Pinchas' times. They said, "This isn't Aharon's grandson; this is not peace; this is divisiveness; sometimes you need to just keep quiet and turn the other way!" G-d responds: "That is not the case". Sometimes the Lover of Peace has to Pursue the Peace -- chase away the tendency to let things ride and go along without protest.

Therefore, both Pinchas' act and these Rabbi's stands are not acts of division. Pinchas did not receive 'My Covenant of Zealotry'. It was not an act of Bravado. Pinchas, appropriately, received 'My Covenant of Peace'.

Of course, one has to know when to take a stand and how to take a stand. That is why we should not make such decisions ourselves. Throughout the generations, we have always had our Gedolei Olam [World Class leaders] who have known when to say "Now we need to be the Pursuers of Peace". These Gedolei Olam receive the Blessing of 'My Covenant of Peace'.

Transcribed by David Twersky; Seattle, WA DavidATwersky@aol.com
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dhoffman@torah.org These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tapes on the weekly Torah portion Pinchas: Tape # 154, Writing a Halachicly Sanctioned Will. Good Shabbos!

[From last year]

From: ravfrand-owner@torah.org on behalf of **Rabbi Yissocher Frand** [ryfrand@torah.org] Sent: Friday, July 22, 2005 2:13 AM To: ravfrand@torah.org Subject: Rabbi Frand on Parshas Pinchas "RavFrاند" List - Rabbi Frand on Parshas Pinchas -

Tzelafchad's Daughters Were Motivated By The Land, Not The Money

The daughters of Tzelafchad came to Moshe to ask for their deceased father's portion in the Land of Israel, since their father had died without sons to inherit his portion.

In tracing the lineage of the daughters of Tzelafchad, the Torah seems to provide redundant information. The pasuk says that they were "the daughters of Tzelafchad, son of Chefer, son of Gilead, son of Machir, son of Menashe" and then that they were "from the family of Menashe son of Yosef" [Bamidbar 27:1]. Why was it necessary to emphasize the fact that they descended from Menashe son of Yosef twice?

Rashi asks this question and answers that the emphasis indicates that love of Eretz Yisrael is genetic. Yosef loved the Land of Israel and insisted that his bones be returned there. This love for Eretz Yisrael ran in his family such that his descendants (Tzelafchad's daughters) insisted that they be given their fair portion in the Land.

The wife of the Sefas Emes asked her son (the Imrei Emes) a question on this Rashi: What is the proof that the daughters of Tzelafchad loved the Land of Israel? Perhaps they were just interested in their inheritance as a monetary matter.

The Imrei Emes gave his mother a very good answer. There are two opinions regarding the identity of Tzelafchad. One opinion is that he was the chopper of wood [Bamidbar 15:32]. Another opinion is that he was from the group who tried to force their way into Canaan after the decree of the spies [Bamidbar 14:40]. Either way, Tzelafchad died in Parshas Shlach, prior to beginning of the decreed 40 years of wandering. His death occurred some 38 years prior to the events in Parshas Pinchas. If Tzelafchad's daughters were interested in their father's estate from a strictly financial perspective, why would they have waited 38 years to ask for it? Inheritance is not limited to land. What about his cattle? What about his other property? Apparently, they were not interested in that. It was only now, when they were on the doorstep of Eretz Yisrael that they came pressing their claim for inheritance of their father's portion. This is the demonstration of their love for the Land. They were silent regarding the cash and moveable property. However, their inheritance in the Land of Israel mattered greatly to them. They inherited this affinity to the Land from their great grandfather, Menashe son of Yosef.

The Shame and Disgrace of The Fact That "Yehoshua Was Like The Moon"

In this week's parsha, Yehoshua was designated as the heir to the position of leadership of the Jewish nation. He had the task and the privilege of leading Klal Yisrael into Eretz Yisrael.

Moshe was told "Take Yehoshua son of Nun... and place some of your majesty upon him so that the entire assembly of Israel will pay heed" [Bamidbar 27:18-20]. Rashi emphasizes that the instruction was to place SOME of your majesty - but not ALL of it upon him. Yehoshua bin Nun was not Moshe Rabbeinu.

The Talmud expresses this idea very sharply: "The elders of that generation bemoaned the fact that the face of Moshe resembled the sun (in its radiance), while the face of Yeshoshua (only) resembled the moon. Woe to us for the embarrassment; woe to us for the shame and disgrace." [Bava Basra 75a]. (Yeshoshua was also on a very high level, but he still could not be compared to Moshe.)

The sun is too bright to look at on a clear day, whereas we have no difficulty staring straight at the moon. The moon is not the sun. That was the difference between Moshe Rabbeinu and Yeshoshua bin Nun.

But why did the elders refer to it as a 'disgrace'? What was the disgrace? The disgrace was that Moshe Rabbeinu was not the type of leader that comes along once in a lifetime. It is not true that every generation has a 'Moshe Rabbeinu'. No! A leader and prophet like Moshe came along only one time in the history of the universe. No one was ever or will ever be his match.

The reason why Yeshoshua merited leadership was not because he could match any of Moshe's attributes. The Medrash [Bamidbar Rabbah 12] gives an analogy to explain how Yeshoshua merited being Moshe's successor, based on the pasuk, "The protector of a fig tree will eat its fruit and the guardian of his master will be honored" [Mishlei 27:18]. Yeshoshua succeeded Moshe because he was Moshe's talmid muvhak [prime disciple]. Yeshoshua waited on Moshe hand and foot. He never departed from Moshe's tent. Our Sages speak of him spreading out the mats and the benches in Moshe Rabbeinu's study hall for people to sit on.

Our Sages are teaching us that if we cannot aspire to be a Moshe Rabbeinu, we can at least aspire to be dedicated servants to our superiors in the same sense that Yeshoshua was dedicated to his master.

The disgrace was the fact that there was only one Yeshoshua bin Nun! There were certainly other people capable of cleaning up the Beis Medrash and turning the lights on and off as did Yeshoshua. But although "somebody had to do it" only one person actually did it.

There are some people who we cannot aspire to become. They are too brilliant. But there are other people to whom we look up that we certainly can aspire to be like. Many people accomplish things that I may not accomplish, but I COULD accomplish if I really applied myself. It often does not take brains, it takes effort and time and determination. These are attributes that are within the reach of many of us.

The Elders realized that they too had the same attributes that Yeshoshua had. They could have exerted themselves and had the same loyalty and faithfulness to Moshe as did Yeshoshua. But they did not do so. As a result of this fact they now bemoaned, "Woe to us for our shame and disgrace. Woe to us that out of all Klal Yisrael only Yeshoshua made this effort."

"Moshe's face was like the sun and that is not always attainable. Not everyone can be a sun. But Yeshoshua's face was like the moon. That certainly was attainable, had we made the effort. We should be ashamed for not having made that effort."

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Technical Assistance by Dovid Hoffman; Baltimore, MD
dhoffman@torah.org These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 557, Disinheriting. Good Shabbos!

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Covenant & Conversation

Thoughts on the Weekly Parsha from

Sir Jonathan Sacks

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth [From 2 years ago] <http://www.chiefrabbi.org/tt-index.html>

Pinchas

KNOWING THAT HE IS ABOUT TO DIE, Moses turns to G-d and asks him to appoint a successor:

Moses said to the Lord, "May the Lord, G-d of the spirits of all mankind, appoint a man over this community to go out and come in before them, one who will lead them out and bring them in, so the Lord's people will not be like sheep without a shepherd." It is a farsighted, selfless gesture. As Rashi comments: "This is to tell the praise of the righteous - that when they are about to leave this world, they put aside their personal needs and become preoccupied with the needs of the community." Great leaders think about the long-term future. They are concerned with succession and continuity. So it was with Moses.

G-d tells Moses to appoint Joshua, 'a man in whom there is spirit'. He gives him precise instructions about how to arrange the succession:

"Take Joshua son of Nun, a man in whom is the spirit, and lay your hand on him. Have him stand before Eleazar the priest and the entire assembly and commission him in their presence. Give him some of your authority so the whole Israelite community will obey him . . . At his command he and the entire community of the Israelites will go out, and at his command they will come in." There are three actions involved here: [1] Moses was to lay his hand on Joshua, [2] have him stand before Eleazar the priest and the entire assembly, and [3] give him "some of your authority [me-hodecha]". What is the significance of this threefold process? What does it tell us about the nature of leadership in Judaism?

There is also a fascinating midrash about the first and third of these gestures:

And lay your hand on him - this is like lighting one candle with another. Give him some of your authority - this is like emptying one vessel into another. (Bamidbar Rabbah 21: 15) Beneath these enigmatic words is a fundamental truth about leadership.

IN L'ESPRIT DES LOIS (1748), Montesquieu, one of the great political philosophers of the Enlightenment, set out his theory of the "separation of powers" into three branches: the legislature, the executive and the judiciary. Behind it lay a concern for the future of freedom if power were concentrated in a single source:

Liberty does not flourish because men have natural rights, or because they revolt if their leaders push them too far. It flourishes because power is so distributed and so organized that whoever is tempted to abuse it finds legal restraints in his way. Montesquieu's source was not the Bible - but there is, in a verse in Isaiah, a strikingly similar idea:

For the Lord is our judge; the Lord is our law-giver; the Lord is our king; he will save us. (Isaiah 33: 22) This tripartite division can also be found in Devarim/Deuteronomy 17-18 in the passage dealing with the various leadership roles in ancient Israel: the king, the priest and the prophet. The sages later spoke about "three crowns" - the crowns of Torah, priesthood and kingship. Stuart Cohen, who has written an elegant book on the subject, The Three Crowns, notes that "what emerges from the [biblical] texts is not democracy throughout the political system, but a distinct notion of power-sharing at its highest levels. Neither Scripture nor early rabbinic writings express any sympathy whatsoever for a system of government in which a single body all group possesses a monopoly of political authority."

The three-fold process through which Joshua was to be inducted into office had to do with the three types of leadership. Specifically the second stage - "Have him stand before Eleazar the priest and the entire assembly and commission him in their presence" - had to do with the fact that Moses was not a priest. His successor had to be formally recognized by the representative of the priesthood, Eleazar the High Priest.

POWER AND INFLUENCE are often thought of as being the same kind of thing: those who have power have influence and vice versa. In fact, though, they are quite different. If I have total power and then decide to share it with nine others, I now have only one-tenth of the power I had before. If I have a certain measure of influence and then share it with nine others, I do not have less. I have more. Instead of one person radiating this influence, there are now ten. Power works by division, influence by multiplication.

Moses occupied two roles. He was the functional equivalent of a king. He made the key decisions relating to the people: how they should be organized, the route they were to take on their journey, when and with whom they should engage in war. But he was also the greatest of the prophets. He spoke the word of G-d.

A king had power. He ruled. He made military, economic and political decisions. Those who disobeyed him faced the possible penalty of death. A prophet had no power whatsoever. He commanded no battalions. He had no way of enforcing his views. But he had massive influence. Today we barely remember the names of most of Israel's and Judah's kings. But the words of the prophets continue to inspire by the sheer force of their vision and ideals. As Kierkegaard once said: When a king dies, his power ends; when a prophet dies, his influence begins.

Moses was to confer both roles on Joshua as his successor. "Lay your hand on him" means, give him your role as a prophet, the intermediary through whom G-d's word is conveyed to the people. To this day we use the same word, *semicha* (laying on of hands), to describe the process whereby a rabbi ordains his disciples. "Give him some of your authority [*me-hodechal*]" refers to the second role. It means, invest him with the power you hold as a king.

We now understand the midrash. Influence is like lighting one candle with another. Sharing your influence with someone else does not mean you have less; you have more. When we use the flame of a candle to light another candle, the first is not diminished. There is now, simply, more light.

Transferring power, though, is like emptying one vessel into another. The more power you give away, the less you have. Moses' power ended with his death. His influence, though, remains to this day.

Judaism has an ambivalent attitude towards power. It is necessary. Without it, in the words of Rabbi Hanina, deputy High Priest, "people would eat one another alive" (Avot 3: 2). But Judaism long ago recognized that (to quote Lord Acton), power tends to corrupt and absolute power corrupts absolutely. Influence - the relation of prophet to people, teacher to disciple - is altogether different. It is a non-zero-sum game. Through it, both teacher and disciple grow. Both are enhanced.

Moses gave Joshua his power and his influence. The first was essential to the political and military tasks ahead. But it was the second that made Joshua one of the great figures of our tradition. Influence is simply more enduring than power.

http://www.jlaw.com/Articles/last_will_and_testament1.html

Halacha and the Conventional Last Will and Testament R' Judah Dick, z'l.

Jacob Adler passed away, leaving an estate of \$450,000. He expected that in accordance with Jewish law his wife, Jenny, and Dana, his unmarried daughter, would be provided for from a special fund of \$50,000. The remaining funds would be divided into four equal portions. Two would be awarded to Ruben, his oldest child, and one portion each (of \$100,000) to Simon and Levi his other two surviving sons.

But Mr. Adler did not leave a written will, so the disposition of his estate will probably be quite different. Instead of his expectations being fulfilled, one-third of his estate will be awarded to his wife and the remaining two-thirds divided equally among his four children in accordance with the State law.

Michael Zoberstein was disappointed with his oldest son, Kenneth, who had become a sculptor. He did not want his handbag business to end up in Kenneth's hands, so Mr. Z. wrote a will leaving him a token inheritance, designating the rest of his estate to be divided equally among his widow, Ruth, his other son, Ralph, and his two sons-in-law, who had joined him in his business.

Mr. Zoberstein's wishes will be carried out by the executor of his will, but failure to adhere to the halachic requirements of disposition of a person's legacy may invalidate such legacy insofar as Jewish law is concerned. Could something have been done to have his wishes implemented without contravening Torah law?

What are Mr. Zoberstein's heirs to do? Are they obligated to follow Torah law in disposition of his funds, giving his eldest son a double portion, etc., or are they required to "harken to the wishes of the deceased"?

Old Dave Samsonoff was an invalid during his last years. Of all his sons and daughters and their children, only Faige, the oldest child of his daughter Sima, devoted an hour every day to keeping him company. He would like to leave her a share of his fortune, but daughters - and surely granddaughters - do not inherit according to Torah law when sons are present.

Mr. Samsonoff would also like to leave several thousand dollars to the yeshiva, where he was founding president. How can this be achieved?

In the following pages we will seek to elucidate the areas where a will written in accordance with secular law may conflict with the dictates of the halacha; furthermore, we will try to explain what the solutions to these conflicts might be, and the possible difficulties of accepting these solutions:

How may a person dispose of his assets after death in a manner both in accordance with halacha and civil law? What are the rights of the surviving wife and daughters to the estate of the deceased head of the family? Are there any ways in which a person can write a legal will, modifying the Torah's prescribed disposition of one's estate, without violating Torah law? How inviolable are the rights of the *bechor* - the first born - to a double portion of the estate? What is the halachic status of wills written according to civil law? The Basic Rules

The Torah devotes six verses to the laws of inheritance (Bamidbar 27:5-11), setting forth the procedure for disposition of estates:

When male offspring exist, they are invariably the exclusive heirs of their father's estate. The Torah awards women no rights of inheritance as long as there are male heirs in the same class. (Daughters do not inherit if there are sons, nor sisters if there are brothers. Also, only paternal relatives can be considered heirs.)¹ In the absence of sons, daughters (and their offspring) are exclusive heirs. Children who die before their father are replaced by their qualified heirs. When a decedent leaves no children, his father is the exclusive heir to his estate. If his father is no longer living, his children (the decedent's paternal brothers) inherit his estate. When the first born is a male, he is entitled to two shares of the tangible assets of the estate, by rule of *bechora* (progenitor). Originally a widow was only entitled to her *kesuba* of 200 silver pieces. By rabbinical ordinance dating to pre-Talmudic times, her needs and living facilities must be provided for from her husband's estate until the time that she claims the lump sum due under the *kesuba*, or until she remarries. The Rabbis also made provision for support and maintenance of unmarried daughters (up to physical maturity at the age of 12½), and for a dowry at their time of marriage - which may run as high as ten percent of the total assets left by the decedent.² But this does not leave options for changes of the type Mr. Zoberstein or Dave Samsonoff had wanted to offer in their wills. The Torah concludes this discussion with the term *chukas mishpat* (a statute of judgment). From the use of the word *chuka*, which implies inalienability, the Rambam derives a maxim that a person cannot change the order of

inheritance described in the Torah - neither to bequeath a legacy to a person not entitled to inherit, nor to disinherit a person entitled to inherit. In this respect, inheritance differs from the general rule in monetary matters, which allows people to stipulate any conditions or rules of conduct of business they choose (kol tenai shebemamon kayom) 3. The only modification permitted by the halacha is to provide a greater share, or even one's complete estate, to any of the persons entitled to inherit, even though this would disinherit others in the same class, providing that a first-born (bechor) is not deprived of his right to a double share.⁴

The Sages were generally not in favor of any disinheritance or diminution of inheritance among one's children, even in favor of one child who is a Torah scholar over another who does not conduct himself properly, and they counseled against participation in any such disposition of assets.⁵

So the problem remains: How can a man direct the way his assets will be distributed after he has died - at a time when he no longer "owns" his possessions?

The Gift Approach Talmudic scholars have demonstrated that, by utilizing the laws of gifts and inter-vivos trusts (trusts made during one's life-time), a Jew can create a halachically acceptable will-substitute. The Torah laws of inheritance only apply to property owned by the person at the time of his death; however, one can make a gift to absolutely anyone - heir-apparent or otherwise - until the last conscious moment of one's life. Thus, if the person gave away or otherwise disposed of his property during his lifetime, the restrictions limiting the inheritance would not have any effect.

(The discussion here will not include matnas she'chiv me'ra: a special rabbinical enactment that permits a person on his death bed to distribute his assets as he sees fit regardless of laws of inheritance. The only proviso is that he use the terminologies of "gift-giving" rather than a "bequest" - or at least use both terms, in which case it will be presumed that he had intended to give a gift. Such gifts take effect in the case of death, but are revocable if the person recovers from his illness.⁶ We are primarily interested in a person of normal health, who desires to draw up a will or document with the general characteristics of a will recognized by secular civil law.)

There is a drawback in making an ordinary outright gift, since the testator (maker of a will) does not wish to part with his possessions during his lifetime; but halachically one cannot give a gift during his lifetime to be effective after death, since death divests the testator of title and vests title in his legal (halachic) heirs.⁷

What we seek here, then, is a means by which the gift-giver presents the items in his will to his intended heirs while he is still living; yet he retains full control and possession of his property during his entire lifetime and the power to revoke or change his will as long as he lives.

The Method & The Drawback

The technique generally utilized so as to conform both to halacha and the wishes of the testator is a revocable inter-vivos trust: technically, the beneficiary takes immediate title to the property, but the donor retains the right of all income during his lifetime, and may revoke the trust if and when he so desires. ⁸ The drawback to this method is that a majority of poskim (halachic authorities) require a kinyan - a formal immediate transfer of title to the property, which is done by the witnesses giving their garment symbolically to the donor. A significant problem inherent to this method is that the kinyan is only effective in transferring property (other than currency) which is in the possession of the donor at the time of the kinyan. It has no effect whatsoever on property yet to be acquired⁹. Yet, a conventional will generally deals with future holdings as well.

There are other methods of transferring currency, such as through agav, whereby a movable item - like silver, china, or furniture - can be transferred simultaneously with an interest in real property, which can be accomplished with kinyan, but there is no universally accepted means for transferring something which is not as yet in existence (davar shelo bo le'olam) or not presently in the testator's possession (davar she'eino bi'reshuso) ¹⁰. Thus, if a person acquires new possessions after making his inter-vivos trust, these possessions are not covered by the kinyan. His will based on this device is

totally ineffective as far as these newly acquired possessions are concerned. Worse yet, the beneficiaries carry the burden of proof to show that the items transferred - that is, covered by the will - were in existence and in possession of the donor at the time the trust was made.¹¹

This burden of proof may be difficult to meet and could readily serve to frustrate the intention of the donor. Thus, the inter-vivos trust approach (standing alone) gets poor marks as an all-purpose method of transferring property through the conventional will.

"Harken to my wishes ..."

Another technique for making a will is based on the maxim of the rabbis: "Mitzva lekayem divrei ha'mes - It is a mitzva to fulfill wishes expressed by a person since deceased." Under this rule, although title to the property descends to the legal heirs, as per Torah laws of inheritance; nevertheless, the heirs are under an obligation to carry out the wishes of the decedent and dispose of the property as he indicated.¹² Thus, any intended disposition of assets expressed in a legal will become "the wishes of the deceased," and the heirs are obligated to carry them out.

The drawback to this technique is that it applies only where the decedent addresses his wishes directly to his heirs in their presence in regard to existing property, or when he transfers possession to the property during his lifetime to a trustee, with directions on how it should be distributed. ¹³ In the ordinary will situation, the testator often does not wish to inform his legal heirs of his testamentary wishes in order to avoid undue pressure and hostility, nor to part with title during his lifetime. Moreover, according to many views this rule applies only to a she'chiv mera ¹⁴.

Creating an Indebtedness

A most original and effective technique of bequeathing one's possessions halachically is to create a theoretical indebtedness in favor of the chosen heirs (such as "Faige," Mrs. Samsonoff's granddaughter). This debt (to Faige) becomes a lien on all the testator's (Mr. Samsonoff's) property - both current and future holdings.

A person may create an indebtedness even if none previously existed, even if no loan or other consideration was ever given, merely by executing a note in favor of another person. ¹⁵ In the will situation a debt for a huge sum well in excess of the total value of the estate is created, but does not mature and is not payable until one hour before death. The huge sum is not going to be paid, but will be used as leverage for carrying out the terms of the will: the note, by its terms, gives to the halachic heirs (Mr. Samsonoff's sons) the option of paying the debt or a stated legacy in lieu of such debt. This legacy is the amount willed to the chosen legatee (Faige).

This technique was primarily used to give daughters a half share or full share in one's estate and is known as shtar chatzi zachor (half share) or shtar zachor shaleim (full share). Such a document was often drawn up and delivered to a daughter at the time of her marriage, and generally excluded real property and holy books.¹⁶ A fictional debt (a personal obligation not subject to the restrictive rules of kinyan) was utilized in preference to a direct chiyuv since there are problems in dealing with a specific item not yet in existence or in the possession of the donor at the time the chiyuv was created. In such case, there is a difference of opinion among authorities as to whether the chiyuv is binding on the donor's legal heirs.¹⁷ On the other hand, in the case of fictional debt, the debt is absolute, and the giving of the bequest or legacy is an optional method of satisfying the debt: this technique is definitely binding on the donor's heirs, since non-compliance would trigger the full monetary obligation of the note.

The Charity Bequest When someone bequeats a portion of his estate to a charity, this does not impose a legal (i.e. halachic) obligation on the donor's heirs to carry out this bequest. This is because a bequest is only a personal obligation of the donor, but does not constitute a lien on his assets (the inheritance).¹⁸ There is a difference of opinion among authorities, however, when the donor makes a bequest of a specific object or a set amount of funds to charity. This is because of a rabbinic rule whereby "a pledge to Heaven (i.e. the Temple) is as if delivered to the recipient," which according to some authorities applies to charity pledges also. ¹⁹ The most

accepted way of making a charitable legacy enforceable would be in the same manner as an ordinary legacy - such as creating a debt to the charity, as outlined above.

Incidentally, while a person is generally not permitted to contribute more than twenty per cent of his property or income to charity during his lifetime, most authorities agree, one may leave as much as he chooses to charity after his death.²⁰ People in a high estate-tax bracket may find it advisable to consider a charitable bequest as a means of reducing the estate tax, as well as a benefit for their neshama. This can be accomplished by creating a direct charitable bequest or a trust fund with income (and/or principal ultimately) payable to yeshivos and other worthy institutions²¹ which can be named in the will or left to the executor's discretion. One would be well-advised to pursue this matter with one's legal and financial advisors ... The charity bequest should, of course, be made with due consideration for the needs of the survivors.²²

The Non-Halachic Will "Law of the Land"

What, indeed, happens when someone (like Mr. Zoberstein, in the opening anecdote) ignores all halachic requirements, and simply writes a will in accordance with civil law? There is a rule that *dina d'malchusa dina* (the law of the land has halachic validity). One might wonder why this rule would not supersede any halachic requirements for validity of a will and make it effective halachically. Most opinions maintain that this principle pertains primarily to transactions between Jews and the government and/or non-Jews, and does not govern purely intra-Jewish affairs such as family inheritance where no public policy considerations are involved.²³ Therefore, according to this opinion the principle of *dina d'malchusa dina* cannot supersede the halachos of inheritance.

It should be noted, however, that Rabbi Moshe Feinstein maintains that where the transaction (in this case the will) were only lacking a *kinyan*, then *dina d'malchusa dina* would apply and all of the halachic requirements would have been satisfied.²⁴

All would agree, though, that one should pursue all feasible means to write a will incorporating halachically-sanctioned methods of distributing one's property.

"Situmta" - the Prevailing Communal Custom

Others have suggested that the related principle of *situmta*, or custom of the merchants, may resolve the problem. Under this principle, the commercial customs prevailing in a particular city or area supersede any halacha in civil law, since in money matters, people are free to make any agreements as long as they are based on express or implied consensual relationship between the participants.²⁵ Thus, it has been suggested, where the common practice of the Jewish community is to make wills in accordance with the legal system of the place where they live, such wills shall be deemed to be in accordance with the rules of wills in halacha, as a transfer by *inter-vivos* trust effective prior to the testator's death.²⁶

The objection to this approach is that the role of *situmta* is actually limited: it can create a substitute mode of *kinyan*; it may create contractual obligations or a *chiyuv*; or it may even, in the view of many authorities, effectively transfer ownership of something not yet in existence;²⁷ but there seems to be no valid basis for converting the very nature of a legal will, which takes effect only after death, into a *kinyan* that takes place during one's lifetime - which is the element that must be fulfilled.

In other words, although *situmta* may operate to give legal validity through custom and usage to any act which people can voluntarily implement between themselves, it should not be effective to validly change the laws of inheritance, which are designed to take effect immediately upon death, since even an heir cannot waive his future rights to his inheritance.²⁸ It seems to be beyond the capacity of *situmta* to effect the transfer of property within one's lifetime with the use of a transaction designed to take effect only after death.

The "Death-bed Gift" - Alive and Well Another possible saving feature of legal wills is based on the view of Maharam Rotenberg and the Mordechai:²⁹ that halacha does make provision for a conventional will prepared by a

healthy person (*bari*), allowing it to take effect in the same manner as a *matnas she'chiv me'ra* - the bequest spoken by a person on his death bed. According to their view, the Talmudic reference to a gift by a *bari*, similar in operation to one made by a *she'chiv mera* (Bava Bathra 135b), was intended to permit anyone to make an oral or written will in the presence of witnesses without need for a *kinyan*. All that is required is that the gift announcement be made in contemplation of death and that it dispose of all of the person's possessions.³⁰ (If any possessions are left out of the disposition, it cannot be a *matnas she'chiv mera*). True, this view is not accepted by most Rishonim and Acharonim, but it may well be that the general custom of treating legal wills as valid may establish this minority view as the halachic norm in those communities. This may be so, because a *minhag* (custom) can generally determine a conflict among *poskim*, especially in monetary matters.³¹

If this approach is relied upon, it would be preferable that the witnesses to the will be halachically competent (*kosher*), i.e., observant males over thirteen years of age and not related to each other or to any of the parties affected by the will. It should be noted that if the legal heirs do not challenge the signature on the will, the signature in and by itself may be sufficient, dispensing with the need for "witnesses."

Under the laws of New York and many other states, a holographic will which is not witnessed by two persons is not generally accepted. But if there are witnesses who are not "kosher," and the will is legally proper, the will may nevertheless pass the halachic standard because of the testator's own signature.³² Other theories have been advanced to validate legal (non-halachic) wills in accordance with liberal views of some Rishonim, who rule that *mitzva lekayeim divrei ha'mes* is applicable to all situations, including healthy persons, especially where the testator is a parent and the respect of parental wishes may be considered as *Kibud Av ve'Em*. This is especially so where the executors or legatees under the will are in actual possession of the estate's assets.³³

The Bottom Line

In conclusion, it should be said that it would be far preferable - and likely be more proper - if a will is prepared in a manner that meets the strict requirements of halacha, in keeping with the views of all *poskim*. A sample of such a will is available from this author upon request. [It should be noted that since the sample refers to a *kinyan*, it was best implemented if the witnesses made a symbolic *kinyan* by giving a handkerchief or other chattel of theirs to the testator before he signed the will. By making such *kinyan*, they are considered as agents of the legatees mentioned in the will.³⁴ Money cannot be transferred by such a *kinyan* but may be transferred by a *kinyan agav*. This means that the testator symbolically transfers a piece of real property he owns or rents to the legatees and, together with it, any money or other chattel he wishes to transfer.

It is technically possible to avoid the need for any type of *kinyan*, by acknowledging that a proper *kinyan* has taken place, even if it did not in fact occur.³⁵ The sample will contains such an acknowledgement so that the omission of an actual *kinyan* would not invalidate the will. Such an acknowledgement may also resolve the difficulty of transferring any debt whether oral (*milveh ba'al peh*) or evidenced by a note (*shtar*).]

Post facto, if one has made a legal will without conforming to halachic requirements, it would probably be sanctioned by a *Beth Din* (rabbinical court) in which the will's validity is questioned, on the basis of custom supported by the view of a minority of *poskim*.³⁶ There is still one stipulation - that the term "give" be utilized rather than only "leave" and "bequeath," because any attempt to interfere directly with the order of inheritance prescribed by the Torah is *ipso facto* invalid, and it is only by way of a "gift" that the halacha permitted even a *shechiv me'ra* to alter the order of inheritance prescribed in the Torah.

Circumventing the Bechor

The use of a gift is also an effective means of avoiding the rights of an eldest son (*bechor*) to his additional share, since the rules of *bechora* only govern inheritance and not gifts.³⁷ Some maintain that it would be best to

leave some amount of money or property outside the will, so that the Torah's rules of inheritance apply to at least a portion of one's estate. 38 This can be accomplished by including a special paragraph in the will so stipulating.

For a do-it-yourself-er, a legally valid will can be drawn up by a layman, as long as it is properly signed and witnessed by two persons who are not named in the will as legatees. Thus, anyone writing a will according to one of the halacha forms (such as those in Otzar Hashtoros or Nachlas Shiva) can make it legally valid. It may be written in any language, but would have to be translated into English before it could be probated in a state court. Wills drafted by laymen have been the source of much litigation and are not recommended for the uninitiated.

In summary, it is important that we explore all aspects of our personal and business lives to rediscover the myriad broad areas and countless fine points that have clearcut halachic requirements and guidelines. Then we must endeavor to change our lives to conform with the halacha ... to bring the Choshen Mishpat off the shelf and make it an active source of our conduct, as it is meant to be.

Judah Dick - Asst. Corp. Counsel, City of New York; Smicha, Yeshiva Torah Vodaath

1 Bava Bathra 110n; Rambam, Laws of Inheritance, Ch. 1(6), Tur and Shulchan Aruch 276(4). 2 Kesubos 52b; Rambam, Laws of Marriage, ch. 20(1) etc. Tur and Shulchan Aruch, Even Ho'ezer 113(1). 3 Bava Bathra 139b; Rambam, Laws of Inheritance, Ch. 6(1), Tur and Shulchan Aruch, Ibid, Ch. 290. Interestingly, although several ancient civilizations recognized the power to devise property by will, especially Roman Law, English Common Law prior to the enactment of the Statute of Wills in the reign of Henry the Eighth (32 Henry VIII Ch. 1) did not permit devises of real property and restructure devises of personal property. Thus, the courts have held that a state may regulate the disposition of property after death and prohibit devisors to certain classes such as aliens, corporations, and even the United States government. The U.S. Fox 94 U.S. 315, 320 (1876); U.S. Perkins 163 U.S. 625, 628 (1895); see also Bigelow Theory of Post Mortem disposition; Rise of the English Will, II, Harvard Law Review 69 (1897). 4 Ibid, Halachos 2-3, based on Bava Bathra 130b; Tur and Shulchan Aruch, Choshen Mishpat, Ch. 281 (1). 5 Bava Bathra 133b; Rambam, Ibid, Halacha (II). 6 Bava Bathra 148b; Rambam, Laws of Bestowals and Gifts, Ch. 8-12. 7 Bava Bathra 135b. 8 Bava Bathra, Tosafos 136b; Tur and Shulchan Aruch, Ibid, ch. 257. Our proposed sample will is based in part on text suggested by Rashba in responsum #106 attributed to Ramban. 9 Bava Metzia 46a, Tur and Shulchan Aruch, Choshen Mishpat 203, 209. 10 Shulchan Aruch, Choshen Mishpat, Ch. 204(4). 11 Choshen Mishpat 251(2) and 211(6). 12 Shulchan Aruch, Choshen Mishpat 252, based on Kesubos 69b. 13 Shulchan Aruch, Choshen Mishpat, Ibid. See also extensive discussion on this subject in Responsa, Maharsham, Vol.2, 224. 14 See responsa Binyan Zion of Rabbi Jacob Ettlinger, addendum #24, and discussion in note 29a intra. 15 Shulchan Aruch, Choshen Mishpat 257(7). 16 Shulchan Aruch, Even Ho'ezer 108(3), Choshen Mishpat 281(7). 17 See Tummim, Kesos Hachoshen and Nesivos Hamishpat on Shulchan Aruch, Choshen Mishpat, Ch. 60(6). 18 Ramo, Choshen Mishpat, Ch. 352(2) and Kesos Hachoshen, Ibid. 19 See Kesos Hachoshen and Nesivos Hamishpat, Ibid., and Tur, Yore De'ah 258(13). 20 Kesubos 61b; Ramo, Yore De'ah 249. 21 Henry Ford was able to keep Ford Motor Co. in the family by leaving most of the (non-voting) stock he owned to a charitable foundation which perpetuated his name. 22 Bach, on Tur, Yore De'ah, Ch. 249, Aruch Hashulchan, Choshen Mishpat, 282(3). There are some who would limit charitable requests to fifty percent or thirty-three percent - Sheiltot 64, Sheira Knesset Hagedola, Yore De'ah 249. In any event something should always be left for the legal heirs - Shita Mekubetztes, Kesubos 50, in the name of Disciples of Rabbi Jonah, and Meiri, Kesubos 50a. 23 Beth Yosef on Tur, Choshen Mishpat 27, citing response of Rashba; Shach, Choshen Mishpat, 73(39). See also Beth Yosef on Tur, Choshen Mishpat 369. 24 Igrot Moshe, Even Ho'ezer, 109 (Volume 1). 25 Talmud Yerushalmi, Bava Meizia, on Ch. 7, Talmud Bavli, Bava Metzia, 74a; Tur and Shulchan Aruch, Choshen Mishpat, 201(2). 26 Responsum 21 of Rav Yechezkel of Laveda in Sefer Ikre Hadat on Shulchan Aruch, Orach Chaim. See critique of this view in Responsa Maharsham, Vol.2 #204. See also responsa of Maharam Mintz, #66. 27 Responsa, Chasam Sofer, Choshen Mishpat, 66; Responsa, Radvaz; Vol.2, Ch. 278; 28 Responsa, Rosh 13(2); Maharam Rotenberg in Notes of Mordechai on Sabbath 472-3. 29 Maharam Rotenberg cited in Mordechai on Bava Bathra, 591. See also lengthy discussion in Responsum 21, Ikre Hadat, Supra. See also responsa Maharil (Rabbi Yaakov Molin) 75, who suggests that Maharam distinguishes between terminology used by testator. In his view, a request for a third person such as "he shall take or receive" is valid, whereas a directive to an agent to give or deliver to

a third person is not valid in a will, but may be valid under the rule of mitzva lekayem divrei ha'mes. Maharsham, responsum #224, concurs with this interpretation. 30 Ibid. 31 Responsa, Perach Mate Aharon, Vol. 1 60; Responsa, Ikre Hadat 21, Supra; See generally, Magen Avraham, Shulchan Aruch, Orach Chaim, Ch. 690(22) and Responsa, Chasam Sofer, Orach Chaim 159. 32 Responsa, Rashba, Vol.3, 67, and Vol.4, 7; Tur and Shulchan Aruch, Choshen Mishpat 250, (3) based on Bava Bathra 149a; Ibid 113(2) and 207(16). 33 See responsa Maharsham, Supra, who collected views of all predecessors and suggested novel views on the subject, as well as Responsa Binyan Zion, Supra. Maharsham also suggests that Kibud Av may be considered independent grounds for enforcing a will where the legal heirs are the testator's children. He also rejects the contention that failure to deliver a will during one's lifetime to a third party is fatal to its validity, since that rule only applies to a will signed by a scribe and witnesses, on behalf of the testator, but not to one signed by the testator himself. 34 Shulchan Aruch, Choshen Mishpat, 195(3). 35 Shulchan Aruch, Choshen Mishpat, 81(17); 1 Piske Din, Rabbanon, pg. 112. 36 See published letters of Rabbi Chaim Ozer Grodzinsky, (Michtevi Achiezer) vol. 1, no. 25. 37 Shulchan Aroch, Choshen Mishpat 282, based on Bava Bathra 133a. 38 Responsa of Tashbaz, Vol.3 No.147, cited by Ksos Hachoshen, 352(2). See also Responsa, Chasan Sofer, Choshen Mishpat, 151.

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EMES LIYAAKOV

Weekly Insights from MOREINU

Horav Yaakov Kamenetzky ZT"l

[Translated by Ephraim Weiss <Easykgh@aol.com>]

"And on the day of Shabbos, two complete one year old sheep."

Despite the fact that there are several melachos involved in offering korbanos, the regular korban tamid was still brought on Shabbos, and an additional korban mussaf was brought as well.

HaRav Yaakov Kamenetzky zt"l, explains that the idea that chillul Shabbos is allowed in order to bring korbanos, is not at all contradictory. The Midrash asks how it is possible for Hashem to bring rain on Shabbos, when bringing rain involves transportation from one domain to another, and as such constitutes an issur of hot-za'ah. The Midrash explains that since the whole world is considered to be Hashem's reshuv, and as such there is no issur of hotza'ah involved in Hashem transporting something from Shomayim to this world. However, the Midrash does not deal with the other issurim involved in bringing rain, such as planting. Rav Yaakov explains that the Midrash understood that these melachos are directly involved in ensuring the world continues to exist, and as such it is not a problem if they are done on Shabbos. The world cannot exist without vegetation. However, hotza'ah does not by definition play a direct role in the upkeep of the world, and as such the Midrash needed an explanation as to why it is allowed on Shabbos.

The korbanos play an equally important role in the existence of the world. The Mishnah in pirkei avos relates that the world stands on three things; Torah, avodah, and gemilus chas-sadim. The korbanos have to be brought on certain days, and at certain times, and once that time passes, the opportunity has passed, and the korban may no longer be brought. Each korban is responsible for keeping the world going for a specific amount of time. Just as it is impossible for the world to exist without time, it is also impossible for the world to exist without korbanos. As such, the idea that the korbanos are docheh Shabbos is not troubling at all.

Now b'avonoseinu ha'rabim, that we no longer have a Bais HaMikdash, the tefillos that we say take the place of the korbanos in serving as the pillar on which the world rests. As a result, we are behooved to ensure that our tefillos carry the necessary seriousness and significance, as befitting the avodah that keeps the world running. May we be zocheh to the coming of Moshiach, and the reinstatement of the korbanos, b'mihayra b'yameinu, amen

Young Israel Weekly Dvar Torah From: 11325-return-236-10500539@lb.bcentral.com on behalf of National Council of Young Israel [YI_Torah@lb.bcentral.com] Sent: Thursday, July 13, 2006 3:01 PM Subject: NCYI Dvar Torah: Parshat Pinchas Rabbi Herschel Kurzrock

Parshat Pinchas 19 Taamuz 5766
July 14, 2006 Daf Yomi: Yoma 38
Guest Rabbi: **Rabbi Herschel Kurzrock**
Young Israel of Kensington, NY

Many commentaries ask why the heroic, dramatic story of Pinchos rescuing the people of Israel from a ravaging plague by jeopardizing his life by killing Zimri was divided between Parshat Balak and Parshat Pinchos. Towards the end of Parshat Balak, we read about the brazen act of immorality perpetuated by Zimri, prince of the tribe of Shimon. It was a public act in defiance of Moshe and the Judges of Israel.

Pinchos, witnessing this flagrant transgression, recalled the law pertaining to such a case: zealous adherents to HaShem and His law may inflict capital punishment on a perpetrator in midst of his act. Immediately, without regard for his personal safety, Pinchos executed revenge and gave retribution to Zimri and Cozbi, daughter of a prince of Midian through his prompt brave act inspired by righteous zeal and thereby stopped the plague. Here, Parshat Balak ends!

Parshat Pinchos briefly refers to the story by listing the names of the participants in the act, and then concentrates on detailing the reward. The Almighty made a covenant of everlasting "Kehunah" and shalom with Pinchos because of his heroic deed.

Why was the story divided between two Parshiot, One relates the occurrence and the second discusses the reward.

As mentioned above, Pinchos was "a zealot." Our Sages teach that a true zealot reacts only when driven by the emotion of the moment, manifested in his profound hatred of evil and fervent, pure love of HaShem and Torah. He is propelled by a burning indignation upon witnessing an act of immorality in progress. If a zealot comes to ask a question, this person isn't in the category of a "true zealot", reacting from the profound emotion of the moment. The Yerushalmi states that Pinchos acted against the wishes of the Sages and they wanted to put him into "Cheyrem", pronounce an ecclesiastical ban on him. A true zealot acting altruistically, without ulterior motives, is faced with great danger. The Talmud tells us that six miracles occurred at that moment to insure Pinchos' safety from the mob.

There is a beautiful symbolic thought presented by the sefer "Noam Elimelech" depicting the necessity for true "mesirat nefesh" on the part of the zealot. The verse states, "Vayikach Romach B'Yawdo", and Pinchos took a javelin in his hand, to stab Zimri. The word romach is constituted of Resh (200) Mem (40) Ches (8) (all Hebrew letters have a numerical value) and can also be read as Ramach equal to 248, corresponding to the number of organs in the human body. This symbolizes that a zealot is ready to take Ramach Ayvorav, all his organs in hand and perform an act of self-sacrifice to sanctify the Almighty's name by destroying evil.

Thus, a "kosher" zealot has no ulterior motive in mind; his act is pure and holy. The division of the story symbolically attests to the fact that Pinchos acted only L'shem Shomayim, for the sake of HaShem. He didn't seek a reward.

Therefore, only the story is related in Parshat Balak. While in Parshat Pinchos, the Almighty states, "Therefore proclaim it, give him My covenant of peace, everlasting; Kehunah. The Almighty who rewards midah keneged midah, in kind gives Pinchos his deserved reward; although he served HaShem without the express intention of receiving a reward. The reward was very appropriate since Pinchos represented the true Torah Jew who acted completely al pi halacha, according to the law, even to the extent of self-sacrifice. His being chosen for the everlasting covenant of Kehunah

for himself and his descendants, to the extent that all the Kohanim Gedolim came from his descendants, was really a reward "in kind."

The kohain was always the one to judge and lead the people in halacha and service of HaShem. Pinchos, by his actions, depicted a true Kohain HaShem. His act, which led to peace and harmony, brought him also the reward of a covenant of peace forever. According to the Midrash, "Pinchas Zeh Eliyahu, Pinchos will also bring the ultimate peace on Earth as ELIYAHU the Angel who will herald the coming of Moshiach, leading to the establishment of universal peace and brotherhood of man under HaShem.

Yet, instead of showing appreciation and gratitude to Pinchos for his act of heroism, the people ridiculed, criticized and heaped insults upon him. But this couldn't deter Pinchos who realized the value of good and righteous living. As we see, when Moshe sent an army to fight Midian, Pinchos was at the head of the group. In fact, the Torah doesn't mention specifically the presence or names of the Kohain in the previous wars of Sichon, Og and the Amorites. One might say that this is to show that Pinchos remained the same "kosher" zealot despite the lack of appreciation and being subjected to ridicule by his people. Recognition or applause from fellow mortals was of no consequence to him. Finding favor in the eyes of HaShem, by complete fulfillment of Torah and Mitzvot, was his only goal.

Let us not direct time, or gear our Torah study and observance of good deeds so that we may garner the greatest measure of public approval. The criteria for performance should be acceptance in the eyes of the Almighty. Our sincere continuous study of Torah leading to proper, consistent performance of mitzvot, L'Shaim Shomayim, for the sake of HaShem, will make us worthy of witnessing the ultimate "Bris Shalom", my covenant of peace on Earth, promised to Pinchos, in the near future.

Shabbat Shalom!

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From: rabiwein-owner@torah.org on behalf of **Rabbi Berel Wein** [rbwein@torah.org] Sent: Wednesday, July 12, 2006 5:06 PM To: rabiwein@torah.org Subject: Rabbi Wein - Pinchas www.RabbiWein.com

Jerusalem Post - 18 Tamuz 5766 / 14 July 2006

PARENTING

One of the most important tasks in life is being a parent. Since every person and every family situation is different one from another, there are no particular instructions or guidelines that can affect every particular situation of parenting. But there are some general, common sense pieces of advice and observations that I believe are true and valuable in being a parent. Over the long history of the Jewish people, the home and the parents who were the backbone of that home served to preserve the Jewish people and to create an atmosphere of pride, self-worth and holy continuity for Jewish children and generations. One requirement is undoubtedly that the house, the parents, have a sense of serenity, of love of each other and of their children that is present in the home. This is the duty of parents to make their marriage work and to serve as role models as successful people to their children. Children born into a dysfunctional family situation have a decided disadvantage in their own lives and their future attempts to succeed. Parents must always have their children in mind in what they say and do, not only what they say and do to their children but what they say and do to each other in their daily normal relationships. Children are sensitive to the atmosphere that exists in a house, even more than to the words and directions expressed to them. Only the parents can create such a wholesome and reassuring atmosphere.

But they can do so only if they are aware of its necessity and importance in forming their family and raising their children.

A sense of family is important. Children should know who their ancestors were, who their grandparents are or were. They should be aware of the legacy of the past to them. We live in a world where the past has been blotted out in so many Jewish families. Without the past being part of their lives, children cannot place themselves in any sort of perspective. They are thrust into a bewildering and oftentimes hostile world without having the great weapon of knowledge of their familial past at their disposal. The religious world of Jewry is far from perfection, but perhaps its greatest achievement is that it has somehow preserved the past for its children and future generations. In my opinion, one of the greatest crimes of secularism is its determined effort to blot out the Jewish past. In ridiculing traditional Jewish garb and behavior, it rejects the past and thus generations have grown up with no familial attachment or pride. There are dysfunctional families present everywhere, even in religious Jewish society. But secularism has succeeded in creating a dysfunctional society. And that is truly a tragic consequence of disinheriting children from knowledge, understanding and appreciation of their ancestors and past family. Children need a sense of family ties and support to guide them. Lassiez fare tactics do not empower children; they weaken their self-image and allow for hostility and aggression to replace serenity and self-confidence.

Children need goals and tasks. Children also need a childhood. A child is not a small adult. Every child is different. The wise parent realizes that one-size-fits-all education and child rearing is unrealistic and unwise. King Solomon stated in Proverbs, "Educate and guide the child according to its (the child's) path and ways." This is the way to make certain that even when the child grows older it will not stray from its roots and family upbringing. Parenting therefore requires infinite patience and unconditional love. It demands consistency and quiet, wisdom and determination, optimism and positive reinforcement. It also demands the knowledge of when to let go and to allow the child to be a child. A parent's job is a permanent one and even in old age a parent remains a parent just as a child remains a child. The situations of life naturally change with the years but the roles and status of parents and children vis a vis each other remain pretty much constant over all of the decades of life. Because of this the role of a parent is constantly one of growth and wonder, of opportunity and challenge. And in the last analysis, one must take into account the words of the Talmud that children and how they turn out is a matter of mazal - of fortuitous good fortune that is beyond our control. So added to all of the other parenting advice and tips advanced one must add prayer for the correct mazal that happiness and satisfaction should reign in one's family and generations.

Weekly Parsha - 18 Tamuz 5766 / 14 July 2006

PINCHAS

The parsha of Pinchas contains one of the anomalies in the script writing of the Torah. G-d promises Pinchas the blessing that "My covenant of shalom - peace" be with him and his descendants. The Hebrew word shalom as written here in the Torah has a vav ktia - the Hebrew letter vav written in the word shalom is split and incomplete. Usually a split or incompletely written letter in the Torah renders the Torah itself as unusable and needing repair. But here it is the tradition of the Torah itself that the letter vav itself remain split and incomplete without this affecting the usability and validity of the Torah scroll itself. I have mentioned this matter in previous essays of mine on the parsha of Pinchas but I now wish to concentrate on an insight that recently came to mind regarding this split vav. We all know that there are endless faces and depth to the words of the Torah and that therefore many insights are always contained within one word or even one letter of the Torah. Thus all insights into Torah, based on the framework of the Oral Law and the great commentators of Israel throughout the ages are valid and instructive. The idea that I wish to advance regarding the split vav is very simple but I feel it to be the essence

of truth. Namely, that peace is very fragile, almost always difficult to maintain and it requires great effort to keep it together. All of human history bears out this fact. True peace, whether in the home, the family, amongst neighbors, in the synagogue, in the community and certainly between nations, is very hard to achieve and even more difficult to maintain.

The Torah wishes us to be aware of the difficulty in achieving and maintaining peace. Peace is not achieved with glib phrases, populist slogans or even just good wishes and sincere intents. It requires great sacrifices, sensitivity to others, patience and vision as to the future and the possible consequences of current behavior, speech and decisions. And even if peace is achieved it is always a vav ktia - a fragile, split, easily ruptured state of being. Pinchas' act of zealotry hardly seems to be the proper prelude for the Lord granting him the blessing of peace. But the vav ktia teaches us that G-d warns Pinchas that this act of zealotry is not to be a permanent policy of Jewish behavior. The self-same sense of risk and sacrifice that Pinchas invested in his act of zealotry now has to be channeled into the achievement of peace and its continued maintenance. One has to realize how the peace in a family and a community is always threatened by the petty things of life that taken too seriously rip us apart and leave us without peace or serenity of soul and personality. Pinchas will become the kohein gadol - High Priest - of Israel. His task will be to emulate his grandfather, Aharon, to love peace and pursue peace. He will be unable to do so successfully if he does not first realize the difficulty and fragility of achieving and maintaining peace. Only then will there be a reasoned and successful pursuit of peace become possible.

Shabat shalom. Rabbi Berel Wein

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From: **Rabbi Shlomo Riskin's Shabbat Shalom Parsha Column** [Shabbat_Shalom@ohrtorahstone.org] on behalf of Rabbi Shlomo Riskin's Shabbat Shalom Parsha Column [parshat_hashavua@ohrtorahstone.org] Sent: Wednesday, July 12, 2006 4:55 AM To: Rabbi Shlomo Riskin's Shabbat Shalom Parsha Column Subject: Shabbat Shalom: Parshat Pinchas by Rabbi Shlomo Riskin Shabbat Shalom: Parshat Pinchas (Numbers 25:10 - 30:1) By Shlomo Riskin "TORAH LIGHTS" WEBCAST VIDEO Rabbi Riskin's insights on the Parsha now live online @ www.ots.org

Efrat, Israel - "And the Lord said to Moses, 'Take for yourself Joshua the son of Nun, an individual who has spirit within him, and lay (or lean) your hand upon him, Stand him up before Elazar the Priest and before the entire congregation, and command him before their eyes. And give of your glory upon him in order that the entire congregation of the children of Israel may obey him....'" (Numbers 26:18-20)

In these three verses we see the "passing of the guard," the succession of leadership from Moses to Joshua. And imbedded within the three different actions which G-d commanded Moses to perform, we may begin to define three different forms of traditional Jewish leadership. Firstly, Moses was to "lay his hands" upon Joshua, an act which expressed a conferral of rabbinic authority, semikha (literally a laying upon or leaning upon), from master to disciple (cf. Mishnah Sanhedrin 1, 1). Since Moses was traditionally known as Moshe Rabbenu, Moses our religious teacher or our Rabbi, and since Joshua is Biblically and midrashically pictured as Moses' devoted disciple, it is perfectly logical to assume that the first transference from Moses to Joshua was that of religio-legal authority. Moreover, Moses was a great prophet who conveyed the Divine word to his nation; since the scholar (hakham) is heir (and even superior) to the prophet, and since the prophet was always expected to be a great intellectual and spiritual personality, Moses was bestowing upon Joshua his own authority as religious master and prophet (Rabbenu) by the act of his laying of his hands (semikhah) upon Joshua.

Moses is then commanded by G-d to "stand Joshua up" before Elazar the Priest. The Kohen Gadol or High Priest was certainly a leader in ancient Israel - but his

Divine service was formal, ritual and external, very much limited to the Sanctuary or Holy Temple. It was necessary for the Rabbi – scholar – prophet to be recognized and respected by the High Priest, and vice versa; however, whereas the former had to constantly bring the living word of G-d to the people and in the process often came into conflict with the ruling authorities and even with the majority of the Israelites, the latter merely had to perform the precise Temple ritual so that the continuity of the Divine service from generation to generation could be maintained. Joshua therefore had to appear, or be stood up, before the High Priest, but he was not given the ritual authority of the High Priest. Moses and Joshua were the seat of religious, moral and ethical authority; Aaron and Elazar were the seat of ritual authority. The Rav – Scholar – Prophet was expected to teach and interpret G-d's word for every generation; the High Priest was expected to ritually perform and maintain the ritual structures from generation to generation.

And finally, Moses was to "give of his glory (Hebrew *hod*) upon (Joshua) in order that the entire congregation of Israel may obey him" (Numbers 26:20). In addition to being religious Rav – Scholar – Prophet, Moses also served as authoritative King (cf Deut. 33:4,5), the chief executive officer of the Israelite nation. This authority was the power, or glory, he conferred upon Joshua as well. Rav Jonathan Sacks, chief Rabbi of the United Kingdom, defines the distinction between both aspects of Moses' leadership as that of influence versus power. Moses, as master prophet and religious teacher, wielded enormous influence, not only in his generation but in every generation, including our own generation which still studies Moses' divine words. Moses, as King of Israel, controlled much power, and so - in the final analysis – managed to quell the rebellions of all of his detractors: Korah, Datan and Aviram, and Zimri ben Salu.

But influence and power are very different sources of authority. The chief Rabbi sees this distinction as emanating from the Midrash Rabbah (Bereshit 21:15), which compares the giving over of power to "a pouring out from one vessel to another," whereas the conferral of influence is likened to "the kindling of one candle from another candle." When wine, for example, is poured from one goblet into another, the first goblet becomes emptied and devoid of its joy-giving liquid. Similarly, when a political leader leaves office and his successor takes over, no authority remains in the hand of the incumbent.

How different is the realm of influence. After the initial candle has kindled its flame onto another candle, the light of the first candle has in no way become diminished; much the opposite, now there are two candles shining brightly, providing double the amount of light in the room. My revered teacher, Rav Joseph B Saloveitchik, went one step further, when he interpreted the Biblical text of our weekly portion at the celebration of my class's rabbinical ordination (*hag haSemikah*). The "laying of the hands" is usually interpreted as an inter-generational conferral of authority: the master from a former generation is "handing over" the authority of our ancient tradition (*trado* in Latin means to hand over) to the younger generation.

However, says Rav Soloveitchik, that is not the picture presented by the Biblical text. The Hebrew *Samokh* (*Semikah*) principally means to lean on, so that the picture being conveyed is that of an elderly Moses leaning with his hands upon a younger Joshua. The message seems not to be that of a young Joshua dependant upon the authority of an elder Moses; it rather seems to be that of an elder Moses dependant for his support upon a younger Joshua. Rav Soloveitchik looked at us, his student-rabbis, with great yearning and expectations. "It is I who am dependant upon you. Without you, my Torah and my unique teaching, indeed all of the traditions which I imbibed from the previous generations, will all die with me. You are my insurance policy. It is through you and your teachings that my Torah will continue to live..."

This is why Moses had to put down Korah – who wanted to usurp power for a false end – but encouraged Eldad and Medad, who were influenced by a Divine spirit. And this is the true meaning of our Sages' adage that a father is never jealous of a child nor is a teacher ever jealous of a disciple. Politics yield power, which disappears in the sand-dunes of times; learning and piety breed influence, which last for all eternity. The Israelite Kings are scarcely remembered while the Israelite prophets and sages are still being studied and interpreted today. Lust for power is ultimately consumed by fiery flames, while the influence of Torah education will enable the light of the menorah to emblazon the path to the tree of life in our return to Eden.

Shabbat Shalom

From: peninim-bounces@shemayisrael.com on behalf of Shema Yisrael Torah Network [shemalist@shemayisrael.com] Sent: Thursday, July 13, 2006 4:19 AM To: Peninim Parsha

Peninim on the Torah
by Rabbi A. Leib Scheinbaum -
Parshas Pinchas

Pinchas, ben Elazar, ben Aharon HaKohen, turned back My wrath from upon Bnei Yisrael, when he zealously avenged Me among them. (25:11) The Torah declares Pinchas' praise in response to his *mesiras nefesh*, willingness to sacrifice his life. Despite the clear and present danger manifest by Zimri's relatives, Pinchas put his life on the line for Hashem. The reward that he received for his act of *mesiras nefesh* was the *Kehunah*, Priesthood, for himself and his descendants to follow after him. According to the *Kli Yakar*, Pinchas' reward of *Kehunah* was catalyzed by his *mesiras nefesh*. This indicates that the reward for an act of self-sacrifice is one in which the individual, and his progeny to follow, all benefit. The logic behind this is simple. If one were to die as a result of his *mesiras nefesh*, that would leave a void. He would no longer have any children to teach, to raise in the Torah way. Nevertheless, this person had come forward, risking everything out of his sense of conviction. The reward is, thus, commensurate with his sacrifice. Since he had been prepared to give up everything - his entire future - for Hashem, he was rewarded with a bright future, in which his future children will also benefit.

Avraham Avinu taught us *mesiras nefesh* when he was prepared to die in the fiery cauldron. He infused the attribute of self-sacrifice in his future descendants, a virtue that is part and parcel of the Jewish psyche. Horav Nosson Wachtfogel, zl, asserts that the foundation upon which the Jewish nation is built is *mesiras nefesh*. Avraham had not yet experienced any Divine Revelation. Yet, he went forward with his belief in the Supreme Creator Who is to be served.

There is a family living in Herzlia that originated in Georgia in the old Soviet Union. This family has had the good fortune of experiencing incredible *nachas*, satisfaction, from its children. Their sons are prominent *talmidei chachamim*, Torah scholars, and their daughters are married to distinguished scholars, who have assumed positions of leadership in their respective communities. How did they "luck out"? What was their merit to receive such reward? Their grandfather lived in Georgia during the earlier part of the century, at a time when the Russians had no qualms about demonstrating their virulent anti-Semitism. They focused on *mikvah*, and they did everything in their power to impede this ritual observance, knowing fully well that it would cause a disruption in family life.

One day, the government decided to visit the city's only *mikvah* to determine its cleanliness and to decide if it should be closed down as a result of being a "health hazard." Clearly, their intention was to halt the *mikvah*'s usage, because, as we all know, there were no filters then and the *mikvaos*, at best, were not up to standard in cleanliness. When the officials entered the *mikvah* room and saw how filthy the *mikvah* was, they immediately declared it off limits and closed it down. It was at this time that this family's grandfather, who was guiding the officials, seized a bucket, filled it with the *mikvah* water and proceeded to drink the entire bucket! "How can you say this *mikvah* is not up to standard? I just drank a bucket of water, and the taste is exceptional!"

This was *mesiras nefesh* at its zenith. To drink the water and stand up to the anti-Semitic officials took courage and fortitude borne from fearlessness and devotion to Hashem. The merit of this outstanding self-sacrifice engendered a family that was a source of pride and joy to the grandfather long after he left this world.

Horav Shraga Feivel Mendlowitz, zl, the architect of Torah in America, commented, "In every generation there is a special *avodah*, form of service, to the Almighty which must be perfected. In our generation, it is *mesiras nefesh*."

Horav Shimon Schwab, zl, notes that in every generation in which *mesiras nefesh* was prevalent, the *koach ha'tumah*, force of ritual uncleanness, that permeated society and gave strength and power to those who would undermine Torah was greatly impeded. Hence, during the period of the second Bais Hamikdash, there were no *nevei sheker*, false prophets, as there had been during the period of the previous Bais Hamikdash. The reason for this is that during the period of the second Bais Hamikdash, individuals such as Daniel, Chananyah, Mishael and Azaryah, refused to bow down to Nevuchadnetzar's idol and were willing to risk their lives for their beliefs. Furthermore, because of the preparedness of thousands of our brethren to sacrifice themselves for Hashem, the power and stranglehold that *mazikin*, various spiritual forces, and *sheidim*, demons, had over the people were abrogated. The power of the *sitra achara*, forces of impurity, was stunted. In every generation following an increase in *mesiras nefesh*, the power of Torah has reigned supreme. As we note, the glorious period of Torah that was ushered in with the Baalei Tosfos and Rishonim, followed immediately after the Crusades. When we demonstrate our willingness to sacrifice ourselves for the Torah, we indicate the esteem and value which we attribute to it, so that Hashem repays us in kind.

Take to yourself Yehoshua bin Nun, a man in whom there is spirit. (27:18)

When Moshe Rabbeinu saw that Tzafchad's portion in Eretz Yisrael had been transferred to his daughters, he hoped that the same would apply to his sons, whereby they would inherit the leadership of the nation from him. There is no doubt that Moshe placed the concerns of the people above those of his personal issues. He just thought that his sons would be suitable leaders. Hashem responded in the negative

and said, "Your sons sat by themselves and were not involved in Torah. Yehoshua, on the other hand, served you and prepared the house of Torah study by spreading the mats for everyone and cleaning up at night." Horav Sholom Y. Elyashiv, Shlita, explains that, without question, Moshe's sons had achieved a high level of scholarship, and they certainly did not sit around doing nothing all day. They studied and were highly proficient. It is just that they studied alone. They did not study together with others. Yehoshua, however, spent time with others; first, by preparing the mats upon which they would sit. He would then be involved in teaching and discourse. Last, he cleaned up the Bais Hamedrash at the end of the day. This demonstrated his total commitment to Torah study - and its dissemination to others.

The Mishnah in Pirkei Avos 3:5 comments: "One who stays awake at night and one who goes on his way alone and one who turns his head to idleness, sin against their souls." Rav Elyashiv renders this Mishnah homiletically. There are individuals within the community, who see that members of their community are asleep, captivated by the darkness, ensnared by the night created by a base society. Such an individual is awake during this darkness, and he ignores his responsibility to arouse the others from their slumber. He is acutely aware of his obligation to overcome the darkness and not fall asleep. He is successful with regard to himself, but what about the others? He, regrettably, stands alone. Furthermore, he is "one who walks by himself," who has determined for himself the proper and correct path upon which to tread. He has the right "derech," but he is alone - walking alone and not helping others onto the same path. Does he not care that others are stumbling along on the wrong derech?

He might also be one "who turns his head to idleness." He claims that reaching out to others is a waste of time. He will not succeed. They do not care, so why should he bother? This person is *mischayeiv b'nafsho*, "sins against his (own) soul," for he is not secure that he will continue on the correct path - alone. He has an obligation which he has reneged.

David Hamelech says in Tehillim 26:11, "As for me, I will walk in my perfect innocence, redeem me and show me favor." If I will walk in perfect innocence, thinking only of myself, without having anything to do with anyone else, then I will constantly be in need of Your redemption and favor. However, David continues, "my foot is set on the straight path - (if) in assemblies I will bless Hashem." Rav Elyashiv sees David Hamelech's words as an inspiration and motivation towards reaching out to our less observant brethren, to those who are lost and have wandered off the correct path.

Last, Rav Elyashiv cites an intriguing Mesorah which he explains along the same lines. The word *es'haleich*, "I shall walk," is mentioned three times in Sefer Tehillim. In Tehillim 116:9, David says, "I shall walk before Hashem in the lands of the living." In Tehillim 43:2, he asks, "Why must I walk in gloom because of the foe's oppression?" Last, in Tehillim 101:2, he says, "I walk constantly with innocence of heart in my house." What is the relationship between these parallel terms?

David declares his aspiration to make the world an *erezt ha'chaim*, a "land of the living." Yet, he sees that regardless of his desire to create a utopian environment, he is plagued by "gloom and the foe's oppression." What is the cause of this gloom, this oppression, this lack of success in making the land a "land of the living"? It is because "I walk constantly with innocence of heart in my house" - alone. Because he does not go out of his house to interact with others who need him, he is unsuccessful in enriching the spiritual lives of those who could benefit from his care; he is, instead, confronted with gloom. Success in life is measured by how much we do for others - not by what we do for ourselves.

Take to yourself Yehoshua bin Nun, a man in whom there is spirit. (27:18)

Rashi defines "spirit" as a reference to the spirit of G-d, so that the potential leader will know how to treat each person according to his own spirit. The various commentators continue along the same lines in explaining *ish asher ruach bo*. Horav Yitzchak Zilberstein, Shlita, elaborates on the depth of character that exemplifies a Torah leader. Human nature dictates that when we hear about a person from afar, someone with whom we have not yet come in contact, we are greatly impressed by his achievements, personality and character. As we get closer to him, either by meeting people that know him intimately or by coming in contact with the subject himself, we develop a totally different perspective on the person. As we interact with him on an almost daily basis, we notice a different person, one that is quite different from the one about whom we "heard" from a distance. This is a natural occurrence. After all, do not one's neighbors know more about an individual than others who do not live in his proximity?

It is completely different with regard to a Torah leader. Indeed, as we get closer to him, our perspective on his eminence and distinction becomes more acute. We see that he is even greater than we had thought! His neighbors and confidantes reveal his virtues in a manner that we did not imagine. As we get closer to him, he seems that much greater.

The reason for this disparity is that the average person attempts to conceal his deficiencies, while the Torah leader conceals his virtues. Therefore, as one moves

closer to the *gadol*, he becomes aware of greater virtue and rectitude. The opposite is true regarding the average person. As we become more knowledgeable of him, we discover what it is about himself that he has been hiding.

This also explains why when the *gadol* is alive among us, when we are able to hear his lectures and talks, to receive his guidance and inspiration, that we do not realize how fortunate we are. It is only after he is taken from our midst, when the source of this blessing is no longer walking and breathing among us, that we come to realize what it is that we had. We try to stretch out our hand, to perceive his greatness, to sustain something from the past, and we realize how lost we are, what kind of treasure we have lost. How important it is for us to value what we have - while we have it among us.

He (Moshe) took Yehoshua... He leaned his hands upon him and commanded him, as Hashem had spoken through Moshe. (27:22,23)

The Torah recounts the changing of the guard as Moshe Rabbeinu transferred the leadership of Klal Yisrael to his talmid *muvhak*, primary disciple, Yehoshua. This transmission of leadership's detailed in the first Mishnah in Pirkei Avos, Moshe kibail Torah mi'Sinai, *u'mesorah l'Yehoshua*, "Moshe accepted the Torah from Sinai and gave it over to Yehoshua." We would assume that Yehoshua merited becoming Moshe's successor because of his erudition, his depth of understanding of the profundities of the Torah, his proficiency in acquiring the vast storehouse of wisdom that is to be found in the Torah. The greater one's aptitude and expertise in Torah, the more prone he is to fill a leadership position in Klal Yisrael. Why is this? What is there about Torah scholarship that renders one suitable for leadership?

Horav Simchah Wasserman, zl, cites his father, Horav Elchanan Wasserman, zl, who explains this. The Torah is referred to as *tushiah*, counsel, because it is the only valid source of advice and counsel for the Jewish People. An individual does not necessarily know what is the best approach for him to take, or from which endeavor he will benefit most. He does not know, but the Torah does. There is no question concerning Jewish life, both general and particular, communal and individual, which does not have its appropriate answer in the Torah. There is nothing that is not alluded to in the Torah. One only has to search, to know where to look and how to interpret what he has discovered.

Anyone who has had the privilege of receiving counsel from *gedolei Torah* is cogently aware of their remarkable and penetrating insight into all areas of human endeavor. This applies to both Torah and secular issues, be they of a scientific/medical nature or in areas of commerce. There is a special gift granted to them, a gift of *daas Torah*, the wisdom that is derived from delving into the profundities of Torah. Just as the Torah is ultimately a gift to those who study it sincerely and diligently, so, too, is the wisdom that is inherent in it. As they absorb its eternal knowledge, they become suffused by its eternal wisdom.

In his Sefer *Darkei Mussar*, Horav Yaakov Neiman, zl, relates the following episode that occurred concerning the Alter, zl, m'Kelm. A businessman came to the Alter seeking his advice concerning a business opportunity that had presented itself. He was able to purchase a large tract of land. The problem was, however, that Jews in Russia were not permitted to purchase property under their own names. Apparently, he was friendly with an honest landowner, whom he felt he could trust, who was willing to purchase the property under his name and transfer it over to the Jew. While there was always a risk, the Jew felt that this landowner was not only a paragon of integrity, he was his friend, and could, therefore, rely on him to follow through. His question was whether he should trust his gut instinct or did the Alter have other advice to offer?

The Alter replied, "Every question has its solution in the Torah. One must know how and where to look. Let us take a Chumash and see what the holy Torah teaches us." It happened to be *Parashas Chayei Sarah*, and the Alter said, "Let us peruse the *parsha*." After a few moments the Alter said, "Interesting. Eliezer was Avraham Avinu's trusted servant. Yet, our Patriarch did not trust him to carry out his mission until he made him take an oath. The commentators question this. After all, if Avraham did not trust Eliezer, why did he not go himself? They reply that for a number of reasons Avraham could not personally go. He, therefore, relied on Eliezer because he had no other alternative. This teaches us that when it involves a primary issue that directly concerns one's life, we do not trust anyone else, unless we have no other recourse. This applies even with regard to Eliezer, the servant of Avraham." The end of the story was that the man did not accede to the Alter's advice. He trusted his gentle friend, who proceeded to deny that he had purchased the land for the Jew. Our friend, who did not listen to *daas Torah*, went bankrupt.

We still must determine which specific traits of Yehoshua elevated him above the 600,000 Jews in the wilderness. Certainly, they also studied the Torah diligently. Undoubtedly, there were many whose level of erudition paralleled that of Yehoshua. What was unique about him? The *Baalei Mussar*, Ethicists, explain that it was not Moshe that chose to transmit the Torah to Yehoshua. Rather, it was Yehoshua who selected Moshe as his rebbe and did not leave his side. He devoted every aspect and fiber of his being to being the perfect disciple. He chose a rebbe, and he remained

deeply committed to him. He never left Moshe's side. He, therefore, became worthy of studying from Moshe and eventually becoming his successor. What an incredible lesson for us all. It is the talmid, student, who has to make the move. He must select and establish a relationship with the rebbe, so that he becomes worthy of becoming a talmid.

Baruch omeir v'oseh. Blessed is He Who speaks and (thereby) does.

Hashem's word created the world from nothingness. Nothing in this world possesses any intrinsic existence except for Hashem. His Will, as expressed by His word at the time of Creation, continues at this very moment through His ongoing desire to maintain the existence of all matters. Hashem does not merely speak and then do. His word is a reality because it becomes true. In a deeper explanation of the terms omeir v'oseh, Horav Yeruchem Levovitz, zl, distinguishes between a human being's manner and ability to follow through on his commitment, to keep his word, and that of Hashem. A person commits and attempts to carry out his word as soon as possible to demonstrate his trustworthiness. Hashem does not merely "follow through." His word is absolute truth. Hence, the utterance constitutes action. There is no "distinction" between speaking and doing. It is one entity David HaMelech says in Tehillim 33:9. "For He spoke and it came to be." His speech catalyzed immediate realization. Rav Yeruchem goes on to explain that tzaddikim, the righteous, "say little and do much." This means that they act immediately. Veritably, speaking is, for all intents and purposes, contraindicated. After all, what is accomplished by speaking? If one is going to act - then he should act. If he is not prepared to act, so what will speaking accomplish? The righteous attempt to emulate Hashem by acting - not simply speaking and then acting.

The Chofetz Chaim, zl, exemplified this trait. The words "speak" and "say" did not appear in his lexicon. It was "do" and "purpose." He never said, "I will do." He did. When he would be asked to write a letter of some sort, he would immediately begin writing. To him, speaking was an exercise in futility.

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