

# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI BEREL WEIN**

### Wein Online

**P**inchas is a tainted hero. Rashi records for us that the tribes of Israel, especially the tribe of Shimon, complained that someone who is a descendant of "one who fattened calves for paganism and dares kill a head of a tribe in Israel" should not be entitled to any honors. The Lord, so to speak, comes to his defense and grants the gift of the priesthood to him and his descendants and also the supreme blessing of peace. The Torah records his genealogy as being from Elazar and Aharon and not from the one who "fattened calves for idolatry." Yet, even this restoration of status and G-dly confirmation of the Rectitude of Pinchas is also somewhat reserved. In the word "shalom" that marks the covenant of peace granted to Pinchas by G-d, the letter "vav" in this word, as it is written in the Torah, is split and cracked. He is not granted the full blessing of peace but rather a diminished portion of it. Our rabbis taught us that this is because his heroics involved violence and the taking of human life, albeit in a just and holy cause. Nevertheless, peace obtained through violence and the death of others, even if those deaths are unavoidably necessary and completely justified, is always somewhat tarnished, cracked and split. Pinchas is completely vindicated and rehabilitated by the Torah, but a lingering resentment against his act of boldness and zealotry remains present amongst the Jewish people.

Pinchas reappears later in Jewish history in the book of Shoftim/Judges. There he is the High Priest and according to some opinions, the leader of the Sanhedrin as well. The Talmud records for us that in the tragic story of Yiftach and his daughter, in which Yiftach vowed to sacrifice the living creature that would first confront him when he returned home after the successful war against Bnei Ammon, was first greeted by his daughter upon his return home. The Talmud is of the opinion that Yiftach's vow could have been annulled legally by the court of Pinchas. But Pinchas insisted that Yiftach come to him to obtain such an annulment while

Yiftach felt that this would be an affront to his position as the "shofeit" judge and temporal leader of Israel. So nothing was done, the vow remained, and the innocent life of Yiftach's daughter was snuffed out on the altar of pride. So Pinchas is slightly tarnished in this story as well.

The eventual complete redemption of Pinchas occurs when the Talmud equates him with the prophet Eliyahu. It is therefore Pinchas/Eliyahu who accompanies the Jewish people throughout the ages and the troubles. He is present at every brit milah and at every Pesach seder. He is the harbinger of our complete redemption, the one who will bind the generations together and is the symbol of hope and the glorious future of Israel and humankind. It is as Eliyahu that Pinchas receives the undisputed heroic stature that the Lord grants to him in this week's parsha. May we see him speedily in our days. © 2005 Rabbi Berel Wein - Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at [www.rabbiwein.com](http://www.rabbiwein.com). For more information on these and other products visit [www.rabbiwein.com/jewishhistory](http://www.rabbiwein.com/jewishhistory).

**RABBI DOV KRAMER**

### Taking a Closer Look

“**A**nd among these [who were counted in the census] there was no man from those counted by Moshe and Aharon the Kohain, who had counted the Children of Israel in the Sinai desert. For G-d had said to them that they shall die in the desert, and no man remained from them except for Kaleiv ben Yefuneh and Yehoshua bin Nun." (Bamidbar 26:64-65) It seems pretty clear that, besides those two exceptions, whomever had been counted in the earlier census had already died. Well, with the exception of the Levi'im as well, as the Talmud (Bava Basra 121b) proves from Elazar (and others) still being around. This does not contradict these verses, however, as the Levi'im had been counted in a separate census (see 26:62, 1:59 and 2:33). As a matter of fact, the Midrash (e.g. Bamidbar Rabbah 3:7, see also Rashi on 1:59) tells us that G-d purposely excluded the Levi'im from the rest of the nation in the census, so that they would not be included in the decree. Other than these exceptions, though, no one included in the census taken in the 40th year had also been counted in the earlier census. Or had they?

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in honor of  
**Faramarz Farzon**  
on the occasion of his 50<sup>th</sup> birthday  
by his loving wife and family

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The Midrash (Pesichta d'Eicha Rabasi 38) explains why the 15th of Av was such a happy day that it was made into a holiday: Every erev Tisha b'Av (i.e. on the 8th of Av) those that were supposed to die in the desert would dig a grave, and sleep in it that night. The next morning, those that survived got up, while those that didn't were buried. Each year, more than 15,000 would die, except for the 40th year, when everyone got up the next morning. Thinking that perhaps they had gotten the date mixed up, they slept in the graves again the next night, and continued to do so until the 15th. By then, the moon was full (so it must have been past the 9th), and they realized that G-d had negated His decree, and had spared the last group.

Tosfos (Bava Basra 212a) discusses what occurred, wondering whom it was that climbed into these graves in the 40th year thinking that they were supposed to die, yet survived. After all, only those who knew that they had been counted in the earlier census - and were therefore included in the decree - would dig a grave for themselves. And if they were included in that census, then (according to our verse) they should have already died! G-d changing a decree for the better (such as allowing them to live despite having decreed that they should die) is not problematic; saying that no one was left from the earlier census - when more than 15,000 survived - is.

The Ritva says that the earlier census that the verse refers to is not the one taken in the second year, but one taken in the first year (see Rashi on Bamidbar 1:1). Just as the 40 year decree counted the first year in the desert, even though it was before the sin of the "spies," because it was also a punishment for the sin of the "golden calf" (see Rashi on 14:33), so too the census taken in the first year was used as the basis for whom couldn't enter the Holy Land. Therefore, those who were only 19 years old when they left Egypt, and were not included in the first census, were able to survive - despite having turned 20 by the time the census was taken in the second year. Nevertheless, they thought that it was the latter census being used as the criteria, and dug graves for themselves in the 40th year.

However, the earlier census also included the Levi'im (see Ramban on Shemos 30:12), so there were still people counted in that census (i.e. the Levi'im) that were around in the 40th year! Additionally, if G-d had

purposely excluded the Levi'im from the census taken in the second year in order to avoid having them included in the decree, doesn't that indicate that it was actually that census that determined who was destined to die, and not the earlier one?

A closer look at the way the verses are worded may provide us with an answer to these questions. When the decree is made (Bamidbar 14:29) G-d includes "all those who are counted from 20 years and older." He doesn't specify which census, or that it be an entire census, only that it be "those who are counted from when they turn 20." Even when G-d decided, in the 40th year, to use the earlier census as the basis for who was included, He had already excluded those that would no longer be counted from the age of 20. It wasn't by excluding the Levi'im from the second year's census, though. It was by making their "census-eligibility" age later (i.e. 30) or earlier (i.e. a month). Even if they were counted in the same (earlier) census, they were being excluded from the decree - since their census-age was no longer 20. True, this change was made by the census taken in the second year, but the factor that excluded them was the age-eligibility change, which necessitated a separated census for the Levi'im.

Returning to our verses, it doesn't say that "no one that was counted in the 40th year had been counted in the earlier census," but that "from among these" no one had been counted. Which "these?" The ones counted in the main census - but not the Levi'im, who were counted separately. And, if we use the census from the first year as our comparison, it is 100% true that no one from that census was also counted in the new census of the nation.

Therefore, even though there were numerous Levi'im that were still around from the exodus, and more than 15,000 Yisraelim that had been counted in the census taken in the second year were included in the new census, of those counted in the census of the non-Levi'im, none had taken part in the census of the first year. © 2005 Rabbi D. Kramer

**RABBI JONATHAN SACKS**

## **Covenant & Conversation**

**K**nowing that he is about to die, Moses turns to G-d and asks him to appoint a successor: "Moses said to the Lord, 'May the Lord, G-d of the spirits of all mankind, appoint a man over this community to go out and come in before them, one who will lead them out and bring them in, so the Lord's people will not be like sheep without a shepherd.'"

It is a farsighted, selfless gesture. As Rashi comments: "This is to tell the praise of the righteous - that when they are about to leave this world, they put aside their personal needs and become preoccupied with the needs of the community." Great leaders think about the long-term future. They are concerned with succession and continuity. So it was with Moses.

G-d tells Moses to appoint Joshua, 'a man in whom there is spirit'. He gives him precise instructions about how to arrange the succession:

"Take Joshua son of Nun, a man in whom is the spirit, and lay your hand on him. Have him stand before Eleazar the priest and the entire assembly and commission him in their presence. Give him some of your authority so the whole Israelite community will obey him... At his command he and the entire community of the Israelites will go out, and at his command they will come in."

There are three actions involved here: [1] Moses was to lay his hand on Joshua, [2] have him stand before Eleazar the priest and the entire assembly, and [3] give him "some of your authority [me-hodecha]". What is the significance of this threefold process? What does it tell us about the nature of leadership in Judaism?

There is also a fascinating midrash about the first and third of these gestures: "'And lay your hand on him'-this is like lighting one candle with another. 'Give him some of your authority'-this is like emptying one vessel into another." (Bamidbar Rabbah 21: 15) Beneath these enigmatic words is a fundamental truth about leadership.

In L'Esprit des lois (1748), Montesquieu, one of the great political philosophers of the Enlightenment, set out his theory of the "separation of powers" into three branches: the legislature, the executive and the judiciary. Behind it lay a concern for the future of freedom if power were concentrated in a single source.

Liberty does not flourish because men have natural rights, or because they revolt if their leaders push them too far. It flourishes because power is so distributed and so organized that whoever is tempted to abuse it finds legal restraints in his way.

Montesquieu's source was not the Bible-but there is, in a verse in Isaiah, a strikingly similar idea: "For the Lord is our judge; the Lord is our law-giver; the Lord is our king; he will save us." (Isaiah 33: 22)

This tripartite division can also be found in Devarim/Deuteronomy 17-18 in the passage dealing with the various leadership roles in ancient Israel: the king, the priest and the prophet. The sages later spoke about "three crowns"- the crowns of Torah, priesthood and kingship. Stuart Cohen, who has written an elegant book on the subject, *The Three Crowns*, notes that "what emerges from the [biblical] texts is not democracy throughout the political system, but a distinct notion of power-sharing at its highest levels. Neither Scripture nor early rabbinic writings express any sympathy whatsoever for a system of government in which a single body all group possesses a monopoly of political authority."

The three-fold process through which Joshua was to be inducted into office had to do with the three types of leadership. Specifically the second stage-

"Have him stand before Eleazar the priest and the entire assembly and commission him in their presence"-had to do with the fact that Moses was not a priest. His successor had to be formally recognized by the representative of the priesthood, Eleazar the High Priest.

Power and influence are often thought of as being the same kind of thing: those who have power have influence and vice versa. In fact, though, they are quite different. If I have total power and then decide to share it with nine others, I now have only one-tenth of the power I had before. If I have a certain measure of influence and then share it with nine others, I do not have less. I have more. Instead of one person radiating this influence, there are now ten. Power works by division, influence by multiplication.

Moses occupied two roles. He was the functional equivalent of a king. He made the key decisions relating to the people: how they should be organized, the route they were to take on their journey, when and with whom they should engage in war. But he was also the greatest of the prophets. He spoke the word of G-d.

A king had power. He ruled. He made military, economic and political decisions. Those who disobeyed him faced the possible penalty of death. A prophet had no power whatsoever. He commanded no battalions. He had no way of enforcing his views. But he had massive influence. Today we barely remember the names of most of Israel's and Judah's kings. But the words of the prophets continue to inspire by the sheer force of their vision and ideals. As Kierkegaard once said: When a king dies, his power ends; when a prophet dies, his influence begins.

Moses was to confer both roles on Joshua as his successor. "Lay your hand on him" means, give him your role as a prophet, the intermediary through whom G-d's word is conveyed to the people. To this day we use the same word, *semicha* (laying on of hands), to describe the process whereby a rabbi ordains his disciples. "Give him some of your authority [me-hodecha]" refers to the second role. It means, invest him with the power you hold as a king.

We now understand the midrash. Influence is like lighting one candle with another. Sharing your influence with someone else does not mean you have less; you have more. When we use the flame of a candle to light another candle, the first is not diminished. There is now, simply, more light.

Transferring power, though, is like emptying one vessel into another. The more power you give away, the less you have. Moses' power ended with his death. His influence, though, remains to this day.

Judaism has an ambivalent attitude towards power. It is necessary. Without it, in the words of Rabbi Hanina, deputy High Priest, "people would eat one another alive" (Avot 3: 2). But Judaism long ago recognized that (to quote Lord Acton), power tends to

corrupt and absolute power corrupts absolutely. Influence—the relation of prophet to people, teacher to disciple—is altogether different. It is a non-zero-sum game. Through it, both teacher and disciple grow. Both are enhanced.

Moses gave Joshua his power and his influence. The first was essential to the political and military tasks ahead. But it was the second that made Joshua one of the great figures of our tradition. Influence is simply more enduring than power. © 2005 Rabbi Dr. Jonathan Sacks is Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

#### MACHON ZOMET

## Shabbat B'Shabbato

by Rabbi Amnon Bazak

Chapters 28 and 29 in this week's Torah portion describe the sacrifices brought on the holidays. In this way they provide the practical application of the passage of the holidays in Vayikra Chapter 23, where the sacrifices are noted in a general way: "Bring a sacrifice to G-d." The sequence of the holidays in this week's portion is the same as in the earlier list, in Vayikra: Shabbat, Pesach, Shavuot, Rosh Hashanah, Yom Kippur, Succot, and Shemini Atzeret. However, there is one conspicuous difference between the two passages. In Vayikra, Rosh Chodesh—the beginning of a new month—is not mentioned at all. This is understandable since Rosh Chodesh is not a day of rest, and it is not "declared holy," like the other holidays. In this week's portion, Rosh Chodesh is indeed mentioned (Vayikra 28:11-15). In fact, the sacrifices of Rosh Chodesh are numerous, similar to those of Pesach and Shavuot. What is the reason for the difference between the two passages?

Evidently, this question is what led Ibn Ezra to propose an interesting explanation for the importance given to Rosh Chodesh in this week's portion. "And On your Rosh Chodesh' [Bamidbar 28:11] -- Rabbi Moshe Hakohen from Spain said that this refers to the month of Nissan, as is written, 'It is the first one for you' [Shemot 12:2]. This is followed by the phrase, 'This is the Olah for every month' [Bamidbar 28:14], meaning that it should be repeated every month, which is the reason for the additional phrase, 'every month of the year' [ibid]. And this commentary by Rabbi Moshe is correct." That is, in essence this passage refers specifically to the month of Nissan, which has central significance as the beginning of the year in terms of the Torah. The other months are secondary to the main month of Nissan.

Even if we consider Ibn Ezra's explanation of the phrase "on your Rosh Chodesh" as being too novel, it still provides us with an answer to our question. Evidently the two passages show the dual character of Rosh Chodesh. On one hand, it is a normal day without the holiness of a holiday, since it is not linked to any historical or agricultural event like Shabbat and the

other holidays. It is therefore not mentioned in Vayikra. On the other hand, Rosh Chodesh is a symbol of the existence of an annual calendar, which depends exclusively on the existence of the months, defined by the day they start, when the new moon appears. Thus, Rosh Chodesh serves as a direct link between the simple and natural month by month calendar and the complex and problematic actual calendar (which requires an extra month for a leap year every now and then). For this reason Rosh Chodesh deserves to be emphasized by having special sacrifices.

In summary, this week's Torah portion includes two special times that are part of our regular routine, Shabbat and Rosh Chodesh, together with the other holidays. However, the Torah does not ignore the routine nature of these days, and it takes this into account in the special phrases, "the Olah of every Shabbat" [Bamidbar 28:10] and "the Olah of every Rosh Chodesh" [28:14]. The routine repetition of these special days has a special significance in the way they will be maintained in the future: "And it will be, that every month and every Shabbat all of the creatures will come to bow down before me, G-d said" [Yeshayahu 66:23].

#### RABBI SHLOMO RISKIN

## Shabbat Shalom

“Why do you reduce the name of our father from the midst of his family? Give to us a permanent holding of land...(as an inheritance) from our Father" (Numbers 27:4).

The daughters of Zlofnad have become synonymous with women throughout the generations who have courageously fought for women's rights; indeed, they dramatically succeeded in transforming the laws of inheritance, to enable daughters to inherit their fathers' land in the absence of male heirs. But the Sages of the Talmud do not refer to them as persistent champions of equality between the sexes or as avid feminists; they are rather called "wise women, expounding women, righteous women" (hakhmaniot, darshaniot, tzidkaniot, B.T. Bava Batra 119b). Moreover, the Kli Yakar (Rav Ephraim Lunshitz), in interpreting the Divine command to Moses which we read just a few weeks ago, "Send forth for yourself men to scout out the Land of Canaan" (Numbers 13:2), suggests that G-d was speaking sarcastically to Moses: I know you will send out your men, and the result will be disastrous; but if you would only send out women, the situation could be saved. His proof text is the commitment of the daughters of Zlofnad. Apparently, for the Kli Yakar, what characterized these women was not so much their feminism but was rather their passionate love of the land of Israel.

Let us analyze the Biblical text in an attempt to understand their true motivation. The complaint which they bring before Moses opens with the words: "Why do

you reduce the name of our (deceased) father" by not giving us the inheritance rights to his land? (Numbers 27:4). They are focusing not on an injustice being perpetrated against them, but rather on an injustice being done to their father; their father's name is somehow being lessened, being reduced, while he is buried in his grave! What do these words mean?

It has truly been said that almost every individual has three names: the name that his parents gave him, which usually expresses in some way the aspirations they had for him; the name by which his friends call him, which expresses how his contemporaries see him; and the name which he gives to himself, which expresses the degree to which he has succeeded in overcoming limitations and even in re-creating himself.

But there is yet a fourth name, which is perhaps the most important name of all: the name which the individual leaves behind, after his death. The most obvious manner in which this name is born is through a child, a son or a daughter, in Hebrew *ben* or *bat*, which literally means a building; we build ourselves up into the future through the children we leave behind, or the students-the people we have influenced-whom we leave behind: in the words of our Sages, 'and you shall teach Torah to your children', which refers to your students, who are considered like your children.' " Those whom we have taught or touched, who continue the values and life-style by which we have lived our lives, are the further stories of our personal building, our continuation into future, our continuity into eternity. And of course from a Jewish perspective, our eternal building must be built upon the stones of our Jewish tradition, with the very Hebrew word for stone, even, being an amalgamation of the two Hebrew words *av* and *ben*, parent and child. This eternal building had its origins in the Garden of Eden, received its character and mission at Sinai, and anticipates the future repair of society in a world of peace. Every individual, mortal Jew yearns to be a stone in the immortal building of eternal Israel.

There is one more aspect to this building of Israel; its foundations must be deeply rooted in the soil of our eternal homeland Israel. Only in the land of Israel is there continuity between Jews today and Hebron where our patriarchs and matriarchs began their journey and chartered their destiny-and where their burial place remains a place of Jewish prayer, and between Jews today and Jerusalem, where world peace will eventually be realized and where Jews still pray at the Western Wall. On the other hand, in Babylon-today Iraq- for example, where the Jews experienced a Golden Age of creativity with the great *yeshivot* of the Talmudic *amoraim* and the post-Talmudic *geonim* during the first thousand years of the Common Era, there is not the slightest remnant of the once-proud Jewish community which flourished in that land. No wonder the Talmud insists that only in Israel can the Jewish residents

consider themselves a *Kehilla*, a real and eternal community (B.T. *Horayot* 3b).

Hence the Bible tells of the tragedy of an individual who dies childless; ideally, his brother is to marry his widow, and the first son who is born shall assume the "name" of the deceased and receive the patrimony-portion of the land in Israel-of the deceased, so that the "name" of the deceased not be blotted out of Israel" (Deut. 25:7). Jewish eternity is predicated upon the continuation of the name of the deceased, expressed by the maintenance of his traditions, as well as upon rootedness in the land of Israel. And so Jacob blesses his grandchildren, "And my name and the name of my forbears Abraham, Isaac and Jacob shall be called through them, and they shall multiply into multitudes in the midst of the land (of Israel)" (Gen 48:16,4).

Yes, the daughters of *Zlofhad* made a great stride forward on behalf of women's rights to inheritance by receiving their father's patrimony. But their motivation was to secure their father's eternity, was to see to it that his "name not be reduced" in the building of Jewish eternity, by his ability to give over (*morasha*) both his traditions and his portion of land to his daughters. This is how the Rabbis of the Talmud understood it, when they praised the daughters of *Zlofhad* for being wise, learned and righteous. They picture these women as having entered Moses' Torah class when he was expounding on the Biblical verses dealing with "*yibum*," the marriage of a man to the widow of his brother who died childless. "If we are considered like sons, and so our uncle may not marry our widowed mother, then give us a portion of our father's estate as you would have done had we been male. And if we cannot inherit, then our mother must be able to enter a levirate marriage (*yibum*). Immediately, Moses-apparently impressed with the incontrovertible logic of these women-brought the matter before G-d, and they received the inheritance." (B.T. *Bava Batra* 119b) Jewish eternity means having children in the land of Israel! © 2005 *Ohr Torah Institutions & Rabbi S. Riskin*

#### **RABBI NOSSON CHAYIM LEFF**

### **Sfas Emes**

It helps to see this *ma'amar* in its historical context. Pinchos had stopped the outburst of *aveira* (sin), and the ensuing plague. Accordingly, HaShem had promoted Pinchos to the status of full-fledged *kohein*. The parsha's first *Medrash Rabba*-which is the *Sfas Emes*'s starting point-elaborates on this account.

The *Medrash* tells us of HaShem's statement that Pinchos was receiving his reward "*be'din*"-with "*din*". What is "*din*"? *Din* is strict justice, in contrast to the opposite attribute of *chesed* (loving kindness, compassion, a willingness to forgo strict justice.) In the present context, the word "*be'din*" is open to two possible interpretations. One possibility is: Pinchos

earned, and therefore, deserved this reward as a matter of justice. Another possible interpretation is that Pinchos earned his reward by exercising the attribute of din-by meting out well-deserved, just punishment to the sinning couple.

Applied to Pinchos-who was biologically a kohein-use of the word "be'din" in either sense comes as a surprise. Aharon was the prototype of the kohein's persona. And Aharon was known for his outstanding quality of chessed, not for din.

(Parenthetically, the Sfas Emes notes that the chessed-din dichotomy may also express itself in one's relationship with HaShem. A person with a proclivity toward chessed is likely to relate to HaShem via ahava (love). By contrast, a person who goes through life with a perspective of din is more likely to relate to HaShem with yir'ah (awe and/or fear).)

The notion that Pinchas earned the status and role of kohein also comes as a surprise. For, quoting the Sefer Tanya (!), the Sfas Emes observes that HaShem gave the kehuna-the priesthood-to Aharon as a mahtahna (a gift). Thus, HaShem tells Aharon (Bemidbar, 8:7) that his kehuna is "avodas mahtahna" (ArtScroll: "a service that is a gift"). And by definition, a gift is conveyed gratuitously, not as a quid pro quo. A mahtana is not "earned".

The Sfas Emes has brought to our attention two questions that lurk behind the seemingly innocuous word: "be'din". He now leaves us with these unanswered questions, and moves to a new line of thought.

When the Torah tells us of Pinchos's act of kana'us (zealotry), it states (Bemidbar, 25:7): "Va'yakam mi'toch ha'eda," Pinchos "arose from amidst the people." Likewise, when HaShem recounts Pinchos's deed (Bemidbar 25:11), He specifies "bekan'o es kina'asi be'socham." That is, Pinchos did what he did "in the midst of Bnei Yisroel." We may not understand initially why this feature of Pinchos's action was important. B'H', the Sfas Emes now explains.

A person who does an act of zealotry may do so as a loner, an outsider, a marginal person. Similarly, a zealot may be trying to fill a well-defined social role-the role of zealot-and thus to stand out from the hamon am (the masses). Or, he may act zealously in an effort to "steig"-to grow in his avoda (service of HaShem).

The Sfas Emes tells us that such self-regarding behavior is not genuine kana'us for HaShem. That is why the Torah emphasizes that Pinchos did what he did "be'socham"-in the midst of Bnei Yisroel. The Torah-and the Sfas Emes-are trying to help us recognize the nature of true zealotry. In this particular act of kana'us, it was especially important that "one of the people"-a regular, ordinary person-rather than a "designated zealot" (either self-designated or socially designated) perform the kana'us.

When the Mishkan was inaugurated, Aharon and his sons were appointed kohanim, the priests who,

together with their progeny for all generations, were to perform the avoda, the Divine service. However, Aharon's then-living grandchildren-e.g., Pinchos-were not included in the kehuna. It was only 39 years later, after Pinchos did what he did, that he was named a full-fledged kohein.

Why was Pinchos excluded for so long? The Sfas Emes proposes an answer. He suggests that this exclusion-inclusion feature was mandated so that when Pinchos "arose" to perform his act of kana'us, he do so "be'socham"-in their midst-as a regular, ordinary citizen (rather than one of the self-regarding "zealots" mentioned above). Imagine Pinchos's puzzlement and self-doubt during those 39 years! Eventually, Pinchos learned the reason for his exclusion. But during this excruciatingly long period, he had no clue for his exclusion; nor did he have any assurance that ultimately he would ascend to the kehuna.

At this point, the Sfas Emes circles back to the two unanswered questions that he brought to our attention earlier. As you may recall, one question involved the apparent inconsistency between statements that speak of the kehuna as being earned or as being awarded as a gift. The second question focused on the apparent inconsistency concerning the attributes that a kohein should strive to personify. Should it be chessed/ahava or din-yir'ah?

How does the Sfas Emes deal with these issues? He notes that, in point of fact, the kehuna could be conferred either as an unmerited gift or earned. He cites No'ach's son, Shem, as an illustration of the kehuna's having been granted as a gift. Thus, we find Shem-a person not noted for his exemplary acts of chessed-being named a kohein. (Note: Chazal-and the Sfas Emes- are working with the tradition that the person named Malki-Tzedek- mentioned in Bereishis 14, 18 as a kohein-was Shem, the son of No'ach.) Continuing, the Sfas Emes cites Avraham Avinu as a case in which the kehuna was earned. Viewed in broader terms, the Sfas Emes is telling us that the kehuna could be awarded either as an unmerited gift or it could be earned. In other words, in ancient times HaShem did not run (this aspect of) the world in an "either or" framework.

More generally, the Sfas Emes tells us that at a higher level of abstraction, the dichotomy between ahava/ chessed and yir'ah/din is a false dichotomy. Thus, Pinchos was motivated by ahava for HaShem; and that love enabled him to mete out din to the people who deserved it. Likewise, the Sfas Emes tells us that Avraham Avinu-who is usually viewed as the prototype of ahava- reached that attribute by starting with yir'ah.

The name of our holiest city, Yerushalayim, shows the fusion of chessed/ahava and din/yir'ah fusion in its full glory. Avraham Avinu gave that city a name derived from the word yir'ah (Bereishis, 22, 4). And to complete the role reversal, Shem gave the city (Bereishis, 14, 18) a name, Shalem, that evokes

HaShem's chessed in making the world whole, without blemish.

A take-home lesson? The Sfas Emes is telling us something that we knew already: that we live in a complex, confusing world. What he is adding is a focus on the paradoxes and apparent inconsistencies that litter this world. Apparently, he feels that we should be aware of unanswered (and perhaps unanswerable) questions; and, nevertheless, continue living Torah and learning Torah. After all, that is how he-the Sfas Emes-handled the situation. © 2005 Rabbi N.C. Leff & torah.org

**DR. AVIGDOR BONCHEK**

## What's Bothering Rashi

In this week's parsha an unusual case of inheritance arises. Zelaphchad, of the tribe of Menashe, had five daughters but no sons. Inheritance goes from father to son, not to daughter. So these women, fearing their father's inheritance would be transferred to relatives outside the immediate family who had sons, approached Moses to ask what the law is in this case. Moses was stumped; he didn't know the halacha in such a case. So he turned to Hashem for direction. Let us look at a Rashi here.

Rashi points out that Moses is subjected to a bit of poetic justice. "And Moses brought their case before Hashem." (Numbers 27:5)

"Moses brought their case"-RASHI: "He forgot the halacha. Here he was punished for 'assuming the crown' (assuming to be the final judge) by saying, 'The matter that is too difficult for you, you may bring to me' (Deut. 1:17)."

This drash connects our verse with Moses' statement in Deuteronomy 1:17. Can you see why this connection was made? Hint: See the complete verse in Deuteronomy.

An Answer: In Deuteronomy 1:17 it says: "You shall not show favoritism in judgement, small and great alike you shall hear. You shall not be fearful before any man, for the judgement is G-d's, any matter that is too difficult for you, you shall bring to me and I shall hear it."

Our verse says: "And Moses brought their case before Hashem." Both contain the common word "to bring" in connection with a case brought before Moses. In Deuteronomy, Moses says "bring it to me." In our verse it says that Moses (had to) bring it to Hashem.

This word association forms the basis for this drash. It points out how the Torah uses its words in order to subtly make a moral point: the poetic justice is brought home by the common word(s) "And they brought" and "And he brought." We are reminded about what the Torah says in this verse itself: "because [rendering] justice is G-d's alone."

The fact that Moses couldn't answer this question on his own, but had to ask Hashem, indicates that something was lacking in his ability to decide such questions. Moses was, after all, the ultimate interpreter

of the Law, which he, alone, received at Sinai. On the basis of this unusual lapse of memory on Moses' part, Rashi (based on the Talmud in Sanhedrin 8a) interprets this as punishment for Moses' previous boasting, so to speak, about his ability to be the final halachic arbiter of "difficult matters."

Did you notice that the statement Moses made is quoted from Deuteronomy? It was for this statement that he was punished. What would you ask about that?

A Question: How could Moses be punished now for a statement he made later, in his final oration to the people? You see that quote comes from the Book of Deuteronomy. Hint: Think.

An Answer: True, this quote comes from the Book of Deuteronomy, but it refers back to an event that happened much earlier, during the first year in the wilderness. See Exodus 18:24-26, where Moses heeds the advice of his father-in-law, Jethro, and delegates halachic authority to others. There it says: "And Moses heeded the advice of Jethro and he chose men of valor... and they judged the nation at all times. The difficult matter they brought to Moses and every lesser matter they judged themselves."

So, in fact, this actually happened much before the story of the daughters of Zelafchad when Moses forgot the law. But, if this was mentioned earlier in the Torah, we can ask another question of Rashi.

A Question: Why did Rashi quote the verse from Deuteronomy, when he could have quoted the original source in Exodus?

An Answer: The verse in Exodus does not quote Moses himself, it is an objective statement that "the difficult matter was brought to Moses." The verse in Deuteronomy, on the other hand, is a direct quote of Moses and thus shows for what he was held accountable. And in that quote we have the word that is similar to the word in our verse-"and they brought."

Considering Moses' various opportunities to answer halachic questions posed in the Torah, we can ask a more basic question on this comment. Can you recall other instances when Moses was asked a question of law? If you can, What is your question?

A Question: During the second year that Israel was in the wilderness, Moses was asked by some men who were impure, whether they may bring the Pascal offering (Numbers 9:8). He had to turn to G-d for the answer. He was also asked what the punishment was for the "gatherer of wood" on the Sabbath (Numbers 15:32-36). Here too, Moses had to wait until G-d told him the appropriate punishment to impose. Why didn't Rashi comment on these cases as instances where Moses was punished by forgetting the law, as Rashi comments here? Do you see any meaningful difference between those cases and ours?

An Answer: The two other cases where Moses was asked to decide a legal question, involved rare and unusual circumstances. The case of a man "gathering wood" or the situation where a person became impure

before Passover are not everyday occurrences and thus it is not to be expected that Moses might be familiar with them. But the laws of inheritance come up whenever someone dies, which is a common occurrence. We would expect Moses to be knowledgeable of such laws. The fact that he was not, indicated a lapse in memory and thus Rashi saw this as a punishment.

Another possible explanation can be gleaned from Rashi's comments on verses 3, 4, 6 and 7. From his comments we see how well reasoned and intelligent the daughters were in presenting their case. On verse 4, Rashi says, "this tells us that they (the daughters) were learned." On verse 7, he comments, "This tells us that their eye discerned what Moses' eye did not." In light of the daughters' halachic virtuosity, Moses' forgetting can be seen as even more embarrassing. So, in this case, more so than the other two cases, we can reasonably construe Moses' inability to answer the halachic question as a punishment. © 2005 Dr. A. Bonchek & aish.org

**RABBI AVI WEISS**

## Shabbat Forshpeis

**A**fter being told that he will soon die, Moshe (Moses) asks G-d to appoint a successor so that the Jews "not be as sheep that have no shepherd." (Numbers 27:17) G-d responds by telling Moshe to appoint Yehoshua (Joshua). In the words of the Torah, "take Yehoshua, the son of Nun, a man in whom is spirit, and lay thy hand upon him." (Numbers 27:18)

One wonders why Moshe did not recognize that Yehoshua was his successor on his own. After all, the Torah had previously described Yehoshua as ministering to Moshe. (Numbers 11:28)

Rabbi David Silber argues that, in truth, Moshe did not want Yehoshua to succeed him. Moshe was a teacher par excellence who reached out to his people with extraordinary compassion and love. Yehoshua on the other hand, sees the world through a military lens where there is a clear delineation of right and wrong. Several examples underscore this difference.

Yehoshua leads the Jews in the war against Amalek. "And Moshe said to Yehoshua, choose us men and go fight with Amalek." (Exodus 17:9) Interestingly, as Yehoshua battles Amalek, Moshe's hands are raised in fervent prayer to G-d. (Rashi, Exodus 17:11)

When Moshe descends from Mt. Sinai, when the Jews worshipped the golden calf, Yehoshua meets him and tells him that he hears the noise of war in the camp. Moshe responds that he does not hear the voice of victory or defeat-rather he hears a tortured cry (kol anot). (Exodus 32:17,18) Yehoshua hears a war cry. Moshe, the teacher par excellence hears the angst of his people-nothing more than a painful calling out for help.

When Moshe is told that two men Eldad and Medad are prophesying in the camp, Yehoshua suggests that they be done away with. In Yehoshua's words, "my Lord Moshe, shut them in (k'laim)." (Numbers 11:28). This is the language of the general. Moshe on the other hand, suggests that Eldad and Medad and all others be given the chance to prophesize. In Moshe's words, "would that all the Lord's people were prophets." (Numbers 11:29)

In requesting an heir, Moshe couches his language using the terminology that the people need a shepherd. This was Moshe's hope that the new leader be much like himself-a shepherd of Israel. He could not perceive that Yehoshua, a more warlike figure, was a suitable successor.

It is here that G-d tells Moshe to take Yehoshua "a man in whom is spirit and lay thy hand upon him." G-d is telling Moshe that while Yehoshua, at this point, lacks the characteristics of being a shepherd, if Moshe would but place his hands on his head teaching him his style of leadership, he would be endowed with spiritual teaching.

Rabbi Silber argues that not coincidentally, the Torah at its conclusion, when describing the death of Moshe, points out that "Yehoshua, the son of Nun, was full of the spirit of wisdom, for Moshe had laid his hands upon him." (Deuteronomy 34:9) In other words, Moshe had succeeded in teaching Yehoshua the values of the shepherd. The expression, placing his hands atop Yehoshua, means that Moshe had succeeded in transmitting to Yehoshua the vital qualities of a teacher who is soft, compassionate and sensitive.

Powerful leadership is one in which quiet tranquil compassion is at its base. And most important, the test of real leadership is the ability to leave a legacy, to transmit a value system to the next generation. No one lives forever. The test of success is whether one's values and principles can transcend one's lifetime into the next-as Moshe's love, compassion and softness did with Yehoshua. © 2005 Hebrew Institute of Riverdale & CJC-AMCHA

