

# NO COMPROMISING WITH THE YETZER HARA!

*by Shlomo Katz*

## **Hamaayan / The Torah Spring Edited by Shlomo Katz**

**Pinchas**

**Volume XV, No. 37  
23 Tammuz 5761  
July 14, 2001**

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Today's Learning:

Gittin 5:9-6:1

Orach Chaim 472:5-7

Daf Yomi (Bavli): Kiddushin 68

Daf Yomi (Yerushalmi): Berachot 22

In last week's issue, we quoted R' Shimshon David Pinkus z"l and, believing that he was still living, we followed his name with the blessing "shlita" (acronym of for the Hebrew expression: "May he live lengthy and goods days, amen." A reader has informed us that R' Pinkus, his wife, and a daughter were killed in a car accident shortly before Pesach of this year. Yehi zichram baruch / May their memory be blessed.

Molad for the month of Friday, 29 Tammuz, 8:37 P.M. and 14 chalakim

One of the matters presented in this week's parashah is Yehoshua's appointment as Moshe's eventual successor. This appointment was announced by Hashem in response to Moshe's request (27:15), "May Hashem, G-d of the spirits of all flesh, appoint a man over the assembly."

Immediately following this section, we read of the mitzvah to bring the Korban Tamid, one lamb in the morning and one in the evening, every day, even on Shabbat. This section begins (28:2),

"Command Bnei Yisrael . . ." Rashi explains the juxtaposition of these two sections as follows:  
"Hashem said, 'Rather than command Me what to do for My children, command My children what to do for Me'."

R' Moshe Feinstein z"l (died 1986) elaborates further: The purpose of the Korban Tamid is to remind Bnei Yisrael morning and evening of their tie to and dependence on Hashem. Today, our prayers serve this same function, as the gemara says, "The prayers were established to parallel the Tamid." Only if a person begins and ends his day with serving Hashem can he safely navigate the challenges of the workplace and of daily living.

If we could maintain the level to which the Korban Tamid and the daily prayers are meant to raise us, we would not need leaders, says R' Feinstein. This is what Hashem meant: Rather than command Me what to do for My children, i.e., to appoint a leader for them, command My children what to do for Me so that they will not need leaders. (Darash Moshe Vol. II)

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*"The name of the slain Israelite man who was slain with the Midianess was Zimri son of Salu, prince of a father's house [i.e., a tribal subdivision] of the Shimonites." (25:14)*

R' Yosef Chaim Sonnenfeld z"l (1848-1933; rabbi of the Eidah Ha'charedit of Yerushalayim) asked: Even if we assume that this prince was seized by an uncontrollable passion, why did he not commit his sin discretely, rather than "in the sight of the entire congregation" (as we read in last week's parashah, Bemidbar 25:6)? R' Sonnenfeld explained that Zimri sought to rationalize his surrender to lust as an ideology. The gemara (Sanhedrin 106a) derives from the verses that the Moabite and Midianite women required the errant Jews to bow down to idols before submitting to them. Bnei Yisrael thus were guilty of idolatry as well as immorality. Zimri reasoned that by bringing the gentile women into the Jewish camp, the Jews would at least be saved from idolatry. This, says R' Sonnenfeld, is the meaning of (25:6), "[He] brought near to his brothers the Midianite woman" - Zimri said she must be brought near to the Jewish faith in order to save Jews from leaving the fold entirely.

It was this philosophy of compromise with the yetzer hara that Pinchas saw as the greatest threat to the existence of the holy Jewish camp. Let those who would sin leave the camp and even worship idols, but let the holiness and purity of the Jewish camp be preserved.

In this light, we can better understand the reaction of some of Bnei Yisrael to Pinchas' act. The gemara (Sanhedrin 82b) relates that these people said, "Did you see that Pinchas, whose mother's father [Yitro] fattened calves to be used in the service of idolatry, killed a prince of Yisrael!" Pinchas' detractors claimed that Zimri's intention was to lessen idolatry among Bnei Yisrael, but that Pinchas inherited from his maternal grandfather a desire to spread the practice of idolatry. (Therefore the opening verse of our parashah mentions that Pinchas' other grandfather was Aharon Hakohen, as if to indicate that Pinchas' motives were pure.) (Quoted in Guardian of Jerusalem p. 424)

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*"The daughters of Tzelofchad drew near - and these are the names of his daughters: Machlah, Noah, Chaglah, Milkah and Tirtzah - and they stood before Moshe . . . saying, 'Our father died in the Wilderness . . . but he died for his own sin'." (27:1)*

Rashi (to verse 5) writes: This law should have been taught by Moshe, but the daughters of Tzelofchad merited that it was taught through them.

R' Simcha Zissel Broide z"l (1912-2000; Rosh Yeshiva of the Chevron Yeshiva in Yerushalayim) once observed that Tzelofchad himself must have had some merit that caused this section of the Torah to become known as the portion of "the daughters of Tzelofchad" rather than the portion of "Machlah, Noah, Chaglah, Milkah and Tirtzah." What was that merit?

R' Broide answered: The daughters of Tzelofchad reminded Moshe that their father had not been among those that rebelled against him together with Korach. Chazal tell us that Tzelofchad also did not participate in Bnei Yisrael's other sins, such as the sin of the spies.

Rather, Tzelofchad died for his own sin. The Sages teach that Tzelofchad was the wood-gatherer who transgressed the Shabbat and was put to death (Bemidbar 15-32-36). This was no ordinary sin, however, for we are taught that the wood-gatherer sinned for the sake of Heaven. How so?

Many commentators observe that when Bnei Yisrael were taught the laws of Shabbat, it must have come as a shock to them that one could incur the death penalty for seemingly innocuous, almost habitual, activities such as pulling a leaf off of a tree or gathering wood. How could an entire nation - millions of people - that a week before was permitted to break tree limbs on Shabbat be trained to refrain from such activities? This question bothered Tzelofchad, and he concluded that there was only one way - someone had to sacrifice himself in order to set an example.

Tzelofchad not only sacrificed his life in This World, R' Broide added, he presumably suffered for his sin in the World-To-Come as well, all so that his brethren would observe Hashem's Shabbat! Tzelofchad paid for his sin as one must, but his good intentions and his self sacrifice deserved to be rewarded. This, said R' Broide, is why he merited to have a section of the Torah named after him. (Quoted in Nesich Mamlechet Ha'Torah p. 471)

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*"And Moshe brought their claim before Hashem." (27:5)*

R' Mendel Hager z"l (rabbi of Oyberviseu, Rumania; died 1942) writes: This may be read, ""And Moshe brought their claim - before Hashem," i.e., Moshe vouched for the daughters of Tzelofchad that their claim to land in Eretz Yisrael was motivated by spiritual considerations alone. They wanted to be "before Hashem." (She'airit Menachem)

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## **Shemittah Observance Today**

### **Additional Halachot of the Otzar Bet Din**

As was noted previously, the concept of Otzar Bet Din is not mentioned in Rambam's halachic code. However, R' Moshe ben Nachman z"l ("Ramban") endorses the Otzar Bet Din in his commentary to Vayikra 25:7. According to Ramban, two things become permitted when a field's produce is declared hefker and the field is turned over to the bet din: (1) harvesting in the normal manner, rather than in the small quantities that an individual is permitted to harvest during shemittah; and (2) keeping the fruits in one's home beyond the time of biur / destruction. (The subject of biur will be discussed in future issues.)

Why is normal harvesting permitted when the field is controlled by the bet din? R' Avraham Yeshayahu Karelitz z"l (the "Chazon Ish"; died 1953) explains that there is no prohibition on normal harvesting per se; rather, normal harvesting is prohibited because one who harvests exercises his dominion over the field, and that is prohibited during shemittah. (See Rambam's Sefer Ha'mitzvot No. 134). Since the bet din itself does not own the field, its agents are not exercising dominion and are permitted to harvest in the normal manner. (Quoted in Mi'saviv La'shulchan No. 140)

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R' Yosef Shalom Elyashiv shlita is quoted as follows: An Otzar Bet Din must be established for the good of the public, not for the good of individual farmers. Therefore, the Otzar Bet Din must sell its produce at below market prices that will cover its expenses but will not earn a profit. If, at any point, the market prices of fruit grown by non-Jews fall below the prices charged by the Otzar Bet Din, the Otzar Bet Din must cease its operations since it is no longer serving the public good. (Ibid.)

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When produce from the Otzar Bet Din is distributed through wholesalers, the wholesalers must take the produce on consignment and be paid a commission, rather than purchasing the produce outright. Otherwise, those involved transgress the prohibition on transacting business with the produce of Shemittah (Oneg Shabbat Nos. 732 & 734, quoting Chazon Ish). The fact that this is not done in many cases is one of the reasons that some people do not accept the Otzar Bet Din concept as it is practiced in Israel today.

Some contemporary poskim disapprove of the Otzar Bet Din because they believe that it is permitted only in times of necessity. Today, however, there is no shortage of imported produce, albeit at higher prices. However, such poskim as R' Shlomo Zalman Auerbach z"l and R' Elyashiv endorsed the use of Otzar Bet Din even today. (Quoted in Mi'saviv La'shulchan No. 140)

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