

INSIGHTS

Into The Weekly Parsha

בס"ד

JULY 7, 2018

This week's Insights is dedicated in loving memory of Moshe ben Shabtai.
"May his Neshama have an Aliyah!"

VOLUME 8, ISSUE 36

24 TAMMUZ

Based on the Torah of our Rosh HaYeshiva HaRav Yochanan Zweig

PARSHAS PINCHAS

Responsibility for the Law

The daughters of Tzelofchad came... And stood before Moshe and Elazar the Kohen and in front of the Nesi'im and the entire congregation (27:1-2).

This week's *parsha* relates the quandary of the daughters of Tzelofchad who wished to receive their father's portion in Eretz Yisroel even though he died prior to the division of the land and had no male heirs to inherit. They argued that it wasn't fair that his portion should be taken away from his family just because he had no male heirs. According to Rashi (ad loc), Moshe forgot what the law was in such a case and therefore presented the question to Hashem. Ultimately, Hashem sided with the daughters of Tzelofchad and they were awarded their father's share in Israel.

Maimonides (*Yad, Hilchos Mamrim* 1:4) describes the fascinating process of determining the law during the times of the Beis Hamikdosh: "As long as there was the Beis Din Hagadol in Jerusalem there was never a conflict among the Jewish people (as to what the law was). If someone needed to know a law he would ask his local Beis Din if they knew the answer they gave it to him. If they did not, then both the inquirer and the Beis Din would travel to Jerusalem to ask the Beis Din that was located on the Temple Mount...If they didn't know then everyone went to the Beis Din that was at the entrance to the courtyard and asked the question...If they didn't know then everyone went to the Beis Din Hagadol in the Lishkas Hagazis (hewn chamber – a room adjacent to the Beis Hamikdosh)." That was the court of final appeal and one way or another they would

determine the final law to resolve the original question.

According to Rambam, every single court must accompany the original inquirer on this process until his question is answered; making it possible to have well over a hundred people present while this question is being presented to the Beis Din Hagadol. What could possibly be the reason for this? Additionally, Lechem Mishna in his commentary on Rambam (ad loc) asks: From where does Maimonides know that this is the process; what is the source for this?

If someone presents a problem and the court doesn't know the answer, it becomes the court's question as well.

In most societies, a court system is intended to adjudicate and apply the laws that have been enacted by a separate legislature. There is no actual responsibility for the law, just its application. It is very different in Judaism. Every court has a responsibility for the law. If someone presents a problem and the court doesn't know the answer, it becomes the court's question as well. Because each court has a responsibility for the law, a lack of knowledge of the law is a problem for the court itself. Thus, the court itself now becomes a principal in the quest for a resolution as to what the law is. It is for this reason that every court must join the process of coming to a resolution.



Clearly, Maimonides found a source for this law in the story of the daughters of Tzelofchad. The *possuk* seemingly makes a random observation; the daughters "stood before Moshe and Elazar the Kohen and in front of the Nesi'im and the entire congregation." The Torah isn't in the habit of repeating meaningless facts. Therefore it must be that their presence had something to do with the original question. Rashi (ad loc) points out that this is very strange; if Moshe didn't know then for sure Elazar wouldn't know either!

This is how Maimonides knows that, after a question is presented through the normal chain of law, every person in that chain has a responsibility to see it through to the end. That is why all those individuals are mentioned as being present when the daughters of Tzelofchad finally presented their question to Moshe.

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A Definite Impact

Pinchas, the son of Elazar, the son of Aharon the Kohen, turned away My wrath from Bnei Yisrael when he took My vengeance in their midst, and I did not destroy Bnei Yisrael in My vengeance (Bamidbar 25:11).

The word *b'socham*, "in their midst," that appears in this *possuk* seems to be superfluous. We are certainly aware that Pinchas' act of zeal took place in the midst of the Jewish people; ostensibly, there should be no reason for it to be mentioned here. What does this word add to the narrative?

It is also difficult to understand exactly what Pinchas accomplished by killing Zimri. By this point in time, 176,000 Jewish men had succumbed to the temptation of *avodah zarah*, and an unknown number had sinned with Midianite women. How could the slaying of a single sinner, even a prominent public figure, motivate the rest of the nation to refrain from sinning?

The Torah states (*Bamidbar 25:6*), "And behold, a man from Bnei Yisrael came, and he brought the Midianite woman near his brethren, before the eyes of Moshe and

before the eyes of the entire congregation of Bnei Yisrael, and they were weeping at the entrance to Ohel Moed." As the next *possuk* relates, Pinchas immediately carried out the execution of Zimri and Kozbi, the Midianite princess, in the middle of their sin.

However, why does it mention the fact that the people were weeping? In what way is it germane to the narrative? The Torah is indicating that Bnei Yisrael were collectively aware of the impropriety of Zimri's actions; they knew that what he was doing was wrong, and this is what caused them to weep.

Pinchas was well aware that Hashem was furious with the Jewish people, and that the entire nation was facing the threat of destruction; however, it was only after Pinchas saw that the people were weeping that he reminded Moshe that the sinners

should be slain. The reason why the Torah emphasizes that Pinchas' vengeful act was carried out *b'socham*, "in [the Jewish people's] midst" is because Pinchas acted in a way that he knew would have an impact on the many people who would witness it. He waited to act until an opportune moment, when he knew that his action would serve as a message to the rest of the nation to desist from sin – and that was possible only when the public perception of the situation was such that people understood the necessity for change. Striking out at a sinner can have an effect on others **only** if they recognize that the sinner is wrong; if that is the case, then such an act can cause others to rally and bring about a much-needed change. Without that crucial public awareness, an act of zeal might not create any change at all.

Make Yourself at Home

This week's *parsha* describes the sacrifices brought for each of the *yomim tovim*. On the holiday of Sukkos there is a curious procedure relating to the amount of sacrifices that are brought; every succeeding day one less bull is brought as a sacrifice. In other words, on the first day thirteen bulls are brought, on the second day twelve bulls are brought, on the third day eleven bulls are brought, and so on.

Rashi (29:36) quotes the Midrash Tanchuma: "The Torah is teaching us how to properly conduct ourselves; one who has a guest in his home on the first day he should feed him stuffed fowl. On the next day he should feed him fish. On the next day he should feed him meat. On the next day he should feed him a bean dish. On the next day he gives him vegetables...He progressively decreases (every day) just like the bulls of the holiday of Sukkos."

This is difficult to understand; surely the Midrash isn't telling us that the proper way to treat guests is to make them feel less welcome each succeeding day that we are

hosting them! Additionally, as Tosfos (*Chullin 84a*) points out, meat is more expensive than fish or fowl. In other words, if you follow this menu some of the succeeding days are more expensive than the prior days. So what exactly is the parallel of progressively decreasing?

The difficulty for most people who are guests in someone else's home is the uncomfortable feeling of imposing on their personal space. As the Gemara (*Brachos 58b*) explains, "The proper guest says 'Everything that the host has toiled for he has toiled for me.'" In other words, a proper guest is very sensitive to the efforts expended by the host.

There are two ways for a host to compensate; the first is to make the guest feel as though the host is honored to host them, the second is to make them feel as if it is no imposition at all.

The proposed menu for a guest isn't listed in a declining order of expense, it is listed in a declining order of preparation. On the

first day the host goes out of his way to prepare a very fancy meal of stuffed fowl, this requires the highest degree of preparation. The second day is fish which is very delicate and needs to be seasoned and cooked very carefully but isn't as much preparation time as the first day. The third day is meat which requires an even lesser amount of expertise and cooking technique (after all, every man is a BBQ grill master - it's in the DNA). The next day is a bean soup which is simple fare and even easier to prepare, etc.

On the first day, the host prepares an elaborate meal to express his delight at hosting the guest. As the days go on the host slowly begins to lessen his efforts in order to make the guest feel more at home and less as someone that has to be catered to. The host's goal at this point is to show the guest that it is really no imposition at all and that the guest is welcome to stay as long as he wants as part of the family. That is the highest level of *hachnosas orchim*.



4000 Alton Road
Miami Beach, FL 33140

To dedicate an issue of Insights please email:
info@talmudicu.edu
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