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OVERVIEW of the Daf

1) The kohen's speech to the soldiers (cont.)

The Gemara cites further proof that the Aron Hakodesh was taken with the soldiers into war.

A Baraisa explains why Pinchas went out to war against Midian.

The Gemara challenges whether Pinchas was from Yosef as the previous exposition explained.

Another unsuccessful challenge to the assertion that Pinchas descended from Yosef is presented.

The final conclusion is that Pinchas descended from Yosef and Yisro.

2) MISHNAH: The Mishnah elaborates on the people who did not fight in battle, some of whom were sent home altogether and some of whom played a supportive role for the soldiers but did not fight.

3) Clarifying the Mishnah

A Baraisa clarifies the role the officers had in the speech given to the soldiers before battle.

Abaye resolves three contradictory Baraisos regarding the exact part of the speech said by the kohen and the exact part said by the officer.

4) A new house

A Baraisa elaborates on the topic of the exemption of one with a new house.

There is a dispute in the Baraisa whether building a barn or storehouse is an exemption.

The Gemara discusses whether the Baraisa that exempts one who stole a house could be consistent with R' Yosi HaGalili who maintains that sinners did not go out to battle.

5) A new vineyard

A Baraisa elaborates on the topic of the exemption of one with a new vineyard.

There is a dispute in the Baraisa whether planting an orchard is also an exemption.

A contradiction between the Baraisa and a Mishnah regarding one who grafts or layers a tree is noted.

R' Zeira in the name of R' Chisda resolves the contradiction.

The Gemara wonders what exactly is a grafting that is permitted.

R' Yirmiyah suggests a resolution.

R' Yirmiyah's explanation is unsuccessfully challenged.

R' Pappa suggests an inference that can be drawn from R' Yirmiyah's position.

This inference is unsuccessfully challenged.

R' Nachman bar Yitzchok suggests another example of a permissible grafting.

R' Dimi in the name of R' Yochanan suggests another resolution to the contradiction between the Mishnah and Baraisa regarding grafting and layering.

6) Teachings of R' Dimi and R' Yitzchok in the name of R' Yochanan in the name of R' Elazar ben Yaakov

R' Dimi in the name of R' Yochanan in the name of R' Elazar

(Continued on page 2)

Gemara GEM

Pinchas was a descendant of Aharon

והלא שבטים מבזין אותו ראיתם בן פוטי זה בן שפיטם אבי אמו עלגים לע"ז

Expounding on Shemos (6:25), our Gemara identifies the maternal grandfather of Pinchas (Puti'el) with Yisro, or a descendant of Yisro. Because many members of the tribes heaped abuse upon Pinchas by saying, "Did you see this descendant of Puti'el, who fattened calves to sacrifice them to idols, rise and murder a prince in Israel?" therefore the Torah traces his lineage to Aharon.

Why would the common people attribute the action of Pinchas to the acts of idolatry committed by Pinchas's maternal ancestor?

Pinchas's act could be understood from two different vantage points. On the one hand, it could be an act of zeal, displaying devotion toward Hashem and toward the Jewish people. It could also be considered an act of murder, born of the emotion of anger and hatred. The masters of mussar say that the line that divides anger-hatred from zeal is razor thin. Many times, only Hashem could know whether such acts are the highest good or the basest evil.

In truth, Yisro himself is somewhat of an enigma. On the one hand, he was a priest in Midian, one who instructed others towards idolatry. On the other hand, according to the Midrash, it was he who protested against Pharaoh's decision to enslave the Jewish people. How is Yisro defined? Indeed, this doubt was never really resolved.

It is in this manner that the common people attacked the character of Pinchas. For this reason, the Torah comes to define the true man, a descendant of Aharon, the man who sacrificed all for the peace of Israel. The act of murder and the emotion of hatred are as foreign to Pinchas as they were to Aharon. Pinchas did his deed out of love for the Torah and Israel, and was not tarnished by any personal enmity or emotional hatred. ■

REVIEW and Remember

1. Who were Pinchas's distinguished ancestors?
2. What type of house acquisitions exempt a person from battle?
3. What is מבריך?
4. How does one "mock" a corpse?

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In loving memory of our grandfather
ר' יוסף חיים בן יהודה לייב ע"ה

HALACHAH Highlight

Yichud with an adopted daughter

חורגתא הגדילה בן האחין אסורה לינשא לאחין דמתחזיא כי אחתייהו

A stepdaughter who was raised amongst brothers is prohibited from marrying her [step]brothers because they appear like siblings

One of the issues related to adoption, is whether a father is permitted to be in seclusion (יחוד) with his adopted daughter. Based on our Gemara, Rav Moshe Feinstein[1] ruled that it is permitted. The Gemara cites a ruling that a man's stepdaughter is not permitted to marry one of her step-brothers because it appears as though siblings are marrying one another. This indicates, asserts Rav Feinstein, that an adopted father is permitted to be in seclusion with his adopted daughter. The only way it would appear as though the step-sister and step-brother are related is if one could not detect a difference in behavior on the part of the father. If, however, the father avoided seclusion with his step-daughter and treated her noticeably different from the way he treated his own daughter it would be obvious that she is not his daughter and thus not related to his sons. The very fact that people can mistake them for siblings indicates that seclusion and physical acts of parental affection are permitted between a step-father and his step-daughter. Other authorities disagree with this inference. Rav Feinstein's assertion was based on the assumption that fathers displayed affection to their daughters in a public manner, thus one could detect if he was treating one of his "daughters" differently. It could also be that in the time of Chazal they followed such strict standards of tznius that fathers did not display any signs of affection to their daughters and that was the reason one would not be able to detect the difference between a biological daughter and an adopted daughter.

Teshuvas Tzitz Eliezer[3] also took a lenient approach to the matter and based his conclusion on a comment of Levush. In the explanation of why there is no issue of seclusion between a mother and her son or a father and his daughter Levush explains that it is uncommon for a parent and child to be led to sin. In other words, the parent-child relationship, itself, inhibits the relationship from being intimate. Accordingly, when a daughter was adopted at a young age the relationship that exists between adopted parent and child is a parent-child relationship that deters an intimate relationship. Teshuvas Shevet Halevi[4] strongly disagrees with Tzitz Eliezer on this matter and prohibits an adopted father and daughter from being in seclusion and suggests that Tzitz Eliezer's leniency is only a לימוד זכות— a means of rationalizing the lenient practice that many people follow. ■

1. שו"ת אג"מ אה"ע ח"ד סי' ס"ד אות ב'
2. ספר נשמת אברה ם ח"ה חו"מ סי' מ"ב הע' 19 עמ' קל"ב
3. שו"ת ציץ אליעזר ח"ו סי' מ' פכ"א אות ב'
4. שו"ת שבט הלוי ח"ו סי' קצ"ו ■

(Overview. Continued from page 1)

ben Yaakov rules that a young tree smaller that a tefach is subject to the laws of orlah because people will assume that it is a one-year-old tree.

R' Dimi qualifies this ruling.

R' Dimi in the name of R' Yochanan in the name of R' Elazar ben Yaakov rules that a corpse occupies four amos to prohibit reciting krias shema in its vicinity.

R' Yitzchok in the name of R' Yochanan in the name of R' Elazar ben Yaakov rules that a stepdaughter may not marry her stepbrothers.

The Gemara disputes this ruling.

R' Yitzchok in the name of R' Yochanan in the name of R' Elazar ben Yaakov ruled that a poor person who piles the agricultural gifts that he received is obligated to tithe that produce.

Ulla qualifies this ruling.

R' Yitzchok in the name of R' Yochanan in the name of R' Elazar ben Yaakov rules that a vine less than a tefach tall does not prohibit the plants that grow nearby.

R' Yitzchok qualifies this ruling. ■

STORIES Off the Daf

The genuine zealot

בן פוטי זה...יהרג נשיא מישראל

On today's daf we find that the Jewish people challenged Pincha's right to kill a prince of Israel on account of religious zealotry. It is no simple thing to be a zealot l'shem shomayim. One of the cardinal rules of genuine zealotry is that the קנאי must be filled with real love of Hashem and concern for his fellow Jews. Otherwise, he is likely to merely be spewing hatred for his fellow man under the guise of piety.

Although Rav Amram Blau, zt"l, was the leader of the קנאים of Yerushalayim, his ahavas Hashem and ahavas Yisroel were palpable even as he led protests. When he died, the very policemen who had opposed him so forcefully tearfully attended his funeral. When they were asked why they had come to their "archenemy's" funeral they replied that they had all felt that he was pained by what he saw as the necessity of protesting and knew with absolute certainty that he loved every Jew. His protestations had been nothing personal; one never felt any spite or hatred emanating from him.

One of the great students of the Maharil Diskin, zt"l, was also a very dedicated zealot. Throughout his mentor's lifetime, he would always attend protests against various offenses and was a very formidable force within the ranks of the קנאים. He was clearly willing to die for the cause and the policemen who didn't wish to actually kill the zealots didn't have a permanent solution for this particular man. However much they beat him, he was back with new vitality at the next protest—once again clearly willing to die for the cause.

Shortly after the Maharil Diskin's passing a protest was arranged. Although this man had definitely been present when the protest was announced, he did not attend. After the protest he was approached by the organizers who exclaimed, "Where were you? Your presence was sorely missed!"

"I will no longer be attending protests," replied the student to the shocked group.

"But why?" they asked, clearly mystified.

"Until now, my rebbi the Maharil Diskin told me to attend, so I was sure that I was l'shem shomayim. After all, I was merely obeying my rebbi. But now that he is gone I can never attend..."

The man concluded, "Who is to say that my attendance is not merely a guise to vent my anger and hatred?"■

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