



# Yesodos m' ha Sedra

LESSONS IN HASHKAFKA & HALACHA FROM THE PARSHA

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

תשפ"ה

פינחס

פרשת

## 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 shalom'.

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 compromise 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 shalom.

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...

### Welcome to all our new subscribers!

*Boruch Hashem the war with Iran appears to be over and life in Eretz Yisroel has returned to normal. Please increase your commitment to Torah study, tzedaka and chesed, as a zeechus to maintain and improve the current situation and protect K'lal Yisroel worldwide*

*Exciting things are happening in the kollel! - We are in the final stretch of our 16th year since the kollel was established. The kollel, its beis medrash, and kehilla continue to be a real asset to the community on so many levels. We have reached the final stages of organizing and cataloging our vast otzar ha'seforim (around 3,000 volumes). This new system will not only improve learning in the kollel, but with benefit the broader community as well.*

**THE SEFER IS OUT!** - *In honor of reaching our 16th year, I have published the Shabbos derashos on the haftarah and parsha which were said within the walls of our beis medrash. This is a second volume to the edition published upon our 10th anniversary five years ago. To find out how to get your own copy, email me at: [rabbi@torahkollel.com](mailto:rabbi@torahkollel.com)*

*From the early hours of the morning, until late at night, the beis medrash is and active asset to the community at large. Mosdos Avahas Yehonoson - "Torah Kollel" continues to impact on the community at large in many ways and exists thanks to the benevolence and generosity of its supporters around the world. Consider having a part of this tremendous zechus by sponsoring a sefer, a day, week or month of the Torah Kollel. Contact us at [info@torahkollel.com](mailto:info@torahkollel.com) for further 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 Tzlafchad 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 halachicly 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 halachicly 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 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!

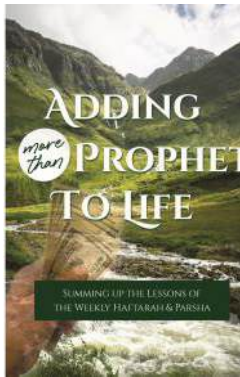
*As with all such questions in halacha and hashkafa, one should seek the guidance of his or her own Rav as to which option if any is best suited for the individual's needs and the proper procedure for drawing up any necessary documentation. an just doing the mitzvah without the beracha.*

## 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 zt"l 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.*



## DIVREI HA'NAVI - ADDING PROPHET TO LIFE

*When the Ribono shel Olam conscripts Yirmiyahu to be His emissary to the Jewish people and convey warnings of destruction and urge them to repent, Yirmiyahu resists claiming 'I am only a youth' (ki naar anochi). However, the Ribono shel Olam insists, telling him, "don't say I am a na'ar". This can be understood in two ways. Perhaps Hashem was telling Yirmiyahu that he shouldn't be concerned about his age because he was really much more mature and sophisticated and was fit for the job despite his age. Perhaps.*

*Yet there is another approach which seems to be echoed by many of the commentaries that it was specifically because Yirmiyahu was young that he was the best person to deliver nevuah to the Jewish people. The end of the haftarah seems to point in this direction when he says "ko amar Hashem zacharti chesed ne'urayich ahavas kelulosayich, lecteich acharai ba'midbar b'erez lo zarua". (Hashem says, I recall the kindness of your youth, the love in marriage, and how you followed after Me in the desert, devoid of vegetation.)*

*The Arbarbenel understands this as referring to three separate periods of history, where the time spanning from the avos through yetzias mitzrayim is 'chesed ne'urayich, ahavas kelulosayich refers to matan Torah, and the time thereafter including our long golus which is full of pain and suffering is included in our years in a spiritual desert. Yet, it all goes back to the chesed of youth, the purity and temimuskeit which carried us through everything, and the Ribono shel Olam sends Yirmiyahu, a child, to carry the message that if we return to that state, He will redeem us.*

*The next posuk begins "kodesh Yisroel l'Hashem". Lacking the proper vowelization, we would be inclined to read it 'k'dosh Yisroel' which means the kedusha of Yisroel, but 'kodesh yisroel' means something completely different. The Daas Sofrim writes that while k'dosh means designated as holy, 'kodesh' refers to a level achieved after an effort to create and internalize kedusha. Rav Shimon Rephael Hirsch zt"l explains a little differently, that it is a noun, meaning that Yisroel is holy, but the two really go hand in hand and K'lal Yisroel really has achieved and created this level. Perhaps this also relates to the simplicity of youth, in that Hashem recalls the chesed ne'urayich etc which is what created this entity of kedusha.*

*We are still in golus. The navi warns k'lal Yisroel that destruction is imminent because they made idols and worshipped their own creations. We don't worship idols, but in many ways we worship our own creations. Certainly in the physical realm this is a challenge. There is a natural temptation of 'kochi v'otzem yadi' - to think that we are to credit for our financial success and material accomplishments. Yet even on a more spiritual level, over the last seventy years Torah was rebuilt in Eretz Yisroel and America and all over the world, we feel we have made great spiritual accomplishments and we say we built it. The truth of the matter is that the Ribono shel Olam is responsible for these as well and we fail to realize it. Perhaps this is one reason why most of us lost the privilege of davening and learning in our shuls and batei medrash for several months. Hashem sent a virus to which we all became vulnerable in one way or another, which is a very humbling experience. The navi exclaims that Hashem remembers us as His children, and His message is that if we go back to that temimuskeit, the simplicity of youth, Hashem will forgive everything and we will once again become 'kodesh Yisroel' that entity of kedusha which He will protect from harm.*



Chazal list ten expressions of tefilla. The number ten represents a complete and inclusive unit. For example, the aseres ha'dibros contains within them the entire Torah, and the world was Created with ten utterances. Rav Shimon Pinkus explains that from this we can understand that there are not just different approaches to tefilla, but rather different aspects which are to be employed at different times and in different situations. Just like in Torah study one must learn meseches Shabbos to understand the halachos of Shabbos, and Bava Kama to understand damages - learning Zevachim in depth will not make one competent in hilchos Shabbos - similarly, one must employ the correct approach to tefilla when and where they are called for. For example. When we say "rofei cholim" at the beginning of shemoneh esrei, we are praising Hashem for His ability to cure, and it is only later in the beracha of refa'einu that we daven for friends and family who are ill. One who has the opposite kavana and screams "rofei cholim" isn't praising Hashem, and if he praises Hashem in the beracha of refa'einu, he has squandered an opportunity.