



שמע קולינו

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WHEN DO WE HEED THE INTERNAL CRY? SOME PRELIMINARY MUSINGS

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בהעלותך

Beha'alo'secha

"*Lamah nigarah?*" "Why are we excluded?" (*Bamidbar* 9:7) The cry of those excluded from the first post-Egypt offering of the *korban Pesach* surely seems strange at first glance. They were in a state of uncleanness, and the Torah clearly forbids such as they to bring an offering. Moreover, the complainants clearly weren't ignorant of the law here, since their very case is based upon a self description as "unclean."

The *Ohr haChaim* raises this problem in his powerful question of, "Did they expect Moshe to revise the Torah on their account?" At first glance, the agonized question of the *tamei l'nefesh* critique, strikes us as the application of a personal ethical criterion to Divine legislation. Is it not just another version of man saying to G-d that His laws strike us as unfair? It's not fair that we suffer for our impure state. Yet, isn't that the very notion of ritual impurity; that it is not rooted not in a rational notion of fairness but, rather, it strikes randomly here and there with the Almighty's supra rationalism, precluding its victims from participation in certain forms of Divine service.

Our surprise at the questioners' logic is compounded by Moshe's indulgence of their analysis. He does not tell them that their plunge into ritual uncleanness is a done-deal, their hopes for participation in the *korban* unrealizable and the matter worthy of no further thought. This approach, which would surely be our instinctive response to their demand, is not his. Moshe turns to G-d for an answer. What, indeed, he asks the Divine Legislator, are we to do with those who are unclean?

And, the Heavenly response is further puzzling, and if we ponder it with a bit more gravity, theologically troubling. Yes, Moshe is told. The plaintiffs' case is sound. I will now legislate a whole new holiday in order to satisfy their wishes. If this is the just response, why was it necessary to produce it via a complaint? Why couldn't the Torah in its first promulgation of *Pesach* tell us of this loophole? Why first upset those unclean souls and have them bring their ethical lament to Moshe and, ultimately, the Divine Court?

And, lastly, what are we to make of all this on a philosophical level? Is our personal unease with the Torah just cause for complaint? Haven't we always known that our sense of the unfair must submit before that of Torah legislation? Are their exceptions to submissiveness that are revealed to us in this *parsha* or is it a one-off event which, although legitimate in its circumscribed venue for whatever reason, is no longer to be applied to our navigation of Torah law in later generations?

This is not simply a theoretical question or one devoid of import for us. Even were we to assume that the bringing of our ethical agony before the Divine Supreme Court, there to win reversal or, at

least, an addendum to the pre existing corpus of revelation, can never be duplicated, we are nevertheless left with a similar question. To what degree, if any, should we allow our personal or communal decipherings of morality and truth to govern our response to Torah? Did Chazal ever do this? Does their legislation ever reflect a similar disquiet with the Divine Law? At root, may our view of the ethical, which surely alters as we travel through history, be brought to our understanding of and response to the Divine Legislation?

"*Lamah Nigara?*" "Why should we be diminished?" This is a profoundly ethical argument. Why is the Law discriminating against us? We have done no moral wrong to merit our exclusion. And the answer, that would so easily roll off the lips of many today, that it is not a matter for subjective ethical musings, it is a question of a ritual reality, is not the one Moshe gave. G-d Himself tells those who questioned the law as it was then understood that on the basis of moral logic, that they are right and, in fact, is the new Law based upon their rationale.

On so many levels and from so many angles this seems like the sort of confusion that Oliver Hardy often described to Stan Laurel, in a different context, as "another fine mess you've got us into." The *Seforno* heightens the intensity of the argument of those *tamei l'nefesh*. He explains, "'Since our *tumah* affects our ability to perform a commandment, why should that lead to a transgression?"

However, this simple rendering of the complaint was deemed insufficient by Rashi and others. He quotes a lengthy *Sifrei* which offers that the *tamei l'nefesh* were, in fact, offering a *lumdishe* solution. After Moshe had initially rebuffed them by saying, "Sacrifices may not be offered by one who is in a state of impurity," they responded with a novel *halachic* solution. "Let the blood of the offering be thrown upon the altar for us by Kohanim who are pure and let the meat of our offerings be eaten by those who are pure." That is, they would become pure at night and be able to eat the *korban* then.

This richer portrayal of the *tamei l'nefesh* claim is rooted in the tradition of Chazal that their uncleanness was due to contact with a dead body. One opinion is that it was caused by contact with the aron of Yoseph while the other view maintains that it was a body with no one to bury it. In any event, these traditions maintain that the people who were speaking were in the seventh and last day of their purification process on the fourteenth of Nissan, the very day that the *korban Pesach* is to be offered. Their logic was, as explained by the *Mizrochi*, in his commentary on Rashi, that although they were impure at the time of *zerikas hadom* (sprinkling of the blood), the offering should nevertheless be brought on their behalf, for they would become clean by the night of the fifteenth. A proof is brought for this theory since the *pasuk* reads "why should we be

left out?," which implies that they thought they should be allowed to bring the offering, rather than "should we be left out or not?" which would have implied that they were in doubt.

This presentation of "*Lamah nigras*" as a creative *halachic shaila* transforms the question from that of simple ethics and justice as portrayed in *Seforno*. This approach of Rashi is followed by many other *meforshim*, including the *Ohr haChaim*, who as we noted at the outset was most unwilling to see the question as an ethical assault rooted in a desire for, as he put it, a "Torah *chadasha* from the Almighty. Among his explanations of the *halachic* basis of the query, he notes that since *tumah* becomes permitted when the majority of the *tzibbur* is unclean, the *tamei l'nefesh* felt that doing a *mitzvah* was, at least, the *halachic* equivalent of mass *tumah* and should be permitted. Alternatively, he suggests, that they were requesting a grace period to bring the *korban* after *Pesach*, just as "certain private offerings (*chagigos*) which should preferably be brought at the beginning of pilgrimage festivals, may be offered during the seven days commencing with the first day of the festival in question."

The question now before us is, whether the plea of *tamei l'nefesh* was based upon a simple sense of unfairness or was it sense of unfairness, albeit, rooted in a *halachic* foundation?

And the concomitant question was Moshe's doubt and his bringing of the inquiry to G-d formed in simple ethics or, ethics generated by a *halachic* misgiving?

Rabbenu Bechaya may help us clarify this matter a bit. He avers that the fact that Moshe Rabbeinu brought the demand of *Bnos Tzlofchod* to a portion of their father's inheritance to Hashem was caused by a prior misdeed, the fact that Moshe had wanted "all difficult cases of *mishpat*" to be judged by him and not his surrogates. Thus, what he should have known himself was subsequently hidden from him. This is not the case with the *tamei l'nefesh* for there is no indication that Moshe's inability to answer or his recourse to Hashem was the result of or, created by any misdeed. What is the distinction between these two questions? According to Rabbeinu Bechaya, Moshe should have understood on his own the justice of the *Bnos Tzlofchod's* complaint for, as he puts it, "even those nations who have no Torah derive from their own wisdom the fact that daughters inherit their father when there is no son." On the other hand, Moshe had no way of knowing logically that "those unclean could bring their offering in another month without a tradition."

We see here a novel concept, that in areas where the ethical is overwhelmingly obvious (*Bnos Tzlofchod*) Moshe shouldn't have had to ask Hashem. He was condemned to ask because of a weakness in his person. If all were well he could have, indeed, should have done what was ethically right on his own. Here though in the case of *tamei l'nefesh* it is not totally clear that some allowance would or, should have been made for those in an unclean state. Therefore Moshe should have asked and there was no punishment for his having done so.

What emerges now are several levels of interaction between the ethical and ritual reality. Where the ethical claim is clear and there is no explicit contradiction with meta-ritualistic reality then there is no need for further clarification. Where the ethical claim conflicts with

SEDRA STATS

Note: in this section we refer to the *Parsha* as a *Sedra*, and the term *Parsha* refers to the sections separated by spaces in the *Sefer Torah*.

- ◆ 36th of 54 *sedras*; 3rd of 10 in *Bamidbar*
- ◆ One of the *parshiyot* (it's a *Stuma*) is separated from the *parshiyot* before and after it by more than blank space (as is usual)—namely, backwards *Nuns*. Consequently, this *parsha* is the most isolated of all *parshiyot*
- ◆ 136 *pesukim*—ranks 11th, 4th in *Bamidbar*
- ◆ 1840 words—ranks 12th, 3rd in *Bamidbar*
- ◆ 7055—ranks 12th, 4th in *Bamidbar*
- ◆ *Pesukim* in *Behalotecha* are of average length
- ◆ 5 of the 613 *mitzvot*; 3 positive and 2 prohibitions

what is ritually known up till that point in history, then according to *Seforno* this alone might suffice to generate a legitimate query of Hashem but, according to Rashi and others it must have an accompanying *halachic* component to allow its launch to the Heavenly Court.

For those who may struggle from time to time with aspects of Torah and *halacha* that may seem in conflict with a certain sense of the ethical or the just

that we may possess, there may be a semblance of *hadrocha* here. Yes, we are allowed to seek that which we perceive to be the ethical but without a *halachic* frame of reference we may not assault the structure of ritual law. Man has certain innate insights into the good and may even trust them as in the case of the *Bnos Tzlofchod* but when there is no way out of the *halachic* thicket without tearing it, then we must remain within however painful its thorns may prove to be.

Puranios in the Midbar

TZVI RICHTER

In this week's *parsha*, the *pasuk* of "*vayhi binso'ah ha'aron*" at first glance seems out of place. Chazal therefore explain that the reason this *pasuk* was placed here was to separate the *puranios*, or misdoings, of Bnei Yisrael. The Ramban posits that there were three major *puranios* that Bnei Yisrael committed while beginning their stay in the *midbar*, and that they had to have some sort of separation in order to avoid a *chazakah* (which is made after three similar events) proving that Bnei Yisrael were prone to sinning. The first *puranus*, as explained by the Midrash, was that Bnei Yisrael traveled from Har Sinai "*k'tinok haborayach mibais hasefer, amru, she'ma yirbeh veyitayn lanu mitzvos.*" Bnei Yisrael purposefully travelled away from Har Sinai because they did not want to receive any more *mitzvos*. The second *puranus* was the sin of the *misoninim*, and the third was at *kivros hata'avah*.

Prior to Bnei Yisrael's departure from Har Sinai, Moshe invited his father-in-law, Yisro, along for their journey into Eretz Yisrael. This proves that the original plan was for Bnei Yisrael to travel into the land of Israel immediately after they received the Torah. However, three days later the anticipated history of Bnei Yisrael began to change.

Soon after recording that Bnei Yisrael left Har Sinai, the Torah records the second *puranus* with the words: "*vayhi ha'am ke'misoninim*". Rashi explains the word *misoninim* as "*lashon alilah*"—Bnei Yisrael were looking for a pretext to turn away from following Hashem and consequently began to complain about their three day journey from Har Sinai. They failed to appreciate that Hashem had their best interest in mind, namely to have them enter Eretz Yisrael as

soon as they could manage to travel there. In response to their behavior, Hashem sent a fire to the edge of the camp which consumed the sinners. The nation then cried out to Moshe who *davened* to Hashem on their behalf, stopping the fire.

In the very next *pasuk*, rather than learning their lesson from the fire, Bnei Yisrael committed their third *puranus* and followed the *Assafsuf*. They started to cry out, asking: "Who will feed us meat? We remember the fish that we ate in Mitzrayim for free, along with the cucumbers, watermelons, leeks, onions, and garlic." Now all we have is Mann!

Rashi wonders how it can be that fish were free when the Egyptians did not even provide straw for the Bnei Yisrael to make the bricks. He explains that what is meant by free is "*chinam min hamitzvos*", or free of *mitzvos*. They were remembering the days when they did not yet have the responsibility of keeping the *mitzvos*.

The Torah then continues to report that Bnei Yisrael cried with their families at the entrances of their tents. Quoting the Gemara in Yoma, Rashi explains that the word "*l'mishpichosav*", "according to their families", really means that they cried about family matters, i.e. about the additional prohibitions of who they could or could not marry, laws that were thrust upon them when they accepted the Torah.

These episodes all led up to the sin of the *meraglim*, which ultimately sealed the fate of Bnei Yisrael. That generation did not merit entering Eretz Yisrael. Instead they traveled in the desert for forty years and only their children were permitted to enter and inherit the land.

What do all of the events listed above have in common? They all demonstrate that the nation was not yet ready to fully submit to the will of Hashem. They felt burdened by the *mitzvos* and did not fully appreciate that everything that Hashem did for them and asked of them was for their own benefit.

It is incumbent upon us to appreciate the *mitzvos* as a gift from Hashem and see the observance of them as the most meaningful and beneficial way to live our lives, rather than viewing them as a burden.

Meriting Mitzvos

GAVRIEL APFEL

"וידי אנשים אשר היו טמאים לנפש אדם..... ויקרבו לפני משה ולפני אהרן ביום ההוא" (במדבר ט,י)

In this week's *parsha* we read about the *metzoraim* and other people who were *tamei* and couldn't bring the *Korban Pesach* on *Erev Pesach*, and instead were allowed to bring the *korban* on *Pesach Sheini*. Rashi comments that while this *pasuk* was said by Moshe, just like the rest of the Torah, these impure people were privileged with being the vehicle by which Moshe would transmit the laws of *Pesach Sheini*. This was done because of the rule: "we bring out that which is worthy by means of one who is worthy" ("*megalilin zechus al yedei zakai*").

The Sifrei asked the implicit question: who are these impure people, and why do they deserve to partake in the transmission of the *pasuk*? The Sifrei quotes three opinions explaining why these impure people were *zocheh* to this honor. The first one, which is also found in the Chizkuni, was taught by Rabbi Yossi Hagilili. He stated that these people were impure because they were the ones that car-

ried Yosef's coffin through the desert. Rabbi Akiva said that these people were impure because they were actually Meshael and Elzafan who had buried Nadav and Avihu. Rabbi Yitzchak says that these impure people volunteered to bury people who had no relatives. All of these reasons show that the impure people were indeed worthy enough for the rule of *megalilin zechus* to apply to them.

Similarly, the Gemara in Bava Basra 119a points out that the *b'nos Tzela'fchad* were privileged that Hashem allowed for the laws of the division of Eretz Yisrael to be said as a response to their complaint instead of directly through Moshe. The Gemara there stresses the rule of *megalilin zechus al yedei zakai* as well.

The Gaon Rebbe Yehoshua Tzimblist from Horonda, Ukraine asks: how is it possible for certain *pesukim* in the Torah to be based on the complaints of *human beings*, if we know that the Torah was completely written by Hashem before the world was even created?

He answers that it is incontrovertible that Moshe received the entire Torah from Hashem and transmitted it by himself. Moshe was *zocheh* to do this because of his unparalleled *nevius*, amazing *devaikus* to Hashem, and his determination to do Hashem's *mitzvos*. Obviously all of the *mitzvos*, including *pesach sheini* and *yishuv Eretz Yisrael*, were transmitted only through Moshe. He adds that these *pesukim* were written in a strange fashion in order to teach us a very important lesson on the observance of the 613 *mitzvos*. The *b'nos Tzela'fchad* and the impure people who missed the *korban pesach* were *zocheh* to be mentioned in these aforementioned *pesukim* in a manner insinuating that it was written because of them, because of their *zerizus* to do the *mitzvos*.

Therefore, Rebbe Tzimblist concludes, that each and every Jew should try to conduct himself in a way that he too could be worthy enough to receive the Torah, since if one finds himself lacking in a certain *mitzvah* yet tries his hardest to master it, it is as if that *mitzvah* was written through him due to his yearning to be able to master it.

AN ETERNAL ENTHUSIASM

NETANEL PALEY

As is the case with the opening *peirush* of Rashi in many other *parshios*, the first Rashi in Parshas Beha'alosecha is quite well-known. It not only offers a profound insight into the topic at hand, but also develops an important idea that can be applied to our daily lives as *avdei Hashem* and *yirei shamayim*. Rashi begins his *peirush* on Beha'alosecha by asking why Hashem's commanding of Aharon to light the *Menora* is juxtaposed with the *parsha* of the *Chanukas HaMishkan*, in which the Torah describes the donations of the *Nesim*. Quoting a Midrash, Rashi famously explains that Aharon was upset because he, along with the entire Shevet Levi, was not included with the *Nesim* to bring gifts for the *Chanukas HaMishkan*. In order to comfort him, Hashem commanded Aharon to light the *menora*, assuring him that this responsibility was greater than that of the *Nesim*'s.

Although this Rashi provides insight into the extent of Aharon's greatness, Ramban is puzzled by Rashi's explanation. After all, Ramban asks, why did Hashem comfort Aharon with the commandment of lighting the *menora* as opposed to any other responsibility? Aharon had many other duties in the Mishkan, some of which, like the *avodah* of Yom Kippur, could only be performed by himself! In addition, why was Aharon upset that he was excluded from the *Chanukas HaMishkan* if his role in the dedication of the *Mishkan* was greater—he was involved in the *avodah* of

the *shivas yemei hamiluim*, which preceded the *Chanukas Hamishkan*! Even if one attempts to answer the question by saying that the *korbanos* of the *shivas yemei hamiluim* lacked the voluntary aspect that the donations of the *Nesiim* possessed, lighting the *menora* was obligatory as well.

Ramban answers that the lighting of the *menora* was an appropriate consolation for Aharon because it possessed an aspect of continuity that the *korbanos* of the *Nesiim* did not possess. Whereas the *korbanos* were no longer brought once the Beis Hamikdash was destroyed, the *menora* continued to be lit even during the days of the *Chashmonaim*, by the story of *Chanuka*. It is for this reason that Hashem comforted Aharon with the commandment to light the *menora* as opposed to any other *avodah*, and why this responsibility was greater than that of the *Nesiim*.

Still, one question that the Ramban raised remains unanswered—why was Aharon upset in the first place? The Meshech Chochma, who offers a different *p'shat* than Ramban, answers this question in his *peirush* on Parshas Beha'alosecha. The reason why Aharon was upset that he was excluded from the *Chanukas HaMishkan* was because the *Nesiim* were inaugurating the *Mishkan*. Their excitement over the newness of the *Mishkan* inspired them to inaugurate it with *korbanos* and other donations. Aharon however, was not included in the celebration and dedication of the new *Mishkan*, an act which instilled a tremendous excitement and eagerness to serve Hashem in all of its participants. Therefore, Hashem commanded him to inaugurate the *menora* by lighting it for the first time, allowing Aharon a share in the excitement the *Nesiim* felt for the *Mishkan's* newness.

Of course, Aharon's excitement to light the *Menora* was not only when he first lit it—Ramban comments that Aharon would perform this mitzvah with great *zerizus* his entire life, as if he was lighting it for the first time.

Everyone knows of the immense excitement a bar mitzvah boy has when he puts on *tefillin* for the first time, but it is sometimes a challenge to express this same enthusiasm for the rest of one's life. However, as is clear from Aharon's example, we must serve Hashem not simply because we are obligated to, but because we want to. Not only that, but we must also try to express excitement to serve Hashem, and thereby hold to the high standard set forth by Aharon and the *Nesiim*.

The Significance of the Menorah

ARYEH SCHONBRUN

”דבר אל אהרן ואמר אליו בהעלותך את הנרות אל מול פני המנורה יאריך
שבעת הנרות” (במדבר ח:ב)

Parshas Beha'alosecha begins with a description of the *avoda* related to the *menorah* and goes on to discuss all of the other services performed in the *mishkan* by Aharon, his sons, and the rest of the *Leviim*. Many *mefarshim* ask why this *parsha* was juxtaposed with the *parsha* of the *Nissiim's* *korbanos* brought during the *Chanukas Hamishkan*. Rashi answers that the responsibility of the *menorah* was given to

Aharon as a consolation for his tribe, Levi, for being left out of the *Chanukas Hamishkan*.

The Ramban finds difficulty with this explanation and in his *peirush* asks two important questions on it. His first question is why is lighting the *menorah* a necessary consolation if Aharon already had many other important duties, including slaughtering *korbanos*, and performing the *avodas Yom Kippur*. It seems that according to Rashi's source, the *Midrash Aggadah*, the *Leviim* would have remained saddened by their apparent neglect no matter how many other duties they had, and the only way they could have been consoled was by giving them the responsibility of lighting the *menorah* daily. His second question is how can one even suggest that the *Leviim* were left out of the *Chanukas Hamishkan*? Weren't they the ones doing the actual slaughtering of all the *korbanos*? The Ramban tries to solve this problem by proposing that for the *Leviim* the *korbanos* were obligatory while for the *Nissiim* the *korbanos* were *voluntary* but discards this line of reasoning due to the fact that the lighting of the *menorah* was also obligatory.

In order to understand the connection between the two *parshios*, the Ramban writes that one must first look at the other famous story of the *menorah*, namely that of the holiday of *Chanukah*. By *hilchos Chanukah*, the Ran writes that the dialogue was recorded quite differently. When Aharon became upset over his being left out of the *Chanukas Hamishkan*, G-d told Moshe to tell Aharon that there would be another “*Chanukah*” (referring to the days of Mattisyahu) in the future, and that by that “*Chanukah*” G-d would perform great miracles through the *menorah*. The Ramban also adds that the *Midrash Tanchuma* and the *Midrash Rabba* both say that although *korbanos* would eventually stop with the *churban* of the *Bais Hamikdash*, the lighting of the *menorah* would continue on perpetually. The Ramban interprets this to be referring to the *minhag* we have nowadays to light *Chanuka menoros*. Thus he interprets the *Aggadah* as saying, that in order to relieve the sorrow that Aharon felt for being left out of the *Chanukas Hamishkan* G-d promised him the holiness of the *menorah* and the future miracles which G-d would perform through it.

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