

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI DOV KRAMER

Taking a Closer Look

One found guilty of unintentional murder must stay in a "city of refuge" until the Kohain Gadol dies (Bamidbar 35:25), at which point he is free to go wherever he wants. Rashi gives two explanations for the connection between the two, with the second being that "the Kohain Gadol should have prayed that this calamity did not happen in his lifetime." The implication is that had he made this prayer (or prayed well enough, and/or more often and/or been on a high-enough level that his prayers would have been answered), the death caused by this "murderer" inadvertently would not have happened, and he therefore (at the very least) shares the blame. But what does this have to do with the guilt of the murderer? Why is the sentence of exile commuted when the Kohain Gadol dies? Is the murderer any less guilty after the Kohain Gadol's death than he was beforehand?

Rashi's source would seem to be the Talmud (Makos 11a), which discusses the Mishna's statement that the mothers of the Kohanim Gedolim would feed and clothe those in exile "so that they don't pray that their sons should die" whereby they would get out, or "so that they should pray that their sons don't die" whereby they would no longer get these benefits. Wondering why the prayer of the murderer would have any affect on what happens to the Kohain Gadol, an elderly man is quoted as being able to answer based on what he heard in Rava's lecture, "that they (the Kohanim Gedolim) should have prayed for their (respective) generation and didn't." As the Maharal (Gur Aryeh) points out, the Talmud is not connecting the sentence (of being in exile) ending with the Kohain Gadol not praying for his generation, but connecting his own death with his failure to pray for them. Nevertheless, since this was not what Rava had said, only what could be inferred from what he said ("based on Rava's lecture" as opposed to quoting him directly), it is possible that Rava taught that the connection between the Kohain Gadol's death and the sentence ending was his failure to pray, which was then applied to the possible effectiveness of the murderer's prayer. Even so, this does not address how the Kohain Gadol's failure to pray connects his death with the murderer being able to go free.

The Levush and the Nachlas Yitzchok suggest that the formula of the murderer being set free when the Kohain Gadol dies is designed as a punishment for the Kohain Gadol, as, in his desire to be set free, the murderer will pray that he Kohain Gadol dies soon. The Maharal dismisses this possibility, as this is not the way the Torah operates (trying to get someone to pray for someone else's death). It would also seem inappropriate for us to allow the mothers to try to get the murderers to not pray for their sons to die, if the whole reason the Torah tied their death to leaving the cities of refuge was so that they would make such a prayer.

Rashi's first explanation is that the Kohain Gadol and the murderer are opposites, with the former causing G-d's Divine Presence to dwell among us and extending our lives and the latter causing the Divine Presence to leave us and shortening our lives. Therefore "it is not proper that he (the murderer) should be before the Kohain Gadol." The implication is that we have to lock away the murderer so that he is not free to go wherever he wants, in order that he shouldn't end up in the same place as the Kohain Gadol. We would then need to explain why it is okay for him to be around when the next Kohain Gadol takes over, who also causes the Divine Presence to dwell among us and extends life.

One possibility could be based on the Talmud (J.T. Yuma 7:3, B.T. Makos 11b), which says that the death of the Kohain Gadol atones for the sin of inadvertent murder. If the exiled murderer is no longer considered to cause G-d's Divine Presence to leave or to shorten lives, it is no longer problematic for him to be "before" the new Kohain Gadol. However, if Rashi (and the Sifri he is based on) is relying on the death of the Kohain Gadol atoning for the sin (and affects) of inadvertent murder, it would have been much more straightforward to say that the reason the murderer goes free after the Kohain Gadol dies is that his sin has now been atoned for. We would have to adjust what Rashi was addressing from why the murderer goes free after the Kohain Gadol dies to why, until there is atonement, he has to stay out of sight. It is also awkward that the Kohain Gadol's death being an atonement isn't mentioned. And we would have to say that Rashi's second explanation is also addressing why the murderer is exiled, not why he goes free after the Kohain Gadol dies (which fits even less). Rashi's

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comments being on the words "until the Kohain Gadol dies" implies that he is explaining why this causes the exile to end, not (just) why he must be exiled in the first place.

The Ba'alay Tosfos (including the Chizkuni) explain the connection to be referring more to how the Kohain Gadol is perceived than to how he really is. He is responsible for making sure that justice is served, and if the murderer is allowed to roam free people will complain about his not taking vengeance against him. The next Kohain Gadol, on the other hand, was not in charge when this occurred, so will not be blamed for not righting a wrong that happened before he took over. Adjusting this to explain Rashi's first approach, we can suggest that the issue is not that the murderer and the Kohain Gadol are opposites, but that they should be. The unintentional murder occurring under his watch indicates that this Kohain Gadol is not being effective enough, so we must lock the murderer up so that he doesn't do any further damage (see Netziv on the Sifri) and so that people won't see him roaming free and be reminded of the Kohain Gadol's ineffectiveness. Once this Kohain Gadol dies, however, these issues don't automatically transfer to the new Kohain Gadol.

Rashi's second approach could be following along the same lines. The Kohain Gadol should have prayed that such an incident never occurs under his watch. If it did occur, it is not just a reflection on the murderer, but on the Kohain Gadol as well. Whenever people see the murderer, they will be reminded that this Kohain Gadol did not prevent it from happening. The murderer is therefore exiled; an exile that ends when this Kohain Gadol dies.

The Sefornu says that the sentence ends with the Kohain Gadol's death precisely because of its fluctuating nature. Not all things done inadvertently have the same amount of culpability; some are closer to being totally accidental while others could have been more easily prevented and are closer to being considered on purpose. G-d therefore makes sure that those more culpable stay in exile longer (by allowing the "accident" to occur long before the Kohain Gadol dies) while those less culpable get out sooner (by having it occur closer to the Kohain Gadol's death). Getting back to Rashi, how much of the blame can be placed on the murderer for not being careful enough,

and how much can be blamed on the Kohain Gadol's failure to pray? The "go'el hadam," relative of the deceased that has permission to kill the murderer if he is not in a city of refuge, may shift the blame to being primarily on the Kohain Gadol when he sees that G-d took his life too. Not only that, but the amount of time the murderer has to spend in exile may be directly connected to how much of the blame is his vs. how much falls on the shoulders of the Kohain Gadol. The Kohain Gadol living longer indicates that he is less to blame, while his dying sooner can indicate that he must take more of the blame. Rashi points out that the Kohain Gadol shares the blame for not praying for his generation, and it is therefore appropriate that his death (and its timing) is what ends the murderer's exile.

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MACHON ZOMET

Shabbat B'Shabbato

by Rabbi Amnon Bazak, Yeshivat Har Etzion

One of the most remarkable apparent contradictions in the Torah appears in this week's Torah portion with respect to the open space around a city. In describing the cities belonging to the Levites, the Torah notes that every city must have open spaces, but there appears to be a contradiction about the size of this space. On one hand, there is an explicit statement, "The fields of the cities which you give to the Levites, from the edge of the city and beyond, shall be one thousand Amot all around" [Bamidbar 35:4]. However, the very next verse gives a completely different description. "And you shall measure outside the city two thousand Amot on the eastern side and two thousand Amot on the southern side and two thousand Amot on the western side and two thousand Amot on the northern side, with the city in the middle. This is what the spaces of the cities will be." [35:5]. There are two ways to understand this second verse, but both of them contradict the first verse. Rashi, following the sages, explains that the second verse indeed sets a width of two thousand Amot, because the first verse describes an area of empty land while the second verse adds another thousand Amot for fields and vineyards. The problem with this explanation is that the Torah uses the same phrase in both verses? "the open areas of the cities." Thus, the two verses do not seem to be describing different types of area.

For this reason, the Ramban tries to follow the straightforward meaning of the verses. He says that the second verse is discussing the width of the open area, which is two thousand Amot, since the Torah explicitly mentions the sides? "pei'out." Thus, a square should be marked out around the cities, with two thousand Amot on each side and the city in the middle. But this still does not take care of the discrepancy: If the first verse means that the space must be one thousand Amot in each direction, there will not be any room left for the

city itself! (See the Ramban for an interesting attempt to reconcile the two verses based on his commentary.)

It would seem that the Torah purposefully gives two different conceptual approaches about the open areas of the city, leaving it up to the sages to determine how to reconcile them in practice. The first way, as noted above, is to start from the boundaries of the city and measure one thousand Amot in each direction, thus marking out the open area around the city. This area serves the city, and it is included within its municipal boundaries. The second approach, in the second verse, is the opposite. First, a square with a side of two thousand Amot is created, and the city is placed at the center. Everything that lies between the city and the boundary of the square is considered as an open area surrounding the city. In this case, the sides of the square around the city are not part of the municipal boundary but mark out an external square of the proper size. What is the meaning of this frame around the city?

Evidently the boundary is a way of expressing the unique traits of the cities of the Levites. A length of two thousand Amot is found in relation to maintaining a holy area, when Yehoshua was commanded to circle Jericho with the holy Ark: "When you see the Ark of the Covenant with your G-d, with the Kohanim and the Levites carrying it... There shall be a distance of about two thousand Amot between you and them." [Yehoshua 3:3-4]. Thus, the length of two thousand Amot is an indication of the sanctity of the cities.

RABBI BEREL WEIN

Wein Online

King Solomon in Kohelet relates the parable of the anonymous wise man, poor in wealth and notoriety, who saves the besieged city through his advice and wisdom but is apparently soon forgotten by all who benefited from his wisdom and skill.

Jewish history is replete with myriad unsung heroes who "saved our city" but are mainly forgotten, even though generations of Jews are beholden to them because of their valor, wisdom and selflessness.

Rabbi Alexander Rosenberg, though he may still be remembered by the older generation of rabbis in this country and Israel, is at best a half-sung hero. And that is probably exactly the way he would have wanted it to be. But these words of mine come not to eulogize Rabbi Rosenberg, but rather to describe how kashrut, in a practical sense, was saved and its banner and standards raised high in the Jewish world.

The Achilles' heel of the Orthodox rabbinate in America in the first six decades of intensive Jewish immigration to America was kashrut supervision. The chaos that surrounded kashrut matters is almost indescribable. The great Rabbi Yakov Yosef, who was elected as the first and the only Chief Rabbi of New York, was hounded to his premature death in 1902 by

the conflicting forces battling for control of kosher food supplies in New York. Kashrut supervision fell into the hands of people - food manufacturers and distributors, butchers, slaughterhouse owners, questionable "rabbis," and out and out charlatans - who were clearly into it for the dollar profits that could be extracted from the kosher consumer.

The kashrut industry was also infiltrated by corrupt labor-union bosses and even by the capos of organized crime. There were individual rabbis who struggled heroically in their communities and neighborhoods to uphold the standards of kashrut, but for many it was a bruising and eventually losing battle.

At the root of this problem was the fact that there was no communal organization that could undertake and popularize a program of intensive kashrut supervision that would be free from the individual's need for personal profit and the pressure of the food manufacturers and purveyors for lowered standards of supervision.

The abysmally low salaries paid to American rabbis of the time, forced many otherwise great and honorable people into positions of silence and compromise in the field of kashrut supervision. The Orthodox Union began to deal with this problem, but it was not until the advent of Rabbi Alexander Rosenberg as the Rabbinic Kashrut Administrator of the OU that real progress was made in this field.

Rabbi Rosenberg, descended from a distinguished family of Hungarian rabbis, combined within himself old-world charm, a shrewd understanding of people and their true motives, an uncanny business sense, unimpeachable integrity, enormous compassion for individuals and a sense of public service that always allowed him to see the big picture and not just the narrow case in front of him.

Rabbi Rosenberg was an accomplished talmid chacham, someone who knew when and with whom to consult on matters of halacha and policy, and was the epitome of efficiency and rectitude in all of his dealings. But his greatest accomplishment was that wherever he went and with whomever he dealt, the experience always turned into a kiddush hashem.

Rabbi Rosenberg envisioned the day, which has arrived, where a Jew could walk into almost any supermarket in North America and purchase kosher food, supervised by the OU. Any Jew who has traveled anywhere in the United States - Alaska, Hawaii, Utah, North Dakota, literally anywhere - can well appreciate the service that Rabbi Rosenberg provided in guiding the OU in its formative years and popularizing the concept of kosher products distribution in the general food industry.

He would not allow compromises in kosher standards and yet unfailingly understood the problems that many manufacturers of prepared food products had in meeting those standards. He always said to the

managers of the food plants that were under OU supervision: "We are here to help you. We are not the problem, rather we are here to provide you with the solution."

Many a product today is certified as kosher due to Rabbi Rosenberg's innovative spirit, quiet diplomacy and iron will. It was he who perfected and pioneered the system of the mass slaughtering of kosher poultry that, with further technological improvements and refinements, is de rigueur throughout the Jewish world today.

It was Rabbi Rosenberg who impressed upon major American food companies such as Colgate-Palmolive, H.J. Heinz, Rich's, Procter and Gamble, Best Foods and others the positive possibilities for them in kosher production and supervision. And it was his aristocratic manner, his handsome appearance and immaculate dress, his integrity, his wisdom and his faith that most impressed these non-Jewish concerns and won them over to allow "rabbis to bless their machinery" and control their inventories and suppliers.

Rabbi Rosenberg loved Jews, all Jews, something which is not necessarily easy to accomplish when one is involved in the nitty-gritty of daily kashrut supervision and administration. He possessed enormous patience, forgave the personal slights cast upon him by spiteful and jealous people, and always looked for opportunities to help others.

Rabbi Rosenberg was a rabbinic representative to the Displaced Persons camps in Germany after World War II. There he was seen as a delivering angel, especially to the surviving rabbis and Chasidic leaders. When many of them arrived in America a few years later, Rabbi Rosenberg helped them become established by providing advice, money (he was notorious for being overly generous with regard to charity), jobs and personal encouragement.

He would go to Williamsburgh and Boro Park in Brooklyn in the 1960's on chol hamoed and just stand there, watching the baby carriages, the holiday clothes, the parading generation after the Holocaust, smiling through his tears. It is no exaggeration to say that the basis for the many "chassidishe hechsherim" which exist today was laid by Rabbi Rosenberg.

That is also true for many other current successful "private" kashrut supervising organizations, all of whom then, and probably still must do so today, relied on the OU for the basic raw materials for "their" products. Rabbi Rosenberg was magnanimous and generous to a fault, and if he felt that helping someone else's efforts and organization would aid the cause of authentic kashrut he would supply the necessary outside advice, judgment and experience.

I have purposely not burdened this article with numerous anecdotes regarding Rabbi Rosenberg, of which I have many. But I wish to conclude this assessment of Rabbi Rosenberg with the following tale:

I was Rabbi Rosenberg's immediate successor as Rabbinic Administrator of the OU. In 1974, in the midst of the Arab oil boycott of the West in the wake of the Yom Kippur War (remember those good old days?) one of the two main suppliers of kosher glycerin in the United States had to discontinue its deliveries due to a shortage of oil.

An OU supervised company, a very large concern, called me in a panic. They had one hundred thousand labels with the OU printed on these labels; they currently had no other labels for their product; and therefore they would have to shut down their factory for two or three days until they could obtain non-OU labels. This would cause them substantial financial loss. I told them that I would try to help them.

I called the other supplier of kosher glycerin and explained the situation to the vice-president in charge of marketing. I asked him to sell a number of tank cars of glycerin to this company, even though it was not a regular customer. The vice-president thought it over for a moment and then agreed to do so and told me that the glycerin would be billed at the price schedule used for regular customers.

He then asked me: "Rabbi, do you think that Rabbi Rosenberg in heaven knows what I am doing for you?" This hard-nosed, non-Jewish businessman had no doubts that Rabbi Rosenberg is in heaven! Well, neither do I. On behalf of all us millions who find kosher food so readily and plentifully available, thank you, Rabbi Rosenberg. © 2008 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. For more information on these and other products visit www.rabbiwein.com/jewishhistory.

RABBI AVI WEISS

Shabbat Forshpeis

According to the Torah, one who kills inadvertently, escapes to the cities of refuge (arei miklat) (Numbers 35:11). What is the meaning of this law?

The simplest approach is to view the cities of refuge laws as protective in nature. Having taken life, there is fear for the killer's life. Hence, the structure exists for a safe haven.

This idea is supported by the distinction made by the rabbis in the Talmud. As summarized by Dr. J. H. Hertz, there exist three categories of this apparent accident: grave carelessness, contributory negligence and complete innocence. In the last case, the killer need not escape to the cities of refuge as he would not be pursued by family members. In the former case, it would not be enough to escape to the cities as a more severe penalty would be enacted. Only in the case of contributory negligence are the cities of refuge necessary. In such situations, these cities are

necessary in order to protect the killer from those seeking revenge.

Another thought comes to mind. Perhaps the cities of refuge can be viewed as punitive in nature. For one who kills another with grave carelessness, the cities of refuge are not enough of a punishment. For one who kills with complete innocence, the cities of refuge are too harsh a punishment. Only in the case of contributory negligence, is the banishment to the cities of refuge an appropriate punishment.

Note the mysterious law surrounding the length of sentence in the cities of refuge. The killer goes free only when the High Priest dies, a seemingly arbitrary amount of time. Sforno argues that it is not arbitrary, but reflective of Divine justice. In his words, "Since the cases of manslaughter may differ widely, some entirely removed from any foreseeable possibility, some close to carelessness, the time of banishment also differs widely....This is divine justice. G-d, who alone knows, bears witness and dispenses justice as due to each inadvertent killer." In other words, the length of penalty differs in each case. Only G-d knows the deeper intention of each "inadvertent" killer. Hence, the correlation with the death of another person.

One other thought. Perhaps the cities of refuge serve as a place where the killer can experience a period of rehabilitation. In the words of Rabbi Samson Raphael Hirsch, "the whole character that has been imprinted upon this retention in the city of asylum is expiation: to redeem himself from the burden of the guilt feeling which weighs heavily upon him."

No wonder Rambam states that "if a student is being exiled to a city of asylum, his teacher is exiled with him." (Rambam, Laws of Homicide 7:1) With a teacher, one can always be led on a path of self reflection and regeneration.

Consider our societal methods of criminal punishment. As much we try, the system is far from perfect. Perhaps it would be wise to glean from the lessons of the cities of refuge and apply the need for rehabilitation and growth to those in our contemporary prison system. © 2008 Hebrew Institute of Riverdale & CJC-AMCHA. Rabbi Avi Weiss is Founder and Dean of Yeshivat Chovevei Torah, the Open Orthodox Rabbinical School, and Senior Rabbi of the Hebrew Institute of Riverdale.

RABBI ABBA WAGENSBERG

Between the Lines

This week's parsha, Masei, describes the journeys of the Jewish people during their 40 years in the desert. These wanderings from place to place are as a lesson about the transience and temporality of life in this world. According to the Degel Machaneh Ephraim (based on the Baal Shem Tov), the 42 places that the Jews encamped in the desert represent the 42 phases within each person's life.

This idea seems to follow the statement of the Nachmanides (Genesis 12:6, citing Tanchuma 9) that "the actions of the forefathers are repeated by their descendants." In other words, just as the Jewish people in the desert were transient wanderers, constantly moving from place to place, so, too, is our existence in this world temporary.

A hint to this idea is found in this week's parsha, yet in order to understand it, we must first go back to the beginning of Creation. The second verse of the Torah (Genesis 1:2) reads, "And the earth was EMPTINESS and VOID, and DARKNESS was on the face of the DEPTHS, and THE SPIRIT OF G-d hovered over the face of the waters."

The Midrash (Bereishis Raba 2:4, in the name of Reish Lakish) interprets this verse as a prophecy about the future exiles of the Jewish people. EMPTINESS symbolizes the Babylonian exile; VOID refers to the Persian-Medean exile;

DARKNESS represents the Syrian-Greek exile; and the DEPTHS refers to the current Roman exile. THE SPIRIT OF G-d alludes to the spirit of the Messiah, who will ultimately redeem the Jewish people from exile. (See the Midrash for numerous verses that support these correlations.)

This Midrash shows that G-d, in addition to creating the laws of nature, made the exiles of the Jewish people an integral part of Creation. This idea is very difficult to understand. Why would G-d decree the exiles before creating the world? At the outset of Creation, there weren't even any Jews! Why would G-d punish the Jewish people before they did anything wrong-and even before He created them? For although G-d knows from the beginning what the outcome will be in any given situation, He still relates to us on our own terms.

We could suggest that the purpose of exile is not to punish us for misbehavior. Rather, the purpose of exile is to remind us that this world is a transient, temporary place. The many upheavals and expulsions throughout Jewish history have forcibly prevented us from ever feeling a sense of permanence.

According to the commentator Nachal Kadumim, this idea is hinted to in the first verse of Parshat Masei, Eleh Masei B'nei Yisrael-"These are the journeys of the Jewish people" (Numbers 33:1). The initials of these four Hebrew words stand for the four exiles that the Jewish people have experienced throughout the ages: Edom (Rome), Madai (Persia-Medea), Bavel (Babylon), and Yavan (Syria-Greece). The exiles are hinted to in this parsha because they convey the same message as the 42 places that the Jews encamped in the desert. Both teach us about the transience and impermanence of the physical world.

Let's give some examples of this idea. Imagine taking an elevator to the top of the Empire State Building. Would it ever occur to you to vacuum the

carpet or polish the mirrors in the elevator? You'd never bother, because you know you're going to get off any minute. This world is like an elevator (and we hope we're all going to get off at the top floor)! What is the use of getting overly involved in material pleasures? As our Sages say, "This world is like a lobby compared to the World to Come. Prepare yourself in the lobby so you will be able to enter the banquet hall!" (Avot 4:21)

A related story is told about a man who was traveling across Europe about a hundred years ago. When he reached Poland, he decided to visit the town of Radin, where the great sage the Chafetz Chaim lived. He took his luggage from the train station and went straight to the Chafetz Chaim's house, where he was graciously ushered in. Once inside, the traveler couldn't believe his eyes: the home of this great rabbi was practically bare! No pictures hung on the walls, and overturned milk crates sufficed for a table and chairs. Incredulous, the traveler asked him, "Where is your furniture?"

The Chafetz Chaim replied, "Where's yours?" The traveler was surprised by this strange question. "Me?" he asked. "I'm just passing through!" "So am I," responded the Chafetz Chaim. "I am also just passing through."

One more example should make the point abundantly clear. Imagine that you've won the grand prize on a game show: a shopping spree at Macy's. For 15 minutes, you will have the entire store to yourself, during which time whatever merchandise you collect will be yours for the rest of your life. Try to picture what you would look like during those 15 minutes.

Now, imagine how you would react if, in the course of your frenzied shopping, a friend were to tap you on the shoulder and say, "I'd love to chat with you, just for two minutes. Can we go get a cup of coffee?" Most likely, you wouldn't even take the time to respond or perhaps you'd just shout, "No time-I'll explain later," as you dashed off to the next department.

This imaginary shopping spree is comparable to our experience in this world. We each have an individual expiration date, but until that date arrives, we are in a candy store of Torah and mitzvot, and whatever we collect is ours for eternity. If we truly lived with this awareness, we would have to be reminded to eat, drink and sleep. Our physical considerations would pale in comparison to the importance of stashing away goods for eternity, and we would be constantly on the lookout for opportunities to accumulate more spiritual "merchandise." I have yet to hear anyone on their deathbed say, "If only I'd spent a few more hours at the office..."

May we be blessed, as we move from place to place on our journeys through life, to focus on what is truly important and not get distracted by fleeting temptations. In this merit, may G-d soon redeem us from our exile and afford us the opportunity to be

involved in purposeful, meaningful, spiritual endeavors forever. © 2008 Rabbi A. Wagensberg & aish.com

RABBI SHLOMO RISKIN

Shabbat Shalom

This is what G-d has commanded concerning the daughters of Zelophehad saying: 'they may marry anyone they wish provided they marry into a family of their father's tribe. No inheritance of the children of Israel may pass from one tribe to another, for the children of Israel shall cleave everyone to the inheritance of the tribe of their fathers.' " (Numbers 36:6,7)

The Book of Numbers, and with it this week's Torah portion of Masei, concludes with a reiteration of the earlier ruling of Moses from G-d that the five daughters of Zelophehad would be able to inherit the land of their father - since there were no male heirs - but that they would have to marry within their tribe of Menashe, so that their familial inheritance would not pass over to another tribe (Numbers 36:1-12). In effect, this final Biblical decision orchestrates a bridge between women and familial rights on the one hand (after all, simply because Zelophehad had no male heirs should be no reason to deprive him and his future generations of ancestral land in the Land of Israel) and tribal rights on the other hand. Were the daughters to inherit their father's share and then marry men from another tribe, the other tribe would benefit the land of Zelophehad, a Menashite. In Biblical history, tribal rights were very zealously guarded (not unlike individual State's rights in early American history). Hence this decision created a win-win solution to what had threatened to erupt into a full-blown conflict: yes, in the absence of men, the women could inherit their fathers, but the land would have to remain in the father's tribe by forbidding these female inheritors from marrying into another tribe!

The initial story concerning the five brilliant, learned and religious daughters of Zelophehad is told a few chapters earlier in the portion of Pinchas (Numbers 27:1-11). These five women went all the way up the judicial and political ladder until they stood before Moses himself, insisting upon the justice of their claim to inherit their father's land so that Zelophehad have a portion in the future eternity of Israel through his descendants' working and living in ancestral land in Israel.

"Why should the name of our father be less than the rest of his family merely because he has no son, grant us [women] an inheritance among the brothers of our father" (Numbers 27:4). And the Almighty grants a ringing endorsement to these brave women "who spoke correctly" and were therefore ... worthy of a portion of the inheritance," indeed, they won the case for female rights to inheritance, and caused an

entire new addendum to be added to the previous inheritance laws of the Bible. (Numbers 27:8-11).

The Kli Yakar commentary (Rav Ephraim Lunshitz) finds these women so remarkable that he goes so far as to interpret the Divine command to Moses, "Send forth your men to scout out the Land of Canaan..." (Number 13:1) as dripping with irony: "You, Moses, insist upon sending male scouts, and the result will be disastrous; had you listened to Me and sent female scouts like the daughters of Zelophehad, the report would be completely positive and the Land of Canaan would soon become the Land of Israel..."

But who was this man Zelophehad of the tribe of Menashe who fathered such special women? The Talmud records a fascinating dispute between R. Akiva and R. Yehuda b. Beteyra (B.T. Shabbat 96b, 97a): "Our Rabbis have taught: 'the one who gathered wood [on the Sabbath and was stoned to death as a punishment - Numbers 15:32-36] was Zelophehad, as it is written '...and the children of Israel were in the desert and they found a man gathering wood ...', and later it is written 'our father died in the desert...!' [regarding Zelophehad]; just as the second refers to Zelophehad so does the first,' these are the words of R. Akiva."

R. Yehuda b. Beteyra said to him 'Akiva, whether or not you are correct in your identification [of Zelophehad], you will eventually be punished. If it is as you say, then if the Torah saw fit to hide [the identification], why did you reveal it? And if you are mistaken, how dare you cast aspersions on such a righteous person? ... But then from where did Zelophehad come? From the group of brazen climbers (ma'apilim) atop the mountain [who defiantly attempted to conquer Israel without G-d in their midst and without the Holy Ark - Numbers 14:40-45].' "

Let us look at Zelophehad, as well as the character of his daughters, from the perspective of this Talmudic discussion. R. Yehuda b. Beteyra sees Zelophehad as one of the ma'apilim, the brazen would-be conquerors of Israel, and this perception assumes three distinct parties of Israelites all opposed to Moses in the desert but each with its own unique platform: the first is Datan and Aviram, who saw the fleshpots of Egypt as the real land flowing with milk and honey, and that's where they wanted to be; the second is Korah who like Naturei Karta wished to remain in the religious "Kollel" of G-d outside of Israel, so as not to become sullied by the stench and struggle of a new start-up State; and the third are the ma'apilim, the non-religious Zionists who storm the ramparts of the Land of Canaan without G-d or the Holy Ark of the Torah in their midst. This third party may have been doomed to fail, but at least their idealism regarding the land spawned the very special five daughters who never lost faith either in G-d, or in the equality of His Torah, or in the significance, centrality and Jewish conquest of the Land of Israel!

But why did Rabbi Akiva identify Zelophehad with the culpable gatherer of wood, a wicked Sabbath desecrator who was condemned to death? I believe that Rabbi Akiva was stressing a crucial foundation stone of Judaism: we are both a nationality as well as a religion, G-d entered into a national covenant with Abraham "between the pieces" in which He guaranteed the first patriarch eternal progeny and the boundaries of the Land of Israel as well as the Divine Revelation of a religious covenant at Sinai. Zelophehad certainly "lapsed" in terms of his religious obligations by desecrating the Sabbath; however this dare not distract from his national status as a member of Klal Yisrael, the Jewish nation.

Remember that the basis for the claim of the daughters was that "the name of their father not be diminished" by his inability to bequeath Land in Israel if he lacked male heirs. The counter argument might have been - according to R. Akiva - that your father doesn't deserve a heritage in the Land of Israel if he was a transgressor of the law!

Perhaps R. Akiva specifically identifies Zelophehad as the culpable wood-gatherer in order to stress that one may cut himself off from the religious covenant without removing his privileges as a member of the national covenant, the historic nation of Israel. And since his daughters learned their Zionism from him, his name is glorified throughout Jewish history through the special daughters whom he parented and inspired. © 2008 Ohr Torah Institutions & Rabbi S. Riskin

RABBI NOSSON CHAYIM LEFF

Sfas Emes

We will soon begin the 'Nine Days'-a period of national mourning. These somber days start with Rosh Chodesh Av-the day that Aharon Hakohen was niftar (died). The days of mourning culminate with Tish'a be'Av-the day on which both the first and the second Beis Hamikdash were destroyed.

It is important to distinguish between Atzvus-depression-and Aveilus- feeling bereft. Atzvus-depression-is certainly a severe problem. In fact, the Seforim single out Atzvus as a key weapon of the Sitra Achra- the powerful force of self-destruction that lurks deep within all of us. But Aveilus is distinct from Atzvus. Aveilus is the sadness that a person feels because he/she has lost something dear.

What have we lost? The Beis HaMikdash, and the easier access to Hashem that it afforded. More generally, we are mourning the fact that "the Shechina is in Golus". That phrase is shorthand for the wide gap that has opened between Hashem and us. That gap has led to many instances of grief from which we suffer all year long.

These include the hester panim in which we live; likewise the hilul Hashem to which the absence of an obvious physical connection with HaShem inevitably

leads. And to mention two very specific cases of grief-educational leadership which keeps talmidim in Bais Medrash years after the additional time in learning leads to growth; and FFB 's who treat Ba'alei Teshuva with condescension rather than the admiration that their achievement merits.

Clearly, the unspoken list would be much longer. For behavior in the frum world suffers from many serious problems. Thus, indeed, we have much for which to mourn. But equally clearly, if we would focus attention consistently on these failings, most of us would be unable to function properly.

How to handle this situation? Recognize that-be'avonoseinu harabim- the underlying cause of these problems is the fact that we no longer have access to the Bais HaMikdash; i.e., the Shechina is in Golus.

As noted, we have much for which to mourn. We deal with this situation by, in effect, packing all of our mourning into one day of the year-Tish'a Be'av. And as preparation for that one day in the year, we have the Nine Days. © 2008 Rabbi N.C. Leff & aish.com

RABBI ZVI SOBOLOFSKY

TorahWeb

Rosh Chodesh Av's status as the beginning of a period of mourning predates the destruction of the Beis Hamikdash. In Parshas Masei we read about the death of Aharon Hakohein and the accompanying display of mourning which Chazal observe surpassed even that of Moshe. Aharon merited this outpouring of grief because of his role as the lover and pursuer of peace. As we commemorate the yahrzeit of Aharon, let us analyze the significance of his role as the "ohev shalom v'rodef shalom".

To understand Aharon as an individual we have to first understand the role of shevet Levi of which he was a member. There are two sets of berachos recorded in the Torah which were given to the shevatim-one by Yaakov and one by Moshe. While there are similarities between these berachos for most of the shevatim, the berachos given to shevet Levi are strikingly different. Yaakov portrays Levi as one prone to anger and sharply criticizes his violent actions in Shechem. In the berachos of Moshe, Levi is presented in an entirely different light. He is singled out as the ish chasid, the spiritual leader of the Jewish people both in the Beis Hamikdash and in the realm of teaching Torah. How do we resolve these two contradictory images of shevet Levi?

Both Yaakov and Moshe saw tremendous potential in shevet Levi. Members of shevet Levi had strong personalities and exhibited great zeal and commitment to a cause they believed in. This trait, although potentially positive, can be extremely destructive as well. Yaakov saw this in the actions of Levi. His commitment to preserve the honor of his sister

Dina lead to a rash act of violence which endangered the lives Yaakov's entire family.

Moshe saw this trait in Levi and blessed him with the ability to channel this quality properly Levi would become the shevet entrusted with the avodah in the Beis Hamikdash. Chazal tell us that "kohanim zrizim heim-the kohanim exhibit this trait of great dedication and zeal to preserve the sanctity of the Beis Hamikdash". In their role of teachers of Torah, the Leviim were also called upon to display their commitment and zeal. Torah cannot be transmitted without excitement and passion. It was specifically these traits that enabled shevet Levi to be the spiritual leaders of the Jewish people.

The great challenge of being a Levi is to channel these strong personality traits towards spiritual goals. Unfortunately, sometimes a person who has these characteristics will exhibit them in a negative way in his relationships with his fellow man. Someone who has strong opinions and is deeply committed to his ideals has difficulty interacting peacefully with others. Being a member of shevet Levi carried with it the danger of becoming an argumentative, confrontational individual. The epitome of this personality was the greatest baal machlokes in our history. Korach, who was also a Levi, used these traits to pursue his personal goals. In stark contrast to Korach stood Aharon Hakohein. Aharon channeled his zeal and commitment to preserving the sanctity of the Jewish people and transmitting the Torah. In his relationship with his fellow man he was soft-spoken, pleasant, and peaceful.

The vision of Yaakov and Moshe of a tribe with strong willed and zealous characteristics was fulfilled in Aharon Hakohein. It was precisely through perfecting himself by using these traits to further spiritual goals that he was able to become the pleasant lover and pursuer of peace. The death of Aharon was a blow to his entire shevet and to the entire Jewish people. They had lost a role model who exemplified how one can be passionate about one's beliefs, strong willed about one's convictions, and yet remain kind and loving to everyone one interacts with. May we all turn to Aharon hakohein as our role model, and our perpetuation of his legacy will be the greatest tribute to that great descendant of Levi. © 2008 Rabbi Z. Sobolofsky & TorahWeb Foundation

