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**Music in Halakhic Perspective: Recent Decisions**

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a) Rambam or Rema?

Rav Moshe Feinstein, z"l, [in Igroth Moshe responsa, I, Orah Hayyim, # 166] concludes that a sensitive person [ba'al nefesh] should take the Rambam's responsum into account and avoid all singing [as is the opinion of the Bach]. However, he adds, the halakhah follows the Rambam's approach in the Yad, which according to Rav Feinstein, dovetails with the opinion of Tosafoth. All instrumental music is forbidden. Singing is permitted unless it is over wine or with great regularity and frequency. He does not accept the position regarding instrumental music offered by the Rema, because he does not come to the same conclusions about Tosafoth as the Rema. According to Rav Feinstein the Tosafoth coincide with the Rambam. [Which is, most likely, the approach of the Yam Shel Shelomoh to Tosafoth. See Rav Obadiah Yosef's response Yehaveh Da'ath I, #45. Rav Yosef also noticed that Rav Feinstein is taking the Yam Shel Shel moh's approach to Tosafoth].

May we follow the opinion of the Rambam in his responsum? Rav Obadiah Yosef, in responsa Yehaveh Da'ath I #45, cites as a rule of thumb in halakhic decision, that if there is a contradiction between the pesak of the Rambam in the Yad and his pesak in a responsum, we follow the Yad. He adds, however that according to the Bach there is no such contradiction here because the Bach will reinterpret the Yad according to the responsum, so that the Rambam is consistently stringent in the matter of singing.

Rav Binyomin Silber, in his response Az Nidberu viii, #58, is asked whether the Mishnah Berurah who cites the stringent opinion of the Bach and the Kaf Hachayim who cites the same opinion in the name of the SheLaH and the Eliyah Rabbah, are writing the pesak halakhah as it must be practiced. After all, the Mishnah Berurah himself in Bi'ur Halakhah, ibid., adds that people do not seem to follow the Bach in their daily lives. Is then the opinion of the Bach to be followed in practice or can we be more lenient?

Rav Silber responds that from the fact that these authorities seem to complain about current practice, it appears that they demand a change from current practice to the more stringent position. Rav Silber adds that singing happy songs to prevent one from becoming melancholy, singing to banish sadness, etc. should be permitted even according to the Bach, providing that this does not become an excuse to do away with the ban against singing altogether.

We have seen that the opinion of several contemporary authorities is to take the position of the Rambam as interpreted by the Bach. This would eliminate early all instrumental music and a good deal of singing. But we have seen also that most people's behavior reflects the opinion of the Rema.

Rav Eli'ezer Waldenburg in responsa Tsits Eli'ezer, XV, #33, points out that the opinion of the Rema was accepted in effect by Jews everywhere who listen to musical instruments and teach their children to play them. He cites R. Ya'akov Chagiz, who in his responsa Halakhoth Ketanoh, #9, declares as a general principle in halakhah, that Divine Providence would not allow Jews everywhere to follow an erroneous individual opinion. If custom has followed a certain opinion it is most probably correct. Rav Waldenburg adds that this is certainly the case here with respect to music since the opinion followed is none other than that of the Rema, whose pesak is followed by Ashkenazic Jewry everywhere.

R. Obadiah Yosef in response Yehaveh a'ath, I, #45, maintains that the opinion of Rashi and Tosafoth and others allows instrumental music as long as it is not in conjunction with drinking. We have seen that this is not necessarily the only possible understanding of the Rashi and Tosafoth but it is the approach of the Rema. Therefore, according to this opinion it is possible to play instruments as long as it is not on a regular and frequent basis. R. Obadiah Yosef then cites the responsa of R. Aharon Epstein, Kapei Aharon #5, who says essentially the same thing and who adds (ibid.) that there may be a difference between someone who is playing or listening to music for its aesthetic, intellectual appeal as opposed to someone who is playing or listening to derive amusement and pleasure. Perhaps only the latter is prohibited. I have heard through an oral communication from a talmid of the Rav, that HaRav Soloveichik Shlita, said he agreed with this approach and that Rav Dovid Tzvi Hoffman was of the same opinion.

I think that the criterion is always to what extent the listening audience regards themselves as spectators, auditors, removed observers who are judging the performance and its merits aesthetic, technical, etc. To that extent there may be a difference between the entertainment prohibited by the ban against instrumental music and the music performed at concerts. It is the difference between playing music and performing music. To the extent that there is no performance, that the audience and the players are really one entity, to that extent the music will be prohibited.

Rav Yechiel Ya'akov Weinberg, although he does not elaborate, seems to differ in this. In his responsa, Sridei Esh II, # 12, Rav Weinberg discusses the German Jews' habit of offering secular musical concerts in their synagogues. He maintains that these concerts are prohibited in general. But it has become customary for the Jews of Germany to attend such concerts and it is difficult to admonish them (and have any positive impact). However, they certainly ought not to be held in the sacred confines of the synagogue. [The entire question of musical instruments in the synagogue services requires special treatment. See halakhic articles in the German Orthodox weekly, Israelit, 1862, # 2, 3, 4. See also, inter alia, Rav Dovid Zvi Hoffman, responsa Melamed Lello'il, #16 and the responsum of Rav Yechiel Ya'akov Weinberg in S'dei Esh II, #12•1

b) Practicing a Musical Instrument

Rav Waldenburg, who as we have seen follows the Rema, contends further [loc. cit.] that the discussion about playing or listening to music is relevant only if the purpose is enjoyment. But if someone studies an instrument for the sake of learning a trade or a skill, so that he might later play at wedding or other simhah, then it is definitely permitted according to every one. Even a mourner is permitted to practice his professional musical repertoire and sharpen his skills, because he is preoccupied with his technical proficiency and does not pay any heed to amuse himself with his music. Thus, R. Moshe Schick in his response [Maharam Schick, Yoreh De'ah, #368, end] says that a mourner for a parent is permitted, during the twelve month period of mourning, to study his musical instrument and practice then on, so that he may earn a living as a musician. [See also the list of authorities cited by R. Obadiah YOSEf in his responsa Yehaveh Da'ath, #45, p. 133] So too the Pri Megadim permits a Jewish musician to play for non-Jews at their party even during

the nine days of Ab. The Mishnah Berurah cites the Pri Megadim and offers another opinion which permits the same but only from the seventeenth of Tammuz until the first of Ab, not during the nine days of Ab. See the sources cited in Kaf Ha-ayyim, Orach Hayyim, 551 par. 39.] So the actual study of a musical instrument or the practice of that instrument poses no problem at all, according to Rav Waldenburg. R. Yosef Yuzfe Hahn of Norlinger (d. 5:397) in his Yosef Ometz, #890 cites the Rema and the Bet Yosef and then adds: "Therefore it seems to me that it is exceedingly wrong for the rich to hire music instructors to teach their daughter to play upon instruments, for it is done only for excessive amusement and snobbery." If a child is taught music simply to gain a skill or to develop an aesthetic sensitivity, or even enable that child to relax during spare time in a wholesome way, it might be permitted. Perhaps even the Yosef Ometz would have accepted this distinction.

#### c) To Little Children

Will those who follow the Rambam and the Mehaber and prohibit instrumental music prohibit even for little children? The Shiltei HaGibborim to Rif, tractate Berakhoth, 5:1, says explicitly that it is forbidden to play musical instruments even to little children. However, it is not clear if he means to lull them to sleep or to make them happy. We find in Salmath Hayyim IV:36 that R. Yosef Chayyim Sonnenfeld was asked about giving a flute to a child and letting the child play with it to keep him quiet. Whoever posed the question obviously took this ban extremely seriously.

With respect to singing, we know that the notion of ulterior motive is important. Workers who sing to keep up the rhythm of their work, to maintain an even speed, to guide animals in the field etc., are permitted to sing. In the same vein, Ma'amar Mordekhai to Orach Hayyim 560, #2, [also quoted in Mishnah Berurah, Orach Hayyim, 560, and Kaf Hachayyim, *ibid.*] allows lulling a child to sleep with songs (lullabies, etc.), as long as the content is not inappropriate to the proper raising of children. He cites the SheLaH and others about the potential damage to a child if love songs are sung to him.

#### d) Music during Meals

The Mishnah Berurah, Orach Hayyim, 560:12, in a comment on the words of the Rema, cites the Pri Megadim (*ad loc.*) who says that it is appropriate to correct those who have their meals while there is music in the background. There is, according to some authorities at least, a difference between live music and recorded or broadcast music. [See Dvar Sha'ul to Sotah, ch. 73, who rejects such distinctions outright. Music is music, records and other electronic media are musical instruments too. But see R. Ovadiah Yosef in Yehaveh Da'ath, I, #45, footnote on p. 133].

There is no implicit assumption in the Mishnah Berurah that eating one's meal to music is prohibited. The author of the Mishnah Berurah himself, in Sha'ar HaTziyun, *ibid.*, adds that this refers to meals where wine is being drunk. Moreover, he cites the Rema's gloss to the Mordekhai, Gittin, #:114, wherein the Rema quotes a long segment found in an older version of the Mordekhai. In that segment, Tosafoth are quoted as saying that since the prohibition is not to rejoice in the manner of the goyim, it is not prohibited to have meals to music. Only if one is drinking wine but not eating food is it prohibited to listen to music. In other words, partying, having cocktails, drinking at a bar, and the like, are included in the ban, but not eating a meal to music (even if wine is being served at the meal). Rav Obadiah Yosef, in his responsa Yehaveh Da'ath, I, 45, explains that the meal prevents the one who drinks from becoming intoxicated. Therefore the singing is not in a context which can cause loose abandon and vulgarity. Rav Yosef wants to prove that the reason for the ban is the danger of frivolity leading to lewdness. Although this is clearly the approach of the Me'iri, it does not seem to be the approach of the Mordekhai. Certainly, the reason offered by Rav Yosef does not appear to be the reason offered by the Mordekhai himself. The Mordekhai emphasizes that the ban was against music after the fashion of the goyim. This is based on the verse of Hoshea 9:1. It applies only to drinking parties, not to meals, as festive as they might be.

Rav Silber [*loco cit.*] writes that listening during meals on a regular basis to tapes, records, or the radio should fall under the Rema's category of *ragil baHem* (listening as a matter of frequency and regularity). Still, he adds, it is inappropriate to object since the Mishnah Berurah in his Sha'ar HaTziyun cited the opinion that it is prohibited if the meals are with wine only and not with wine and food.

#### e) Recorded Music

Rav Waldenburg [*loc.cit.*] was also asked about recorded music. He responds essentially as Rav Feinstein does [in Igroth Moshe responsa, I, Orach Hayyim, #166]. Recordings reflect the category of the Original music. Recordings on record or tape of vocal music are to be regarded as vocal music. Recordings of instrumental music are to be regarded as instrumental music. Rav Waldenburg adds that during the days of Sefirah, between Pesah and Shavu'oth as well as during the Three Weeks, all manner of recordings, instrumental or vocal, should be avoided.

Rav Chayyim David H Levy in his Aseh Lekha Rab, III, ch. 4 [p.16ff.] declares that he sees absolutely nothing wrong with listening to "recordings of classical or modern music." Songs which are set to music and the primary purpose is the musical quality of the songs (the words strung together for their rhythmic, alliterative or sonorous effects) are permitted but not songs whose content, in whole or even in part, is improper. This applies even to songs in a foreign language which is not familiar to the listener. As long as there is even a remote possibility that someone listening might understand the words, it is forbidden to acquire recordings of such songs. Such songs are forbidden even if one feels that he is paying attention to the music only, not to the words; the possibility of paying attention to the words always exists. A recording which has both proper and improper songs may be acquired, provided that the improper songs are erased from the recording. Church music, with or without words, is forbidden. This, Rav HaLevy bases upon the Rema to Orach Hayyim 53:5 and the commentaries, *ad loc.* He adds that it applies even to music which was once used by the church even if it is no longer used. Secular music written by a rasha, such as Wagner, is permitted as long as it does not endorse evil in the language (verbal or programmatic) of the music itself. With respect to recordings of a woman's voice singing songs, etc., Rav HaLevy points out that there are several opinions. Some authorities regard recordings to be the same as live performance and forbidden. Others distinguish between recordings which are permitted and live broadcasts over the radio, which are forbidden. He finds it difficult to comprehend the logic of this distinction. Still other authorities permit listening to recordings and radio as long as the listener does not know the woman singer personally. Rav HaLevy adds that with newspapers, magazines and television making singers popular, their pictures and identities are known throughout the land and it is quite possible that under these conditions most authorities would agree that it is forbidden to hear the voice of a female performer singing on recordings or over the radio. Needless to say, television is inherently forbidden according to this approach, since the viewer watches the performer while he is listening to her voice. [See below for some more references and comments regarding this question of Kol Isha. For more references, see Rabbi Binyomin Chorney's article on this topic in the "Journal of Halakhah and Contemporary Society", X (Fall, 1985), pp. 57-76.].

Rav HaLevy adds that the previous discussion about recordings or radio deals only with occasional listening. Concert going must be studied with respect to the post-Hurban ban against music and the various positions must be analyzed. He hesitates to formulate his opinion since it is better to leave Jews doing what they do in error rather than admonish them to no avail. If we inform them that they err they will still do what they do in spite of their knowledge of the halakhah. [This approach is taken by the Bach about not admonishing women who sing at their work. See Bach to Tur Orach Hayyim, #560].

#### f) Over the Radio

Rav Ya'akov Breisch in response Helkath Ya'akov, I, #62 par. 2, remarks with disapproval that most Jews are not careful about many of the prohibitions (on account of the Hurban) which are mentioned in Orach Hayyim 560. As far as music on the radio is concerned it is possible to rely on the opinions of Rashi and Tosafoth [to Gittin 7a] which allow musical instruments as long as they are not being heard at a drinking party and as long as they are not heard with such regularity and frequency as would lead to excessive enjoyment or amusement. Rav Breisch I adds that even if we were to follow other opinions about musical instruments we may still regard the instance of the radio as unique. Since the radio and the notion of radio transmission did not exist at the time of the post Hurban decree, the radio may be regarded as never having been subsumed under the ban! Rav Breisch agrees that all new musical instruments (such as an electric piano or a synthesizer for that matter) would be included under the ban; still, there remains a difference between new instruments and the radio. There is a common denominator

to all instruments, namely, that the player plays the instrument in the listener's presence. A radio can transmit music electronically over long distances and the player can be hundreds of miles away. It is inherently, essentially and categorically different. Rav Breisch adds, however, that the content of songs on the radio have to be proper. Lewd and vulgar songs, love songs and the like, are improper and it is forbidden to listen to them (or hear them as poetry, without the music). Rav Breisch adds that hearing a female vocalist over the radio is prohibited. This is consistent with Rav Breisch's position that it is forbidden because of Kol Isha to listen to the electronic reproduction, of a woman's singing. This is also the position of Rav Binyamin Silber. [See his Bet Barukh commentary to Ha ye Adam, Kelal 10, p.196] There are, however, opinions which regard the woman's song as transformed when recorded or transmitted over the radio. [See references above.] In Rav Moshe Feinstein's opinion as to the radio [loc.cit.], he distinguishes between instrumental music and vocal music. That is, the radio essentially is in the same category as music that is being played through it. Therefore, if it is a voice singing, it is regarded as purely vocal music and is permissible (unless it is at a party with wine, or listened to with regularity). If, however, instrumental music is heard on the radio, it is regarded as instrumental and is forbidden.

At first Rav Silber [loc.cit.] makes the same distinction that Rav Feinstein and Rav Waldenburg make. The radio is to be treated according to the nature of the source itself. Instrumental music over the radio is to be treated in the category of instrumental music and vocal music over the radio as vocal music. But then Rav Silber suggests that insofar as the ban is concerned we might regard vocal music over the radio as instrumental music. This would apply, by extension, to recordings of the voice as well. The radio is an instrument which produces music which sounds like the human voice. This instrument, called the radio, gives much pleasure and entertainment. It ought to be included in the ban against instruments. [Rav Silber is inclined to think this way in spite of the fact that he regards the female voice over the radio as Kol-Isha! It is Kol-Isha and 'instrumental' music at the very same time!]. Rav Silber is generally very negative about listening to the radio and adds that besides any other problem listening to the radio generates a great deal of bittul Torah. A lot of time is wasted listening to the radio that could have been spent constructively studying the Torah.

In his commentary Bet Barukh to Hayye Adam, Kelal 10, p.196, Rav Silber is consistently stringent. He cites the various opinions and then says that it is best not to have a radio altogether. It is certainly wrong to play the radio when music is on and whoever turns the radio on is in the category of "a sinner who also causes many others to sin." Besides the inherent prohibition there is also "bittul Torah"; the time when one could be studying Torah is being wasted. Of course, if a woman's voice is heard singing over the radio there is also the violation of Kol Isha.

#### g) During Sefirah and the Three Weeks

Rav Feinstein as we have seen follows the more stringent opinions about instrumental music. Rav Feinstein adds, at the end of his responsum [loc.cit.], that those who take a more lenient view regarding instrumental music should refrain from such music during the Sefirah days of mourning between Pesah and Shavu'oth. [This is repeated in Igrot Moshe, Orah Hayyim III, #87. There he writes that one can teach music (to play an instrument) even during the Sefirah period if it is one's livelihood, but not for pleasure]. Undoubtedly, he means to include, a fortiori, the Three Weeks period of mourning between the seventeenth of Tammuz and the ninth of Ab. Rav Feinstein says so explicitly in a later responsum. (Igrot Moshe, Orah Hayyim IV, #21, q.v. This point is made by several decisors. See, e.g. Rav Aharon Epstein in response Kapei Aharon, #52. See also the list in Rav Obadiah Yosef's response Yehaveh Da'ath, VI, #34.]

#### h) Music at Weddings--Some Further Comments

It is appropriate to note, parenthetically, that because the purpose of the live band at weddings is to make the wedding lebedig [lively] and stimulate dancing and rejoicing, the band has great responsibility. The musicians can guide the wedding celebrants in several and very different directions. They can promote a joy which God Himself can enjoy or they can be excessive and vulgar. They can abuse the verses of the Torah in their singing and they can encourage wild and suggestive dancing (which becomes a severe problem where there is no absolute separation of the sexes). The wedding can be reduced to the lowest common denominator of the assembled and become more of a bacchanalia and less of a simhah shel mitzvah. To a large extent this is in the hands of the musicians. [See, inter alia, Sedei Hemed

(VII,p.27ff.), Ma'arekhet Hathan Vekallah, par. 12; Arokh HaShulhan Eben Ha'ezer, 65:3; Mishnah Berurah and especially Bi'ur Halakhah, Orah Hayyim, 338:3. See also Yam Shel Shelomoh, Gittin, I, 17 and especially 18.]

Considerations such as the above about the possible impropriety under adverse conditions of wedding dances with musical accompaniment, led some authorities to limit music at weddings (even outside of Jerusalem). [See Likutei aHaRik, V.3,p.130, who writes that he heard that the Maharam Schick advised all who would listen to have their weddings without music. He feared the consequences of the dancing to music with men and women together]. But most authorities tend to emphasize the importance of music at weddings as is evident from the episode cited earlier at the time of the Maharil. So too, Hupath Hathanim (ibid.) tells of a custom in Constantinople not to have music at a wedding if there is some relative (of the bride or groom) who is in the year mourning. This custom is rejected totally.

Furthermore, if a widower marries he is still obligated to provide the appropriate musical accompaniment for his wedding and for the bride's entourage in procession. [The authority for this is Keneseth HaGedolah, Eben Ha'Ezer, 65, Hagah HaTur 1. He is also quoted in Baer Heteb, Eben Ha'Ezer, 64:7, q.v.]. In recent times Rav Feinstein decided [in Igrot Moshe, Yoreh De'ah II, # 112] that just as the groom cannot pay with money from his Ma'aser funds, wherever he is halakhically obligated to pay for the wedding, so too he cannot use such ma'aser funds for the hiring of musicians either for he is equally obligated to provide musicians for the wedding. I suspect that this would depend upon the custom of the place for in many circles today the bride's family pays for the wedding itself (the catering and the all rental, etc.) and the groom's family pays for the musicians. Theoretically, the reverse could happen too. Everything depends on the custom of the place. The point remains however! An obligation to make the wedding is an obligation to make a proper wedding, which means a wedding with music.

That music is essential to the wedding celebration is made evident in the famous opinion of the Ra'abiah [cited by Mordekhai, Betzah 696, in the name of Rav Avi Ezri, who is Ra'abiah = R. Eliezer ben R. Yoel Halevi, the great Ashkenazi Tosafist of the late twelfth century]. He says, it is permitted for a Jew to tell a non-Jew to play upon musical instruments, on Shabbath at a wedding celebration, for there is no joy to the groom or bride without music. This opinion is cited by the Mehaber (R. Yosef Karo) in Orah Hayyim 338:2, q.v., adding that it is even permitted to tell the non-Jew to repair his instrument so that he might play at the wedding. This leniency applies only to weddings according to many authorities and not to other simhoth shel mitzvah. Music at weddings is essential; at simhoth shel mitzvah it is merely appropriate.

Radbaz (Rav Dovid ib Zimra) [in his Responsa, I #132] disagrees with this opinion arguing that it is possible to bring joy to the bride and groom by means of singing alone and there is no absolute need for instrumental music. He adds that singing was the mainstay of wedding entertainment in his area of the world (Egypt, Syria and Eretz Yisrael). Even according to Radbaz, only telling the non-Jew on Shabbath is forbidden. It is permissible to tell the non-Jew before Shabbath that he should come and play on Shabbath.

One final point regarding wedding music. In the sources there is reference generally not to "wedding music" but to "music for the bride and groom." Most probably this is because music is part of the sheva-berakhoth celebrations all week long and not merely at the wedding. This point is made explicitly in Yam Shel Shelomoh, Gittin, I, 17, q.v. [Note, however, that R. Mordekhai Yaffe, in his code, in the section called Levush HaChur, #560:5, says specifically: "at the Huppah" as if intending to exclude other times]. This brings us to the next question. Was the exception to the ban against music made for weddings only or was it made for all simhoth shel mitzvah?

#### i) Music--At Weddings Only, or at any Simhah Shel Mitzvah?

The Kaf HaHayyim to Orah Hayyim, 560, #34, reads into the opinion of the Rema that instrumental music is permitted for a wedding only because of the special nature of rejoicing at a wedding. But this would not apply to a Brit Milah or to a Pidyon Haben and the like. He concludes, however, that the custom is to be lenient in this and provide music for all simhoth shel mitzvah, such as Brit and Pidyon Haben, etc.

R. Chayyim Yosef David Azulai in his responsa Hayyim Shaal, 1:21, allows for musicians to be brought to a Brit Milah even though the infant's mother is within the thirty-day mourning period for her father.

Kaf HaHayyim, himself, to Orah Hayyim, 551, par.#33, cites two possibilities concerning musicians at a Brit Milah during the Three Weeks. On the night before the Brit, musicians play throughout the year but not during the three weeks. See also the list of authorities cited in Rav Obadiah Yosef's responsa Yehaveh Da'ath, VI, #34, who allow for music at various simhoth shel mitzvah which are held in the Three Weeks or in the Sefirah period.

Rav Feinstein [Igroth Moshe, I, Orah Hayyim, #166] agrees that music is permissible at all simhoth shel mitzvah as per the opinion of the Rema. This would include all the occasions mentioned by the Yam Shel Shelomoh [to tractate Baba Kama, loco cit.].

It is permissible to play musical instruments to rejoice on Hol Hamo'ed and it has become customary to do so [even in Jerusalem!] on Hol Hamo'ed Sukkoth at the Simhath Beit Hashoeivah celebrations. [See the list of authorities cited in response Yehaveh Da'ath, I, #45, p. 132].

It is also permitted to play musical instruments to enhance the simhath Purim. See Yehaveh Da'ath, ibid.].

#### Kabbalath Shabbath

R. Abraham Emden mentions in his work Tzeror HaHayyim [4d] that there was a custom in Prague to play upon musical instruments to announce the oncoming Shabbath or Yom Tob. This was done in order to create a joyous atmosphere so that the people would receive these holy days with joy and enthusiasm. In the Great Synagogue of Prague they would recite Mizmor Shir Leyom HaShabbath twice. The first was to the accompaniment of music and the second, which signaled the onset of Kabbalath Shabbath, without any accompaniment. See the collection of responsa in Eleh Divrei Haberith as well as responsa Kapei Aharon [of R. Aharon Ep tein] #20,a. See also the responsa-notebook of R. David Tzvi Hoffman, Melamed Leho'il, #16. [See also comment of Rav Obadiah Yosef in responsa Yehaveh Da'ath, I, #45, additional note t0 #45 at the back of the volume].

#### Bar Mitzvah

It is customary to have musicians at a Bar-Mitzva celebration. It is of course regarded as a se'udath mitzvah. This is certainly true of the se'udah held on the very same ay that the boy becomes bar-mitzva. [See Yam Shel Shelomoh to tractate Baba Kama, VII, # 37 based on the story about R. Yosef in tractate Kiddushin, 31a. See also Magen Abraham to Orah Hayyim 225:4. Magen Abraham adds that if the boy delivers a Torah talk, derashah, then a se'udah on any day after he becomes bar mitzvah is be regarded as a se'udain mitzvah. The celebration of a BarMitzvah is likened to the celebration of a wedding].

What about music at a Bat-Mitzvah celebration? We must first determine the nature, halakhic terms, of such a celebration. This question is raised in the responsa. Rav Moshe Feinstein maintains that a girl's celebration is different than boy's, and thus cannot be regarded as more than a birthday party. [See Responsa Igroth Moshe, Orah Hayyim I, #104]. According to his opinion, a band of musicians would be out of place at a Bat- Mitzvah, even according to e widest application of the Rema in Orah. Hayyim 560:3. After all, Rav Feinstein [in Igroth Moshe, Orah Hayyim I, 166] is hard pressed to allow music at a Yeshiva fund-raising dinner. He argues, at first, that the banquet and the simhah are not, in and of themselves a mitzvah. They are rather just a means of gathering people together and getting people to give money for charitable purposes. But then he reasons that since the dinners and banquets usually honor those who give charity and support institutions, they might be considered mitzvah occasions. Therefore, he concludes, if possible those who arrange these banquets should forego music; but if it is not possible it is permissible.

It is therefore quite clear from Rav Feinstein's opinion regarding the fundraiser that he would not permit a band to play music at a Bat-Mitzvah party.

However there are authorities who differ with Rav Feinstein regarding the nature of a Bat-Mitzvah celebration. [See the thorough discussion in Rav Obadiah Yosef's responsa Yehaveh Da'ath, II, #29]. According to those who do regard the Bat-Mitzvah celebrations as a se'udah shel mitzvah, music should be appropriate [as long as the form and the content of the music is suitable].

#### j) Records and Tapes of "Jewish" Music

As far as listening to tapes of songs about Judaism or songs in praise of God, which have instrumental accompaniment, R. Obadiah Yosef remarks [in Yehaveh Da'ath, I, #45, footnote on bottom of page 113] that there are several indications to

be lenient. First, "most poskim maintain that musical instruments are forbidden only with wine" and perhaps the halakhah is with them (although this is not the Rambam's opinion). Second, perhaps the opinion of the Rambam is indeed as interpreted by the Keneseth HaGedolah and others, that is, instrumental music is prohibited only with wine. Third, perhaps the ban never applied to the radio or to recordings as Rav Ya'akov Breisch suggested.

R. Obadiah Yosef adds that according to nearly every opinion singing songs of praise to God, without instrumental accompaniment, is permitted even over wine. [But see also Magen Abraham, Orah Hayyim, 560, par.10]

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From: webmaster@koltorah.org September 22, 2006 To: TABC Kol Torah

#### Air Travel on a Fast Day - Part One - Part 1

by **Rabbi Chaim Jachter**

In pre-modern times, it was relatively easy to determine the end of a fast day. The advent of airplane travel, however, has raised a host of questions as to when the fast should end. In this series, we shall discuss four common scenarios: traveling east and not crossing the international dateline (nightfall arrives earlier), traveling west and not crossing the dateline (nightfall arrives later), traveling west and crossing the dateline (potentially curtailing the fast by many hours or even avoiding the fast altogether), and traveling east and crossing the dateline (possibly encountering the fast day twice).

#### Traveling East Without Crossing the Dateline

The classic responsum that addresses the question of the impact of the changing time zones on Halachic matters was authored by the Radbaz (Teshuvot 1:76) in the sixteenth century. The Radbaz writes that the end time for Shabbat is determined by the advent of Tzeit HaKochavim (the appearance of three medium sized stars) in the specific place that a person finds himself on Shabbat, even if Shabbat has not yet ended in the individual's usual place of residence (see Seforno to Vayikra 23:3 who adopts a similar approach).

A proof to this approach may be derived from the Gemara (Shabbat 118b) that praises those who begin Shabbat in Tiberius and those who end Shabbat in Tzippori (located in the lower Galilee almost at a midpoint between Haifa and Tiberius). Rashi (ad. loc. s.v. MiMachnisei) explains that Tiberius lies on a low altitude and the sun appears to set early there, so its residents begin Shabbat early. Tzippori, on the other hand, rests on a mountain where the sun appears to set late, and its residents observe Shabbat until quite late (my cousin Meir Rotem, an engineer who resides close to Tzippori, informed me that Tiberius lies 212 meters below sea level and estimates that Tzippori lies between 70 and 100 meters above sea level).

Rav Akiva Eiger (Gilyon HaShas ad. loc.) cites a responsum of the Ri Migash (number 45) who explains that the praise refers specifically to those who begin Shabbat in Tiberius and walk on Shabbat to Tzippori and complete the Shabbat in Tzippori. The Ri Migash clarifies that Tzippori is within the Techum Shabbat (Shabbat boundary in which one is permitted to walk on Shabbat) of Tiberius, and Meir Rotem informs me that one could walk from Tiberius to Tzippori in one day, although it would be a challenging journey since he would be walking uphill. The people who begin Shabbat in Tiberius and end it in Tzippori deserve praise because they place themselves in a situation in which they would be obligated to observe Shabbat longer (in general, Halacha encourages us to create situations where we are obligated to perform a Mitzvah, such as the practice of men to wear a four cornered garment that requires Tzitzit, see Menachot 41a and Tosafot Pesachim 113b s.v. VeEin Lo).

This interpretation of Shabbat 118b seems to teach that even if one is a resident of Tzippori, he must accept Shabbat when it begins in Tiberius, even though it has not yet begun in Tzippori. Similarly, a resident of Tiberius must wait until Tzeit HaKochavim in Tzippori to end Shabbat even though Shabbat has already ended in Tiberius. This seems to conclusively prove the assertion of the Radbaz that the beginning and end of Shabbat is determined by one's location on Shabbat and not by his usual place of residence.

Rav Zvi Pesach Frank (Mikraei Kodesh II:215) questions this proof from the Gemara in Shabbat. He suggests that this passage merely proves that one must be strict in case in which Shabbat ends later than it does in one's hometown, as the Gemara mentions only one who travels from Tiberius to Tzippori. The Gemara does not, however, discuss whether a resident of Tzippori visiting Tiberius may end Shabbat earlier than it ends in Tzippori. It is possible, writes Rav Zvi Pesach, that Halacha requires both that Shabbat end in one's location and his residence. Thus, Rav Frank questions the ruling of the Radbaz (see the comments of the Harerei Kodesh) and remains unsure whether an American who lands in Israel may count the Omer at a time when it is nightfall in Israel but not yet Tzeit HaKochavim in the United States.

Nearly all contemporary Poskim accept the Radbaz's ruling in both a strict and lenient direction. For example, Dayan Weisz (Teshuvot Minchat Yitzchak 6:84), Rav Wosner (Teshuvot Sheivet HaLevi 2:93 and 6:129:26), Rav Ovadia Yosef (Taharat HaBayit

2:277-280) and Rav Feivel Cohen (Badei HaShulchan 196:1, Beurim s.v. Shivat Yamim) all rule that an individual who begins counting seven clean days in the United States and subsequently travels to Israel may immerse at nightfall in Israel even though it is not yet Tzeit HaKochavim in America. This is a striking example, since Poskim are normally quite strict about the seven clean days (see, for example, Shulchan Aruch Yoreh Deah 196:4 and my Gray Matter 2:98-100), yet they rule in accordance with the Radbaz even in a lenient direction.

These authorities rely to a great extent on an important early twentieth century ruling of Teshuvot Chavatzet HaSharon (1:Y.D. 47). This great authority adopts the approach of the Radbaz in both a strict and lenient direction, and asserts that it applies to all Halachic concerns. The Chavatzet HaSharon cites as proof the common practice to regard a boy as Bar Mitzvah immediately at Tzeit HaKochavim on his thirteenth birthday without inquiry as to the location of his birth to determine if it is already Tzeit HaKochavim in that locale.

Accordingly, it is not surprising that Rav Aharon Felder (Moadei Yeshurun page 109) cites Rav Moshe Feinstein's ruling that one who travels east may end the fast when it becomes Tzeit HaKochavim in his location, even though his fasting time will be reduced as a result. Rav Hershel Schachter told me that we should follow this ruling of Rav Moshe. Moreover, Rav Schachter rules that if the plane turns back west after one has reached Tzeit HaKochavim, one is not obligated to continue fasting. We should add that it is not proper to deliberately schedule one's eastbound plane travel for a fast day in order to avoid the obligation to fast, since Halacha wants us to place ourselves into situations of obligation, not avoid them, as we discussed above.

#### Traveling West without Crossing the Dateline

Those who travel west on a fast day are faced with the opposite problem. Their fast will be lengthened, as they will encounter nightfall much later than they would at home since they are traveling in the same direction as the sun (so to speak). The question is whether westbound travelers must continue their fast until they encounter Tzeit HaKochavim.

The initial question that must be addressed is the status of the obligation to fast on Shiva Asar BeTammuz (when travelers are most interested in not extending this long summer fast), Tzom Gedaliah, and Asarah BeTeiveit (the status of Taanit Esther is addressed in an essay that appears at [www.koltorah.org](http://www.koltorah.org)). If it can be determined that we observe these fasts as Minhag (custom) and not rabbinic law, Poskim might suggest an approach to justify ending these fasts earlier. Tisha BeAv, though, undoubtedly constitutes a rabbinic obligation, and one must wait until nightfall to end the fast. Chazal are quite strict about Tisha BeAv (see Rosh HaShanah 18b and Taanit 12b), as they even treat it with the severity of Yom Kippur in some instances (see Pesachim 54b).

The primary source for this discussion is the Gemara (Rosh HaShanah 18b) that asks why the three aforementioned days are described in Zechariah (8:19) on one hand as fast days and on the other hand as days that will eventually be a time of joy. The Gemara cites Rav Papa who resolves this contradiction by distinguishing between three different situations.

When peace prevails, these days will be a time of celebration. Rashi explains this refers to a time when Nochrim do not control us. I sadly recall a comment made by Rav Yosef Dov Soloveitchik in Shiur at Yeshiva University in 1983. He remarked that Israel today is controlled to a great extent by the United States State Department in a manner not very different from the way the Jews were controlled by the Persian Empire during the early Bayit Sheini period. According to this approach, our times cannot be described as a time of peace despite the establishment of Medinat Yisrael.

The Gemara continues that if we suffer from government persecution, the three days will be obligatory days of fasting. Rav Yosef Dov Soloveitchik (cited by Rav Hershel Schachter in Nefesh HaRav p.197) related that there were Gedolim in Europe who ruled that the Holocaust years were times of government persecution and that we were obligated to fast on these three days according to rabbinic law. Rav Schachter clarified (in a personal conversation) that this ruling applied only to those suffering directly under Nazi rule and not those who lived in the United States.

The Gemara concludes that in a time of neither peace nor government persecution, fasting is optional. The Gemara clarifies, however, that one must fast on Tisha BeAv even if there is no government persecution, due to the severity of the tragedies that occurred on that day.

in our times, when neither peace nor government persecution prevails, there is no rabbinic obligation to fast. However, the Maggid Mishneh (commenting to Rambam Hilchot Taaniot) records that "now" (the time of the Rishonim) the common practice is for everyone to fast on these three fasts even if there is no government persecution. The Maggid Mishneh's assertion is codified as normative Halacha by the Shulchan Aruch (Orach Chaim 549:1 and 550:1) and Mishnah Berurah (550:1). In other words, even though we are not (in most situations) obligated to fast on these three days, the custom

adopted during the time of the Rishonim to fast on these days even when there is no government persecution is accepted.

Next week, we shall (IY"H and B"N) explore the possibility of westbound travelers ending a fast before nightfall based on the fact that today it is merely a custom to fast Shiva Asar BeTammuz, Tzom Gedaliah, and Asarah BeTeiveit.

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#### Air Travel on a Fast Day – Part Twp - Part 2

by Rabbi Chaim Jachter

Last week, we began our discussion of the implications of airplane travel on the concluding time of fast days. We mentioned the consensus view that eastbound travelers who encounter Tzeit HaKochavim (nightfall) earlier than they would have had they remained at home may end their fast even though their fasting time is shortened. We began our discussion of the problem of westbound air travelers who find their fasting time to be extended. We noted that we fast today on Shiva Asar BeTammuz, Tzom Gedaliah and Asarah BeTeiveit because of a custom dating back to the Rishonim, not due to rabbinic law. Therefore, there might be potential for a lenient ruling excusing westbound travelers from extending their fast until they encounter nightfall.

#### The Stockholm Precedent

Rav Yosef Cohen (the grandson of Rav Zvi Pesach Frank who authored a commentary entitled Harerei Kodesh to his grandfather's work Mikraei Kodesh) presents such a lenient ruling (Harerei Kodesh to Mikraei Kodesh; Pesach volume 2 p.214). Rav Cohen cites the precedent of the Jewish community of Stockholm that concluded their fasting on Shiva Asar BeTammuz at 9:30 P.M., even though nightfall arrives much later in that city. The Nachal Eshkol (commentary to Sefer HaEshkol, Hilchot Tisha BeAv), writing in the nineteenth century, justifies this practice by noting that at the time the Jewish People accepted the practice to fast on Shiva Asar BeTammuz, Tzom Gedaliah and Asarah BeTeiveit in all circumstances, no Jewish community extended as far north as Stockholm. Thus, he argues that the original acceptance to fast never applied to fasting later than 9:30 P.M., since no Jewish community at that time fasted any of these three fasts later than 9:30 P.M.

Rav Cohen rules that the same can be said for westbound travelers on these three fasts. The original acceptance did not apply to such an extended fast. It is not clear, though, when Rav Cohen would permit a westbound traveler to end his fast. Rabbi David Pahmer (a leading student of Rav Hershel Schachter, writing in the Journal of Halacha and Contemporary Society Spring 1991 p.78), though, presents this opinion as permitting westbound air travelers to conclude their fast at 9:30 P.M., regardless of when nightfall arrives.

#### Rav Feinstein and Rav Vosner

Not all authorities agree with this approach. Rav Moshe Feinstein (cited by Rav Aharon Felder, Moadei Yeshurun p. 109) rules that westbound travelers must continue their fast until they encounter nightfall. Rav Moshe is not cited as making special exemptions no matter how long the fasting time is increased. This is not an exceptional ruling, since we explained at length last week that a person's Halachic status is determined by his location, not by his residence. Thus, if one is located in an area at a time that is still the seventeenth of Tammuz or the third of Tishrei, he must continue fasting.

Rav Shmuel Vosner (Teshuvot Sheivet HaLevi 7:76) adopts somewhat of a compromise approach between Rav Cohen and Rav Moshe. He expresses considerable reservations about the Stockholm-precedent and even questions its validity. His basic concern is that there is no source for the Nachal Eshkol's assertion in the Gemara or Rishonim. Moreover, he reasons that it seems that when the Jewish People accepted upon themselves the obligation to fast on the aforementioned three fasts, they accepted the obligation to fast in accordance with the rules of fasting. Since the Gemara (Taanit 12a) states, "Any fast that does not conclude with sundown is not considered a proper fast day," a fast day by definition means fasting until nightfall, regardless of how late it is.

Accordingly, Rav Vosner reasons, when we accepted the obligation of these three fasts, we accepted the obligation to complete the fasts regardless of how late they end. Indeed, I was told that observant communities in the sections of England where Tzeit HaKochavim is quite late in the summer end their fast long after 9:30 in the evening. Moreover, Rav Hershel Schachter told me (in a personal conversation) that when he once discussed the practice in Stockholm, a Talmid in the Shiur whose father served as a Rav in Stockholm mentioned that the Jewish community there no longer ends the fast at 9:30 P.M.

Nonetheless, Rav Vosner allows westbound travelers to conclude their fast at sundown (Shekiat HaChama) rather than the usual Tzeit HaKochavim. Rav Vosner notes that the proper time to end a fast was already disputed in the time of the Rishonim, and he permits relying on the lenient opinion in case of great need in combination with the Nachal Eshkol's reasoning.

Although the Shulchan Aruch (Orach Chaim 562:2) rules in accordance with the Rosh (Taanit 12a) that even the three fasts conclude at Tzeit HaKochavim, other Rishonim (such as the Rabbeinu Yonah cited in the Rosh, Shabbat 2:23) believe that they end at sundown. Tosafot (Avodah Zara 34a s.v. Mitanin) note that the straightforward reading of the aforementioned Gemara (Taanit 12a) indicates that these three fasts end at sundown, but they record that the common practice was (and remains until this day) to conclude even these three fasts at nightfall.

Nonetheless, the Aruch HaShulchan (O.C. 562:9) believes that both the Rambam and the Vilna Gaon (O. C. 562:1 s.v. Ad Tzeit HaKochavim) rule that these three fasts end at Shekiah, and therefore concludes that a Rav who rules that one may conclude these three fasts at sundown is not to be denigrated. In practice, some Rabbanim will rely on these lenient opinions for someone who experiences an unusually difficult fast (other Rabbanim will not rely on these opinions even in case of need, as the Mishnah Berurah does not even cite these lenient opinions). Accordingly, Rav Vosner permits westbound travelers who are experiencing an extraordinarily long fast to rely on the lenient opinion.

Moreover, Rav Vosner writes that if one feels that it is too difficult to fast the extended hours to the extent that he feels overwhelmed by the fast, it would be permitted to eat enough to restore his well being, even before sundown. However, Rav Vosner writes that the rules of the Taanit remain in effect, even though he ate a bit to restore his well-being (see Shulchan Aruch O.C. 568:1). Citing Teshuvot Chatam Sofer (O.C. 157), he writes that in such circumstances one should eat only what is necessary, not more. Rav Vosner does not mention a requirement that one eat less than a Shiur as is required on Yom Kippur (see Shulchan Aruch O.C. 618) and, according to some Poskim, on Tisha BeAv (as we discuss in an essay that is available at [www.koltorah.org](http://www.koltorah.org)).

#### Westbound Travelers who Cross the Dateline

Although most westbound air travelers will find their fasting time extended, some potentially have the fast shortened or even avoid it altogether. One would avoid the fast if he begins his travel on the evening of the seventeenth of Tammuz and flies west, and before dawn crosses the dateline when it becomes the eighteenth of Tammuz (recall that one who crosses the dateline from east to west "loses" a day). In such a case, one will not encounter the (day) time "Shiva Asar BeTammuz" when one is obligated to fast. The question is whether a person in such circumstances is completely excused from observing the fast.

Rabbi David Pahmer (ad. loc. p.77) writes the following (echoing the views of Rav Hershel Schachter):

Consider someone crossing the dateline from Tuesday 3 P.M. into Wednesday 3 P.M.... Even if he has already davened Mincha, he must daven again because his first Mincha is for his obligation to daven on Tuesday, and he now has an obligation to daven on Wednesday (he must also be sure to recite Mincha for Tuesday before crossing the dateline- C.J.). Similarly, he must put on Tefillin.... If he crosses the line during the 49 days of the Omer, he must count for the new day. A woman in the midst of her seven clean days of Niddut has just jumped into the next day. Generally (Pidyon HaBen might be an exception), the dateline affects any issue which depends on the calendar day.

This approach is hardly surprising, as we saw last week that nearly all of the contemporary Poskim have concluded (based on rulings of the Radbaz and Chavatzet HaSharon) that one follows the standards of the community in which he finds himself. For example, almost all Poskim agree that if one began the seven clean days in America and subsequently flies to Israel, the immersion may take place in Israel after nightfall even though it is still day in America. Indeed, the Encyclopedia Talmudit (22:405 and see note 620 as well as p.403 note 608) notes that this approach is endorsed by many Acharonim, including the Chazon Ish and Teshuvot Eretz Zvi (number 44; Rav Schachter is fond of quoting this Sefer, which was written by the Rav of Kozhiglov).

Accordingly, one is not obligated to fast if he is located in a place in which it is not the seventeenth of Tammuz or the third of Tishrei, even though it is Shiva Asar BeTammuz or Tzom Gedaliah in their place of residence. Thus, one would either avoid the fast altogether or end the fast as soon as he crosses the dateline. Indeed, Rav Hershel Schachter told me that this is his opinion. He remarked that this is analogous to the situation described by the Chazon Ish (Orach Chaim chapter 152, where further details are presented) of one who spends the fourteenth of Adar in Yerushalayim and the fifteenth in Tel Aviv. The Chazon Ish rules that such a person is not obligated to observe Purim on either day. We should note, though, that one certainly should not schedule a trip to dodge or limit the obligation to fast (or observe Purim), as noted by Teshuvot Eretz Tzvi (number 44, based on Menachot 41a) in the specific context of crossing the dateline.

Next week we shall (IY"H and B"N) conclude our discussion of air travel on fast days with a discussion of eastbound travelers crossing the dateline.

#### Air Travel on Fast Days – Part Three - Part 3 by Rabbi Chaim Jachter

For the past two weeks, we have been examining the fascinating questions regarding air travel on a fast day. We mentioned that eastbound travelers who encounter nightfall will have their fast day shortened, and westbound air travelers will find their fasts extended, though there might be a potential for such travelers to conclude their fasting before nightfall. We also noted that one who crosses the dateline has entered the new day in accordance with his new location. Thus, westbound travelers who cross the dateline will have their fast day shortened and possibly avoid it altogether. This week, we shall complete this series with a discussion of the location of the dateline, the possibility of eastbound travelers reentering the fast after crossing the dateline, and an eastbound plane that encounters nightfall and then returns westward and reenters the fast day.

#### Location of the Dateline

Although we concluded that one enters the new day when crossing the dateline, Poskim vigorously debate the location of the dateline according to Halachic standards (see the no less than thirteen opinions outlined in the appendix to volume 22 of the Encyclopedia Talmudit). The three basic opinions (outlined in an essay that appears at [www.koltorah.org](http://www.koltorah.org) and in the appendix to volume 22 of the Encyclopedia Talmudit) are that it lies 90 degrees east of Yerushalayim (Chazon Ish), 180 degrees from Yerushalayim (Rav Yechiel Michal Tukachinsky) or that we may follow the international dateline located 180 degrees from Greenwich, England (Rav Zvi Pesach Frank). Rav Hershel Schachter is strongly inclined to follow the opinion of the Chazon Ish (Belkvei HaTzon page 67), while Rav Elazar Meyer Teitz told me that Rabbanim of the previous generation regarded the Chazon Ish's view as a minority opinion. Thus, one must consult his Rav for a ruling regarding this matter.

We should also add that Rav Schachter (ad. loc.) rules that the dateline for air travelers differs from the dateline for those on land. The Chazon Ish rules that the dateline hugs the eastern coastline for those continents through which the Halachic dateline passes according to his opinion (Asia and Australia). He reasons that "Ein Mechalkin HaYabashot," we do not split a continent as partly on one side of the dateline and partly on the other side. Accordingly, the Chazon Ish regards Sydney and Melbourne (located on the eastern coast of Australia) as being west of the dateline even though they are located further than ninety degrees east of Yerushalayim.

Rav Schachter reasons that this logic applies to one who is located on land, not to one traveling in the air. Thus, according to Rav Schachter, one who embarks on a plane trip from Melbourne or Sydney on Sunday enters Shabbat immediately upon takeoff! One should consult his Rav about this matter, and specifically regarding how air travelers should manage the crossing of the dateline. Fortunately, it is common today for planes to display on a screen precisely where the plane is located, thereby making it easier for one to determine a Halachically appropriate course of action.

#### Traveling East and Crossing the Dateline

Most eastbound air travelers will find their fast curtailed, as we discussed two weeks ago. However, one who has completed the fast of Shiva Asar BeTammuz in a community that lies west of the dateline, such as Singapore or Hong Kong, and boards an eastbound flight will again encounter the seventeenth day of Tammuz once he has crossed the dateline (as one who crosses the dateline from west to east "gains" a day).

We should note that there is a precedent for observing a holiday twice in one year. If one is located in Tel Aviv on the fourteenth of Adar and Yerushalayim on the fifteenth of Adar, the Chazon Ish (Orach Chaim chapter 152 where further details are presented) writes that in such a situation one would be obligated to observe Purim on both days.

It seems, though, that those who follow and further apply the ruling of the Nachal Eshkol that we cited last week justifying the practice in Stockholm to conclude Shiva Asar BeTammuz at 9:30 even though nightfall is yet to come would rule that we never accepted an obligation to fast Shiva Assar BeTammuz twice within a 24-hour period.

Rav Asher Bush (Teshuvot Sho'el BeShlomo number 40) addresses this question in the context of Taanit Ester (which, admittedly, is treated more leniently by Poskim, see Rama to 686:2 and the essay discussing Taanit Esther available at [www.koltorah.org](http://www.koltorah.org)). He cites the Beit Yosef (O.C. 686 s.v. UMah SheKatav), who writes that we do not commemorate Ester's three day fast with three days of fasting "in order not to impose too much of a burden on the community," and criticizes as excessive (ad. loc. s.v. Katuv, citing the Shibolei HaLeket) those who fast Taanit Ester on both Thursday and Friday when Purim falls out on Sunday. Rav Bush considers these to be precedents for not requiring an eastbound traveler to resume fast when he reenters the thirteenth of Adar. He argues that we never accepted the custom to fast Taanit Ester for two days.

It seems that the same can be said for Shiva Asar BeTammuz, Tzom Gedaliah, and Asara BeTeiveit, which we in current circumstances observe due to custom (as we explained last week). Rav Hershel Schachter told me that he agrees with this ruling. Furthermore, Shiva Asar BeTammuz, Tzom Gedaliah and Asara BeTeiveit are

described in the Navi Zechariah (8:19) as Tzom HaRevii, Tzom HaShevii, and Tzom HaAsiri (the fast of the fourth month, the fast of the seventh month, and the fast of the tenth month), respectively. Rav Schachter infers that by definition there is an obligation (stemming from the Pasuk in Zechariah) to fast only once in the fourth month ( i.e. Tammuz), seventh month (Tishrei), and tenth month (Teiveit).

The Gerrer Rebbe (in a responsum that appears in Piskei Teshuvot, number 252, which was published in 5697) discusses one who embarks on Motzaei Yom Kippur and reenters Yom Kippur in the air. He writes that on a Biblical level, one is not obligated to resume fasting. He bases his assertion on the Pasuk (Vayikra 23:32) that presents the obligation to fast on Yom Kippur as "Mei'Erev Ad Erev," "From evening to evening." Thus, it seems that one does not enter Yom Kippur that already is in progress if he was not in that location in the evening at the beginning of the fast. The Gerrer Rebbe, though, implies that rabbinic law requires one to resume fasting if he has reentered Yom Kippur. This does not imply that rabbinic law requires one to fast upon reentering Shiva Asar BeTammuz, Tzom Gedaliah, or Asara BeTeiveit, since these fasts are not rooted in Biblical law and are not treated nearly as strictly as Yom Kippur.

Teshuvot Eretz Zvi (number 44) believes that an air traveler does not join Shabbat in progress, since the Halachic status of many items is determined by its status at the beginning of Shabbat. This applies to a variety of areas, including the laws of Muktzeh and Eruvei Chatzeirot and Techumin (see Eretz HaTzvi chapter seven where Rav Schachter develops this at length). Rav Schachter (Eretz HaTzvi ad. loc.) believes that nonetheless, rabbinic law obligates one who has entered Shabbat in progress to observe Shabbat.

These exceptions of not joining Shabbat or Yom Kippur in progress do not seem to apply to all other areas of Halacha (both have unique considerations that preclude entering them in progress). Thus, it would seem that if one who was traveling westward on the sixteenth of Tammuz or ninth of Tevet crosses the dateline, he must join the fast in progress. Indeed, Rav Schachter believes that such an individual enters the new day, thereby requiring him to don Tefillin and daven Mincha, as we noted last week. Thus, it would seem that he should also begin to fast once he has entered the dateline.

#### An Eastbound Plane that Returns Westward

I was told of a situation where a plane that headed east on a fast day encountered nightfall (whereupon the observant Jewish passengers ended their fast) and then, due to engine trouble, needed to return to New York. The passengers were consequently returned to daylight and the date of the fast. The question was whether they were obligated to return to the fast that they had begun. Perhaps one could say also say, similar to the Nachal Eshkol, that we never accepted an obligation to fast in such a situation. Rav Schachter told me that he agrees that once the fast has terminated, one is not obligated to begin it again (even if one does not accept the Nachal Eshkol's justification of the practice in Stockholm).

#### Conclusion

From our discussions of the past weeks, several points emerge. Eastbound air travelers who do not cross the dateline may end their fast when they encounter nightfall according to nearly all Poskim. There is, however, considerable dispute regarding when westbound air travelers (who do not cross the date line) must conclude their fast later. Fasts appear to conclude (or begin) when crossing the dateline from east to west, but there is considerable dispute regarding the location of the dateline as defined by Halacha. One who has already observed these three fasts does not return to the fast when crossing the dateline from west to east. One should consult his Rav for a ruling regarding the points of dispute. We should conclude by noting that except for the question regarding eastbound travelers who do not cross the dateline, Poskim are considerably stricter regarding Yom Kippur and Tisha BeAv.

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(תענית כו, א)

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(תענית כח, ב)

המשה דברים אירעו את אבותינו בשבעה עשר בתמוז כו':

'נשתברו הלוחות' - מנלן?

דנתיא: 'בששה לחדש ניתנו עשרת הדברות לישראל; רבי יוסי: אומר בשבעה כו'. (וטעמייהו מקרא, במסכת שבת בפרק 'רבי עקיבא'; מאן דאמר 'בששה ניתנו' - בששה ניתנו, ובשבעה עלה משה (לקבל הלוחות); מאן דאמר בשבעה - בשבעה ניתנו, ובשבעה עלה משה (כלומר: ודאי ליכא מאן דפליג עלה דמתניתין, דקתני דבשבעה עשר בתמוז נשתברו הלוחות - מכלל דכולהו סבירא להו דבשבעה עלה, ולא מקרא נפקא לן דבשבעה עלה, דהאי דכתיב (שמות כד, טז) וישכון כבוד ה' על הר סיני ויכסהו הענן ששת ימים ויקרא אל משה ביום השביעי - איכא מאן דדריש ליה במסכת יומא כי אחר מתן תורה הוה: משבעה בסיון עד שבעה עשר בתמוז איכא ארבעים יום: עשרים וארבעה דסיון שהוא מלא, וששה עשר דתמוז - הרי ארבעים יום שעמד משה בהר), דכתיב (שמות כד, טז) [וישכון כבוד ה' על הר סיני ויכסהו הענן ששת ימים] ויקרא אל משה ביום השביעי [מתוך הענן], וכתיב (שמות כד, יח) ויבא משה בתוך הענן ויעל אל ההר והיה משה בהר ארבעים יום וארבעים לילה - עשרים וארבעה דסיון ושיתסר דתמוז מלו להו ארבעין; בשיבסר בתמוז נחית, אהא, ותברינהו ללוחות, וכתיב (שמות לב, יט) ויהי כאשר קרב אל המחנה וירא את הענל וישלך מידיו את הלוחות וישבר אותם תחת ההר.

'בטל התמיד' - גמרא (כך קיבלנו מאבותינו);

'הובקעה העיר' - ב"ז הוה? והכתיב (ירמיהו נב, 1) בחדש הרביעי בתשעה לחדש ויחזק הרעב בעיר [ולא היה לחם לעם הארץ], וכתיב תריה (ירמיהו נב, 1) ותבקע העיר (וכל אנשי המלחמה יברחו ויצאו מהעיר לילה דרך שער בין החמתים אשר על גן המלך וכשדים על העיר סביב וילכו דרך הערבנה)?

אמר רבא: לא קשיא: כאן בראשונה כאן בשניה, דנתיא: 'בראשונה הובקעה העיר בתשעה בתמוז, בשניה בשבעה עשר כו'.

'שרף אפוסטמוס את התורה' - גמרא.

'העמיד צלם בהיכל' - מנלן?

דכתיב (דניאל יב, יא) ומעת הוטר התמיד ולתת שקוין שומם [ימים אלף מאתים ותשעים] (דבעת שהוטר ונתבטל התמיד - באותו היום נתן שקוין שומם, דהיינו הועמד צלם בהיכל).

[והגביר בית לרבים שבוע אחד וחצי והו [צלם יחיד] הוה? והכתיב (דניאל ט, כז) השבוע ישיבת זבח ומנחה] ועל כנף שקוצים משומם [ועד כלה ונחרצה תתן על שמם] (והא כתיב על כנף שקוצים - כלומר: הא כתיב קרא אחרינא, דכתיב ביה שקוצים, דמשמע תרי)?!

אמר רבא: תרי הוו (שהעמידו מנשה בהיכל), ונפל חד על חבריה ותברייה ליה לידיה (וקטעיה לידיה - והנקטע לא קא חשיב, והיינו דכתיב 'שקוין' - אחד), ואשתכח דהוה אנת צבית לחרובי ביתא - ירך אשלימת ליה (תענית כט, א) כתיב (על ההוא צלם הכי): (הצלם אומר לחבירו: אתה רצית להחריב ביתו של מקום, שהטית ישראל אחרוך - ואני עשיתי בך נקמה ושילמתי לך ידי; לשון אחר: אנת צבית לאחורבי ביתא וירך אושילת לי, לשון שאילת [כליס], כלומר: ועלה בידך).

#### Talmud - Mas. Ta'anith 26a

FIVE MISFORTUNES BEFELL OUR FATHERS ON THE SEVENTEENTH OF TAMMUZ AND FIVE ON THE NINTH OF AB. ON THE SEVENTEENTH OF TAMMUZ THE TABLES [OF THE LAW] WERE SHATTERED, THE DAILY OFFERING WAS DISCONTINUED, A BREACH WAS MADE IN THE CITY AND APOSTOMOS<sup>1</sup> BURNED THE SCROLL OF THE LAW AND PLACED AN IDOL IN THE TEMPLE.

ON THE NINTH OF AB IT WAS DECREED THAT OUR FATHERS SHOULD NOT ENTER THE [PROMISED] LAND, THE TEMPLE WAS DESTROYED THE FIRST AND SECOND TIME, BETHAR WAS CAPTURED AND THE CITY [JERUSALEM] WAS PLOUGHED UP.

#### Talmud - Mas. Ta'anith 28b

FIVE MISFORTUNES BEFELL OUR FATHERS ON THE SEVENTEENTH OF TAMMUZ etc. Whence is it known that the Tables

[of the Law] were shattered [on the seventeenth of Tammuz]? For it has been taught:<sup>13</sup> On the sixth of the month [of Sivan] the Ten Commandments were given to Israel; R. Jose says: On the seventh of the month. He who says that they were given on the sixth takes the view that on the sixth they were given and on the seventh Moses ascended the mount. And he who says that they were given on the seventh holds that they were given on the seventh and on the seventh Moses ascended the mount. For it is written, And the seventh day he called unto Moses,<sup>14</sup> and it is further written, And Moses entered into the midst of the cloud, and went up into the mount; and Moses was in the mount forty days and forty nights.<sup>15</sup> The [remaining] twenty-four days of Sivan and the sixteen days of Tammuz make altogether forty. On the seventeenth of Tammuz he came down [from the mountain] and shattered the Tables, as it is written, And it came to pass as soon as he came nigh unto the camp, that he saw the calf . . . and he cast the tables out of his hands, and broke them beneath the mount.<sup>16</sup>

[THE DAILY OFFERING] WAS DISCONTINUED. This is a tradition.

A BREACH WAS MADE IN THE CITY. Did this then happen on the seventeenth? Is it not written, In the fourth month, in the ninth day of the month, the famine was sore in the city etc.,<sup>17</sup> and in the following verse it is written, Then a breach was made in the city etc.! — Raba said: This is no contradiction. The one refers to the First Temple and the other to the Second Temple. For it has been taught: In the First Temple the breach was made in the city on the ninth of Tammuz, but in the Second Temple on the seventeenth of Tammuz.

APOSTOMOS BURNED THE SCROLL OF THE LAW. This is a tradition.

AND PLACED AN IDOL IN THE TEMPLE. Whence do we know this? — For it is written, And from the time that the continual burnt-offering shall be taken away and the detestable thing that causeth appalment set up.<sup>18</sup> Was there then only one detestable thing? Is it not written, And upon the wing of detestable things shall be that which causeth appalment?<sup>19</sup> — Raba replied: There were two [idols] and one fell upon the other and broke its hand and upon it was found inscribed: You desired to destroy the Temple, but I have handed over your hand to Him.<sup>1</sup>

#### INSIGHTS INTO THE DAILY DAF

Kollel Iyun Hadaf prepared by Kollel Iyun Hadaf of Yerushalayim  
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TA'ANIS 29

#### AGADAH: THE EVENTS OF THE SEVENTEENTH OF TAMUZ AND THE NINTH OF AV -- MEASURE FOR MEASURE

The Mishnah (26a-26b) relates the five tragedies that befell the Jewish people on the Seventeenth of Tamuz and the five tragedies that befell them on the Ninth of Av. The Gemara (29a) explains that because of the terrible sin our forefathers committed in the times of Moshe Rabeinu on the Ninth of Av, that day became designated for destruction. Every year when that day arrives the sin of our forefathers is remembered.

A closer examination of the specific tragedies that occurred on these days reveals how Hash-m caused these events to happen based on the principle of "Midah k'Negeg Midah" (punishment measure for measure.)

a) The Jewish people originally sinned on Tish'ah b'Av when they sent Meraglim to spy the land, and as a result of their malevolent report, the Jewish people rejected Eretz Yisrael. They gave up their desire for Eretz Yisrael and lost the motivation to conquer it, even though Hash-m had already informed them of its unique virtues.

The destruction of each Beis ha'Mikdash centuries later constituted far more than just the loss of the opportunity to perform the Avodos as commanded by the Torah. It was the event which, both symbolically and actually, marked the end of organized and autonomous Jewish life in Eretz Yisrael.

The Chachamim consider the destruction of the Beis ha'Mikdash and the concept of exile to be part and parcel of the same punishment. (See, for example, Berachos 3a and Chagigah 5b.) The Torah itself makes this connection: "I will destroy your sanctuary... and I will scatter you among the nations" (Vayikra 26:31-2). Because the

Jewish people expressed on Tish'ah b'Av an unwillingness to accept the gift of Eretz Yisrael, they eventually lost that gift on the same date.

The city of Beitar was the central stronghold of the Bar Kochba rebellion against Rome (Eichah Rabasi 2). Some sixty years after the destruction of the second Beis ha'Mikdash, the Jews -- under the leadership of Bar Kochba -- attempted to throw off the yoke of Roman domination. They succeeded in establishing a virtually autonomous Jewish state in Eretz Yisrael for several years (132-135 C.E.). The Roman conquest of the city of Beitar, and the quelling of the Bar Kochba revolt, effectively represented the end of any hope of Jewish sovereignty in Eretz Yisrael for the foreseeable future. Accordingly, the fall of Beitar was an appropriate punishment for the sin of the spies and the nation's rejection of Eretz Yisrael.

The last of the five events of Tish'ah b'Av -- the final razing of Yerushalayim -- was designed to quash any hopes among the Jews for a restoration of their sovereignty. On the same date which marked the Jewish people's original rejection of Eretz Yisrael, Eretz Yisrael showed its own scorn, so to speak, for the Jewish people.

b) The punishments for the sin of the Seventeenth of Tamuz were also meted measure for measure, Midah k'Negeg Midah. The most obvious case was that of Menasheh's act of placing an idol in the Beis ha'Mikdash. This treacherous act symbolized the replacement of the worship of Hash-m with that of an idol -- in Hash-m's own Beis ha'Mikdash. Menasheh's act was a just punishment for the Jewish people who had committed the same sin when they built the Golden Calf at Har Sinai -- on the Seventeenth of Tamuz -- centuries earlier.

Because the Jews offered sacrifices to the Golden Calf on the Seventeenth of Tamuz, Hash-m caused the daily Tamid sacrifice to be discontinued on the Seventeenth of Tamuz.

The burning of the Torah by Epistemos was an appropriate punishment for the sin of the Golden Calf, which caused Moshe Rabeinu to shatter the Luchos. As a punishment for bringing about the destruction of Hash-m's Luchos on the Seventeenth of Tamuz, the Jews witnessed the burning of Hash-m's Torah by a blasphemous ruler on the Seventeenth of Tamuz.

The breaching of the walls of Yerushalayim was also an appropriate punishment for the sin committed on the Seventeenth of Tamuz. The Gemara in Bava Basra (7b) relates that the men of righteousness and Torah scholars of the generation provide protection for the entire community, like the wall of a city. The Gemara says that the verse, "I am a wall" (Shir ha'Shirim 8:10), refers to the Torah which affords protection to its people, and "my breasts are like towers" refers to Torah scholars. When the Jewish people rejected the leadership of Moshe Rabeinu and chose the Golden Calf to lead them instead, they showed disdain for the ultimate scholar of the Torah. Since Torah scholars are compared to city walls, a fitting punishment for their sin was the breaching of the walls of Yerushalayim on the anniversary of their rejection of the greatest Torah scholar. (M. KORNFIELD)

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**Thanks to hamelaket@gmail.com for collecting the following items:**

from: Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>

reply-to: info@jewishdestiny.com

subject: Weekly Parsha from Rabbi Berel Wein

**Weekly Blog :: Rabbi Berel Wein**

***Who Will Go For Us?***

In the great vision that the prophet Isaiah witnessed in Heaven at the onset of his immortal prophetic career, he heard a voice that asked: "Who shall I send and who will go for us?" That verse in Isaiah has always been a marker for me as to how to judge Jewish leaders and other people of note. There are moments in life and in history when that question reverberates throughout the Jewish world.

And history and destiny and even, I daresay, Heaven itself judges and will judge every generation of Jews according to the response that they gave to this question. The Jewish world is coming off of a week of tears, heartbreak, angst, enemy rockets, Arab riots and great uncertainty. We need leaders, both religious and temporal, that will go for us.

That will comfort, inspire, act and give us strength and reason to hope and continue, to build and believe. These types of people are rare, scattered throughout Jewish history, often ignored and reviled by their contemporaries and rejected because of current political correctness.

The prophet Isaiah does not receive a warm welcome for his words and visions from the people of Israel. Nevertheless, it is those words that have

guided and protected us throughout the ages, all because he was willing to go for us, for all of us.

He initially said that he lived amongst the people that had impure lips and speech. Heaven immediately punished him for that statement. Someone who goes for us is not allowed to complain about us to our Father in Heaven. Heaven searches for defenders of Israel and shuns those who are its accusers, even if those accusations may seemingly be correct and on point. Going for us requires commitment, wisdom, empathy and compassion. It should never be cloaked with moral relativism or sham piety, or with a political and ideological agenda.

Last Saturday a few hundred Jews conducted a rally in Haifa (naturally not in Sderot) demanding that Israel abandon the seven hundred thousand Jews living in Judea, Samaria and the eastern neighborhoods of Jerusalem and immediately grant the Fatah-Hamas rulers of the Palestinians a state encompassing the 1948 armistice borders.

This took place while Israeli Arabs rioted throughout the country causing great material damage and physical wounds to the police who were trying to keep the peace. These Jews – the hard Left – certainly are not interested in going for us. They are willing to sacrifice countless lives in their attempt to undo the past century of Jewish effort - and to do so on the altar of illusory peace and a very distorted sense of justice and relative morality.

Their ideological fervor in following the false gods of suicidal pacifism and moral relativism blinds them to the realities of the conflicts that rock our section of the world. Their naïveté is ludicrous and almost comical and yet it is so dangerous for our present and future.

Haaretz planned a “peace” conference gathering for this coming week.

Representatives of the Palestinian government were invited and expected to use it as a propaganda coup for their cause. However, the violence and hatred of the Palestinian street, encouraged and educated by this very same leadership, has caused them to withdraw from attending the conference.

So once again, we will have no real partner while arguing amongst ourselves about the fantasies of Oslo, Geneva, Camp David, etc. We should instead convene a conference to rally those many amongst us who are yet willing to go for us.

A leading American Chasidic rebbe made a statement this past week about the placing of blame for the murders of the three young yeshiva students. His remarks were intemperate, foolish and completely lacking in fact and without any sense of Jewish empathy and compassion. Again, ideology and extremism – two of the great dangers lurking in our religious society – drove these public utterances. It is clear that he also does not go for us.

I have grandsons who are students in a major yeshiva here in Jerusalem. They told me that none of their teachers spoke to them about the tragedies and troubles that we are currently experiencing. Apparently they are somehow unable to join themselves in the situations and difficulties that the Jewish people are facing daily here in Israel and throughout the world generally. I don't feel that they - these teachers and scholars - are going for us either.

Where is the voice of necessary comfort, of commitment, of perspective and Torah wisdom? Our mother Rachel wept for us for thousands of years and her tears have seen us through the long night of exile. She has always been going for us. All of us should emulate her and feel part of the great Jewish people and the events that we encounter and surround us, good and better. We should all be willing to listen to that echo from Heaven and continue to go for us.

Shabat shalom

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from: Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>

reply-to: info@jewishdestiny.com

subject: Weekly Parsha from Rabbi Berel Wein

Weekly Parsha Blog:: Rabbi Berel Wein

**Pinchas**

In the midst of the sadness and angst that envelops us yet here in Israel and throughout the entire Jewish world, the story of Pinchas, the righteous zealot, rewarded by Heaven for his act of zealotry and violence, intrudes. We are still reeling from the killings and rockets and losses that we have so recently suffered. So, what are we to make of this most puzzling incident recorded for us in our holy Torah?

The Talmud teaches us that it was only through miraculous Heavenly interventions that Pinchas was able to slay the Midianite princess and the Leader of the tribe of Shimon and escape with his own life still intact. And the fact that the Lord, so to speak, extends His Divine hand of friendship, priesthood, peace and position to Pinchas, certainly shows God's acquiescence to Pinchas' act.

Yet the Talmud and Jewish tradition are of the opinion that only Pinchas' act of zealotry is to be admired. All other acts of unilateral zealotry in Jewish society in later generations are to be shunned. The prophet Elijah, who in Jewish tradition is identified somehow with Pinchas, is chastised by Heaven to moderate his zealotry and despair regarding the acknowledged evils of Jewish behavior in his time. Instead, he is assigned to be present at all circumcision ceremonies, Pesach sederim and to be the prophet of Jewish redemption and reconciliation.

He becomes the witness to Jewish loyalty and continuity. In effect, his zealotry is to be rechanneled into positive energy and eternal goodness.

Elijah becomes thereby the fulfillment of God's commitment to Pinchas of peace, nobility and eternal greatness. It is this redirection of zealous energy to positive force that lies at the heart of God's commitment to Pinchas.

The Talmud teaches us that we cannot exist as human beings in this world by attempting to eliminate completely our negative instincts – our yetzer hara.

Our task, rather, is to redirect those instincts and forces that define us as human beings into positive and productive activities and behavior.

One of the fundamental weaknesses of other faiths has been their attempt to completely negate the natural impulses that are part of all human nature.

Celibacy and long states of meditation are not the tools of lasting spiritual enhancement and human continuity. Engaging our instincts and energy and channeling them into positive projects and holy endeavors is the wish of the Torah.

The zealotry of Pinchas and Elijah should be exploited for good causes – the priesthood and public service, compassion for others and a sense of Jewish unity, eternity and holy mission. It is the transformation of Pinchas from the man of violence to the man of peace that is the message of the Torah in this week's parsha. The story of Pinchas is recorded for us in the Torah to teach us that such transformations are possible and indeed necessary for the ultimate good of the Jewish people and humanity generally. The Jewish story is that Pinchas becomes Elijah and Elijah becomes the harbinger of Jewish redemption and eternity.

Shabat shalom

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from: Shema Yisrael Torah Network <shemalist@shemayisrael.com>

to: Peninim <peninim@shemayisrael.com>

subject: Peninim on the Torah by Rabbi A. Leib Scheinbaum

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

***Pinchas ben Elazar, ben Aharon HaKohen, turned back My wrath from upon Bnei Yisrael, when he zealously avenged Me among them. (25:11)***

In a number of places in Rabbinic literature, Chazal teach that Pinchas and Eliyahu HaNavi were one and the same. This is quite possibly because both earned the title of kanai, zealot. Their courage and decisive action under extreme pressure turned the tide in the nation's spiritual leadership. Thus, they glorified Hashem's Name at a time when it was being dragged through the muck. Horav Yaakov Galinsky, zl, quotes the Brisker Rav, zl, who points out another area in which their commonality is apparent. Shortly before his death, Yannai Hamelech told his wife, "Do not be afraid of the Perushim [The term was used to describe those who adhered to the words of the rabbis and were meticulous in their Torah observance. They were opponents of the Tzedukim,

who opposed Rabbinical law. Yannai was a scion of the Chashmonean dynasty, but he reneged his faith and became a Tzedukij. Rather, fear only those who appear to be Perushim, but in reality are not pious. For their actions are like those of the wicked Zimri; yet, they seek the reward reserved for the righteous Pinchas."

The Brisker Rav explained that Zimri did not openly come out with a plan to undermine Moshe Rabbeinu's leadership. He came forward with a suggestion to save the Jewish People who were falling prey to the pagan god, Peor. The men would meet the Moavite women and were immediately captivated by their spell. Promises of moral turpitude were craftily ensconced in pagan worship. Bow down to my god, and you can then feel free to indulge yourself to your heart's content. The debauchery was a cover-up, a wily tactic to ensnare the men and compel them to worship the idol.

Zimri presented a compromise, a solution for their predicament. Rather than sneaking off to meet the pagan girls in their camp, let us welcome the harlots into our camp and, this way, the "worst" the men will do is act inappropriately. They will not worship the idol. Zimri was suggesting a compromise, in order to limit desecration of the Torah. Pinchas replied zealously, "Who made you (Zimri) a baal, proprietor, over the Torah? Who granted you control to decide what to compromise, what to cut and paste in Jewish law? No room for compromise exists when the Torah says something is prohibited. Likewise, when King Achav worshipped idols, Elyahu told the people: 'Make up your minds; you are either idol worshippers or Jews. You cannot be both!'"

This idea goes back to our Matriarch Rivkah, who felt strange rumblings within her womb. One moment the fetus gravitated towards the bais hamedrash, while the next moment it attempted to connect to the house of idol worship. She knew something was amiss. Could she be carrying a child that would be poseach al shtei ha'seifim, stand on both doorsteps, maintain dual allegiances? When she heard that she was actually carrying two children - one saintly and virtuous, the other evil and wicked - she was calmed. She could deal with someone who is an avowed apostate. She would always hope that he might realize the error of his ways and recant. One who is mixed up, however, who lives a life of compromise, a chameleon who is as comfortable in the church as he is in the shul, such a person has great difficulty seeing the truth. He sees nothing wrong with his lifestyle. Why would he want to change?

Our people have never feared the blatant apostate, the heretic who has disavowed the faith of his ancestors. People stay away from the dangerous wolf. It is when the wolf puts on sheep's clothing, when he presents Judaism as a religion which must compromise, break with some of the old traditions, dismantle a system that was established by the rabbis of old, talmidei chachamim, yarei Shomayim, G-d-fearing, uncompromising, Torah scholars, whose commitment to Hashem and His Torah was unequivocal - then we have a serious problem.

Yes, they act like Zimri, calling themselves Orthodox, expecting to be recognized as such, all the while impugning the very foundation of what Orthodoxy stands for. They embrace those whose moral fiber is in flagrant contempt of the Torah, whose activities comprise abomination at its nadir. These individuals have been shunned by the few people in our contemporary society who still adhere to faith-based morals and believe in an Almighty G-d who declared what is moral, what is proper, Who defined the composition of the family unit. They do this because they feel we must compromise. They act like Zimri and expect - no, demand - the reward reserved for Pinchas.

Horav Chaim Brisker, zl, offers a powerful analogy which goes to the crux of the spiritual aberration resulting from compromise. A Jew who was making every attempt to be observant in all areas of religious life was confronted with a problem. He possessed only one knife. This righteous, well-meaning, G-d-fearing Jew had an incomplete set of flatware, several spoons, and forks, but only one knife. What was he to do? A man must eat, and the food must be sliced. There are just so many varieties of food that one can eat whole; everything else must be sliced. He required a knife to smear the butter on his bread for breakfast and to slice his steak for dinner. He decided to use one side of the knife for meat and the other side of the knife for dairy. He was so proud of his incredibly innovative idea that he could not understand why more people were not doing the same. Why bother with two knives when one could do the trick? Obviously, he was unaware that a knife which was part dairy

and part meat was completely treif, unkosher. Likewise, those who choose to make an admixture out of Orthodoxy, transforming it into an egalitarian, all embracing, do-what-suits-you-religion, have only distorted the Torah's concept of religious observance. It is certainly neither Orthodox nor is it any of the liberal venues which serve as a medium for self-defined religious Jewish expression.

#### ***When he zealously avenged Me among them. (25:11)***

Kanaus, for the most part, is a frightening word. It refers either to someone who is a great tzaddik, whose love for Hashem is so intense that it impels him to act in a manner which some individuals consider extreme; or an extremist, who is always on the lookout for a good fight. There is a fine line which separates the two. This is why it is frightening. Some think that kanaus is a rite of passage, a segway for achieving gadlus

baTorah, distinction in the field of Torah. They feel that, unless they have taken down a few misguided aspiring Torah scholars, they have not yet earned their rightful place of distinction in the world of Torah hierarchy. Most kanaim, zealots, are not much more than insecure rabble rousers who attempt to rise to the top by stepping on the backs of the wretched souls who have the misfortune of falling into their mouths.

The first rule of successful kanaus is: one does not aspire to become a kanaai. Out of his overwhelming love for Hashem, the kanaai will respond to a situation that threatens the very underpinnings of our faith. The people had taanos, criticism, of Pinchas' act of zealotry - apparently, not because of what he did, but rather, because they felt his lineage was tainted, thus undermining his true objectivity in executing the act of kanaus. Who was he to slay a Prince of Yisrael? - one who was appointed by Hashem. The commentators say that Zimri was actually Shlumiel ben Tzurishadai, one of the original Nesiim. Hashem intervened and underscored that he heralded from Aharon HaKohen; he had an impeccable pedigree. This quieted them for the time being. Veritably, one cannot fully satisfy those who live for the objective of impugning others. There are those who do - and there are those who denigrate the doers. Pinchas acted because he felt that he had to carry out the halachah. He certainly knew that he would not garner any accolades based on his kanaus. When something is right/correct/proper, however, one must act and ignore those who find every excuse for not only not acting themselves, but also, for putting down those who have taken the initiative. When the nation faces religious crisis, when a moral outrage is publicly perpetrated and palpable Divine retribution is imminent, one does not hold back for fear of what "others" might say.

Yet, the question is pressing: Pinchas was certainly not the only virtuous man in Klal Yisrael. There were other leaders who saw what was occurring - yet refrained from entering into the fray. They probably felt like most of us: "Why do I need to get involved? Is it my problem? There is a Torah leadership who stand at the helm of the nation. They are guided by the Almighty. Am I the world's policeman? Is it my job to right every wrong?" If we can respect and, quite possibly, even sympathize with this passive approach, we must wonder what it was that compelled Pinchas to come forward and act the manner that he did. Surely he knew what people would say. They would impugn the integrity of his lineage. They would question his motives. They would look for every reason to malign him. Why did he do it? Was he greater than Moshe Rabbeinu from whom the halachah concerning one who cohabits with a gentile was, for some reason, concealed? The gadol hador, preeminent Torah leader of the generation, was standing there witnessing the entire debacle; yet, he was doing nothing. Was it Pinchas' place to step up to the plate at such a time?

The answer goes back to our first sentence: kanaus is frightening. The one who is a kanaai must be spiritually, morally and emotionally pristine before he acts. The true kanaai manifests all of these traits and more. He is dedicated to Hashem, to the Jewish People. He is not afraid of the repercussions. He steps up to the quintessential leader of Klal Yisrael and points out the halachah as he was taught. He is prepared to suffer the consequences which result from his actions. The true leader acquiesced, handing over to him the mantle of kanaus. - "Here; you are the messenger; you read the letter; you revealed the sin; you carry out the punishment."

Pinchas could have easily retracted. "Rebbe, I did my part by bringing to your attention the transgression that is taking place. I do not think it is my place to take action. This is a job for Jewish leadership. To take action is above my pay grade." Pinchas had every reason to desist, to return to the bais hamedrash, to open up his sefer and continue learning. He did not, because it was not the time for learning. It was the time for kanaus. How do those who are not prepared to carry out the mitzvah, to act with kanaus, respond to the kanaai? Do we thank him for stepping up to the plate while we refused even to go to bat? Well, we see how the nation acted, how they slandered Pinchas, in whose merit the plague that was decimating the nation ended. No one seemed to reach out to Pinchas to say, "Thank you," for being more man than I, for doing what I should have done, but - because of my spiritual deficiency - did not.

How do we place this entire scenario into perspective? How do we view Pinchas, the people, the event, from a rational, intellectual, comprehensive point of view? I recently came across what I think is an excellent presentation by Horav Yerachmiel Kromm, Shlita, who places a lucid - yet all-embracing - label on the kanaai, one which shows him in a completely different - yet vital - light.

In the Avodah, Mussaf service of Yom Kippur, we recite the play by play process of the slaughtering and sprinkling of the blood of the Kohen Gadol's sin-offering and that of the people: "He would examine a knife and cut through most of the bulls' two tubes and, while someone else would complete the slaughter, he would receive the blood in a pure basin. He would give it immediately to his colleague to stir its blood, so that it should not congeal. He would place this blood in the custody of the one who would stir it." Included in the sublime Yom Kippur service, the service which is to effect atonement for the Jewish nation in order to grant them another year of continued good health and fortune, is what appears to be an almost mundane service. This is the function of the

memareis, the Kohen whose role in the service was to keep the blood of the slaughtered bull from congealing. He did this by stirring the blood. In a sense, it is not much of a position, but it is critical to

the day's atonement, for, if the blood congealed, it could not be sprinkled, and forgiveness could not be achieved.

This is the function of the kanai. He is the one who sees to it that the "mood" of the moment, the passion of the people for serving Hashem, remains in full force. Without the kanai, who "stirs the blood," complacency sets in, so that the passionate fervor for serving Hashem becomes chilled and forbidding. The excitement and enthusiasm is gone, replaced by apathy and detachment.

Every community requires a memareis - not necessarily a kanai, but a person who will maintain the mood, retain the passion, keep the embers of enthusiasm burning lest the disease of complacency sets in. Quietly and without fanfare, the community "stirrer" sees to it that our attitude toward Yiddishkeit does not become stilled. If the "blood" congeals - we can forget about atonement.

The position of memareis is a thankless one, often relegated to the Rav, Rosh Yeshivah, Torah leader who has the moral courage and spiritual stamina to withstand the criticism that is heaped on him often by his own people. There are well-meaning - but small - people with pinhead minds, who are frightened by their own shadows, for whom public opinion is of greater import than Heavenly approval. During one of his visits to Yerushalayim, the Satmar Rav, zl, was visited by Horav Amram Blau, zl, leader of the Neturei Karta in the Holy Land. Rav Blau was a fierce fighter for the sanctity of the Holy city, he viewed every secular infraction as an incursion against Judaism's jugular. He protested valiantly, often being physically pummeled by secular activists, whose venomous hatred of Torah and its adherents was unabashed. Rav Blau complained that, while he could live with the pain and abuse, he was troubled by the lack of support from his own Torah camp. The Satmar Rav replied, "Be happy that your own people do not castigate you for your public protestation." While not everyone has the fortitude to undertake upon himself the mantle of kanaus, the least others can do is not degrade nor prevent those who act sincerely to uphold the Torah's honor.

#### ***When he zealously avenged Me among them. (25:11)***

Obviously, it was "among them." Pinchas did not go into a backroom to negotiate a settlement between the sinners. He acted decisively within sight of the entire nation. Horav Yehudah Tzedakah, zl, explains that the Torah places emphasis on the b'socham, among them, to teach us that Pinchas did not fear repercussion. His sincerity and love were apparent as he placed Hashem and His Glory above his personal life and welfare. He epitomizes the true kanai, zealot. Indeed, in his commentary to Bereishis 18:26, "If I find fifty righteous (persons) within (b'soch) the city," Ibn Ezra writes, "Those who fear G-d publicly." Regrettably, there are many G-d-fearing, righteous, wonderful people who, despite their credible virtue, shy away from taking a public stand against spiritual aggression. They fear for their jobs, their standing in the community, their children - all spineless reasons for renegeing one's responsibility.

The Ponevezer Rav, zl, was an individual who was loved by many and revered by all. He never shied away from assuming responsibility, from taking a stand, from telling it like it was. Like many cities in Europe prior to World War II, Ponevez was beset with Jewish secularists whose primary goal in life was to destroy the relationship which the observant Jew had with the Torah. Whenever the opportunity arose to denigrate Torah, defame the Orthodox community, slander Hashem and His adherents, they were there, fully committed to doing the damage. As citizens of Ponevez and proponents of the Haskalah, Jewish Enlightenment, they fought the Rav at every juncture, since he was usually the only one who had the courage to stand up to them.

The secularists were determined to provide the community with an evening of entertainment. They wanted the entertainment to reflect their own allegiance to the base society that prevailed in Europe. Nothing was too ribald. Debauchery and flagrant degradation of morality were what they felt would not only allow the people to have a pleasure-filled evening, but also ensure the breakdown of the hold that religion had on them.

That Shabbos, prior to Tefillas Mussaf, the Ponevezer Rav ascended to the lectern to deliver his drashah, lecture. Instead, he made the following appeal to their sensibilities. "My brethren! [He always prefaced his speeches with achai, my brethren]. Yehudim, Jews! We are descendants of Mordechai and Esther and not descendants of the foolish King Achashveirosh, who sought to display his Queen Vashti for all the land to gaze upon her beauty."

That was all he said. No more. He did not have to say more. The mispallelim, worshippers, knew to what he was referring. They understood his subtle message: "We are not fools. We are not animals. We are Jews, descendants of a noble and illustrious lineage. Why would we descend to the nadir of depravity, to act like the base goyim whose culture we should eschew?"

The cracks were appearing in the spiritual fiber of Lithuanian Jewry. Every city had its issues. Every community had its breaks with traditions, its secularists, its avowed apostates. Shabbos became the first korban, sacrifice, to the god of secularism. Once the sanctity of Shabbos was impugned, the rest of the mitzvot were sure to follow. The protective spiritual gate which watched over the Jew - Shabbos Kodesh - was breached. Now, anything goes; anything could worm its way into the community. One city was spared. In Ponevez, the kedushas Shabbos, the sanctity of the holiest day of the week, the day which Hashem ordained as His day of rest, was upheld. Why? The Ponevezer Rav - of course.

The Rav spoke from the podium, addressing the overwhelming significance of Shabbos observance. There was no room for excuses. Shabbos was Shabbos. There was no wiggle room in its observance. One either observed every aspect of Shabbos, or he was a mechallel Shabbos, desecrator of Shabbos. There was no allowance for negotiation of any kind. Noted for his oratory skills, the Rav spoke sharply, passionately, with abounding love - but emphatically stating that he would not condone any chillul Shabbos.

The people listened - well, most of them: "Rebbe, I have no recourse but to end Shabbos prematurely. I cannot wait until after sundown," the town's baker declared, "or I will lose my livelihood." People had been talking about his entering his bakery an hour before the end of Shabbos to fire up the ovens and prepare the dough. Bread was a staple; it was his source of income. "Rebbe, what should I do?" the baker cried out. The Rav looked at the man and countered, "What do you want from me? Is Shabbos my personal possession that I can forego part of it? Shabbos belongs to Hashem. It is concerning Shabbos that Hashem writes in the Torah, Mechalilehah mos yumas, "Those who desecrate it will surely die." The Rav was not holding back. These people had to hear him tell it like it was - without embellishment or compromise.

Nonetheless, there were those who had the chutzpah, audacity, to desecrate Shabbos, continuing to work on Friday night as if Shabbos did not exist. Concerning them, the Rav acted with diplomacy. He neither reprimanded them, nor did he deride them publicly from the podium; he did not go out against them to protest their flagrant desecration of Shabbos. He believed in silent protest. Every Friday night, on his way to shul, he would stop by the barbershop which remained open, stick his head into the store, and, with his huge signature smile say, "A gutten Shabbos!" He immediately continued on to shul. This subtle form of protest went on week after week. The Rav did not tire. Regrettably, the barber kept up his desecration of Shabbos. The man was a barber, and Shabbos was a busy day. Finally, one Friday night, when the Rav made his rounds, the barber came over to him and said, "Rebbe, I cannot continue like this. You are causing me to renege on my Judaism and apostatize myself!"

The Ponevezer Rav was not fazed by this remark. He replied, "Do not worry. Do not concern yourself. If you must - you must. In fact, I will give you the necessary funds to pay the priest for your baptism! One thing is for certain: No Jew in this city will keep his store open on Shabbos!"

Sadly, even this latest admonishment did not succeed in bringing the barber to his knees. He refused to close his doors on Shabbos. It was nothing personal. He just had to earn a living, and people were willing to take haircuts on Shabbos. The Rav tried another tactic, one which he hoped he would not have to employ, but it was crunch time: Shabbos was being desecrated in his city. He could not stand idly by and allow this tragedy to continue unabated.

One Friday night, the worshippers in the city's main shul noticed that the Rav was late in arriving. This was unusual, since the Rav was always one of the first men in the shul. After a half hour went by, the people began to worry. Something must have happened. The Rav was never late. After an hour had elapsed, the members dispatched one of the yeshivah students to search for the Rav. After combing the town, the student discovered the Rav sitting in the Jewish-owned barbershop. He was certainly not taking a haircut. He just sat there learning from a sefer. Apparently, after weeks of trying to get the barber to close his business for Shabbos, the Rav had come up with a new idea - one that was working. Anyone who entered the barbershop and noticed the Rav sitting there immediately found reason to leave. It was one thing to be mechallel Shabbos; it was totally another to do so in the presence of the Ponevezer Rav. Finally, after the barber literally threw in the towel and promised

ed to no longer remain open on Shabbos, the Rav left the establishment and went to shul. Now, he could daven with a restful mind. This is the meaning of quiet protest - kanaus, with diplomacy. It may not work with everyone - nor does it work for everyone, but it does work. Perhaps it should be the first response to a spiritual incursion.

#### ***V'limadetem osam es bneichem.***

##### ***Teach them to your children.***

Limud means to be accustomed to something. This is opposed to shinun (V'sheentam), which means to achieve proficiency. Horav Shimon Schwab, zl, explains that the mitzvah of v'limadetem entails not only knowing the halachah - which

goes under the heading of shinun - but also, underscores the concept of learning Torah lishmah, solely for the sake of learning Torah. Additionally, this mitzvah applies only to men and not women. A woman who has studied Torah, knows the halachos - and never forgets them - is not required to review them. Men, however, are obligated in the mitzvah of learning for the sake of learning, thus requiring them to constantly review Torah. As Rav Schwab observes, learning Torah for a man is a form of worshipping Hashem. Even if one has a photographic memory and never forgets an iota of Torah - he must review; he must also study Torah. He cites the weekly Friday night repetition of the Mishnayos Bameh madlikin in Meseches Shabbos, as a case in point. Even if one knows these Mishnayos by heart, it is still a mitzvah to repeat them.  
Sponsored by Moshe Shimon and Tibor Rosenberg in memory of their father

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from: Shabbat Shalom shabbatshalom@ounetwork.org  
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subject: Parsha - Shabbat Shalom from the OU

**Orthodox Union / www.ou.org**  
**Rabbi Weinreb's Parsha Column**  
**Pinchas - "Tolerance For Individuality"**

Every parent knows this fact, and every teacher can confirm it. No two children are alike. Every mother of more than one child knows that all children are already different in the womb. Every experienced teacher knows that no two pupils learn in the exact same manner.

Indeed, it is the recognition of individual differences and knowledge of how to address those differences that is the hallmark of an effective and master teacher.

As we grow older many of the differences which once made us unique begin to fade away. The pressures of conformity which are natural in any society tend to make us imitate each other and become more and more alike as time goes on. Yet, sufficient differences remain so that we each retain at least a small measure of uniqueness.

The fact that groups of human beings are diverse, and that one person's attitudes, opinions and emotions starkly contrast those of another, is the central problem for would-be leaders. It is a simple matter to lead a homogeneous group, one which is characterized by common beliefs and shared objectives. It is far more difficult to take charge of a group which is riddled by internal conflict and clashing interests. The challenge of individual differences to leadership is one of the themes of this week's Torah portion, Pinchas (Numbers 25:10-30:1). In it Moses learns that his life, and his term as a leader of the Jewish people, is about to come to a close. He will be allowed to glimpse the promised land, but soon afterwards would be "gathered to his kin, just as his brother Aaron was."

Acting responsibly, as he always did, Moses sets about finding a successor, and asks the Almighty to help him do so. In this request, Moses addresses God in a most peculiar way, using terminology that is most difficult to translate. Generally, the translation reads something like this: "Lord, Source of the spirits of all flesh, appoint someone over the community who shall go out before them and come in before them..."

What is the meaning of "Source of the spirits of all flesh"? And why does Moses use this term to begin his search for a new leader of the Jewish people?

Rashi understands that Moses wants to find someone who can cope with individual differences, with every conceivable type of spirit. He is searching for a successor who can deal with all the Jews in spite of how different they are from each other.

It would seem that Moses is looking for a tolerant person, with great equanimity, who will not be perturbed by the assortment of characters he will be asked to lead.

The Almighty informs Moses that he has found just such a man, someone who has "spirit within him", and who presumably can deal patiently with everyone he encounters. That man, he is told, is none other than his disciple Joshua.

I have always found the choice of Joshua very puzzling. We have read quite a bit about Joshua over the past few weeks. What is most striking to me is that he does not come across at all as a patient individual who can tolerate all sorts of troublemakers. Quite the contrary. When the other spies disagree with him, he challenges them eloquently and forcefully.

More dramatically, when Eldad and Medad, of whom we are told that "the spirit rested upon them", seclude themselves and begin to act as prophets, it is precisely Joshua who demands that Moses strike them down. It is Moses who shows tolerance for his would-be rivals, not Joshua.

Personally, I have concluded long ago that although it is important for a leader to be able to recognize the differing qualities of his followers, it is not important that he acquiesce to these differences. Rather, he must actively declare his vision and assert his leadership. He must tolerate the differences he encounters, but he cannot allow them to deter him from attaining the group's ideals and objectives.

Of all of the classical Torah commentaries, one was written by an experienced and credentialed master politician. That man was Rabbi Isaac Abarbanel, who was the

minister of the treasury of King Ferdinand and Queen Isabella of Spain, and one of their most valued advisors. He knew whereof he spoke, and this is what he said:

"You, the Source of all spirits, know well the hearts of men and their innards. Appoint someone who will be a majestic and authoritative leader. Appoint someone who will not yield to the crowd, but who will be a courageous man of action, decisive and strong."

Yes, the leader must be sensitive to the different needs and demands of every component of his society. And he must try to address these needs. But not at the expense of what he sees as the overarching goal. He cannot allow his grand vision of what is best for the entire nation to be waylaid by squabbling minorities. In short, he must lead

Daily, we read of leaders who either are strong and dictatorial, trampling upon the needs of individuals who are different. Alternatively, we read of those who are so sensitive to every subgroup that they are totally ineffective.

In this week's Torah portion we encounter the perfect balance: Joshua, the man who can work with every one, no matter how demanding, but who has the wisdom and fortitude to transcend short-sighted particular interests in his pursuit of the overarching goal and greater common good.

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subject: Parsha - Shabbat Shalom from the OU

**Orthodox Union / www.ou.org**  
**Britain's Former Chief Rabbi Lord Jonathan Sacks**  
**Lessons of a Leader**

Pinchas contains a mini-essay on leadership, as Moses confronts his own mortality and asks God to appoint a successor. The great leaders care about succession. In Chayei Sarah we see Abraham instruct his servant to find a wife for Isaac so that the family of the covenant will continue. David chooses Solomon. Elijah, at God's bidding, appoints Elisha to carry on his work.

In the case of Moses, the sages sensed a certain sadness at his realization that he would not be succeeded by either of his sons, Gershom or Eliezer.[1]

Such is the case with keter Torah, the invisible crown of Torah worn by the prophets and the sages. Unlike the crowns of priesthood and kingship, it does not pass dynastically from father to son. Charisma rarely does. What is instructive, though, is the language Moses uses in framing his request:

"May the Lord, God of the spirits of all flesh, choose a man over the congregation who will go out before them and come in before them, who will lead them out and bring them in, so that the congregation of the Lord will not be like sheep without a shepherd." (Num. 27: 16)

There are three basic leadership lessons to be learned from this choice of words.

The first, noted by Rashi, is implicit in the unusually long description of God as "the Lord, God of the spirits of all flesh." This means, he says, "Master of the universe, the character of each person is revealed to you, and no two are alike. Appoint over them a leader who will bear with each person according to his individual character." [2]

Maimonides in The Guide for the Perplexed says that this is a basic feature of the human condition. Homo sapiens is the most diverse of all life forms. Therefore co-operation is essential - because we are different, others are strong where we are weak and vice versa - but it is also difficult, because we respond to challenges in different ways. That is what makes leadership necessary, but also demanding:

This great variety and the necessity of social life are essential elements in man's nature. But the well-being of society demands that there should be a leader able to regulate the actions of man; he must complete every shortcoming, remove every excess, and prescribe for the conduct of all, so that the natural variety should be counterbalanced by the uniformity of legislation, and the order of society be well established.[3]

Leaders respect differences but, like the conductor of an orchestra, integrate them, ensuring that the many different instruments play their part in harmony with the rest. True leaders do not seek to impose uniformity. They honour diversity.

The second hint is contained in the word ish, “a man” over the congregation, to which God responds, “Take for yourself Joshua, a man [ish] of spirit (v. 18). The word ish here indicates something other than gender. What this is, is to be found in the two places in the Torah where we found the phrase ha-ish Moshe, “the man Moses”:

One is in Exodus:

The man Moses was highly respected [gadol me'od, literally “very great”] in the land of Egypt, in the eyes of Pharaoh’s servants and the people. (Ex. 11: 3)

The second is in Numbers:

Now the man Moses was very humble [anav me'od], more so than anyone else on the face of the earth (Num. 12: 3)

Note the two characteristics, seemingly opposed – great and humble – both of which Moses had in high degree (me'od, “very”). This is the combination of attributes Rabbi Yohanan attributed to God himself: “Wherever you find God’s greatness, there you find his humility.”[4] Here is one of his prooftexts: “For the Lord your God is God of gods and Lord of lords, the great God, mighty and awesome, who shows no partiality and accepts no bribes. He defends the cause of the fatherless and the widow, and loves the stranger residing among you, giving them food and clothing” (Deut. 10: 17-18).

An ish in the context of leadership is not a male but rather, someone who is a mensch, a person whose greatness is lightly worn, who cares about the people others often ignore, “the fatherless, the widow and the stranger,” who spends as much time with the people at the margins of society as with the elites, who is courteous to everyone equally and who receives respect because he or she gives respect.

The real puzzlement, however, lies in the third clause: “Choose a man over the congregation who will go out before them and come in before them, who will lead them out and bring them in.” This sounds like saying the same thing twice, which the Torah tends not to do. What does it mean?

The Torah is hinting here at one of the most challenging aspects of leadership, namely timing and pace. The first phrase is simple: “who will go out before them and come in before them.” This means that a leader must lead from the front. He cannot be like the apocryphal remark of one British politician: “Of course I follow the party. After all, I am their leader.”[5]

It is the second phrase that is vital: “who will lead them out and bring them in.” This means: a leader must lead from the front, but he or she must not be so far out in front that when they turn around, they find that no one is following. Pace is of the essence. Sometimes a leader can go too fast. That is when tragedies occur.

To take two very different examples: when Margaret Thatcher was prime minister she knew she was going to have to confront the miners’ union in a long and bitter struggle. In 1981 they went on strike for a pay rise. Mrs Thatcher immediately made enquiries about the size of coal stocks. She wanted to know how long the country could survive without new supplies of coal. As soon as she discovered that stocks were low, she in effect conceded victory to the miners. She then, very quietly, arranged for coal to be stockpiled. The result was that when the miners went on strike again in 1983, she resisted their demands. There was a prolonged strike, and this time it was the miners who conceded defeat. A battle she could not win in 1981 she was able to win in 1983.

The very different example was that of Yitzhak Rabin. The peace process he engaged with the Palestinians between 1993 and 1995 in was deeply controversial, in Israel and outside. There was some support but also much opposition. The tension mounted in 1995. In September of that year I wrote an article in the press giving him my own personal support. At the same time, however, I wrote to him privately saying that I was deeply worried about internal opposition to the plan, and urged him to spend as much time negotiating with his fellow Israeli citizens – specifically the religious Zionists – as with the Palestinians. I did not receive a reply.

On Motsei Shabbat, 4 November 1995, the world heard the news that Prime Minister Rabin had been assassinated at a peace rally by a young religious Zionist. I attended the funeral in Jerusalem. Returning the next day, I went straight from the airport to the Israeli ambassador to tell him about the funeral, which he had not been able to attend having had to stay in London to deal with the media.

As I entered his office, he handed me an envelope. “This has just arrived for you in the diplomatic bag.” It was Yitzhak Rabin’s reply to my letter – perhaps one of the last letters he wrote. It was a moving re-affirmation of his faith but by the time it was delivered he was no longer alive. He had pursued peace, as we are commanded to do, but he had gone too fast.

Moses knew this himself from the episode of the spies. As Maimonides says in *The Guide*,[6] the task of fighting battles and conquering the land was just too much for a generation born into slavery. It could only be done by their children, born in freedom. Sometimes a journey that seems small on the map takes forty years.

Respect for diversity, care for the lowly and powerless as well as the powerful and great, and a willingness to go no faster than people can bear: these are three essential attributes of a leader, as Moses knew from experience, and as Joshua learned through long apprenticeship to the great man himself.

[1] That is the implication of the statement that “Moses long to die as did Aaron,” Sifrei, Pinhas, 136, s.v. vayomer.

[2] Rashi to Num. 27: 16, based on Tanhuma, Pinhas, 11.

[3] Maimonides, *The Guide for the Perplexed*, book 2 chapter 40.

[4] From the liturgy on Saturday night. The source is Pesikta Zutreta, Ekev.

[5] The phrase has been attributed to Disraeli and Baldwin.

[6] *The Guide for the Perplexed*, book 3, chapter 32.

Rabbi Lord Jonathan Sacks is a global religious leader, philosopher, the author of more than 25 books, and moral voice for our time. Until 1st September 2013 he served as Chief Rabbi of the United Hebrew Congregations of the Commonwealth, having held the position for 22 years. To read more from Rabbi Sacks or to subscribe to his mailing list, please visit [www.rabbisacks.org](http://www.rabbisacks.org).

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**Rabbi Yissocher Frand - Parshas Pinchas**

### *Grandson of Aharon -- The Lover of Peace & Pursuer of Peace*

Parshas Pinchas is somewhat of a sequel to the events that occurred in the previous parsha [Balak]. In parshas Balak, we learned of one of the more sordid incidents in the history of the Jewish people. A leader of one of the tribes of Israel publicly and brazenly had relations with a non-Jewish woman in front of the entire community. People were so stunned by this event that they literally did not know what to do. The pasuk says that Pinchas saw this and he remembered (according to the Talmud in Sanhedrin [82a]) the law which Moshe had previously taught -- that in such a situation, a person has the right to take the law into his own hands. Pinchas, acting on this law, killed both of them. The plague (which had broken out amongst the people) then ceased. The narration in Parshas Pinchas continues at this point: "Pinchas the son of Elazar the son of Aharon the Priest, returned my anger...therefore I am granting him My Covenant of Peace" [Bamidbar 25:11]. Rash"i here cites a very famous Medrash explaining why the Torah goes to such great lengths to tell us the genealogy of Pinchas: Some members of the community were skeptical about the use of such brazen tactics, killing someone publicly. They cynically traced the behavior to that of his maternal grandfather, Yisro, who had, in his earlier years "fattened calves for idol worship". People began to murmur, "How does this grandson of a Priest of Idolatry have the audacity to kill a Prince of one of the tribes of

Israel?" Therefore, the pasuk came and traced his genealogy to Aharon -- his paternal grandfather. Tracing Pinchas' genealogy to Aharon should not satisfy anyone. Everyone realizes that Pinchas had two grandfathers. What does it help that he was the grandson of Aharon? No one disputed that. This would not seem to mollify anyone's complaint -- that in this instance he undertook an action which reflected on his descent from a Priest of Avodah Zarah [idol worship]. The Sha'arei Ora h, by Rav Meir Bergman, explains the answer: Everyone knew Pinchas had two grandfathers and everyone knew about genes and genetics. But, the people analyzed what had happened and they argued as follows:

We know one of his grandfathers was Aharon. However, we know that Aharon was the most peace-loving man that one could ever meet. He was the quintessential lover and pursuer of peace. However, Pinchas had another grandfather as well. The other grandfather had previously been an idolater and had been into paganism and all that that suggests. If we are to ask, they reasoned, from who did Pinchas get this quality to get up in front of everyone and kill somebody? One thing seems certain, that he did not get this quality from Aharon, the man of peace. Which grandfather, which genes, were coming into play here? It must be the act of the grandson of a Priest of Avodah Zarah.

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

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

The terminology of 'Rodef' in the expression Rodef Shalom should give us pause. It seems to have connotations that do not fit in with the context of peace. The Chasam Sofer says that sometimes, in order to make peace, a person must be Rodef Shalom -- chase away the peace. He must, in fact, create machlokes [argument]. Sometimes, the ultimate peace is only achieved through a temporary act of pursuing (i.e. -- chasing away) peace. There are some incidents and situations in life that demand that we stand up and say "No". Sometimes you need to protest "This is not Emes [True], and I must give up Shalom [Peace] for Emes [Truth]." Aharon is the Lover of Peace, but sometimes he also needed to be the Pursuer of Peace. Here the Pursuer of Peace was acting, because, ultimately, that was the way to make Peace between the Jewish People and their Father in Heaven.

The Brisker Rav, zt"l, said in the name of his father, that we might have expected that G-d's reward to Pinchas would be "My Covenant of Zealotry". L'Havdil, if we were going to vote for who was to get the Nobel Peace Prize that year, would the candidate have been Pinchas? That would have raised eyebrows.

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

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

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

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

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

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

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**Rabbi Michael Rosensweig**

**Peace in the Pursuit of War; War in the Pursuit of Peace**

Parshat Pinchas chronicles the beginning of the campaign against Midyan in retaliation for its attempt to undermine and destroy Am Yisrael. The Torah (25:17-18) employs consistently unusual language and form to communicate the motivation, method, and objective of this action: "tzaror et ha-midyanim ve-hikitem otam. Ki tzorerim heim lachem be-nichleihem asher niklu lachem al devar peor ve-al devar kazbi bat nesi midyan ahotam ha-mukah be-yom ha-mageifah al devar peor".

The term "tzaror" is noteworthy. It invokes the larger paradigm of classical war (Bamidbar 10:9-"vechi tavou milchamah be-arzechem al hatzar ha-tzorer etchem...") with its attendant existential danger, despite the fact that the Midyan circumstances were superficially atypical, as no there was no immediate physical threat of extinction. Evidently, the Torah's presentation reflects that the Midyan danger, and the urgency and principle of self-preservation it triggered, were no less acute, notwithstanding the differences!

The Torah utilizes the "tzaror" expression here in a reciprocal way: tzaror ... "ki tzorerim heim lachem" (see also Or ha-Chayim ad loc - why the need for both "tzaror" and "ve-hikitem", and why the reference to Midyan's enmity?). Perhaps the Torah is articulating that it was important for Am Yisrael to cultivate hostility toward Midyan by identifying and fully comprehending the degree of enmity and danger they embodied, although and because it was more subtle. An unconventional threat may prove to be more difficult to identify and then combat, and may portend a greater crisis that demands immediate neutralization. The Torah emphasizes that Am Yisrael should not be lulled into a false sense of security or even lesser urgency.

The Torah's presentation of the Midyan threat and the need for a concrete response is unusual in other ways, as well. There is an apparent gap between formulating the urgency and justification to act and the actual implementation, which is delayed until Parshat Matot (Bamidbar 31:2) (See Or ha-Chayim), as if to convey the need to psychologically prepare for and come to grips with the true nature of the threat mandating action. Evidently, a two-staged campaign is specifically required to contend with this particular challenge. The first stage entails fully assimilating the dangerous Implications of Midyan's actions that mandate a strong defensive response. This phase is appropriately conveyed by the terminology of "tzaror", reflecting the need to cultivate a proper perspective on the character and gravity of the threat, as previously noted. Only then, would actual military action, characterized as "nakom nikmat benei Yisrael me-eit ha-Midyanim", be justified. The Midrash Rabbah notes that while typically offers of peace precede military conflicts with even more pernicious foes like the seven nations, the Torah records no parallel suggestion of a resolution with Midyan!

The singular treatment of Midyan can be explained precisely by focusing on its indirect and unorthodox or atypical tactics. When Midyan concluded it could not defeat Am Yisrael frontally and militarily, it opened up a different front. The

advice of Bilam turned the promise of peace and the prospect of ongoing future interaction into a tactic and weapon of war. The Torah's use of "venichleihem" and the implication that the methodology implied by this phrase embodies the animosity of Midyan ("Ki tzorerim heim lachem be-nichleihem asher niklu lachem!"), succinctly captures this theme. Targum Yonatan and Rashi (dephus rishon) and others specifically emphasize that the devious manipulation of Am Yisrael was the special *modus operandi* of Midyan.

Even among enemies there is generally a code of warfare. Even among implacable foes there is typically something unequivocal and even honest in the exchange of hostilities, a measure of integrity in war. Midyan, however, represents a different and particularly egregious model of opposition. They cynically exploited Klal Yisrael's greatest vulnerability, their almost desperate desire for peaceful relations and meaningful, friendly interaction with other nations. The promise of peace was employed to corrupt and destroy them from within. The episode of "devar Peor", beyond and in addition to the specific infractions it involved, was fundamentally a manipulation of Am Yisrael's desperate yearning for peaceful and meaningful relations as a recognized and constructive member of the family of nations, notwithstanding Bilam's prophecy of a different destiny: "am levadad yishkon uvagoyim lo yithashav". The fact that Midyan did not refrain from exploiting the integrity of its own people (Rashi 25:18) in pursuit of this tactic was particularly striking. The manipulation of Am Yisrael's idealism and passionate aspiration for shalom-peace was particularly insidious and demanded a vigorous response, not merely as retaliatory punishment, but as necessary way of securing Am Yisrael's very survival.

This perspective explains the phenomena previously described. The various uses of "tzaror...ki tzorerim" were all part of Am Yisrael's necessary learning curve with respect to the full implications of this unconventional yet nefarious warfare. A call for peace was futile and inappropriate at this stage of the conflict, as the illusion of peaceful and even productive coexistence, even the pretension of fraternity had already been employed as a dangerous tactic and identified as the prime weapon. It became crucial to identify and fully comprehend this insidious tactic, as well as to shatter the illusion or projection of sincere fraternity that had been cynically projected. Hence, before the retaliatory action of *nekom nikmat*, and as part of its justification, it was first important to cultivate a realistic awareness of the threat itself - "tzaror et ha-midyanim ki tzorrem heim lachem be-nichleihem asher niklu lachem"-, so that it could be effectively neutralized.

At the same time, even as the Torah requires a military response to this particular danger, it equally accentuates a complementary perspective. Given the special challenge and dynamic of the conflict with Midyan, it was particularly imperative to reaffirm and reinforce the ideal and objective of shalom, peace. Precisely because it had been cynically and subversively co-opted as a weapon of manipulation, its centrality required reiteration. After all, peace is a linchpin of Jewish life (*Avot*, end of ch. 1: "al sheloshah devarim ha-olam kayam: al ha-din al ha-emet ve-al ha-shalom") and of Torah values ("deracheha darkei noam vekol netivoteha shalom"). The last of the *mishnayot* (*Uketzin* 3:12) concludes with the proclamation that "lo matza Hakadosh Baruch Hu kli mahzik berachah le-Yisrael ela ha-shalom" [just as the final halachah in *Hilchot Chanukah* and *Sefer Zmanim* of the Rambam articulates the centrality of shalom even in the context of celebrating the war of the *Chashmonaim*!] It is intriguing and intentional that Pinchas, whose justified *kanaut* played such a decisive role in this episode, is awarded the "covenant of peace" (25:12- introduced by "lachein emor"-not despite but because of) for his leadership. The *Netziv* and other *mefarshim* emphasize that Pinchas's qualifications for decisive action stemmed from his being the personification of gentility and peace. He is identified in this context (25:11) as the grandson of Aharon ha-Kohen (see Rashi), the quintessential "ohev shalom v-rodef shalom" precisely for this reason.

This dialectic reflects three important interrelated themes. 1) While Judaism perceives peace as a supreme value, it recognizes the legitimacy, indeed, the nobility of self-defense and the protection of innocent and vulnerable citizens as well as their quality of life. War is, unfortunately, sometimes the most appropriate way to pursue a just and authentic peace. Unlike other religions or cultures, Judaism displays no ambivalence regarding just wars. It was totally consistent for Pinchas, the quintessential *ish shalom*, to assume a principled leadership role in this conflict. 2) Even as necessary hostilities rage, it is vital to remain a Pinchas who continues to exude and embody the idealism and ambition of peace. 3) Finally, even justified military action requires excessive scrutiny and rigorous standards and

controls. Even the actual conduct of war has to reflect the objective and pervasive commitment to peace. While one of Hashem's names is "Shlomo- mi she-hashalom shelo", He is also characterized as "Hashem ish milchamah" under appropriate circumstances. "Hashem oz le-am yiten Hashem yevarech et amo ba-shalom" (*Tehillim* 29:11). Sometimes the path to authentic peace requires great strength and even power, but the goal and ideal of peace must remain pervasive, and even the methodology of war must reflect the motif of peace. Pinchas's legacy is not his uncharacteristic, though necessary targeted intervention, but the *kehunat olam* (which does not abide even contact with death) and *berit shalom* which he bequeaths to his progeny. Absent these motifs and his personal credentials as the epitome of shalom, his *kanaut* would have been a grotesque *Chilul Hashem*. [See also the guidelines of *Sanhedrin* 82a and the discussion of the Rambam (*Hilchot Melachim* 9:4) and Ramban (*Parshat Vayishlach*) regarding Yaakov's critique of Shimon and Levi[1]. I hope to discuss these issues and the broader halachic perspective on war and peace elsewhere.] [Unfortunately, recent developments in Eretz Yisrael demonstrate all too clearly how damaging and grotesque unauthorized violence and misguided revenge can be.]

Many of these themes are eerily resonant in the events of the past few weeks. The State of Israel faces implacable enemies that do not hesitate to employ unconventional, obscene tactics that exploit its impassioned yearning for peace, as well as its incredibly sensitive and humane posture regarding the safety of its own citizens, and the protection of the civilian population of its opponents, as well. The enemy is well aware that *Medinat Yisrael's* highly developed sense of morality and responsibility, its greatest spiritual strength, is also its greatest military vulnerability. How does a nation that strives for peace and that values life, freedom, and dignity - the hallmarks of *tzelem Elokim* - combat the cynical tactics of an enemy that targets innocents and that employs its own vulnerable population as human shields to deter response and to manipulate the media and public opinion? The cynical self-projection of the aggressor as the ultimate victim has been an effective tactic, indeed. Concessions made in the past decade out of almost a desperate idealistic aspiration for peace - unilateral withdrawals, releases of prisoners, and other gestures of good will - have been met with further aggression, repeatedly exploited, and manipulated almost with impunity. Unfortunately, much of the world cannot or does not wish to distinguish between the initiation and response to aggression, and cannot or will not discern the obvious difference between indiscriminate terrorist activity and measured military action. The moral equivalency in the world press and even in the statements of legitimate governments is astonishing. *Ve-ein lanu le-hisahaen el al Avinu she-bashamayim*.

Even as we engage in *tefillah* and support of *Medinat Yisrael* in this latest crisis, it is important that we acknowledge and appreciate the incredibly difficult balance that has been achieved. We should be immensely proud of the government of Israel and *Tzahal* for responding appropriately with strength to safeguard its citizens, and yet, with guidelines that continue to reflect both the ideal and the objective of peace. It is particularly important to recognize that Israel's rules of military engagement that seek to minimize collateral civilian damage, embodied in the doctrine of *tohar ha-neshek*, reflect impressively this idealistic posture toward peace and human dignity, as well, albeit at the expense of maximal military effectiveness. The model of Pinchas, the personification of *berit shalom*, continues to inspire. May we merit Hashem's *hashgachah* in the coming days. And may we soon experience the attainment of authentic peace in Eretz Yisrael. "Hashem oz le-am yiten. Hashem yevarech et amo ba-shalom."

[1] See Rav Rosensweig's essay, "Parshat Vayishlach - The Principled Pursuit of Principle" - editor.

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