

Parshas Pinchas

THE CALL OF DUTY

When studying prayer, you'll discover that Chazal use metaphors of "Gates" when discussing how prayer works. Anecdotally, the final prayer of Yom Kippur is called Neila – "Closing". The gates of Heaven that open for Yom Kippur are closing, and we seize the opportunity to squeeze one final prayer in. The Gemara in Brachos says that the gates of prayer do not always stay open, but one does: the Gate of Tears. It never closes because crying is the potent form of prayer; it is invariably genuine and sincere.

But if it never closes, why is there a Gate at all? It's just an open space!

Rabbi Moshe Sherer suggests that a Gate is required, because not all tears are equal. When Balak and Bilam schemed to entrap the Jews in immorality and licentiousness, they sent the young women of Midian into the Jewish camp to seduce the men, and there was not much resistance. Society collapsed, and this set off a plague. Right in the middle of the plague, with his brethren dying around him, one callous fellow, Zimri, also a senior member of Jewish government, was more brazen than anyone else:

והנה איש מבני ישראל בא, ויקרב אל-אחיו את-המדוניית, לעיני משה, ולעיני כל-עדת בני-ישראל; והמה בכים, פתח אהל מועד. וירא, פינחס בן-אלעזר, בן-אהרן, הלכה; ויקם מתוך העדה, ויקח רמח בידו. ויבא אחר איש-ישראל אל-הקבה, וידקר את-שניהם – A Jewish man approached, and paraded the Midianite woman before Moshe's eyes, and before the eyes of all the people, and they were crying at the doors of the of the Mishkan. Pinchas, son of Elazar, son of Ahron HaKohen saw this, and took up a spear... He approached the group and pierced the two of them... And the plague stopped. (25: 6-8)

Clearly not all the Jews were involved. Unsure what to do, they went to Moshe and the then-holiest spot on the planet to cry and pray – פתח אהל מועד. והמה בכים. These Jews who were strong enough to stand up the temptation of Midianite promiscuity; asked for help, and did not get it. The Torah clearly states that his assassination of the provocateurs stopped the plague, not their prayers. God attests to this by saying השׁיב את-חמתי מעל בני-ישראל, – the Jews prayers are a non-factor, written off completely. Why weren't their prayers answered, considering that tears are the most sincere form of prayer?

The Kotzker Rebbe says that the reason there is a "Gate" of Tears is because tears don't work when it's a time for action. They are crocodile tears – they are not "tears" at all. If circumstances call for action, being "religious" may not be enough.

ON “STUFF”

A man named Tzlafchad died in the wilderness with no male heirs, leaving his family’s assets and prospective plot in Israel in limbo. His daughters pointed out this legal grey area to Moshe:

לָמָּה נִגְרַע שֵׁם אָבִינוּ מִתּוֹךְ מִשְׁפַּחְתּוֹ כִּי אֵין לוֹ בֶן תִּנְּה לָנוּ אַחֲזָה בְּתוֹךְ אַחֵי אָבִינוּ – Why should our father’s name be eliminated from his family because he had no son? Give us a portion along with our father’s brothers. (27: 4)

Rashi explains that this was not an emotional request, rather, a halachic one. If they would not inherit him, then their mother ought to perform yibum – levirate marriage, passing on the assets in this way. If they were considered progeny enough to avoid yibum, they ought to be progeny enough to inherit the plot in Israel. If they had had a brother, they would not have made a claim.

This seems very straightforward – what was so intelligent about this?

R’ Yehoshua Hartman explains that they demonstrated their understanding of property’s place in life, and the function of inheritance.

The conventional wisdom is that when someone dies, assets are transferred. It is a default process – assets cannot lie unclaimed. This is misguided.

What they understood was that all property is simply tools God grants a person to accomplish what they are meant to. The tools assigned are specific to an individual. Ownership means the use of an article to further the users goals. The Gemara notes that the righteous are meticulous with their possessions – for this reason.

When someone dies, the re-allocation of assets is only to perpetuate the name of the deceased, which lives on their property. The people who continue their legacy inherit, usually their children.

The daughters said if they weren’t continuations of their father’s legacy with regard to inheritance, then they ought not to be a continuation to absolve their mother of yibum. They understood that the function of both is the same – to continue the legacy of a father.

The association was so piercingly accurate, that Hashem told Moshe that they had intuited an unknown law. This displayed their intelligence.

This is very different to how society values possessions today. People are measured by the size of their driveway and its contents, as though that is the measure of a man, and not their character. This episode clearly articulates that property is given to people as tools. All “stuff” is value neutral. A million dollars says nothing about you. What you do with it says everything.

A TIME AND A PLACE

After assuaging God’s wrath and ending the plague, Pinchas is hailed:

פִּינְחָס בֶּן אֶלְעָזָר בֶּן אַהֲרֹן הַכֹּהֵן הִשִּׁיב אֶת חֲמַתִּי מֵעַל בְּנֵי יִשְׂרָאֵל בְּקִנְיָאוֹ אֶת קִנְאַתִּי בְּתוֹכְכֶם וְלֹא כִלִּיתִי אֶת בְּנֵי יִשְׂרָאֵל בְּקִנְיָאתִי – Pinchas, son of Elazar, son of Ahron HaKohen, has turned My anger away from the children of Israel with his zealously avenging Me among them, so that I did not destroy the children of Israel because of My zeal. (25: 11)

Rashi notes that his ancestry is traced to his grandfather, which is unusual. People were and are normally identified as their father's son. This is an exception as people mocked him taking action against Zimri, saying his mother's father, Yisro, had been a pagan idol worshipper; so the Torah identifies him as being of good stock.

R' Yonasan Eibshutz wonders what there was to mock. After the fact, the plague stopped and he was hailed as a hero, but even before taking action, no doubt any lucid person would identify that Zimri was liable to the death penalty. So why mock him?

R' Eibshutz answers that they accepted that Zimri was guilty, but did not kill him themselves because they believed a simple person had to do it; they held themselves too great to carry out the execution. Their mockery was that the idolator's offspring could!

The Torah identifies his heritage to Ahron – he actually was great. Their reasoning was simply an excuse. When circumstances call for action, someone has to stand up and be counted.

The opening of Yirmiyahu perfectly illustrates this:

וַאֲמַר אֶהְיֶה ה' הַיְנִיחַ לֹא-גִדַעְתִּי דְבַר כִּי-נֶעַר אֲנֹכִי. וַיֹּאמֶר ה' אֱלֹהֵי אֱל-תֹאמַר נֶעַר אֲנֹכִי כִּי עַל-כָּל-אֲשֶׁר אֶשְׁלַחְךָ תִּלְדָּךְ וְאֵת כָּל-אֲשֶׁר אֶצְוֶךָ – I said, “Alas, God! Behold, I do not know how to speak, for I am just a kid!” And the Lord said to me; “Do not say to me Me “I am just a kid,” because wherever I send you, you will go, and whatever I command you, you will say”. (1: 6-7)

R Nosson Vachtvogel remarked how many great people fell by the wayside by not internalizing נֶעַר אֲנֹכִי. The Gemara teaches that every individual must walk through life believing that the entire universe was created exclusively for their sake.

There is a time and place for everything; there is a time to be humble and keep your opinion to yourself; but there may be a time to stand up and change the world. It's as simple as recognizing an issue, and being ready to do something about it.

DRINKING PROBLEMS

When Eliezer enters Aram, searching for a bride for his master's son, he is thirsty, and devises a test to see if a prospective girl is suitable. Rivka offers him a drink, but also to his camels, meeting the terms of his test:

– She said, ‘Have a drink, sir!’ and quickly lowered her jug to her hand and gave him a drink. When she finished giving him to drink, she said, ‘I’ll also draw water for your camels, until they have finished drinking.’ (24: 18, 19)

Parenthetically, Devarim 11: 15 says, וְנָתַתִּי עֵשֶׂב בְּשֹׁדֶךְ לְבַהֲמֹתֶךָ וְאָכַלְתָּ וְשִׂבַעְתָּ – “I shall provide grass in your field for your cattle, and you will eat, and you will be satisfied.” The Gemara in Brachos learns from the fact that the Torah addresses animal concerns before human, that one must feed their animals before having a meal.

But what about drinking?

The Sefer Chassidim learns from Rivka's kindness that humans come first – the Torah records the story in a very

deliberate way, to delineate the extent of her kindness as a paradigm for the reader. She gave Eliezer to drink, and only afterwards the camels; presumably then, this is conduct we are meant to emulate.

The Shulchan Aruch says that if a person has already made a bracha on food, and before beginning to eat, says something that is of the interests of the meal, it is not an interruption per se, and one would not need to make a new bracha. One of the examples the Shulchan Aruch gives is that one asks someone else to feed his animals. This too is considered part of the requirements for his own meal, as his own meal is not allowed to begin until they are fed, as the Gemara says one must feed their animals before sitting down to eat.

The Magen Avraham contrasts this with drinking. If someone asked a friend to give his animals a drink, one might have to make a new bracha, as it was interrupted. This is based on the Sefer Chassidim's observation of Rivka's kindness, that since humans come before animals regarding drinking, it would not be in the interests of the meal underway to discuss giving animals a drink first.

The Yad Ephraim points out that there may be a better proof to that regarding drinking humans come before animals, from when Moshe drew water from the rock for the Jews in the desert:

והוצאת להם מים מן הסלע והשקית את העדה ואת בעירם – You shall bring forth for them water from the rock, and give drink to the assembly and to their animals. (20: 8)

This proof is presumed better since it was happened after Sinai.

The Ohr HaChaim rejects both instances, since both are cases where the people were particularly thirsty. Under such circumstances, it is obvious that the humans would quench their thirst before addressing their animals needs. However, had they been, under normal circumstances there is no difference between food and drink; animals come first.

Others are bothered with the Sefer Chassidim's halacha for a simpler reason. How can we learn laws regarding one's conduct towards their animals from Rivka, when the animals concerned didn't belong to her?

It is obvious that the halacha to take care of animals first is only if belong to you. There is no notion that one would have to feed every stray cat on the block before sitting down for lunch. So Rivka did not actually have a duty to give the camels to drink, and naturally, she gave Eliezer first. And as part of her great altruistic characteristics, she gave the camels too, meeting the conditions of his test. But how is this story a proof for who drinks first between man and animal?

The Chasam Sofer explains that the halacha is not like the Sefer Chassidim, and animals come first for food and drink. He explains Rivka's actions based on the Gemara Bava Metzia, that one can be transfer a small gift verbally just by saying so. There is no requirement for a physical handover for the transfer to take effect. That is why she said, "Drink, my lord," and quickly gave him to drink even before mentioning giving to camels to drink. She had been transferred just enough water to him to quench his own thirst, but no more, in order to insure that he was not required to give to the camels. Had she said, "I will give you and your camels to drink," Eliezer would have taken enough water for himself and the camels, and would have had to give the camels first, despite his thirst. In other words, Rivka chose her words wisely in order to insure that Eliezer got before the camels.

The Ksav Sofer uses, the Chasam Sofer, his father's, interpretation to illuminate Moshe's action. Why was it necessary for Hashem to tell Moshe והשקית – "give the people to drink"? It should have been sufficient to produce water; once released from the rock, wouldn't the people have been perfectly capable themselves?

The Ksav Sofer answers that if that had transpired, then every individual would have drawn water themselves, necessitating they give their animals first. In order to ensure that the people quench their thirst first, Hashem instructed Moshe that he was to give them to drink. Meaning that the water was in Moshe's possession, as the supplier,. Thereby they were not required to give their animals first. After their thirst was quenched, they were allowed to have more for their animals. Clearly, the Chasam Sofer and the Ksav Sofer did not learn the pasukim as the Sefer Chassidim did.

In defense of the Sefer Chassidim, Rav Moshe Feinstein indicates that Rivka was obligated to do tzedaka towards Eliezer. Her requirement was to act in the form that Eliezer himself would have had to do. Meaning, had Eliezer drawn his own water, he would have had to give the camels first due to his obligation toward the animals (if you disagree with the Sefer Chassidim), similarly then when Rivka was to give water to Eliezer, she was to distribute it the same way he would have. Her mitzvah of tzedaka toward Eliezer required her to dispense his obligations in the correct order. That is, to give to the camels first, despite the fact they were not her own. Since we see that she instead gave to Eliezer first, the Sefer Chassidim deduced from here that man comes before animal.

R' Moshe Feinstein notes that question that arises from this is let alone the camels were not Rivka's, they weren't Eliezer's either! They belonged to his master Avraham. Inasmuch as the halacha did not apply to him, how could Rivka be fulfilling her obligation via his obligation if he didn't have such an obligation to begin with? The answer seems to be that all the duties of feeding animals are incumbent not on the legal owner of the animal, but rather to the one responsible out the feedings. Eliezer, although not the legal owner, was entrusted with their care. It was therefore his duty to the camels, and thus Rivka's requirement to act accordingly; and therein, a legitimate source for a Halacha, and not just a story about kindness.

The same concept explains Moshe's actions. It was Moshe's duty to give the Jews to drink, congruent to their very own obligation towards their animals. Thus, by first giving the people to drink and only then to their animals, we see that when it comes to drinking, man comes before animals. (edit)

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