



# Yesodos m' ha Sedra

LESSONS IN HASHKAFKA & HALACHA FROM THE PARSHA

*In memory of R' Shmuel Shmelka ben HaRav Moshe Kizelnik z"l*

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## FIGHTING FOR PEACE

The posuk seems to state the obvious. Pinchas was the son of Elazar, who we already know as the son and successor of Aharon haKohein. While he was certainly not the first to deal with this issue, the Meshech Chochmah offers an understanding which is not only insightful, but can serve as a lesson in our approach to avodas Hashem in our own lives.

This midah of kinas Hashem, (acting out of defense of Hashem's honor) which Pinchas' actions embodied when he killed Zimri, he got from his father Elazar, who killed several of his brethren when they wanted to abandon their people and return to Mitzrayim. Yet Pinchas was also a grandson of Aharon haKohein, whose dedicated his life to making peace between friends, spouses and relatives. Aharon loved peace and pursued it, and Pinchas followed his grandfather's example. He was ben Elazar, and, he was ben Aharon. He excelled in both midos and strived to excel in both. Employing both midos intandem, Pinchas merited a 'bris sholom'.

Aharon understood the importance of maintaining the peace, but sometimes a greater cause mitigates the importance of peace and quiet. Perhaps Elazar understood this and therefore strived for the opposite, defending Hakadosh Boruch Hu's honor over and above all else. Pinchas saw both hanhagos; his father's fierce fight and his grandfather's passiveness. He saw the positive of each of their ways, and the drawbacks of each. He achieved shleimus because he combined both in his fight for Hashem's honor. He understood that sometimes the way to achieve real peace in K'lal Yisroel is to rid us of those who denounce our essence and comprise our very existence. Yes, Pinchas understood the importance of Aharon's stress on maintaining peace, but understood that remaining a pacifist is not always the key to achieving it.

We must learn the lesson of Pinchas. We cannot be forgiving and passive when the Ribono shel Olam's honor is at stake. If we are passionate about defending the kavod of Hashem and his Torah, we too can tap into the beracha of Pinchas and his bris sholom.

ובני קרח לא מתו תנא משום רבינו אמרו מקום נתבצר להם בגיהנם וישבו עליו ואמרו שירה: (סנהדרין קי.).

The posuk testifies that Korach's sons didn't die. The gemara teaches that after they did teshuva, a place was designated for them in gehinom where they sit and sing praises of Hashem.



From the desk of  
the Rosh Kollel...

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*Please keep davening for Uriel Dovid ben Yocheved. Boruch Hashem he is out of danger and will be transferred to rehab very soon. There is still a long road ahead so please keep up those tefilos for his full recovery!*

*Boruch Hashem, we recently expanded our premises (slightly) by enclosing the porch off of the beis medrash, and plans are underway for major improvements in the coming months. If you would like to take part in the zechus of our makom Torah, please contact us at [info@torahkollel.com](mailto:info@torahkollel.com).*

*The current situation worldwide is still frightening. Please increase your commitment to Torah study, tzedaka and chesed, and of course daven for all the captives, soldiers and the general situation.*

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*B'ezras Hashem, I will be publishing "Adding More Than Just Prophet to Life" - a second edition of my Shabbos morning derashos on the haftarah. The first edition was well received. Sponsorship opportunities are available. Contact me at: [rabbi@torahkollel.com](mailto:rabbi@torahkollel.com) for more information.*

- Rabbi David Lewin

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## *Sugyas ha' Sedra*

### **CIRCUMVENTING HILCHOS YERUSHA**

According to Torah law, when a person leaves this world, his properties and estate are inherited by his sons. If he has a bechor (first born son), he receives a double portion (i.e. if a man has four sons, his bechor gets 40% and the other three receive one-fifth each). Daughters receive nothing and although his widow is somewhat supported by the estate, she isn't entitled to any real property either. Even when there are no sons, a man's daughters inherit (as learned from the daughters of Tzafchad in this week's parsha) and not his wife..

Why this is so is an issue unto itself and beyond the scope of this work. One who wishes to divide his inheritance in a different way simply because he doesn't think it is right is also an entirely separate question. However, we would like to explore possible ways of "bypassing the system" which are halachically sound, when logic would dictate that this is in order. For example, take Reuvein who has only one son, (and happens to be a self-made millionaire), but many daughters who are struggling financially. Reuvein would also like to ensure that his wife will be sufficiently taken care of. Although in a "classical case", where children want the best for their mother and allow her to live off the estate without dividing up any of the property, Reuvein's wife of 40 years is not the mother of his children, and although she helped raise the children after their mother passed away, Reuvein's son who was the oldest, remembered his mother and always resented the woman who "took her place". What can Reuvein do to prevent his son from enforcing the Torah's rules of yerusha, and ensure that his almana (widow) and daughters are properly looked after

According to some opinions, if a person writes a legally binding will, it is halachically binding as well and at the time of death, property is transferred from the deceased to others. The proponents of this opinion maintain that although in order to transfer property one must make a "kinyan" to effect the transaction (such as picking up or moving an object, transfer of funds, etc.), there is a kinyan called "situmta", which is any action that is widely accepted as a valid transaction (in some cases, even as little as a handshake). A legal will might qualify as a kinyan situmta.

Many poskim however contend that there is a fundamental problem with relying on a legal will to circumvent hilchos yerusha: It seems that most legal experts explain that a will only takes effect after death, whereas yerusha happens automatically at the time of death. Furthermore, even if one were to understand that "yerusha" does not

## SPARKS OF SHABBOS

The Mishna Berura writes that one should do teshuva on erev Shabbos, for just as he cleans his house, he should cleanse his neshama as well. It seems that the Mishna Berura is addressing everyone and not just those who are on a high spiritual level already. HaRav Matisyahu Solomon shlit"z posits that perhaps one of the reasons why a person should clean and prepare his house in honor of Shabbos is not so much for the physical preparation, but because outward acts inspire inward ones and by cleaning his home, one will be inspired to cleanse his neshama as well. This really isn't just a difficult task. Doing this sort of teshuva is very easy, and the reason why most people don't make efforts to repent every week is because they don't have time which is a device of the Satan to prevent us from properly preparing for Shabbos.

### *L'maaseh...*

*Two Yerushalmi Jews stood on a corner on Shabbos to protest the chilul Shabbos of the cars driving by. After a few minutes, one of them, HaRav Sholom Schwadron commented that shouting 'Shabbos' at every car that passes probably won't accomplish anything. Instead, he had an idea: Rav Sholom had a connection in the police department who could probably tell them who the owner of the car was based on the license plate number. The pair agreed to remember the plate number of the next car that passed and after Shabbos began researching whose car this was. Name and address in hand, the two decided to pay the driver a visit one evening. They explained how seeing Jews drive on Shabbos bothered them and requested that the man avoid driving through their neighborhood on Shabbos. The man not only acquiesced to their request, but became more interested in learning about Yiddishkeit and eventually became completely shomer Shabbos.*

happen until after death as well, a legal will cannot be used as a kinyan situmta since it is lacking in an essential ingredient in all kinyanim (transactions). In order for a transaction to take effect, there must be a makneh (previous owner who is relinquishing his rights to a property) and a koneh (the person acquiring it). Since Reuvein in our example is no longer alive, the legal will is lacking a "makneh". As such, the automatic halachos of yerusha fall into place.

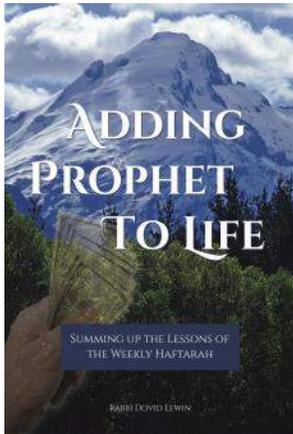
One possibility is for Reuvein to divide up his assets and give them to his children while he is still alive however this is often impractical. Since a person does not know when he will die, Reuvein might want (and would be advised to) retain some of his assets to live off of and anything he chooses not to give away will be subject to the Torah's laws of inheritance. Even if Reuvein would give everything away, but agree with his children to keep money in his accounts to live off of, any money earned afterwards would be subject to hilchos yerusha. This would often open up the proverbial can of worms when ascertaining which monies he earned after this point.

Probably the best solution for this is a technique referred to by the Rema as a "shtar chatzi zachar", as follows. After drawing up a legal will, Reuvein should write a promissory note to his wife or daughter that he owes her the sum of ten billion dollars, to be paid after his death, from his estate. This debt will then become the responsibility of his heirs (i.e. son) to pay from his estate. However, Reuvein adds that his son is absolved of this debt if he simply distributes the estate as outlined in the legal will. In this way, Reuvein's son will likely choose to follow the will and not pay the full debt, which would leave him with nothing. Of course, if Reuvein's estate is worth far more than 100 billion, he should adjust the amount accordingly!

***As with all such questions in halacha and hashkafa, one should seek the guidance of his or her own Rav as to which option if any is best suited for the individual's needs and the proper procedure for drawing up any necessary documentation.***



Chazal say that if a person davens and is not answered, he should daven again. The Gra writes that this refers to chazaras ha'shatz, meaning that he should pay attention to the shaliach tzibur's repetition. Indeed, the Arizal tells us that chazaras ha'shatz is like a super dose of tefilah b'tzibur that won't go unanswered. The fact that it is recited out loud signifies this. However, one must be aware of this in order to harness its power. Rav Shimshon Pinkus likens this to one who bought a manual car and never switched it out of first gear. For years he was driving less than 20 mph, sometimes, if going downhill, he was able to go 35 mph. However if he learns to switch gears, he can go so much faster. Similarly, if we think that everything lies in our own shemoneh esrei, we are limited by the efficacy of our own kavana, but by focusing on chazaras ha'shatz, we can gain so much more power. Now we know. Now, let's focus!



## DIVREI HA'NAVI - ADDING PROPHET TO LIFE

*The Yalkut Shimoni lists four prominent people who descended from non-Jews: Pinchas, Uriah, Yechezkel, and Yirmiyah. The story of Pinchas is well known. As Rashi relates at the beginning of the parsha, his mother was a daughter of Putiel who was called such because he was heavily involved in fattening up animal sacrifices for idolatry. In an effort to vindicate him, Hakadosh Boruch Hu proclaimed that he is the son of Elazar, and the grandson of Aharon HaKohein. Let us skip to Yirmiyahu. The Yalkut explains that on his mother's side, he descended from Rachav, the zonah and people made light of him, and so in the opening pesukim of our haftarah, the posuk testifies that he was the son of Chilkiyahu, and was also a kohein.*

*It seems that people weren't taking Pinchas or Yirmiyahu seriously and so Hakadosh Boruch Hu had to jump up to their defense. However Rashi explains that it was most appropriate for Yirmiyahu to be the one to rebuke the nation because he stemmed from people who were "mekulkalim" (messed up) and grew to a very high level, so it is most appropriate for him to rebuke those who started out on the right path, descending from tzadikim and kedoshim, but fell and messed themselves up.*

*The Daas Sofrim explains that the point was to show them the power of Torah and mitzvos and that even someone like Rachav could achieve greatness and become the progenitor of one of the great nevi'im. R' Yitzchok Sorotzkin explains that this is very appropriate indeed, for only a navi who can somehow relate to the people he must rebuke can be successful. If a leader cannot relate to his flock, then the people won't accept his rebuke. This is one of the problems with gedolim biographies. "He finished shas eight times before his bar mitzva, his parents were tzadikim gemurim, etc. etc. - this has no shaychus to me." The same is true of a leader who doesn't understand the people of his generation. Not that he chalilah has to fall in order to inspire others to teshuva, but if he can't understand their drives and desires, he cannot possibly be effective.*

*The gemara (Chagiga 5) relates that R' Chiya was travelling with R' Yehuda HaNasi and they came to a town. Rebbe asked if there were any young talmidei chachamim in the town and R' Chiya replied that there was, but since this particular scholar was blind, it would be beneath Rebbe's dignity to go visit him. Rebbe insisted and this blind talmid chacham gave him a beracha: "You greeted one who is seen and does not see; may you be worthy to greet the One Who sees and is not seen!" Rebbe then commented that if he had listened to R' Chiya, he would have lost out on this beracha. The problem is that Rebbe didn't know he was going to get a beracha, and it seems that otherwise R' Chiya would have been correct. so how could he lower himself to go visit this blind man? Rav Gifter explains that this is the fact of any rebbi or leader; to go down to others in order to lift them up.*

*This was in fact the reason why Yehoshua was chosen to take over Moshe's leadership of the Jewish people. He was "ish asher ruach bo" which Rashi explains means that he was a man that knew how to deal with each and every individual. He could understand them and therefore influence them. We would like to suggest that perhaps it was for this reason that he was able to marry Rachav, a baalas teshuva par excellence, and it had to be that Yirmiyahu should stem from them, because one can only attempt to influence a generation that he can relate to, and Yirmiyahu had a lot of influencing to do.*

*We are all leaders in one way or another. If we don't have students, most of us lead our families. In work and social settings, everyone has the opportunity to lead and influence others, but one can only be successful if he can understand and relate to those he is trying to lead.*