

**Jerusalem Post :: Friday, July 10, 2009**  
**THE THREE WEEKS :: Rabbi Berel Wein**

Jews are good at mourning. We have had a lot of practice doing so over the many past centuries and certainly over this last past one. Jewish suffering, many times accepted with stoicism, nevertheless was immortalized in the rituals and traditions of the liturgy and practices of Jewish life. This week marked the beginning of a three week period of mourning which will culminate on the ninth day of Av, the saddest day on the Jewish calendar.

This three week period of mourning is inextricably connected with the destruction of the Temples in Jerusalem and the subsequent exile of Israel from its homeland. But there is other tragedy and sadness that is subsumed in this time of mourning as well. Moses' act of breaking the tablets of stone at Sinai upon witnessing the Golden Calf being worshipped by Jews, the burning of the Torah by oppressors of Israel and other such sad events are all included as reasons for this mourning period.

And in our time, every fast day and time of mourning always carries with it, officially or unofficially, an overtone of sadness and commemoration regarding the destruction of European Jewry sixty five years ago. But it is the destruction of the Temples and of Jerusalem, millennia ago, that lie as the root cause of all of our later tragedies, for all of these sad events are products of our being in a long and forced exile, an alien and defenseless people, the available scapegoat for all ills and failures of others.

There are different customs within the groupings of Israel as to the outward manifestations of mourning during this three week period. Ashkenazic Jewry refrains from solemnizing marriages during this period of time. New purchases of clothing and other major items are avoided and at least curtailed. Even the consumption of new fruits is limited and not approved. Haircuts and shaving are also prohibited. These are, as mentioned, outward signs of mourning. But true mourning occurs within the psyche and soul of a person.

Reflections on the causes and results of the tragedies that have befallen us are the true barometer of our mourning. In our dangerous world where, God forbid, personal and national tragedy lurks around every corner we should be cognizant of past errors of judgment and behavior. When Israel strayed from its observances and worship of God consequences flowed.

When hatred and demonization of other Jews by Jews became the norm of society, bitter consequences followed again. It is not a matter of preaching good that really matters. It is a matter of doing good that counts. All of the outward manifestations of mourning during this three week period of the Jewish calendar are meant to draw attention to our inner selves – to the problems and challenges that yet face us in our daily and national lives.

Being content with outward signs and customs of mourning without internalizing the messages that they represent defeats the very purpose for those observances of mourning. God wants our hearts and souls and not only our hair and beards.

Why such a long three week period of mourning? After all, should not the observances of the day of the ninth of Av suffice to remind us of the tragedies that have befallen us? Well, if external ritual observance was the only purpose of these mourning practices, a point can perhaps be made that three weeks of mourning may look to be somewhat excessive. But if the goal is to internalize within mind and soul the lessons of tragedies past and present and somehow to improve ourselves thereby in our attitudes and behavior then obviously three weeks is not an excessive time frame at all.

It takes a long time to rehabilitate a human being. Rabbi Yisarel Lipkin of Salant said that the loudest sound made in our universe is that of a human habit being broken and changed. One needs time and reflection to mourn properly and in a balanced fashion. Judaism in fact prohibits excessive mourning regarding personal tragedy.

Mourning is defined and limited by halacha and custom in terms of time and proscribed behavior. No matter how great the anguish we do not throw

ourselves on the funeral pyre. Yet in order to properly internalize the causes, effects and emotions of tragedy, time is required.

The rabbis who commented on the Talmud characterized the period of mourning of the three weeks and of the ninth of Av as being "the ancient period of mourning." By that they meant that it became the paradigm for all mourning in Jewish human life. Learning from mourning can therefore become the start of the process of personal and national redemption. Shabat shalom.

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### **Weekly Parsha :: PINCHAS :: Rabbi Berel Wein**

The Jewish people go to war against Midian in this week's parsha. This war can be described as a preventive war – striking before the enemy strikes again against you – and even as a war of revenge and punishment over the culpability of Midian in the death of twenty four thousand Jews due to their willful planned seduction by the women of Midian.

In this war the leading chieftains of Midian are killed as is the arch foe and cunning enemy of Israel, Bilaam. None of this makes for pleasant reading according to our current pacific and humanitarian correctness system. Yet the Torah teaches us here an important lesson about pacifism and misplaced humanitarian considerations.

The Talmud teaches us that someone who intends to kill you should be subject to a preemptive strike so that you can save yourself. Waiting to be attacked is not a safe or even sane defensive policy. In fact it invites attack for the enemy always sees it as a sign of weakness that can be exploited.

Thus the instructions given to Moshe in this week's parsha are based on the clear premise that the Midianites are schemers and seducers who are attempting to destroy Israel. Stop them before they are able to execute their nefarious plans against the Jewish people. Moshe's actions in mobilizing a Jewish army to oppose Midian immediately and not wait until Midian executes its own warlike intentions are not only God given commandments but pure human common sense as well.

Revenge also plays a role in human life. Even though the Torah commands Jews not to take revenge against individuals who may have harmed us, nevertheless on a national level it is impossible to overlook crimes perpetrated against the Jewish people.

The tragedy of the aftermath of World War II is that most of the people who committed the atrocities of the Holocaust somehow have escaped proper human judgment and retribution. In a world of unfortunate moral equivalency judgment against criminals is now tempered with sociological wooliness that prevents justice from being done.

The Torah expressly states that the action taken by Moshe and Israel against Midian, aside from its preemptive quality and nature, is also a form of repayment for the sins of Midian against the Jews and their responsibility in the deaths of so many Jews.

Every action begets a reaction. The war against Midian is the reaction to the previous war of Midian against the Jews. Evil that goes unpunished, if not even rewarded by inaction, only perpetuates and strengthens itself. Even a cursory reading of Tanach will reveal that this policy of preemptive strikes and punishing evil behavior from outside nations was always the policy of Jewish leadership.

Harsh realism always should trump wishful thinking and pious hopes and policies. I am not in a position to draw policy conclusions in regard to current national and international events. Nevertheless the Torah's emphasis in this week's parsha on the necessity for strong reaction to protect the innocent and punish the guilty should certainly be taken to heart.

Shabat shalom.

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**TORAH WEEKLY :: Parshat Pinchas**

**For the week ending 11 July 2009 / 18 Tammuz 5769**  
**from Ohr Somayach | www.ohr.edu**  
**by Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com**  
**OVERVIEW**

G-d tells Moshe to inform Pinchas that Pinchas will receive G-d's "covenant of peace" as reward for his bold action - executing Zimri and the Midianite princess Kozbi. G-d commands Moshe to maintain a state of enmity with the Midianites who lured the Jewish People into sin. Moshe and Elazar are told to count the Jewish People. The Torah lists the names of the families in each tribe. The total number of males eligible to serve in the army is 601,730. G-d instructs Moshe how to allot the Land of Israel to Bnei Yisrael. The number of the Levites' families is recorded. Tzofchad's daughters file a claim with Moshe: In the absence of a brother, they request their late father's portion in the Land. Moshe asks G-d for the ruling, and G-d tells Moshe that their claim is just. The Torah teaches the laws and priorities which determine the order of inheritance. G-d tells Moshe that he will ascend a mountain and view the Land that the Jewish People will soon enter, although Moshe himself will not enter. Moshe asks G-d to designate the subsequent leader, and G-d selects Yehoshua bin Nun. Moshe ordains Yehoshua as his successor in the presence of the entire nation. The Parsha concludes with special teachings of the service in the Beit Hamikdash.

### **INSIGHTS**

#### **Processed Peace "My covenant of peace"(25:12)**

Everyone wants peace. Every person wants to sit under his fig tree, secure that no one will come and take away his family and his money. Yet almost since the beginning of time, peace has been elusive, and often, illusory. If there's one Hebrew word that everyone knows, it's shalom. "Peace." Shalom is the Hebrew form of greeting. Why do we greet others with shalom?

The Talmud tells us that it is forbidden to say shalom in a bathhouse, because Shalom is G-d's name, and thus not fitting to be uttered in a bathhouse.

What does it mean that G-d's name is Shalom?

Real shalom doesn't exist in this world because shalom means perfection, completion. This world was created lacking. That's the way it's meant to be. This world strives to arrive somewhere beyond itself for its completion. The Hebrew word for the "earth" is aretz, from the root "ratz," "to run," because this world is always running, moving towards its completion. However its completion can come only from above, from Heaven. The word "Heaven" in Hebrew is shamayim, from the root "sham" which means "there." This world is always "running" to "there" - outside and beyond itself.

This world contains many wonderful things, but perfection isn't one of them. Perfection is beyond the scope of creation.

This is why G-d's name is Shalom. G-d is the Perfection of all the lacking of this world. Every single thing in this world finds its perfection, its fulfillment, in Him. It's not here. It's above. It's "there."

#### **The Peace Connection**

In the Book of Ruth, Boaz greets the harvesters by using the name of G-d. From here we learn that a Jew may use G-d's Name as a greeting, and it is not considered taking Heaven's Name in vain. In fact, there is an opinion that we are obliged to greet each other with G-d's name by saying "Shalom." Why should we be obliged to greet each other using G-d's name? What's wrong with "Good Morning!" or "Have a nice day!"

Sometimes we look at other people and we think that we are a million miles from them. But no man is an island to himself. When two people meet, the essence of their meeting is to make each other more complete. The fundamental principle of interpersonal relationships is that when I meet my fellow being, I am coming to effect his or her shleimut (completion). That's what I'm doing in this world.

G-d placed us in a world which demands to be perfected. Our whole relationship with the world and everything in it is a "Peace Process" - a process of bringing every person and every blade of grass to a state of shleimut - the true definition of peace.

In Parshat Vayetze, Yaakov lays his head down to sleep on some stones. The stones all vie to be the stone on which Yaakov will sleep. The result is that all the stones gather together and became one stone. What do we learn

from this? The message of the stones is that completion results from the connection of disparate entities into a single whole.

When we connect with other people on whatever level, whether in business or in love, whether in school on the bus, our entire connection between ourselves and our fellow beings must be with the intention to bring the other person to a state of completion. That's why a Jew is obliged to greet others with "Shalom!" For when we seek to bring each other to a state of completion, to shalom, the world reaches its ultimate fulfillment.

And that's the real peace process.

Written and compiled by Rabbi Yaakov Asher Sinclair

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

#### **He turned back My wrath from upon Bnei Yisrael. (25:11)**

The word heishiv, turned back, seems a bit misplaced. It would make more of an impact to use the word heisir, removed. What is the meaning of "turn back"? In his Be'er Moshe, the Ozrover Rebbe, zl, explains that with his act of zealousness, Pinchas achieved two objectives: first, he prevented the Middas HaDin, Attribute of Strict Justice, from destroying Klal Yisrael; then, he was able to turn it around and have it act against the Midyanites. This is the meaning of "turning back My wrath." That which would have been meted out against the Jews was turned against their aggressors, the Midyanites.

A similar scenario took place when the Jews stood at the banks of the Red Sea. Chazal relate that Satan appeared to condemn the Jews before the Almighty, "Hashem, did not the Jews worship idols in Egypt? Yet, You are about to perform miracles for them." When the Sar, guardian angel of the sea, heard this critique, he became angry and wanted to drown the Jews. Immediately, Hashem Yisborach replied, "Fool! Did they serve idols of their own volition? No! They worshipped as a result of the terrible labor to which they were subjected. They became depressed and lost their minds. Theirs was not intentional worship. They had no control over themselves. How can you judge inadvertent action the same as intentional, or compare forced activity with willful action?"

When the Prince of the Sea heard this, his anger was "rerouted" from Klal Yisrael and focused instead, on the Egyptians. This is the meaning of Vayashuvu hamayim al Mitzrayim, "And the water will go back upon Egypt" (Shemos 14:26). The Middas HaDin was not eradicated. It was simply rerouted against those who deserved its punishment.

#### **When he zealously avenged Me among them, so I did not consume the Bnei Yisrael in My vengeance. (25:11)**

Two people are embroiled in a controversy. What should the reaction of the innocent bystander be? The immediate response would be to "mind my own business...it is none of my concern." We would shrug our shoulders and continue on, refraining from involvement in something that does not directly concern us. It is best to remain neutral, to be flexible and conciliatory for fear that, by entering into the fray, we will only exacerbate the fires of dispute and blow the entire controversy out of proportion.

We have two such precedents in the Torah, ironically from a grandfather and his grandson. In this week's parsha, the Nasi, Prince, of Shevet Shimon takes it upon himself to dispute Moshe Rabbeinu, thereby impugning Klal Yisrael's leadership. Zimri, the Nasi, could have had any number of reasons for this dastardly act of rebellion. Surely, the innocent bystander had no idea why Zimri was acting in this manner. One thing was certain; he was transgressing the prohibition against cohabiting with a non-Jewish woman, for which the halachah is clear: kana'in pogiin bo, "zealous ones should kill him." The question is: Who was prepared to accept the mantle of kanai? It was much easier to do what everybody was doing, burying their collective heads and minding their own business. This was a dispute between Zimri and Moshe. Why get involved?

Pinchas' grandfather, Aharon HaKohen, took a different approach to dealing with the dissidents who created the Golden Calf. He complied with their wishes and, in an effort that could be characterized as damage control, helped them celebrate their new leadership." Clearly, not everything is as it appears. Aharon acted according to his own Daas Torah,

wisdom of the Torah, which he felt demanded his response. Likewise, Pinchas was executing Daas Torah as he perceived it. The circumstances were different, and each one acted in what he felt was the appropriate manner. Now, let us explain their actions, so that we may learn from their standards.

Pinchas was acutely aware that the kanai treads a dangerous path. He walks a line that distinguishes between an act of violence that can be interpreted as a mitzvah, and one that can be labeled as wanton murder. What defines his action is his intent. Why, and for whom, he is acting defines the catalyst of his actions. The fact that Hashem promised Pinchas bris shalom, a covenant of peace, indicates how Hashem viewed Pinchas' act. He considered it an act of boundless love, of trying to repair the breach created in Klal Yisrael by Zimri's immoral cohabitation. Zimri created rebellion; Pinchas attempted to quell its effect in order to return the Jewish People back to Hashem.

We live in a time of great pashranus, compromise, in which leaders - either out of moral weakness or irresponsibility - act injudicially to protect their position, often at the expense of Klal Yisrael's dignity. This can result in a chillul Hashem, desecration of Hashem's Name. Refusing to back down and concede their unmitigated error and violation of halachah, some leaders justify accepting invitations to speak and attend gatherings where no Jew belongs, claiming that they are acting for the greater good. This spiritual hypocrisy reflects a moral bankruptcy very much like what Chazal refer to as the one who is oseh maaseh Zimri, u'mevakeish, s'char k'Pinchas, "He acts like Zimri and demands reward like Pinchas."

We now turn to Aharon, who seemed to "give away the ship," capitulating to the demands of the eirev rav, mixed multitude. Here again, we see how important it is not to take things at face value and not to accept everything as it appears. This is where Chazal's interpretation of a situation transforms Aharon's act of submission from acquiescence and cowardice to an exalted, unparalleled act of mesiras nefesh, self-sacrifice.

The Chasam Sofer, zl, cites the Ramban, who writes that Aharon knew that his act of submission was a great sin that would ultimately cost him his portion in Olam Habbah, World to Come. He acted, nonetheless, because he knew that if the Jews killed him, they would be guilty of killing a Kohen and Navi on the same day, which was an unpardonable transgression. Had they succeeded in this grave double sin, Klal Yisrael would have been finished. Knowing this, Aharon acted with mesiras nefesh: "Better I should lose my share in eternity than Klal Yisrael be eternally ostracized." Aharon's love for the Jewish People was unparalleled. His "compromise" was something which he felt had to be done to save the nation - even at his own eternal expense. His grandson, Pinchas, acted similarly, putting his mortal life in danger in order to prevent Klal Yisrael from falling into the unforgivable sin of chillul Hashem. Things are just not always what they seem to be.

**Therefore, say: Behold! I give him My covenant of peace. (25:12)**

When one ponders the incident of Pinchas and Zimri, it seems strange. The Jewish People were going astray, gravitating towards the Midyanite women. Zimri, the Prince of the tribe of Shimon, brazenly took Cosbi, a pagan princess, and publicly flaunted his relationship with her. Pinchas grabbed a spear and killed them both. The plague that had been raging in the Jewish camp ceased at once. Unquestionably, Pinchas' act of zealous retribution was noble, courageous and, clearly, effective. Why does Hashem consider it an act of peace? Why did Pinchas merit two rewards: the covenant of peace and the Priesthood? The nature of neither one seems to be consistent with his act of vengeance.

Shalom, peace, is also a derivative of shleimus, completeness. Pinchas performed his brave act at great personal risk to himself, reestablishing and reaffirming the completeness of the relationship between Hashem and the Jewish People. Klal Yisrael severed the relationship with Him by desecrating His Name and through their lack of fidelity to Him. Pinchas came along and picked up the pieces, mending them and putting them back into place. The Bostoner Rebbe, Shlita, asserts that this is why, during Yehoshua's tenure as leader of Klal Yisrael, Pinchas became the Kohen Gadol. The most basic and remarkable function of the Kohen is to take a sinner who is shattered by all that sin is apt to destroy and offer his Korban Chatas, Sin-offering, on the Mizbayach to bring atonement for him. By

doing this, the Kohen catalyzes the ultimate tikkun, repair, to the bond between man and Hashem that had been shattered by the sin.

The Rebbe explains that Pinchas' ability to offer sacrifices for others was the result of his willingness to sacrifice for himself. Originally, it had been assumed that, since Pinchas had been born before Kehunah became hereditary, he was ineligible. When he passed the test of kanaus, zealous devotion to Hashem, he revealed the true depths of his soul. Thus, he achieved enduring greatness. The greatest test that one must be able to pass is the test of mesiras nefesh, self-sacrifice. How much is one willing to sacrifice? How far is he willing to go? In order to promote shleimus, one must himself be a shaleim. He must exhibit an uncompromising commitment to Hashem before he is able to inspire others.

Mesiras nefesh for mitzvos is measured individually. What might be considered a sacrifice for one person is a "walk in the park" for another. It all depends on the person and the circumstances. The Bostoner Rebbe relates an inspiring story about a young Jewish professional who became frum, observant, while on a trip to Eretz Yisrael. He even extended his visit, so that he could spend some time studying in the Holy Land. When he returned to the States, he shared his news with a young woman, a lawyer by profession, whom he had been seeing seriously. She was very supportive of his new-found commitment. There was one problem, however. She was not Jewish, and pursuing this relationship just did not sit well with frumkeit.

The young woman started spending time in a young kollel community, and she became friends with many of its members. She soon began to observe mitzvos, progressing nicely. Then the questions began in earnest. Could she convert? Would her conversion mean anything if it had been motivated in part by her relationship with the young man whom she was still dating? How committed was she to Yiddishkeit?

The Rebbe met a number of times with the young lady, but it remained difficult to sort out the various influences on-- and motives for-- her conversion. How sincere was she? The Rebbe decided upon the following test: "We will move forward with the conversion, but if the bais din, court, that determines the conversion issues a decision that you and the young man must break up, then you will have to separate completely before they will convert you," the Rebbe said.

The young lady was terribly distraught, and she broke down in bitter weeping. The Rebbe had said that an immediate answer was not necessary. She could go home and give it some thought, and return later with her decision. When she returned, she asked again if there were any way the Rebbe could come up with a dispensation to permit the marriage. The Rebbe answered that there was not. In order for her to be converted, she would have to completely sever her relationship, if the Beis Din so ruled. It must be a firm and final agreement. She returned the next day and, amid tears, affirmed her desire to become a Jewess and to adhere to whatever decision the bais din would render.

The Rebbe told her to return that evening with the young man. When they were settled, the Rebbe said, "You have passed the test. I wanted to see how firm your commitment to Judaism is. You will be converted, and you may get married to each other." They were, of course, overjoyed. After they calmed down a bit, the young man turned to his fianc'e and said, "Now we can cancel that reservation." He explained to the Rebbe that they had originally traveled to Boston together by car, and, since there was a distinct possibility that they might not be able to see each other again, they had made reservations for him to return by plane - alone! This demonstrated their true level of commitment. Conversion was her primary goal. Her devotion to Yiddishkeit was unequivocal and uncompromising. They continue to be happily married, religiously committed, and active and contributing members of their observant community.

**Therefore say: Behold! I give him My covenant of peace. (25:12)**

Pinchas performed a single act that earned him eternal merit: he zealously slew Zimri and Cosbi, halting the plague that was mortally destroying the Jewish People, and sanctifying Hashem's Name through his public demonstration of impassioned devotion. Opportunities crop up throughout life in which we are presented with a chance to achieve distinction or earn eternal merit, and we let these auspicious moments go by. Why? We either do not realize their significance, or we are too lazy to act. We will return

and do it later. Regrettably, later is too late. Those individuals who "made it" never wasted an opportunity, never ignored a chance to achieve. Who knows what this moment could bring? They seized the moment; they grabbed the opportunity, while the rest of the people just stood there watching.

Horav Sholom Meir Wallach, Shlita, relates the story of the American rabbi who visited Eretz Yisrael, landing on Erev Shabbos. Hot, tired and very thirsty, he sought a cold drink. Being a distinguished rav meant that he could not stand in the middle of the street drinking a can of soda. He noticed a grocery store, went in and asked for a cold drink. The proprietor, an elderly Jew who was clearly not a native born Israeli, asked, "What time is it?" The rabbi looked at his watch and said, "Twenty minutes to twelve." "Good," replied the storekeeper, "Then I can serve you. You see, I do not serve anyone on Erev Shabbos past chatzos, midday."

Meeting such an interesting person was inspirational, and the rabbi initiated a conversation with him. In the ensuing conversation, the man revealed that he had originally been a butcher in a small town in Russia. He then emigrated to Eretz Yisrael and became a storekeeper. He was an upstanding, G-d-fearing Jew, who led a simple life. He said that in his town there had been two young boys, both children of poor families, who had a great desire to study Torah and who exhibited an equal potential for achieving distinction in it. The butcher took it upon himself to send them to yeshivah, and he paid their tuition and expenses. He said, "I do not remember the name of the second one, but one of them was called Arele. I sent them to Slabodka. I have no clue what became of them."

When the rabbi heard this story, he immediately equated the name of the small town, Svislovitch, Russia, with Slabodka and the name Arele, and he deduced that the young boy was none other than the gadol hador, pre-eminent Torah leader of the generation, Horav Aharon Kotler, zl. He trembled with excitement and exclaimed to the storekeeper, "Do you know whom you sent to yeshivah? The gadol hador, Rav Aharon Kotler! Your good deed transformed the spiritual panorama of Torah in America. Imagine what your pennies achieved!"

The rabbi returned to the states and related the episode to his rebbe, the venerable Rosh Yeshivah, Horav Yaakov Kamenetzky, zl. "Rebbe, see what one well-meaning person can accomplish? He was in the right place at the right time and he acted upon the opportunity," the rabbi excitedly declared. Rav Yaakov replied, "Yes, I believe that one can change an entire world with good intentions and well-thought out action. The story is true, because, as you know, I also come from Svislovitch, and I was the other boy whom he sent to Slabodka."

Can anyone imagine the power of this story? This simple butcher was responsible for the making of not one gadol, but two gedolei hador! And it cost him very little. Why? Because he saw a need. He took an interest, he cared, and he did something about it. He did not just stand there thinking to himself, "What will people say? Let me think about it. Let us talk tomorrow." He did not procrastinate. He acted - just like Pinchas. It does not require much, but it does take initiative!

**Moshe spoke to Hashem, saying, "May Hashem G-d of the spirits of all flesh, appoint a man over the assembly, who shall go out before them and come in before them... Hashem said... "Take to yourself, Yehoshua bin Nun, a man in whom there is spirit. (27:15,16,18)**

Moshe Rabbeinu asked Hashem to select a successor to replace him, an individual who would lead the people and take them into Eretz Yisrael. Rashi says that, in his request, Moshe asked Hashem, "Answer me if You will appoint a leader for them." This sounds like more of a demand than a request. What is Moshe implying with this statement? Horav Matisyahu Solomon, Shlita, cites the Maharal m'Prague, who writes in his Gur Arye, that "Moshe was in extreme emotional pain over the chance that the Jews would not have a leader." In other words, the man who led the nascent nation during its first forty years was acutely aware how much they needed the right leadership. His love for the people was so strong; his empathy so powerful; his bond to them so inextricably solid that he could not accept for a moment that they might be left leaderless. Without any compunction, he expressed his strong emotional plea to Hashem, "Oy! What will be with Klal Yisrael? Please answer me."

Rav Matisyahu notes that the expression Elokei ha'ruchos, G-d of the spirits, is used only twice in the Torah: here, in our parsha, and previously when Moshe entreated Hashem on behalf of Klal Yisrael during the Korach debacle. "G-d of the spirits of all flesh, shall one man sin, and You be angry with the entire assembly" (Bamidbar 16:22). As Hashem was about to punish those who had rebelled against Him, Moshe, the quintessential leader, said to Hashem, "Almighty, Only You know the unique and singular thought process of each individual. Only You know who sinned maliciously with intent to impugn and defy Divine leadership, and who was just a follower, caught up in the maelstrom of events, with no backbone to stand up for what is true and right. Their punishments should not be similar. The individual who sins out of weakness should be treated differently than he who acts out of malevolence."

As the people stood at the threshold of a new era, as Moshe was about to take leave of the nation he had shepherded for forty years, he once again said to Hashem, "Only You, Almighty, can discern who should be the next leader of the Jewish People. Only Hashem knows what is going on in the recesses of the hearts and minds of each person: Appoint a leader over the people who will be tolerant of each individual person according to his own singular way of thinking."

Moshe was proficient in chochmas ha'partzuf, the wisdom of viewing one's countenance. He was able to look at someone and delve into his psyche, discerning his essence, his ethical, moral and spiritual persona and character. He chose dayanim, judges, for the people based on what he "saw" concerning their inner personalities. Although Moshe was eminently capable of personally leading the people, knowing each one's unique character, he was unable to determine who among the Jewish nation was capable of being his successor. Ultimately, Yehoshua, Moshe's close talmid muvhak, primary student, was selected by Hashem to be the next leader of the Jewish People. Certainly, Moshe knew Yehoshua, his character and qualities, better than anyone. Yet, his name eluded Moshe when he sought a successor. Why? Did Moshe not know that Yehoshua would be able to deal with each individual Jew on their own distinct level?

In order to explain this anomaly, Rav Matisyahu cites the Gaon, zl, m'Vilna and the Alter, zl, m'Novordok in his Madreigas Ha'Adam, who define the qualities integral to a Torah leader. In Moshe's request, he asked for someone "who shall go out before them and come in before them." The Gra explains that Moshe asked Hashem to appoint an individual who possessed two contradictory attributes. "Who shall go out before them" is a reference to he who is strong of character, who neither wavers nor fears any man or his opinion. He does what should be done and acts accordingly, not seeking popularity, but rather focusing on the truth without embellishment. "And who shall come in before them" denotes an individual who is soft and sensitive, caring and kindhearted, who listens to everyone and is acutely aware of and attuned to the needs of each individual. He asks; he consults; he listens; he confers; and he is involved in dialogue. Initially, these two sets of qualities are anathema to one another. Moshe knew no one among the Jewish People who fit this tall order. He knew individuals who possessed one of these virtues, but not both, working in sync, complementing one another.

Hashem replied to Moshe, "Take to yourself Yehoshua bin Nun, a man in whom there is spirit." This means, explains the Madreigas Ha'Adam, that he possessed a spirit which reigns over himself. Only someone who is in complete control of himself, his inclinations, tendencies, and nature, can lead a nation. If he can successfully navigate and prevail over the issues and challenges that confront him in his personal life, he is worthy of leading Klal Yisrael. If he is, however, capricious, if he vacillates back and forth without arriving at a definite decision, if he is fickle, he cannot lead. He will fall prey to pressure and bend with flattery or bribery.

Moshe knew all there was to know about Yehoshua. Yet, he did not see him as his successor. Yehoshua was a naar lo yamish mitoch ha'ohel, "a lad, (who) would not depart from within the tent of Torah study" (Shemos 33:11). He was diligent and persevering, leaving the bais medrash only when it was absolutely necessary. He just did not manifest any of the qualities inherent in a leader. Hashem taught Moshe a powerful and timeless lesson, one that has been proven regularly throughout history. The Torah leaders of Klal Yisrael are to be found in the bais medrash, doing

nothing else but learning the sacred Torah. When the need arises and they are summoned to the fore, they will be ready. The Jewish leader is one who rules over himself - then he can govern and guide others. The "degree" for Torah leadership is issued only in the bais medrash.

Rav Matisyahu expressed this idea in his eulogy for Horav Elazar M. Shach, zl, who was the undisputed gadol hador, leader of his generation. Until the age of seventy years old, he did nothing but study diligently in the bais medrash, teaching and guiding students, himself absorbed totally in the profundities of Torah dialectic. He knew nothing about the outside world. When the call to lead came, however, he was there, with an uncanny and unparalleled ability to respond to each Jew according to his individual need. He feared no one, but was sensitive to everyone. This is gadlus. This is true Torah leadership.

#### **Va'ani Tefillah**

**Hashem shomer es geirim, yasom v'almanah ye'oded. Hashem will protect the stranger, and He will give the orphan and the widow strength to endure.**

Horav Shimon Schwab, zl, notes that these three terms - ger, yasom and almanah--which are often used throughout Tanach, serve as an allegory for three types of people. Ger refers to the baal teshuvah, the Jew who returned to a life of religious observance. He is the ger ha'gar b'sochechem, "The stranger who lives among you" (Vayikra 16:19). He has only been living among the Jewish People, but is not really involved in their religious lifestyle. Now, after his teshuvah, he is like a ger, someone who has been regenerated, a neophyte believer. Next is the yasom, orphan, which is an allegory for the tinok she'nishbah, child who has been taken captive, one who never had a father or anyone else to teach him Torah. He has literally been orphaned from mitzvos. He is completely clueless, a situation that applies to so many of our generation. Last, almanah is a reference to a generation that has been left bereft of its leadership. The individuals of this generation have died. Our only comfort is that we are truly never alone. We are never left bereft of Hashem. As the Navi Yirmiyahu says (Yirmiyahu 51:5), ki lo alman Yisrael v'Yehudah m'Elokav, "For Yisrael is not widowed, nor is Yehudah, from his G-d." To paraphrase Rav Schwab, "In our time, the number of gedolei Yisrael who can pasken a sheilah, render a halachic judgment that is acceptable by the entire Jewish world, can be counted on less than the fingers of one hand, and most of them are aged."

The last generation before the advent of Moshiach is called almanah. Thus, the pasuk teaches us that in the generation just preceding the geulah, redemption, we will be a nation comprised of these three aspects: baalei teshuvah, tinokos she'nishbah, and people bereft of leaders. It is these individuals who will be among those righteous whom Hashem loves and will protect. They will be given the strength to endure and experience the new world order.

l'zechar nishmas R' Yissachar Dov ben HaRav Yisrael a"h Hertzberg niftar 7 Av 5745 t.n.tz.v.h.

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#### **Rabbi Yissocher Frand on Parshas Pinchas**

##### **The Unpredictable Development of the Tribes of Dan and Binyomin**

Bamidbar is known as the chumash of "Pekudim" [the censuses], hence the English name for it - the Book of Numbers. The first census occurs in Parshas Bamidbar and the second occurs in Parshas Pinchas. The first counting took place not long after the exodus from Egypt. The latter counting took place at the end of the forty years of wandering in the wilderness. Virtually all the people counted in the first counting died in the wilderness and did not make it into the Land of Israel. The people that are counted in Parshas Pinchas represent the "new generation" -- the people who are about to enter the Land of Israel.

The Chofetz Chaim in his sefer on Chumash points out a very interesting phenomenon. The total count of the Tribe of Benjamin was 45,600. In terms of total population, Benjamin was the fourth smallest tribe. The Tribe of Dan had 64,400 people, making Dan the second most populous tribe. This statistic is striking because Benjamin had 10 sons, while Dan had only one son. Furthermore, the single son that Dan had was severely handicapped. He was deaf.

[In the past, we have mentioned the thought of Rav Chaim Shmuelevitz regarding the incident described in the Medrash of the activism of Chushim son of Dan in killing Eisav, when the latter tried to interfere in the burial of Yaakov in the Mearas haMachpelah. All the other children and grandchildren became accustomed to the audacity of the situation because they saw it develop slowly over time. However, Chushim, who due to his deafness was not aware of what was happening, heard about the audacity all at once and immediately took a club and killed Eisav. This demonstrates, Rav Chaim said, how easy it is to become accustomed to an intolerable situation].

Picture a family gathering at the home of Yaakov Avinu. Yaakov is seated at the head of the table and his sons are seated around the table. Binyomin has ten children! Binyomin's children are all participating in the Divr ei Torah and other discussions taking place at the table. Poor Dan has only one son and he is deaf - unable to participate in any of the discussions. What is going to be with the poor tribe of Dan? How will Chushim ever find a shidduch? How is he ever going to make a living? Dan must be losing sleep at night worrying about what would become of his tribe in the future.

The educated prognosis would surely have been that Dan would be the weakest link in the chain of the tradition of Yaakov Avinu. Binyomin, on the other hand, according to any educated guest would have easily become the greatest of all tribes. And yet what happened? For whatever reason, even with his ten sons, Binyomin had a relatively small tribe and Dan became one of the largest tribes from his single handicapped child.

The Chofetz Chaim uses this as an example to show that one never knows what the future will bring. One can never tell "from whence my help cometh" [Tehillim 121:1]. We never know how life turns out.

As a Rebbe I see the same thing. I've been in this business quite a while. Sometimes I assume that the greatest of things will come from a student. Other students cause a teacher to despair: "What will ever become of him?" Invariably, teachers are surprised. A person never knows from whom he will have nachas [satisfaction]. A person never knows who will become what. I've seen it time and time again.

The lesson of Dan and Binyamin is that life is long and has many very strange twists and turns to it. We cannot predict the future. A person never knows from where salvation will come.

Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD

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#### **Drasha Parshas Pinchas**

##### **by Rabbi Mordechai Kamenetzky**

##### **Elevating Actions**

This week, Moshe teaches us the laws of inheritance. He actually needs Heavenly guidance to teach the laws, as he forgot them. And even though inheritance focuses primarily on male transmission, the laws of inheritance were actually taught because of the request of five women who brought a legitimate complaint to Moshe. The Torah tells us: The daughters of Tzela'fchad, son of Hepher, son of Gilead, son of Machir, son of Manasseh, of the family of Manasseh son of Joseph drew near -- and these are the names of his daughters - Mahlah, Noah, Hoglah, Milcah, and Tirzah and they stood before Moshe, before Elazar the Kohen, and before the leaders and the entire assembly at the entrance to the Tent of Meeting, saying "Our father died in the Wilderness, but he was not among the assembly that was gathering against Hashem in the assembly of Korach, but he died of his own sin; and he had no son. Why should the name of our father be omitted from among his family because he had no son? Give us a possession among our father's brothers. And Moshe brought their claim close to Hashem. (Numbers 27:1-5)

Many commentators discuss the expression, And Moshe brought their claim close before Hashem. Noting the fact that Moshe was unable to answer on the spur of the moment, Rashi comments that this was payback of sorts for Moshe's prior announcement (back in Parshas Yisro) to the Children of Israel to bring the small matters to lower judges, while he would adjudicate any difficult questions. In the case of Tzela'fchad's

daughters' query he was not able to answer on his own, rather he needed a Heavenly consultation.

But the expression, and Moshe brought their claim before Hashem, seems to tell us more. It does not say, and Moshe asked Hashem what to do. In fact, the Torah uses an expression *vayakrev* which means he brought close. And in that vein, what does the Torah mean by saying that Moshe brought their claim close to Hashem.

After the passing of the previous Satmar Rebbe, Rabbi Yoel Teitelbaum, his successor the Sigeter Rebbe, came to Monsey to pay his respects to my revered grandfather, Rabbi Yaakov Kamenetzky, of blessed memory, who at the time was the oldest Rosh Yeshiva of the Lithuanian Yeshiva world. Along with the rebbe came a significant group of his Chassidim who clung to the newly appointed seer, and were very curious to experience this first encounter between the Chassidic leader and the renowned Lithuanian sage. The Chassidim piled into the house and began pushing to the front of the table My grandfather, who was accustomed to orderly conduct, asked that the Chassidim be seated as well. He mentioned that there were folding chairs in his basement.

One by one, each of the Chasidim brought up a chair from the basement, unfolded it, and sat down. After watching this scene repeat itself, Rav Yaakov could not contain himself.

When somebody carries a chair from the basement and then sits on it, all he is is a shlepper. But if each of you would bring a chair for someone else, then you become elevated. Instead of shleppers you become *ba'alei chessed*, kindhearted men who are helping each other! With almost the same action, you are transformed from chair-haulers into holy people who sweat on behalf of their friend! Let us bring our actions away from ourselves and closer to Hashem!

One of the greatest attributes of a spiritual leader is to view the actions of his flock in a holy light. Rav Nachum Yisrael of Lipna explains that Moshe did not view the daughters of Tzefachad's request as one of mere monetary or territorial request. Instead, he viewed it as a spiritual one. Thus, he brought their claim close to Hashem. Moshe took their actions not as selfish real estate related desires, but rather as a spiritual quest to have their father's inheritance perpetuated through a share in the Holy Land.

And none other than Hashem Himself confirmed his assumption! Hashem confirms the claim, The daughters of Tzefachad's speak properly (ibid v. 7).

The true sign of a Torah leader is to either see the spirituality in the actions of his flock, or to make the minor adjustments that will ensure that otherwise mundane actions become holy ones.

Good Shabbos

Rabbi M. Kamenetzky is the Associate Dean of the Yeshiva of South Shore.

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**Rabbi Dr. Abraham J. Twerski**

**The TorahWeb Foundation**

**Declaration of Independence vs. Mesilat Yesharim**

In some Passover Haggados, the question is posed, "When the child asks the Four Questions about the Seder ritual, the father responds, "We were slaves unto Pharaoh.' How does that answer the child's questions?" One explanation is that the father is saying, "When we were slaves to Pharaoh, we did not question his orders. We did what we were ordered to do. G-d delivered us from Egypt and He is now our Master, We don't question his orders. We do as we are told."

At the Kotel, there are some young men who urge visitors to put on tefillin. One young man was about to do so when his comrades said, "Don't bother. We've tried with him, but he just refuses. He is not religious and just visits here as a national shrine." Nevertheless, the young man approached the visitor. "Pardon me," he said, "but aren't you General X?" The man said that he was. The young man said, "I was in your battalion in the Golan. When you ordered us to take the hill, we thought it was suicide. But, you were the general and we obeyed your orders. Here, there is another General, and we must obey His orders, whether we like to or not." Without a word, the general rolled up his sleeve and put on tefillin.

Whether it is a general and soldiers, or a king and his subjects, the master's orders must be obeyed.

Yes, we are Hashem's children (Deuteronomy 14:1), and we should relate to Him with the love and reverence of a child to a father, but that does not negate our role as slaves. The knowledge that we are Hashem's children enables us to realize that whereas a human master assigns duties to his slaves for his own benefit, a devoted father has the child's best interest at heart, and the duties Hashem wishes us to carry out are for our own benefit, not for His.

In the Ten Commandments, G-d made it very clear. "I am your G-d who delivered you from the land of Egypt, from the house of enslavement." Subsequently, G-d says, "For the Children of Israel are My slaves, whom I delivered from the land of Egypt" (Leviticus 25:55). The only difference is that in Egypt we had no choice whether we wished to be Pharaoh's slaves or not, whereas with G-d, we voluntarily accept our servitude to Him every day when we say the Shema. We have *bechira* (free-will) to refuse to accept *ol malchus shamayim*, but if we do accept it, we are *avodim*, slaves in the full sense of the word, and we are not free to disobey Him. The Talmud says that by saying the Shema we subjugate ourselves to the "yoke of the Divine rule." Yes, it is a yoke, very much like that of the ox that pulls the plow.

The Declaration of Independence says that among the "inalienable rights of man are life, liberty and the pursuit of happiness." This is indeed a lofty concept. However, slaves have no inalienable rights. Slaves are obligated to follow the master's orders. Slaves have only duties. Slaves do not have rights. We do pursue happiness, but we do so because it is a *mitzvah*, *v'hayisa ach some'ach* (Deuteronomy 16:15). Failure to serve Hashem with joy is a serious dereliction (Deuteronomy 28:47).

Ramchal begins his epochal *Mesilat Yesharim* with a chapter entitled "The Obligation of a Person in His World." This sets the theme for the entire book. If a person has inalienable rights, then he is free, within accepted limits, to decide how he wishes to exercise these rights. If one is a slave and has obligations and duties imposed upon him by a Master, then it is incumbent upon him to know how the Master wishes these duties to be carried out. This is further emphasized in the Talmud. "Nullify your will before Hashem's will" (Ethics of the Fathers 2:4).

A Master wishes that his slaves be well nourished and healthy in order to be in optimum condition to perform their required duties. They should be well rested, because if fatigued, they cannot get the job done. If we see ourselves as slaves of Hashem, then everything we do should be in the interest of carrying out our obligations. We eat, sleep, recreate work and transact because these are essential to our fulfilling our obligations. "Nullify your will before Hashem's will" leaves no room for pursuits that are not directed to the service of Hashem.

Ramchal would fully agree with "life, liberty, and the pursuit of happiness." Life, because the Torah says "You shall observe My decrees and My laws which man shall carry out and by which he shall live" (Leviticus 18:5). Liberty, because the Torah says, "Proclaim freedom throughout the land for all its inhabitants (Leviticus 25:10). Pursuit of happiness, because the Torah says, "You shall be completely joyous" (Deuteronomy 16:15). These are inalienable *mitzvos*, not rights.

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**Portion of the Week / A new Jewish leadership**  
**By Benjamin Lau (Haaretz.com)**

Most of the main protagonists in this week's Torah reading belong to the new generation that will enter the Promised Land. The miracles in the desert have been replaced by the war against Midian, and the complaints of the "generation of the desert" have been replaced by the demand of the daughters of Zelophehad to receive a portion of the Land of Canaan. The power of the new Jewish nation can be felt throughout the final chapters of the Book of Numbers. The Israelites are now ready to take responsibility for their own fate. They will no longer depend on Moses who was able to conduct the war successfully against Amalek and helped imbue his nation with divine power on the battlefield.

Against this background, it is fascinating to read the passages appearing in the middle of this week's portion, which depict the transfer of leadership from Moses to Joshua: "And Moses spake unto the Lord, saying, Let the Lord, the God of the spirits of all flesh, set a man over the congregation, Which may go out before them, and which may go in before them, and which may lead them out, and which may bring them in; that the congregation of the Lord be not as sheep which have no shepherd" (Numbers 27:15-17).

The wording Moses uses reflects the charismatic leader's awareness of the great responsibility his status entails. Moses is known as *haro'eh hane'eman*, the faithful shepherd, a particularly apt description. Just as he lovingly cared for the sheep belonging to his father-in-law Jethro in Midian, so he tends his to human flock: The Israelites journeying through the wilderness to the Promised Land. Moses is loyal to his "employer," whether human or divine. As it is written, "My servant Moses is not so, who is faithful in all mine house" (Num. 12:7). Nevertheless, he is also loyal to the flock: When the "owner" of the human flock, God, declares that he will replace the sinful Jewish nation with another, the faithful shepherd protests, pleading: "Yet now, if thou wilt forgive their sin ...; and if not, blot me, I pray thee, out of thy book which thou hast written" (Exodus 32:32).

It is surprising to see how adamant Moses is when demanding that God appoint a new leader who will emulate the example of leadership Moses himself already set. Over 100 times in the Pentateuch, we see the phrase, "And the Lord spake unto Moses, saying ..." Only on one occasion - when he asks God to appoint an alternative leader - is the same sentence structure used, this time when Moses addresses God: "And Moses spake unto the Lord, saying ..." In light of the apparently aggressive tone Moses uses, one midrash comments: "It is written, 'And Moses spake unto the Lord, saying ...' All those who request God's assistance in meeting the needs of the public speak somewhat aggressively" (Numbers Rabbah). Yet Moses' successor will be quite unlike him: Joshua will not be a man of God who will serve as the sole leader, as Moses has done. Instead, Joshua will have to rely on the high priest: "And he shall stand before Eleazar the priest, who shall ask counsel for him after the judgment of Urim before the Lord: at his word shall they go out, and at his word they shall come in, both he, and all the children of Israel with him, even all the congregation" (Num. 27:21).

Sometimes Moses is depicted as the sun and Joshua as the moon. But the moon will not be the only source of light that illuminates the Israelites' path; Joshua will have partners and the new leadership will be a team effort. The Israelites will thus be led by the moon and by the stars.

The relationship between the political leader, the monarch and the religious leader, the high priest, is fascinating: Sometimes the monarch must seek the high priest's counsel, and sometimes the priest's word must be seen as a command. A striking example of the relationship between the Jewish nation's political and religious leaders can be found in 1 Samuel, where God describes the person who will replace Eli's corrupt sons, who have abused their position as priests: "And I will raise me up a faithful priest, that shall do according to that which is in mine heart and in my mind: and I will build him a sure house; and he shall walk before mine anointed forever" (1 Samuel 2:35).

In his commentary on the Book of Samuel, Rabbi David Kimchi (a.k.a. Radak) explains the relationship between the monarch and the high priest: "Whereas the high priest appears before the monarch to provide counsel, the monarch goes to the high priest only when the latter's counsel is required on matters of supreme national importance. However, on all other occasions, when the monarch wishes to see and consult with the high priest, the high priest appears before the monarch."

Toward the end of the Book of Numbers, we see that the new leadership that will succeed Moses will be tripartite - consisting of a political leader, a religious leader and representatives of the public: tribal chiefs. When Moses deals with the demand made by the Tribes of Reuben and Gad to receive their portion of the Holy Land on the eastern, rather than the western, bank of the Jordan, he wants to ensure that the agreement with them will be enforced. Thus, Moses invites to the ceremony of the signing of the agreement all future participants in the new leadership that will take

over after his death: "So concerning them Moses commanded Eleazar the priest, and Joshua the son of Nun, and the chief fathers of the tribes of the children of Israel" (Num. 32:28).

This is the new Jewish leadership in the desert. Gone is the shepherd leading the flock, gone is the flock blindly following the shepherd. This is now a nation whose leadership ranks include the principal players, who will ultimately lead it to a worldly existence that will nonetheless be filled with the divine spirit.

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## Rav Kook List

### Rav Kook on the Torah Portion

#### Pinchas: Atonement for the New Moon

The Torah describes the offerings presented for each holiday, starting with those brought on Rosh Chodesh, the first day of the lunar month.

"This is the burnt-offering of the new month, throughout the months of the year. And one male goat for a sin-offering to God." [Num. 28: 14-15]

There is a very peculiar Talmudic tradition about the purpose of the new moon sin-offering. For whom does this offering atone? The Talmud [Chulin 60b] explains that this is literally a "sin offering for God." The offering comes to atone for God, as it were, for making the moon smaller than the sun. (According to the Midrash, the sun and the moon were initially created the same size. The moon complained, "Is it possible for two kings to rule with one crown?" and was punished by being reduced in size.) For this reason, a sin-offering is presented with the appearance of the new moon.

Is it possible to say that God sinned? That God needs atonement?

#### Restricting the Infinite

This monthly offering relates to the essence of the creation process. The very act of creation is problematic, confining infinite holiness within the finite boundaries of time and place. This constriction is only possible if there is a continual process of renewal, whereby the physical limits are gradually released, expanding the material boundaries.

In Hebrew, the words 'month' (*chodesh*) and 'new' (*chadash*) share the same root. The new month signals renewal and advancement.

The animal brought for this sin-offering is a goat. Why a goat? The goat by nature is a destructive animal, devouring not only the leaves but the branches and roots, destroying the foliage and eroding the earth. Within the order of creation, the universe requires destructive forces, in order to break down the limiting borders and push forward the renewal of existence to ever higher levels. In this context, those phenomena that would seem to be purely negative and destructive are redeemed and given cosmic significance.

The principle offering for the new month was not the sin-offering, but an *olah*, an all burnt-offering. The word *olah* means to raise up or elevate. The atonement for the constrictive nature of the physical universe - as symbolized by the reduction in the moon's size - is through the combination of the destructive forces (the goat offering) with the continual renewal and elevation of the world (the *olah* offering).

[Gold from the Land of Israel, pp. 278-279. Adapted from *Olat Re'iyah* vol. I, p. 165]

Comments and inquiries may be sent to: [RavKookList@gmail.com](mailto:RavKookList@gmail.com)

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## Haftorah Parshas Pinchas - Yirmiyahu 1:1

### by Rabbi Dovid Siegel

This week begins a series of haftorah readings which reflect the inner feelings of the Jewish people during their final months of the year. The series consists of moving visions of the prophets depicting the pending Jewish exile and destruction of the Bais Hamikdash and concludes with an ongoing exchange between Hashem and the Jewish people expressing a strong desire for reunification. Our haftorah speaks about the introduction of Yirmiyahu into prophecy and shows him somewhat reluctant to serve as the leading prophet of Israel. Yirmiyahu's concern centered around his young age coupled with his lack of experience in speaking to an entire

nation. He recognized the painful nature of his catastrophic predictions and feared that his prophetic words would actually endanger his own life. Hashem responded that He would personally direct Yirmiyahu and protect him from all opposing forces. Yirmiyahu consented and received his first prophecy which he described in the following words. "And Hashem sent His hand which touched my mouth and He said to me, 'Behold I've placed my words in your mouth.'" This unique description of prophecy as "words placed in the mouth", rather than words spoken to the prophet, suggest a strong dimension of force. It seems that Yirmiyahu actually felt compelled to speak his words of prophecy at all costs.

In truth, we find special significance given to the prophetic status of Yirmiyahu. Our Chazal (in Yalkut Shimoni 256) take note of the specific expression used by the Torah when introducing prophecy. In Parshas Shoftim (Devorim 18, 18) Hashem said to Moshe, "I shall establish a prophet amongst them likened to yourself. I shall place My words in his mouth and he will convey to the Jewish people everything I command." Chazal reflect upon the words, "prophet likened to yourself (Moshe)" used here which suggest a parallel between Moshe and other prophets. Chazal raise the question that the Torah unequivocally states that no one ever achieved parallel status of prophecy to that of Moshe Rabbeinu. What the nis meant by these words "a prophet likened to yourself"? Chazal answer that these words allude to the unique role of the prophet Yirmiyahu. They explain that there was a clear parallel between the role of Yirmiyahu as the prophet of rebuke and the role of Moshe Rabbeinu. The y even draw lines between the life of Moshe Rabbeinu and that of Yirmiyahu. They note that Moshe served a full term of forty years and was personally responsible for the ethical conduct of the entire nation. In addition, each of them faced serious opposition from their people for the hard stand they took in defending the name of Hashem. The Mahri Kra in support of this point (see comment to Yirmiyahu 1:9) adds that even the terminology used to describe their prophecy is of exact nature. The Torah refers to the prophecy of Moshe Rabbeinu and states, "I shall place My words in his mouth." Interestingly, this exact expression "I have placed My words in your mouth" is used when describing the prophecy of Yirmiyahu.

As we have now seen, the introduction of prophecy makes direct reference to the ultimate prophet of doom, Yirmiyahu. One could question the high priority that Yirmiyahu's prophecy occupies in the Torah. Why did Moshe Rabbeinu make reference to the prophet Yirmiyahu at the inception of prophecy and single him out from the other forty seven leading prophets? What was so significant about Yirmiyahu's dimension of rebuke that made it the prime focus of Moshe Rabbeinu's earliest discussion about prophecy?

In search for clarification of this point it is beneficial to study Moshe Rabbeinu's reflections on the establishment of prophecy. In Parshas Shoftim Moshe says, "Hashem will establish a prophet in response to all that you requested of him at Sinai on the day you received the Torah. You said, 'I can not continue hearing the direct voice of Hashem and will no longer risk perishing when seeing this great fire.'" "Hashem responded, 'I will establish a prophet likened to you and will place My words in his mouth.'" (Devorim 18:16) The Ramban (ad loc.) explains that the Jewish people requested that Hashem transmit His messages to them through words of prophecy. They found it too difficult to listen directly to Hashem because of the intensity of His words and opted to hear them through the prophets. With this request they agreed to hear the clear words of the prophets regardless of the severity of their nature. Hashem, in effect, consented to the Jewish people's request for prophecy, reserving the right to address them in the strongest of terms. The Jewish people readily accepted this alternative in place of hearing Hashem's direct and piercing words.

We now have a clear perspective regarding Moshe Rabbeinu's hidden prediction to the Jews. In truth, during Moshe's era the Jewish people were fully willing to listen to his piercing words of prophecy. This was of course in place of an all too familiar and highly intensified experience of listening to the words of Hashem Himself. Yet in later generations when the Jews would stray from the path of Hashem this task would become extremely difficult. Now that the dreaded alternative of hearing directly from Hashem was far out of sight the Jewish people could be prone to silencing their

prophets restricting them from conveying penetrating messages. Moshe, therefore, warned them at the outset that their agreement was eternally binding and that in later years Hashem would send them a prophet whose words of rebuke would be as piercing as those of Moshe Rabbeinu himself. We can now appreciate the opening words of Yirmiyahu in which he portrayed himself as compelled to speak the word of Hashem. It was the unpleasant role of Yirmiyahu to predict, in the most vivid form, the Jewish exile and the destruction of the Bais Hamikdash. These tidings were so penetrating and dreadful that the Jewish people would react to them as if they had heard direct words from Hashem. Yirmiyahu sensed the intensity of his prophetic mission and felt as if Hashem Himself was speaking directly to the Jewish people. He therefore expressed that Hashem placed words in the prophets mouth and delivered them directly to the Jewish people. In this regard Yirmiyahu was truly likened to Moshe Rabbeinu through whom Hashem delivered the clearest of messages to His people. Rabbi Dovid Siegel is Rosh Kollel of Kollel Toras Chaim of Kiryat Sefer, Israel.

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## YatedUSA Parshas Pinchos 18 Tammuz 5769

### Halachah Discussion

by Rabbi Doniel Neustadt

### The Prohibitions of The Three Weeks

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

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

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

Cutting Hair — When is it permitted?

When is it prohibited?

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

Weddings — When are they permitted?

When are they prohibited?

- ◆ A wedding may be held on the evening before the Seventeenth of Tammuz if the chupah will take place before sunset.<sup>18</sup> If no other date is feasible, some poskim allow the chupah to take place even after sunset<sup>19</sup> while others are more stringent.<sup>20</sup>
- ◆ Engagements are permitted and may even be celebrated with a party or a meal.<sup>21</sup>

Music — When is it permitted?

When is it prohibited?

- ◆ Listening to music is prohibited, whether it is live, broadcast on the radio, or taped.<sup>22</sup>
- ◆ Programs or other occasions where the musical accompaniment is incidental to the main event may be attended or viewed.<sup>23</sup>
- ◆ Children who are old enough to understand about the destruction of the Beis ha-Mikdash may not listen to music.<sup>24</sup> Several poskim, however, permit a child to practice his musical instrument.<sup>25</sup>
- ◆ Singing in praise of Hashem at a seudas mitzvah, without musical accompaniment, is permitted.<sup>26</sup>
- ◆ A professional musician, or one who is learning to play professionally, may play music during the Three Weeks.<sup>27</sup>

Shehecheyanu<sup>28</sup> — When is it permitted? When is it prohibited?

- ◆ On Shabbos, it is permitted to recite shehecheyanu.<sup>29</sup>
- ◆ On Rosh Chodesh Av, it is permitted to recite shehecheyanu<sup>30</sup> over new fruit.<sup>31</sup>
- ◆ A new fruit that will not be available after the Three Weeks may be eaten and a shehecheyanu recited.<sup>32</sup>
- ◆ A shehecheyanu is recited at a pidyon ha-ben<sup>33</sup> and upon seeing one's newborn daughter.<sup>34</sup>
- ◆ A shehecheyanu may be recited if by mistake the Borei pri ha-eitz was already said over a new fruit.<sup>35</sup>
- ◆ The blessing of ha-Tov v'ha-Meitiv may be recited during the Three Weeks.<sup>36</sup>
- ◆ Since it is prohibited to recite shehecheyanu, it is also prohibited to buy any item that normally requires shehecheyanu to be recited. It is forbidden, therefore, to buy a new car for personal use during the Three Weeks. It is permitted, however, to buy a car for business use [and recite the shehecheyanu after the Three Weeks] or for the benefit of the family [since in that case ha-Tov v'ha-Meitiv is recited instead of shehecheyanu].<sup>37</sup>
- ◆ New clothes that normally require a shehecheyanu should not be bought during this time. Thus, shoes, shirts, trousers and all undergarments may be purchased and worn without restriction until Rosh Chodesh Av, since shehecheyanu is generally not recited over them. One who never recites shehecheyanu on clothes, even on expensive ones,<sup>38</sup> could also purchase and wear expensive clothes during this time. Those who do recite shehecheyanu when putting on new clothes may still buy and alter them until Rosh Chodesh Av, but they may not be worn until after the Nine Days are over.<sup>39</sup>

Footnotes

- 1 Ta'anis 31b, quoted in Shulchan Aruch, O.C. 554:25.
- 2 O.C. 551:13.
- 3 Halichos Shlomo 3:14, Devar Halachah 9; Bein Pesach l'Shavuos, pg. 241, quoting Rav S. Vosner.
- 4 Mishnah Berurah 551:79. When necessary, women may shave their legs; Rav M. Feinstein (Moadei Yeshurun, pg. 128, note 9). See also Igros Moshe, Y.D. 2:137 where he allows women to take haircuts when necessary during the Three Weeks. When necessary, a girl of marriageable age may take a haircut; Rav S.Z. Auerbach (Halichos Shlomo 3:14, Devar Halachah 10).
- 5 Mishnah Berurah 551:20.
- 6 Kitzur Shulchan Aruch 122:5.
- 7 Igros Moshe, O.C. 4:102; She'arim Metzuyanim b'Halachah 122:5.
- 8 Igros Moshe, C.M. 1:93; Halichos Shlomo 3:14-7.
- 9 Mishnah Berurah 551:87.
- 10 Sha'ar ha-Tziyun 551:91. Aruch ha-Shulchan 551:31, however, seems to hold that only children above the age of chinuch are prohibited to take a haircut. See also Igros Moshe, Y.D. 1:224 who agrees with this opinion.
- 11 Chanoch le-Na'ar 22:1.

- 12 Igros Moshe, O.C. 4:112-2; She'arim Metzuyanim b'Halachah 122:1. Others do not agree with this leniency; see Halichos Shlomo 3:13, Orchos Halachah 1, and Shevet ha-Levi 8:168-8; 10:81-2.
- 13 Kaf ha-Chaim 551:66. See also Beur Halachah 551:3, quoting Rav Akiva Eiger.
- 14 Shemiras Shabbos K'hilchasah 42:52.
- 15 Or the evening before; Mishnah Berurah 493:13. If the bris is on Shabbos, it is permitted to take a haircut on Friday, *ibid.* If the bris is on Sunday, most poskim do not permit taking a haircut on Friday; see Kaf ha-Chaim 493:36.
- 16 Kitzur Shulchan Aruch 122:15; Sha'ar ha-Tziyun 551:4, quoting Chasam Sofer; Kaf ha-Chaim 551:10; Pischei Teshuvah 551:1; She'arim Metzuyanim b'Halachah 122:16. See, however, Be'er Heitev 551:3, who is stringent.
- 17 Rav M. Feinstein, quoted in Moadei Yeshurun, pg. 128.
- 18 Rav Y.Y. Kanievsky and Rav Y.S. Elyashiv, quoted in Nechamas Yisrael, pg. 32.
- 19 Igros Moshe, O.C. 1:168.
- 20 See Halichos Shlomo 3:13, Orchos Halachah 1, Tzitz Eliezer 10:26 and Shevet ha-Levi 8:168-8; 10:81-2.
- 21 Mishnah Berurah 551:19 and Sha'ar ha-Tziyun 26.
- 22 Igros Moshe, O.C. 1:166; 3:87; 4:21-4; Minchas Yitzchak 1:111-4; Halichos Shlomo 3:14, Devar Halachah 4; Yechaveh Da'as 3:30.
- 23 Rav M. Feinstein (quoted in Ohalei Yeshurun, pg. 128).
- 24 Igros Moshe, O.C. 4:21-4.
- 25 See She'arim Metzuyanim b'Halachah 122:2 and Ohalei Yeshurun, pg. 128.
- 26 Rav M. Feinstein (Ohalei Yeshurun, pg. 128); Halichos Shlomo 3:14-3; Yechaveh Da'as 6:34.
- 27 Beur Halachah 551:2; Igros Moshe, O.C. 3:87
- 28 Not all poskim prohibit reciting shehecheyanu during the Three Weeks and some conduct themselves according to that view; see Aruch ha-Shulchan 551:38. Our discussion here is based on the view of the Mishnah Berurah, who does not permit reciting shehecheyanu during the Three Weeks, and this has become the prevalent custom.
- 29 Mishnah Berurah 551:98. Bein Pesach l'Shavuos, pg. 293, quotes Teshuvos Riva that this is permitted only on Shabbos itself, but new clothing may not be worn for the Minchah service on erev Shabbos.
- 30 Sha'ar ha-Tziyun 551:99.
- 31 Halichos Beisah, pg. 371, since clothing may not be bought during the Nine Days.
- 32 Rama, O.C. 551:17.
- 33 O.C. 551:17.
- 34 Nitei Gavriel, pg. 35.
- 35 Birkei Yosef 551:12.
- 36 Sha'arei Teshuvah 551:10, quoting Siddur Ya'avetz.
- 37 Igros Moshe, O.C. 3:80.
- 38 See Teshuvos Maharshag, Y.D. 1:95
- 39 Mishnah Berurah 551:45; Kaf ha-Chaim 551:88; Halichos Shlomo 3:14-1.

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**YatedUSA Parshas Pinchos 18 Tammuz 5769**  
**Halachah Talk**  
**by Rabbi Yirmiyahu Kaganoff**  
**May I Attend a Wedding during the Three Weeks?**

Question:

I live in a predominantly Ashkenazic community where the “Three Weeks” are observed with no music, and certainly no celebrations or weddings. A Sephardic family in the neighborhood has scheduled a wedding during the Three Weeks.

(A) May they do so? Should we stop them from breaking the community's custom?

(B) May an Ashkenazi attend the wedding? May he/she remain while music is playing or join the dancing?

Answer:

Before answering these questions, we must first understand the halachic and historical background to the observances of the period between the Seventeenth of Tammuz and Tisha B'Av, which the Medrash refers to as the period of Bein HaMetzarim, between the troubles (Medrash Rabbah, Eichah 1:3). As always, our article is to provide informational background, and each individual should ask a shailah to his or her own rav.

**WHAT DID THE MISHNAH FORBID?**

It is noteworthy that neither the Mishnah nor the Gemara requires any commemoration of mourning during the month of Tammuz. The earliest source to mention any such commemoration, the Mishnah, requires mourning only from the beginning of the month of Av since

“Mishenichnas Av mema’atim b’simcha,” “Once Av enters, we decrease our happiness” (Taanis 26b). This includes the Nine Days that begin on Rosh Chodesh Av and continue through Tisha B’Av. The Mishnah makes no mention of any observances before Rosh Chodesh.

Although the Mishnah does not clarify what practices are forbidden during the Nine Days, simply stating that “we decrease our happiness,” the Gemara (Yevamos 43a) lists several activities that are consequently forbidden, including conducting weddings (see the Ramban in Toras HaAdam, page 244 of the Mosad Rav Kook edition). However, this proscription against weddings during the time leading up to Tisha B’Av prohibits them only during the Nine Days.

#### WHO FORBADE MARRYING DURING THE THREE WEEKS?

If neither the Mishnah nor the Gemara prohibited marrying before Rosh Chodesh Av, why do we observe mourning from the Seventeenth of Tammuz?

The Rama (Darchei Moshe 551:5 and Hagahos 551:2) notes that accepted Ashkenazic practice forbids marriage from the Seventeenth of Tammuz onwards. Since the Tur (fourteenth century) mentions no such custom, it seems that Ashkenazim adopted the custom some time after the Tur’s era, extending the proscription against weddings for the entire three weeks. Thus, whereas mourning during the “The Nine Days” is already mentioned by the Mishnah and has the status of a rabbinic injunction (takanas chachomim), the Three Weeks developed only about 1300 years later and is therefore categorized as minhag, custom. (Of course, we must observe minhagim of this nature, but we often find that they do not apply under extenuating circumstances.)

Why did custom extend the takanas chachomim and prohibit these activities on these additional days? After all, if our Sages felt that nine days of commemoration of the Churban is sufficient, why should minhag extend it for three weeks?

I once heard an explanation that since earlier generations were much more cognizant of the loss of the Churban, a few days were a sufficient memorial for them. Today however, we require a greater reminder to reinforce our consciousness of the Churban.

#### SEPHARDIC PRACTICE

Although the Rama, a primary Ashkenazic source, mentions the Three Week mourning period, the Shulchan Aruch, the main Sephardic source, makes no mention of extending mourning before Rosh Chodesh. It appears that in his day and place there was still no observance of “Three Weeks” but only Nine Days. However, other Sephardic authorities mention that this practice spread to their communities (Keneses HaGedolah, Hagahos Tur end of 551; Ben Ish Chai, Parshas Devorim #4; Kaf HaChaim 551:33, 101), and by the nineteenth century, it appears that most Sephardic communities observed the entire Three Weeks period, certainly to the extent of prohibiting weddings. For example, the Ben Ish Chai assumed that weddings are not performed the entire Three Weeks, as did the S’dei Chemed.

#### CRIMEAN CUSTOM

Although most of us associate Crimea with the war by that name, one of the many waged between the Moslem Ottoman Turks and Orthodox Christian Czarist Russia, there was actually a thriving Jewish community there for hundreds of years, if not longer. The S’dei Chemed records that when he became Rav of the Crimea (then a Sephardic community) he was requested to perform a wedding at the end of Tammuz. At first, he refused to do so, stating that this violates accepted custom. He then researched the community records and discovered several instances when weddings were conducted at the end of Tammuz. Concluding that the custom not to marry before Rosh Chodesh had never reached the Crimea, he permitted the wedding and performed the ceremony himself (Vol. 5, pg. 279 #14).

#### THE CUSTOMS OF BAGHDAD

Apparently, some of these practices sometimes varied within the very same community. For example, the Ben Ish Chai, who was the Rav of Baghdad in the nineteenth century, records that Sephardim do not marry during the entire Three Week period, although Rav Ovadiah Yosef quotes Rav Solomon Chugi Avodi, the Chief Rabbi of Baghdad in the 1940’s, that in his day they conducted weddings there until Rosh Chodesh. Of course, this is strange: once it became Baghdadi custom to ban weddings for the entire

Three Weeks, how could one subsequently permit them? Rav Ovadiah suggests that indeed the Ben Ish Chai, a very holy person, was more involved with his halachic and kabbalistic studies than in noting the community practices. This, however, seems improbable.

Rav Ovadiah contends that many Sephardic communities permit weddings until Rosh Chodesh Av, and that this was the accepted practice among Sephardim in Eretz Yisroel. Furthermore, he maintains that Sephardim from communities in the exile that prohibited weddings during the entire three weeks may follow the more lenient practice upon moving to Eretz Yisroel. This follows the general approach that upon relocating permanently one follows the accepted practices, including even the leniencies, of one’s new domicile (Shu”t Yabia Omer 6: Orach Chaim #43). He further notes that upon becoming the Chief Rabbi of Tel Aviv in 5729 (1969), he discovered that the Chief Rabbinate there had banned weddings for the entire three week period. He instructed the administrators that they could henceforth schedule weddings for members of the Sephardic community from the Seventeenth of Tammuz until the end of the month in accordance with the accepted practice among Sephardic communities in Israel. Of course, Ashkenazic practice, both in Tel Aviv and everywhere else, continued to prohibit marriages during the entire three week period.

#### SOMEONE NEVER MARRIED BEFORE

Although the Gemara prohibits marrying during the first nine days of Av, there is halachic discussion whether this injunction applies even to someone who does not yet have a son and a daughter, and has therefore not yet fulfilled the mitzvah of peru urvu, be fruitful and multiply. Indeed, many prominent authorities permit such a man to marry during this period.

#### WHERE DO WE SEE SUCH A DISTINCTION?

When drought strikes a community, its leadership should declare a series of fasts and other mourning as a spur to teshuvah (Gemara Taanis 10a-12b). Included in these enactments is to not perform weddings during this period. However, this rule does not extend to those who have not yet fulfilled the mitzvah of peru urvu. The regulations do not apply if as a result people will not perform a mitzvah.

The Beis Yosef (Orach Chaim 551) asks why this exception is mentioned only regarding marrying during a drought, but not in the context of marrying during the Nine Days. He suggests three reasons why even someone who has not yet fulfilled peru urvu should not marry during the Nine Days:

1. There are two reasons why people do not marry during the Nine Days:  
(A) It is a mourning period.  
(B) It is not a good omen to marry during the season that tragic events befell the Jewish people.
- Because people want to marry during a time of good omen, they refrain from marrying during the Nine Days even where it is halachically permitted, such as when one has as yet not fulfilled peru urvu.
2. The Nine Days, as a period of public bereavement, are more stringent than a period of drought, which is a period of teshuvah rather than mourning. Therefore, weddings are not conducted during the Nine Days even if this results in people postponing the mitzvah of peru urvu.
3. Since the prohibition against marriage caused by a drought may unfortunately extend for a long time, we do not want people to postpone their weddings that long. But it is not unreasonable to postpone weddings for nine days, the limit enacted by Chazal.

There are interesting halachic differences among these reasons. If the basis is only that it is not a good omen, then someone not concerned about the sign may schedule his wedding during these days. Indeed, the Shevus Yaakov (2:35) discusses whether someone who has as yet not fulfilled peru urvu may marry during the Three Weeks. Basing himself on the first reason of the Beis Yosef, the Shevus Yaakov suggested permitting this marriage during the Three Weeks even according to Ashkenazic custom because the groom had as yet not fulfilled peru urvu. Furthermore, the Shevus Yaakov conjectured that this marriage be permitted based on the fact that a mourner who has not yet fulfilled mitzvas peru urvu may marry even during his thirty days of sheloshim. Although the Shevus Yaakov weighs the merits of permitting this marriage, he concludes that the wedding must be postponed until after Tisha B’Av, ruling that a public

mourning season is stricter than an individual's private mourning. One can rally sources from earlier authorities both in favor and in opposition to the Shevus Yaakov's conclusion. The Shulchan Aruch does not mention whether someone who has not yet fulfilled *peru urvu* may marry during the Nine Days, implying that this person may not. On the other hand, the Rama (551:2) rules that, in general, the prohibitions of the Three Weeks and the Nine Days do not apply to someone who is fulfilling a *mitzvah*. Upon the basis of this Rama, the Chayei Adom (133:11) rules that someone who has not fulfilled *peru urvu* may indeed marry even during the Nine Days although he notes that the custom is not to do so. The Kaf HaChaim (551:33, 101) cites this Chayei Adom, but disagrees with him, quoting other authorities who conclude that even someone who has not yet fulfilled *peru urvu* should not marry during the Nine Days. It is interesting that the Kaf HaChaim concludes that a childless Ashkenazi has more basis to be lenient and marry than a childless Sephardi, since the Rama permits one to override restrictions of the *Bein HaMetzarim* period in order to fulfill a *mitzvah*, whereas the *Beis Yosef* concluded otherwise!

Other Sephardic authorities rule that someone who has not yet fulfilled *peru urvu* may marry even during the Nine Days and certainly during the Three Weeks (*Shu"t Yabia Omer*). (It is also noteworthy that some authorities permit music and dancing at a *sheva berachos* celebrated during the Three Weeks because of the same rationale: that performing a *mitzvah* supersedes the mourning of the season [see Kaf HaChaim 551:40].)

Nevertheless, established practice in our locales is to not marry during the entire Three Weeks period, even for someone who has not yet fulfilled the *mitzvah* of *peru urvu*. Does this mean that a Sephardi who follows the practice of marrying before *Rosh Chodesh* (or those who permit marriage for someone who has not fulfilled *peru urvu*) may not marry if he lives in a predominantly Ashkenazi community?

We can now refer back to our original question:

I live in a predominantly Ashkenazic community where the "Three Weeks" are observed with no music, celebrations or weddings. A Sephardic family in the neighborhood has scheduled a wedding during the Three Weeks. May they do so? Should we stop them because they are breaking the community's custom?

This takes us into a different area of *halacha* – must the entire community observe the same practice?

#### LO SISGODADU – DO NOT FORM DISPARATE GROUPS

Generally, a community is required to observe one practice so that it does not appear that Hashem's chosen people are following two different versions of the Torah, G-d forbid (*Gemara Yevamos 13b*). Because of this law, the Rama requires that an entire community observes the mourning of the *sefirah* period during the same dates (*Darhei Moshe 493:3*). It would appear that this same prohibition applies during the Three Weeks. This would result in prohibiting someone who has a different halachic custom from marrying during the Three Weeks, even if he has not yet fulfilled *peru urvu*, in a place that conflicts with the prevailing custom.

However, several prominent authorities note that only a community that has only one *beis din* or only one *rav* must universally follow the same interpretation of *halacha*. However, where there are many *kehillos* in a city, each with its own custom or halachic authority, each community may follow its own accepted practice or authority (*Gemara Yevamos 14a*). For this reason, there is no requirement that everyone in a large city follow the same custom for *sefirah*, unless it has been accepted that the community has one standard practice (*Shu"t Igros Moshe, Orach Chaim 1:159*).

Based on the same logic, it is usually accepted that Ashkenazim and Sephardim following different approaches is not a violation of *lo sisgodayu*. As a result, *Rav Ovadiah Yosef* permits Sephardic *bachurim* studying in Ashkenazi *yeshivos* to shave during the Three Weeks, since it is understood that they are following a different custom (*Shu"t Yechaveh Daas 4:36*). For the final ruling in your community, I defer to your local *rav*.

#### ATTENDING THE WEDDING

We may now address Question (B) that I asked at the beginning of this article: May an Ashkenazi attend the wedding of someone whose halachic

authority permitted it? Assuming that one may attend, may one listen to music or dance at such a wedding, since music and dancing are generally prohibited during the Three Weeks? (*Magen Avrohom 551:10; Eliyah Rabbah 551:6*)

Although I found no discussion whether one may attend such a wedding during the Three Weeks, authorities discuss whether one may attend and dance at a wedding during the period that one observes *sefirah*. *Rav Moshe Feinstein* and others permit attending such a wedding, including listening to music and dancing (*Shu"t Igros Moshe 1:159*). However, *Rav Moshe* rules that if one is going to a wedding on a day that he keeps *sefirah*, he should not shave unless his unkempt appearance will disturb the *simcha* (*Shu"t Igros Moshe, Orach Chaim 2:95*).

Nevertheless, since one can draw a distinction between the intensity of the mourning of the Three Weeks and that of *sefirah*, I suggest that anyone faced with this question ask his own *shailah*.

#### FOCUS OF THE THREE WEEKS

The most important aspect of the Three Weeks is to focus on the tremendous loss we suffer because of the destruction of the *Bais Hamikdash*. The *minhag* among the older Sephardic *kehillos* in *Yerushalayim* is to sit on the floor each day of the Three Weeks just after midday and to recite part of *Tikkun Chatzos* that mourns the loss of the *Bais Hamikdash*. The *Yesod V'Shoresh HaAvodah* even prohibits any laughing and small talk during these weeks just as a mourner does not engage in laughter or small talk (*Shaar 9, Ch. 11-12*).

Although we may not be holding at such a *madreigah*, we should certainly contemplate the tremendous loss in our spiritual lives without the *Bais Hamikdash*. Let us pray intensely for the restoration of the *Bais Hamikdash* and the return of the Divine Presence to *Yerushalayim*, speedily in our days!

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#### TALMUDIGEST :: Bava Metzia 79 - 85

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by Rabbi Mendel Weinbach

#### THE GREAT DISSEMINATOR - Bava Metzia 85b

*Rabbi Chiya* undertook a mission to ensure that Torah study would never be forgotten among Jews.

He planted flax from which he made nets to capture deer. Those deer would be slaughtered, their flesh given to poor orphans and their skins converted into parchments upon which he would write the five books of the *Chumash*. These he brought to a community where there was no Torah study and he would teach each one of five children one of the five scrolls. He would also teach orally each one of six youngsters one of the six orders of the *Mishna*. Upon completion of this education he would instruct each of these young pupils to teach the others what he had learned, promising to return to see if they succeeded.

Why was it necessary for *Rabbi Chiya* to go to the bother of planting and trapping when he could simply have purchased the parchment he needed?

*Maharsha* explains that *Rabbi Chiya* was determined that every step of the way be done purely for Heaven's sake with none deriving any profit. This eliminated the possibility of buying parchment. Even the meat of the animal whose skins he used for parchment was donated to needy orphans. Only with such meticulous attention to every detail of the operation could he be certain that Heaven would bless his efforts with success.

#### WHAT THE SAGES SAY

"A single coin in an empty barrel makes a lot of noise."

A folk saying quoted by the Sage *Ulla*

*Bava Metzia 85b*

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HAMELAKET@hotmail.com