

MESIRUS NEFESH - AN UNTAUGHT LAW

by Rabbi Eliyahu Hoffmann

Parshas Pinchas begins with the conclusion of the narrative of Pinchas, son of Elazar, son of Aaron ha-Kohen, who, upon witnessing the sinful exploits of Zimri ben Salu, took a spear and killed him together with his partner, Kozbi bas Tzur. The halachic justification for such action is found in the Talmud (Sanhedrin 81b), "[One who] cohabits with an Aramean woman [i.e. an idolatress], zealots may kill him."

We should note that this is not the conventional "death penalty," which can only be carried out by a Beis Din (Jewish Court). Rather it is a licence given to a zealot to kill the transgressor on the spot. The "halacha of the zealots" contains a number of highly interesting anomalies. The Gemara (ibid. 82a) quotes Rav Chisda who rules that if one comes to Beis Din (Jewish Court) while such a transgression is being committed, to take counsel as to whether he should kill the sinner, the judges do not instruct him to do so. Rabbah bar bar Channah says that not only do we not instruct, but moreover, had Zimri ceased sinning momentarily, and Pinchas were to have killed him then, Pinchas would have been brought to trial, and could be given the death penalty for having killed the sinner. Furthermore, taught Rabbah bar bar Channah, had Zimri turned the tables, and succeeded in killing Pinchas before Pinchas killed him, he would not be liable on Pinchas' account, because Pinchas has the halachic status of a "pursuer," who may be killed in self-defense.

How can we understand the unusual concept of "halacha ve-ein morin kein - it is the law, but we do not instruct people to do so?" Aren't laws, by definition, made to be taught, instructed, and ruled upon?

It is told that a young music student once approached Wolfgang Amadeus Mozart and said, "I would like to write a concerto - can you help me."

"You're too young," Mozart told him, "wait a few years."

"But is it not true that you were composing music when you were just seven or eight?"

"Yes," said Mozart, "but I didn't have to ask anybody how."

Zeal comes from the heart - it is not something which can be taught. The very fact that a person has come to Beis Din to ask is an indication of a lack of true zeal. Pinchas needed to ask no one. He did not think about the risk involved - he took his spear in his hand, and took vengeance for the honour of the Almighty.

An elderly Jew, R' Shia, who prayed in our shul for many years used to tell me the following story: When he was a young boy of 14, learning in Yeshiva in Galicia in Europe, his parents decided to emigrate to America. In those times, Torah Judaism in America was not at its peak, and, based on the advice of his Rebbe, the young Shia asked permission to stay behind in Yeshiva.

A short while later, his parents sent him a letter. "Dear Shia," they wrote, "great storm winds of war blow in Europe. Besides, we miss you dearly. We are sending you a package with the required documents, and passage. Come as soon as possible!"

Life was not easy for a young, family-less, Yeshiva student with almost no money and no possessions. Shia hadn't eaten a good meal in almost a week. He too missed his family greatly. The ticket to America held great appeal for him. On the other hand, he knew that his Rebbe did not approve of young boys going to live in America in those times - he said it put the future of their Yiddishkeit at great risk.

One evening, as Shia sat in the Beis ha-Midrash learning Gemara, a boy tapped on his shoulder. "Shia, come quick, the Rebbe wants to speak to you!" Confused, Shia briskly followed. Soon after, he was ushered into the Rebbe's private chambers, where the Rebbe sat waiting for him.

"Shia, he said, "one can't tell someone to have mesirus nefesh (literally - the giving of the soul, an expression of great dedication and self-sacrifice). Mesirus nefesh has to come from within."

With these few words, R' Shia's heart was strengthened. He found within himself the courage to stay on in Yeshiva. As he retold the story more than fifty years later, it was obvious that the Rebbe's words had made an indelible impression.

Many times in life, we are faced with situations that require dedication, sacrifice, mesirus nefesh beyond what anyone can teach us or instruct us to do. Our chinuch, our Jewish education, gives us the conceptual framework upon which to base our life-decisions. How we use our chinuch depends on how far we are willing to take hold of the spark of mesirus nefesh which burns within our hearts.

As we see from the story of Pinchas, not only will no one tell us or teach us how to have mesirus nefesh; we shouldn't even expect their support. As was the case with Pinchas, one who has mesirus nefesh often does so in the face of harsh criticism, perhaps even from those who are dear to him. Pinchas would have been executed by Beis Din had he failed. Zimri too could have killed him, and faced no repercussions. Mesirus nefesh is not about medals-of-honour and pats-on-the-back. It is a lonely journey of struggle and self-sacrifice, requiring a strong heart and a brave soul.

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