

לְדַרוֹשׁ וְלַתּוֹר בַּחֲכָמָה (קהלת א:יג)

Inquire And Explore With Wisdom

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תורה שבעל פה Talking Torah

How Torah Talks to Us when We Talk Torah

**A case presentation of the Process of Midrash
through generations, which shows how the basic
ideas of Judaism were mined and refined from
the gold lode of Torah.**

במדבר

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BOOK OF NUMBERS

Parashat Ba-Midbar

במדבר

*Num. 1, 1 - 3

On the first day of the second month, in the second year following the exodus from the land of Egypt, the Lord spoke to Moses in the wilderness of Sinai, in the Tent of Meeting, saying: Take a census ["s'eu et rosh"] of the whole Israelite community by the clans of its ancestral houses, listing the names, every male, head by head ["le-gulgelotam"]. You and Aaron shall record them by their groups, from the age of twenty years up, all those in Israel who are able to bear arms.

The book of "Bamidbar", literally "in the wilderness", is known in English as the book of "Numbers". The Hebrew title is taken, as usual, from the first significant word of the book, and the English name is an attempt to summarize the contents, at least to refer to the major event which appears at the start of the book, a census of all males over 20 who are to constitute the army of Israel. The book, and parasha, begin thus: "On the first day of the second month, in the second year following the exodus from the land of Egypt, the Lord spoke to Moses in the wilderness of Sinai, in the Tent of Meeting, saying: Take a census ["s'eu et rosh"] of the whole Israelite community by the clans of its ancestral houses, listing the names, every male, head by head ["le-gulgelotam"]. You and Aaron shall record them by their groups, from the age of twenty years up, all those in Israel who are able to bear arms." (Num. 1, 1-3) The summary is found in verse 45-46: "All the Israelites, aged twenty years and over, enrolled by ancestral houses, all those in Israel who were able to bear arms--all who were enrolled came to 603,550."

The Hebrew phrase "s'eu et rosh", which is translated as, "take a census" is quite unusual. The verb "s'eu" literally means to lift up, to cause to rise, and the word "rosh", means "head". Literally, it would mean "lift up the head". The phrase is used many times in the Torah in the same way, and yet, the Midrash feels that there is an expansive meaning behind the use of this verb. God is saying to Moses, that whenever you have the opportunity to lift up the nation, make it aware of higher goals, you must do so. For when the nation is made aware of higher goals, it raises up the reputation of God as well. God is the "head" of Israel (cf. Micah 2, 13), "Their king marches before them, The Lord at their head." So, this Midrash reads the verse in this fashion: "lift up the people of Israel, make them aware of higher goals, and this will lift up Israel's head, the Lord." (**Pesikta Rabbati 10**)

In this context, the Midrash interprets the verse as an instruction to Moses to make sure that the census for the army will be seen to serve a higher purpose. There is a need for an army, but it must be seen to reflect higher purpose. This leads me to another problematic word in our opening, "le-gulgelotam", "head by head". The Hebrew "gulgolet" does mean head, but what does this word add? Obviously the point of the census is to count each person. One could count feet and divide by two, but that might not be accurate, for some people might not have two feet, but everyone must have one head! Just saying this shows how superfluous this word seems, and the rule of Midrash is that no word is without its own reason for being there. **TTT 178 H**

Ramban quotes a wonderful Midrash in Numbers Rabbah (which is not in the printed editions), which answers this question. God tells Moses that he is to take this census with utmost care for the honor and dignity of every single person who is capable of serving in the army. Moses is forbidden to ask the head of the family "how many people in your family?" or "how many sons do you have?". Rather, each male of 20 is to be seen as an individual, and to be counted personally by seeing his head, that is, taking into account his own being. That is the meaning of verse 18: "the names of those aged twenty years and over being listed head by head." Each name is important. (on Num. 1, 45)

In addition, Ramban adds another possible explanation for the census and for its exact nature. He explains that this is the way kings prepare for war, by making an exact counting of each soldier. So, Moses and the elders needed to know the exact strength of their forces before entering into the fray in the land of Israel. "For the Torah does not rely on miracles, that one soldier can chase a thousand, [cf. Deut. 32, 30] rather reason relies upon an ordered army, that all of Israel partakes in it." (Ramban, *ibid.*)

While studying these interpretations, the Israel Defense Force comes strongly to mind. The idea that an army can have higher purposes, the overwhelming importance of each and every individual soldier, the careful attention paid to each and every name, and the idea that the army, since it is part of national uplifting, must be partaken in by all, for we cannot rely on miracles. Even though there are challenges to these notions today, it seems to me that the overall configuration that we learn this week should be perpetuated and preserved, until the day of peace, when an army will become unnecessary.

***Num. 1, 5, 16**

These are the names of the men who shall assist you ["ve-eleh shemot ha-anashim asher ya'amdu itchem"] *Those are the elected of the assembly, the chieftains of their ancestral tribes: they are the heads of the contingents of Israel.*

In addition to the census in the very first chapter we read: "These are the names of the men who shall assist you" ["ve-eleh shemot ha-anashim asher ya'amdu itchem"] (Num. 1, 5). This is followed by a list of names one person from each tribe. At the end of the list we read: "Those are the elected of the assembly, the chieftains of their ancestral tribes: they are the heads of the contingents of Israel." (Num. 1, 16) So, it is clear that these people are chieftains, the heads of each tribe.

The translation loses entirely the ambiguity of the Hebrew words. The Hebrew "ve-eleh shemot ha-anashim asher ya'amdu itchem" is literally "These are the names of the men who shall stand with you". JPS chose to translate "ya'amdu itchem", literally "stand with you", as "who shall assist you". But, the Hebrew is much more obscure. What does "stand with" mean? Clearly it can bear the nuance of "assisting", but one can also "stand with" enemies. For example, the word "ya'amdu" is used for both the group who is blessing and the group who is cursing when Israel enters the land (cf. Deut. 27, 12-13)

One Midrash remarks that the sacrifices brought by these twelve men (Num. 7, 12 et al) was not a total joy. Why? In Num. 16 we read of the rebellion of Korah. The men

who joined with him are described as "chieftains of the community, chosen in the assembly, men of repute" (v. 2). Our Midrash states that even though the Torah does not spell out the names of these rebels against God, it hints by this description that we are talking about our men, the ones who "stand with you". The Midrash employs a parable about a son of a rich and famous person who stole from people at the bathhouse. The attendant was afraid to name the thief, but he described "a young man wearing fine white robes" as the thief. Thus, the Torah by describing Korah's cohorts in the way it does, hints that these are the same people. (**Num. R. 13, 5**) Here, "stand with you" is almost ironic. These chosen people will betray their mandate of "assistance" and will stand against Moses and Aaron, as if the word "itchem", which literally means "with you", was to be read "etchem", which could mean "against you".

TTT 178 H

I was fascinated by the use of the word "anashim", "men", in the ambivalent way in which the Midrash interpreted our verses. What kind of "men" are we talking about? The first association that came to mind was the saying of Hillel in Pirkei Avot: "in a place where there are no men, try to be a man" (**Avot 2, 5, attributed to R. Akiva in ADRN B, 33**). If they fulfill their task as leaders they will assist Moses and Aaron. If they fail their task they will stand against them.

The saying itself has interesting interpretations. Rabbeinu Yonah Gerondi on Avot interprets the phrase to mean that when there are no people around to help you observe mitzvot or to admonish you to be more observant, you must yourself overcome all inclinations to be lax. Another interpretation that he gives is that if you see that the generation does not study Torah, you must encourage them and work on them to study. Since the generation is violating the Torah ("heferu Toratekha"), you must act to save it ("et la'asot la-adonai", Ps. 119, 126). He adds that one must not be negligent in their duty to study themselves and one must urge all other Jews to study. One is not on the level of Moses, but one cannot use that as an excuse for passivity and inaction in interpreting and teaching Torah.

Another fascinating interpretation in an entirely different direction is that of **R. Shimon ben Tzemah Duran in his Magen Avot**. He interprets our phrase to mean that in a place where no one is willing to take on the burden of public service, you must take on this burden EVEN at the expense of studying Torah! He uses the other interpretation of verse Ps. 119, 126, namely, you may violate the Torah BECAUSE it is time to work for God, that is, for the benefit of Israel. He bolsters his argument by quoting the Talmudic saying: "sometimes the annulment of Torah is its very foundation" (**Men. 99a-b**, referring to God's approval of Moses breaking the tablets.)

TTT 178 M and HA

Here, public service, and he is referring to political involvement, takes precedence over Torah study. There is a sense that "et la'asot la-adonai", "there is a time to act for the Lord", includes giving time and energy to serve the nation of Israel. Perhaps in a Jewish state this approach applies to ALL people. The default assumption is that everyone is responsible, and all must "stand with" the nation as a whole. So, in this broader context, Rashbatz makes it clear that Torah study, while central and crucial, can for some time be superseded by the needs of the nation.

***Num. 1, 18 - 19**

and on the first day of the second month they convoked the whole community, who were registered by the clans of their ancestral houses ("VA-YITYALDU AL mishpehotam le-veit avotam") – the names of those aged twenty years and over being listed head by head. As the LORD had commanded Moses, so he recorded them in the wilderness of Sinai.

At times we read parashat Ba-Midbar on the Shabbat before Shavuot. One aspect of Shavuot is the theme of "kabbalat gerim", or accepting converts. This is a direct result of the megillah which is read on Shavuot, the book of Ruth. The Moabite woman Ruth tells her mother-in-law, Naomi: "But Ruth replied, "Do not urge me to leave you, to turn back and not follow you. For wherever you go, I will go; wherever you lodge, I will lodge; your people shall be my people, and your God my God. Where you die, I will die, and there I will be buried. Thus and more may the LORD do to me if anything but death parts me from you." When [Naomi] saw how determined she was to go with her, she ceased to argue with her; and the two went on until they reached Bethlehem." (Ruth 1, 16-19) This is taken to be a prototype of accepting converts to Judaism.

Many scholars contrast this portrayal of acceptance of Ruth with the stringent rejection of foreign wives which appears in the book of Ezra: "Now then, do not give your daughters in marriage to their sons or let their daughters marry your sons; do nothing for their well-being or advantage, then you will be strong and enjoy the bounty of the land and bequeath it to your children forever.'" (9, 12) Those with Ezra respond to this call: "...We have trespassed against our God by bringing into our homes foreign women from the peoples of the land; but there is still hope for Israel despite this. Now then, let us make a covenant with our God to expel all these women and those who have been born to them, in accordance with the bidding of the LORD and of all who are concerned over the commandment of our God, and let the Teaching be obeyed." (10, 2-3).

The portrayal of Ruth, being accepted as part of the Jewish people on the basis of her free declaration alone, is seen as either an attack on Ezra's conception of expelling wives with no recourse, or as an alternative solution to the fact of intermarriage, a way of keeping the wives and their children within the people. If this is the case, the book of Ruth is an unusual religious document, since Ezra seems to be doing no more than simply applying the law of the Torah in a concrete literal form: "You shall not intermarry with them: do not give your daughters to their sons or take their daughters for your sons. For they will turn your children away from Me to worship other gods, and the LORD's anger will blaze forth against you and He will promptly wipe you out." (Deut. 7, 3-4) This view of the book of Ruth sees it as a Midrash on the passage from Deut. 7 in the classical form of Midrash Halakha, namely, "When are you forbidden to marry foreign wives? If they will turn your children away from God. But, Ruth accepted God as her God, and not only did she not turn her children away from God, but she produced David." The book of Ruth can be seen as a Midrash Halakha which interprets the law according to the "ta'am", the reason, given for the mitzvah in the Torah itself. **TTT 179 HA and M and B and K**

This same issue is raised in the parasha of ba-midbar. "and on the first day of the second month they convoked the whole community, who were registered by the clans of their ancestral houses ("VA-YITYALDU AL mishpehotam le-veit avotam") –

the names of those aged twenty years and over being listed head by head. As the LORD had commanded Moses, so he recorded them in the wilderness of Sinai." (1, 18-19) The Hebrew, "VA-YITYALDU", is so difficult as to be almost untranslatable. The translation "registered" is one possibility, but the word is literally made out of the verb "to be born". Literally it might be rendered "who were born to their clans...", but the word "al" makes that rendering difficult.

Rashi interprets the phrase to mean that each person had to bring documents to prove that they belonged to a particular clan or ancestral house. For this approach, each person had to have records, no matter what. Ibn Ezra, on the other hand, merely takes it to mean that they had to tell when they were born, that is, their birthday, since the point was to count those over 20 years old. **Ramban** quotes Rashi, but rejects his reading saying how is it possible to ask for documents from all those people? Ramban assumes that there is a registry, but each person merely tells to which tribe and family they belong. Perhaps Ramban recognizes the difficulty of keeping documents through the upheaval of leaving Egypt, or perhaps Ramban is more willing to rely upon the honesty and integrity of people.

This verse appears as a proof-text for patrilineal descent! In **Gen. R. 7:2**, it is recounted that Jacob of Navorai taught that one may push aside Shabbat to circumcise the son of a non-Jewish woman (married to a Jew), that is, the son is considered Jewish, and as with any Jewish child, circumcision must be done on Shabbat, if it is the eighth day. R. Haggai heard this and summoned Jacob to be flogged. Jacob was astonished that someone teaching a verse from the Torah should be punished. He learned from our verse that each child was counted as a member of the Jewish people according to their "ancestral houses" (in Hebrew "house of their fathers"). R. Haggai replied that he had not taught well. Haggai quotes from Ezra chap. 10 above, which shows that only a child from an Israelite woman is considered Jewish. But, says Jacob, this is not from the Torah, but from the writings? So, Haggai quotes the verse from Deut. 7, in the name of R. Yohanan and R. Shimon b. Yohai, who interpret "For they will turn your children away from Me to worship other gods", not as a "ta'am" or reason for not marrying out, but as a foregone conclusion of what will surely happen in every case. **TTT 179**

Rashbi is consistent in his non accommodation to non-Jews. It is he, after all, who is associated with the statement "atem keruim adam ve-ein umot ha-olam keruim adam" (**Yev. 60b-61a**), implying that non-Jews are less than human. It is no surprise that he interprets the verse in the way he does. Against this approach we have the tradition of the book of Ruth, the interpretations of Ibn Ezra and Ramban, in short an approach which welcomes a whole hearted desire to join the Jewish people, seeing that desire not only as something which is acceptable, but also as something which is a privilege for the Jewish community. I accept the approach of Ramban and Ibn Ezra, that to be counted one does not necessarily have to produce documents. They seem to adopt the approach of Ruth, that a firmly expressed and genuine desire to be an integral part of the Jewish people in its land and society can be a blessing for all, and we are enjoined to accept blessings joyfully.

***Num. 2, 1**

The Lord spoke to Moses and Aaron saying

What is the connection parashat Ba-Midbar and the Amidah prayer? Only in Midrash could we have such a connection. Chapter two of Ba-Midbar starts “The Lord spoke to Moses and Aaron saying”. This seemingly innocuous verse is interpreted as a source of the form of the Amidah, that is, 18 blessings. The reason given is that in 18 places in the Torah, Moses and Aaron are addressed by God equally. Most of the time God addresses only Moses, but in these 18 instances they are integrated (“mezuvagim”) together as equals (**Ba-Midbar Rabbah 2:1**). Indeed, in the first chapter of Ba-Midbar, God addresses Moses alone, but in chapter two they are addressed equally.

This midrash makes a distinction between the fixing (kevaum/keva) of three distinct times a day for prayer, and between what kind of prayer or blessings are to be recited each of those times. The framework, three times a day, was fixed by the patriarchs. This echoes the Talmud **Berachot 28a** etc. The feeling of this midrash is that as opposed to this ‘keva’ of time the form of 18 blessings is flexible. The number 18 is dictated by occurrences of Moshe and Aharon as equals, but the content of the blessings seems to be open to different qualities of prayer.

The Midrash mentions two other occurrences of the number 18, which have to do with “azkarot”, mentions of God’s name. These are also known to us from the Talmud, namely, the 18 mentions of God’s name in the Keri’at Shema, and in Psalm 29. (The other mention of 18 in the Talmud, namely, the 18 parts of the spine does not figure in this Midrash at all.) From these references, we can infer that we must say 18 blessings, i.e. mention God’s name 18 times as a form of prayer.

The main point of this Midrash is, however, not that we must say 18 blessings, but rather HOW we are to recite this prayer. The mode of prayer is one of being addressed by God as an equal to the greatest prophet of all time, Moses. The mode of prayer is not one of addressing God, but of being addressed. The motif of equality permeates this Midrash. Of all of the multitude of times God addresses Moses, only 18 times he includes Aaron on an equal footing, and those are the times that represent the opportunity to pray. **TTT 180 PR**

Perhaps the point of this Midrash is that before being able to pray, we must first listen. We must first remove from our thoughts any preconceived notions of who we are, or what we are worth. We have to see ourselves as equals, as open to hearing God’s voice as the prophets did. We must feel “integrated with” (“mezuvagim”) the sense of God’s presence that is manifest in the prophetic tradition. Perhaps we are so anxious to make our voices heard, that we cannot hear that we are being called. Perhaps, this Midrash wants us to know, that this is a rare occurrence. Only a few times out of hundreds will we feel addressed, but armed with the knowledge that it CAN happen and that we CAN hear the words on an equal footing, we are able to approach prayer. The kavvanah within the keva, is that hope, the expectation of being addressed.

***Num. 2, 2**

The Israelites shall camp each with his standard, under the banners [“al diglo ve-otot”] of their ancestral house; they shall camp around the Tent of Meeting at a distance.

The book of Numbers, in Hebrew “ba-midbar”, begins by describing the way that Israel traveled through the desert on its way to the land of Israel. The central feature of this description is the camp, that is, how each tribe is situated surrounding the Tabernacle, which is in the middle of the camp. The general description of the layout of the camp is: “The Israelites shall camp each with his standard, under the banners [“al diglo ve-otot”] of their ancestral house; they shall camp around the Tent of Meeting at a distance.” (Num. 2, 2)

The description of the camp refers to a “banner of their ancestral house” which is affixed to a standard. The English word “standard” can refer both to a flag, or banner, and to the pole on which the flag is carried. Our translation, JPS, takes the Hebrew word “diglo” as standard, pole, and translates “otot” to mean the banner. In modern Hebrew the word “degel” means flag or banner, and “otot” would be taken to mean “signs”.

This reading assumes that each tribe had a physical emblem representing it, and that this emblem was drawn on a banner. Some modern scholars hold that the word “degel” does not mean “flag”, but refers to a type of division in the army. But, each division had its “ot”, and this seems to be a kind of standard for that group.

In the EJ we find: “Two different types of standards are depicted on Assyrian monuments from Nineveh. The first type, consisting of a pole bearing a ring to which streamers were attached, was placed on the side of a chariot, toward the rear, in a special place designated for it. The second, consisting of a pole with an opening at the top into which the symbol, probably of metal, was inserted, was carried by the charioteer... As is the case with other practical objects, these banners also served ritual needs.” (EJ, ‘**Banner**’) Did the Israelites in the desert have flags with signs or symbols of each tribe on them? If so, what needs did these banners serve?

It is just this ambiguity about what exactly these objects are that prompts the Midrash to explain what the Torah is talking about. **Number Rabbah 2, 7** spells it out: “There were distinguishing signs for each prince; each had a flag (mappah) and a different color for every flag, corresponding to the precious stones on the breastplate of Aaron. It was from these that governments learned to provide themselves with flags of various colors. Each tribe had its own prince and its flag whose color corresponded to the color of its stone. Reuben's stone was ruby, the color of his flag was red, and embroidered thereon were mandrakes. Simeon's was topaz and his flag was green, with the town of Shechem embroidered thereon. Levi's was smaragd and the color of his flag was a third white, a third black, and a third red; embroidered thereon were the Urim and Thummim. Judah's was a carbuncle and the color of his flag resembled that of the heavens; embroidered on it was a lion. Issachar's was a sapphire and the color of his flag was black like stibium; embroidered thereon were the sun and moon. Zebulun's was an emerald and the color of his flag was white, with a ship embroidered thereon. Dan's was jacinth and the color of his flag was similar to sapphire; embroidered on it was a serpent. Gad's was an agate and the color of his flag was neither white nor black but a blend of black and white; on it was embroidered a camp. Naphtali's was an amethyst and the color of his flag was like clarified wine of a not very deep red; on it was embroidered a hind. Asher's was a beryl and the color of his flag was like the precious stone with which women adorn themselves; embroidered thereon was an olive tree. Joseph's

was an onyx and the color of his flag was jet black; the embroidered design thereon for both princes, Ephraim and Manasseh, was Egypt because they were born there. A bullock was embroidered on the flag of Ephraim. A wild ox was embroidered on the flag of the tribe of Manasseh. Benjamin's stone was a jasper and the color of his flag was a combination of all the twelve colors; embroidered thereon was a wolf."

This Midrash assumes that the flag of each tribe had its own distinctive color, according to the colors of the stones of the high priests breastplate. It also assumes that each tribe's emblem was embroidered on this flag, and that the emblems are taken from Jacob's final words to the twelve sons, each of which refers to some physical object connected to the history of each son. (cf. Gen. 49)

Furthermore, this Midrash attributes the governmental custom of having flags and standards for army divisions or towns to this verse. Another gift of Israel to the world. From this explanation, It seems that the purpose of these banners is to identify each tribe, as is the well known purpose of flags in the world. But, what is the need for that? Did not everyone know to which tribe they belonged? Did not everyone know the place of each tribe, for each tribes' exact location is spelled out in the Torah?

Another Midrash attempts to ascribe deeper meaning to the standard. Indeed, this Midrash uses the best rules of Midrash in relating to the "degel". This superb Midrash is found in Shir ha-Shirim Rabbah, and it relates to the verse: "He brought me to the wine room, and his banner of love was over me ("ve-diglo alai ahavah")" (Song 2, 4) The Midrash views all of the Song of Songs as an expression of the giving of the Torah, of the interaction between God and Israel. The "banner of love" is the source for the need for the banners of the tribes. It is in some sense a reflection of the connection to the Divine.

In this Midrash (**Song. R. 2, 13**), R. Yehudah comments: "'He brought me to the wine room", Kneset Yisrael says God brought me to a large wine cellar, that is Sinai, and gave me there banners of Torah, mitzvot and good deeds, and I accepted them with love." The banners here seem to be the actual objects which are accepted at Sinai. Perhaps the image is similar to the Assyrian banners, with multiple streamers flowing from a ring, or a metal plate with inscription on it. Similar standards are known from the Roman world. In any case, the "degel" seems to stand for the Torah itself.

Even more striking is the comment of R. Abba in the name of R. Yitzhak: "Kneset Yisrael says God brought me to a large wine cellar, that is Sinai, and gave me there Torah which it is possible to interpret 49 ways of declaring pure, and also 49 ways of declaring impure. From which verse do we know that Torah is meant to be so open to interpretation? From the word "ve-diglo", "his banner", and I accepted the Torah in this way with great love.'" This comment sees the banner not as the item itself, but as a representation of the item. In this case it is to represent the essential characteristic of the Torah. The banner somehow conveys the message that Torah is so open to interpretation that the same matter may be understood in 49 different ways of purity or in 49 different ways of impurity. The proof that this is so is the word "ve-diglo" itself, whose numerical value, gematria, is 49! **TTT 180 HA and P**

Where is the great love here? Perhaps R. Yitzhak thinks that it is easy to accept a Torah which has one meaning and for which one need not engage in intellectual work in order to comprehend. It requires a special act of love to accept a Torah whose very banner is one of open interpretation. It is the essence of Torah which the flag depicts, and it is this essence which demands effort on the part of its adherents. The very idea that it is so open to interpretation implies a heavy demand on those who accept it. Yet, Israel accepts it lovingly.

R. Yonah continues this thought by adding that when two colleagues argue about a matter of halakhah, and one makes his case on the basis of one halakhic principle and the other makes her case on the basis of a different halakhic principle, God says, “ve-diglo alai ahavah”. Here it is God who affirms that each one of the different arguments is precious in God’s eyes. **TTT 180 HA and P**

This Midrash continues in what might be described as examples of rabbinic humor. Perhaps it is the reliance on gematria, numerical value, which causes what seems to be a tongue-in-cheek reaction. Puns are made on the word “ve-diglo”. The ignoramus skips letters changing the meaning of the text, so, the Midrash reads “ve-dilugo”, his misreading, is precious to God. The young person misreads names, and so his “liglugo”, stammering reading, is precious. Crude people put their finger on God’s name when reading, so their “agudlo”, thumb, is precious, and so forth. This series of satiric renderings of our Midrash may have been the reaction of colleagues to what they thought of as too facile a sermon; and yet they all conclude that these misreadings and crude behavior are part of what is precious to God. Perhaps it is not satire for satires sake, but an extreme rendering of the idea that all readings of the Torah, even if uninformed or crude, are precious, that is they all fit into the banner of Torah.

In any case, the end of the Midrash, in the name of R. Joshua of Sichnin, is that the ways and manners of God are symbolized by angelic flags, and when Israel beheld these flags they accepted them with love. So, the flags signal Israel’s commitment to Torah, to Torah which includes the responsibility to interpret, and which is pluralistic in its essence.

***Num. 3, 31**

Their duties comprised: the ark, the table, the lampstand, the altars, and the sacred utensils that were used with them, and the screen – all the service connected with these.

Towards the end of parashat Ba-Midbar we have an account of the work of the Levites in moving the Tabernacle. The priests, also a Levitical family, are in charge of the functioning of the Tabernacle. The other Levitical families have secondary roles, much of it in maintenance of the Tabernacle, and in hauling the Tabernacle around. In today's terms the priests are the political leadership, the cabinet members, the engineers or physicians, and the Levites are the bureaucracy and the workers that supports them.

Each Levitical family has a specific task. It is interesting to read of the task of the family of Kehat: "Their duties comprised: the ark, the table, the lampstand, the altars, and the sacred utensils that were used with them, and the screen—all the service

connected with these." (Num. 3, 31) That is, they were to move the most sacred objects used for service to God in the Tabernacle.

Later on we read: "When Aaron and his sons have finished covering the sacred objects and all the furnishings of the sacred objects at the breaking of camp, only then shall the Kohathites come and lift them, so that they do not come in contact with the sacred objects and die. These things in the Tent of Meeting shall be the portage of the Kohathites. Do this with them, that they may live and not die when they approach the most sacred objects: let Aaron and his sons go in and assign each of them to his duties and to his portage. But let not [the Kohathites] go inside and witness the dismantling of the sanctuary, lest they die." (Num. 4, 15; 19-20)

The Torah tells us that the job of covering up all of the sacred utensils, preparing them for hauling, was done by the priests. The actual hauling of the wrapped utensils was done by the Kehat family. What is fascinating is that the Kehatites must be protected from the danger of the holy vessels, namely that one could die by virtue of just touching the implement. (cf. II Sam. 6) So, the priests must do all of the covering, the most dangerous work, because one could accidentally touch the vessel. The Kehatites, in order to be protected, are not allowed anywhere near the vessels until they have all been covered. Only then, when their safety is assured, are they permitted to pick up the objects.

The Midrash formulates Moses' angry reaction to this section: "Master of the world, the blood of Kehat is forbidden and the blood of Aaron's children is permitted?!" Moses demands to know how is it that God seems to not care that Aaron's children, the priests, routinely perform the most dangerous task of covering the utensils, while at the same time guarding Kehat's family from coming anywhere near the danger zone. (**Num. R. 4, 19**)

Moses seems to call God's justice into question. He implies that in a dangerous occupation there should be some equality, and one party should not be totally exposed to risks, while the other party is totally protected from the same risks of the occupation. The answer of God in the Midrash is illuminating: "no (you don't understand), Aaron is holy of holies, as it is written: "Aaron was set apart, he and his sons, forever, to be consecrated as most holy..." (I Chron. 23, 13); and [the ark which is] holy of holies cannot harm what is most holy. But, the Kehatites, who are not most holy [merely holy] may be injured by the most holy implements." The Midrash understands that the Priests are NOT in danger, because their status protects them from harm. But, for the others, there is a danger that they will be wiped out if not shielded from possible danger to their lives.

Consider that the priests' status is not merely hereditary, but it is presumably accompanied by learning and knowledge of the power of holiness, and particularly knowledge of how to avoid danger. The workers who move the Tabernacle do not need to learn all of the rules and workings of holiness. They need to be protected by those who know them. The Midrash, it seems quite in tune with the Torah text itself, is warning the Priests that THEY are responsible for the welfare of the Kehatites. It is their sacred duty to make sure that the safety rules are scrupulously adhered to precisely in order to prevent deaths of the movers.

Our text, then, is really about the responsibility of anyone who has position of status to make sure that users of their wares are safe. This is based on the assumption that knowledge and status enable one to make safe conditions to prevent harm to others. This has implications for many areas of life. People in positions of power and knowledge are not only commanded to not abuse their power, but they must do everything in their power and knowledge to make sure that others are safe from mistakes. They can take no shortcuts for the sake of profit or to speed things up. To do so is to transgress the Torah's clear command to make sure that no one dies because they did not do their job.

***Num. 4, 18 - 20**

Don't let the Kehatites die out from the tribe of Levi. Do this procedure when they (Kehatites) come forth to to the Holy of Holies to do their work, so that they will live and not die: Aaron and his sons will come and supervise each one at his work. So that they should not come to see how the holiness disappears ("ke-vala et ha-kodesh"), and thus die.

We usually think of the Tabernacle, and later the Temple, primarily as places where the holy is confronted, atonement is forthcoming, thanksgiving is expressed, in short, places of spiritual achievement. Yet the account of the Levites work makes it clear to us that these are places where hard work is carried out, the physical labor of lifting, covering and moving objects.

The work responsibilities of each family of Levites and the Priests is recounted in this book, and we see that the actual physical maintenance of the Tabernacle required a great deal of hard work. The details of the work required of the family of Kehat, Num. 4, ends in a rather dour and surprising way: "Don't let the Kehatites die out from the tribe of Levi. Do this procedure when they (Kehatites) come forth to to the Holy of Holies to do their work, so that they will live and not die: Aaron and his sons will come and supervise each one at his work. So that they should not come to see how the holiness disappears ("ke-vala et ha-kodesh"), and thus die." (Num. 4, 18-20)

The Kehatites were responsible for packing up and carrying the most important of the vessels of the holy of holies, but just what is the meaning of these verses at the end of the parasha? On the simplest level these words may reflect the concern of the risk of death when coming in contact with the most holy. **Ramban**, in his comment on **Gen. 2, 17** "the day you eat from it you will die", points out that this does NOT mean that they will die immediately, rather that they will become "liable" to die, for having transgressed. He even says that this does not mean the knowledge of death, but rather the liability. He further backs up this point by our verses, saying that the Kehatites will not die immediately but be subject to the "hiyuv" of death. Still the question remains, what exactly is the cause of death for one who works with the holiest vessels?

The Midrashic tradition strives to interpret this concept much beyond that simple level. Once again, we stand in awe of the intellectual prowess brought to bear by the Midrash on words, and learn many valuable lessons from it. There are three basic interpretations of this matter in the sources.

The first interpretation is that since the Kehatites see and handle the gold vessels every day, if they handled them uncovered they might be tempted to steal them. This

is the interpretation of our verse in **Sanhedrin 81b**. There, the words "ke-vala et ha-kodesh" are interpreted to mean, "make the holy disappear", i.e. steal it. There is a great lesson here for all Jews, and especially for rabbis. Our "familiarity" with religion may tempt us to "steal it", that is use for ourselves or our own personal aggrandizement. If we do that we make the holiness disappear!!

The second interpretation is found in **Num. R. 5:9**. R. Shemuel in the name of R. Nahman interprets this verse to mean that since the Kehatites knew, or thought, that whoever loaded the Holy Ark got a greater reward from God, that they thus neglected the Table, the Menorah and the altars. Here too, is a great lesson. Here the verse is interpreted to mean that they should NOT make the holiness of other mitzvot disappear. One cannot favor just certain mitzvot on the grounds that they bring greater reward, and thus ignore what we feel is less worthy.

The third interpretation is the most complex. We learn in the **Yerushalmi (Bikkurim 2:64c, halakha 1)** that this law is a special amendment to the usual laws of Levite labor, to prevent the Kehatites from staring at the vessels of the Tabernacle and thus turn them into "idols" of worship rather than God ("yezenu eineihen" cf. "eineichen asher atem zonim ahareihen" (Num. 15, 39). As the Kehatites come into the holy of holies every day and cover up each holy vessel with its special cover ("ke-vala et ha-kodesh", cf. **Rashi and Ramban**), there is a danger that they will ascribe all of the power and efficacy of the place to these vessels. They must be prevented from seeing the vessels too often, because they may think of them as in place of God. This danger is clear to us today as well, when we think of the "magical" properties many Jews ascribe to the Mezuzah or Tefillin etc. There is a need for some spiritual supervision so that those jaded by familiarity do not assign divinity to the objects which are meant to symbolize, not even the divine itself, but the relationship to the divine. **TTT 181 T and M**

The vessels were not meant to symbolize God, but our relationship with God. Indeed, we learn of this great principle from the amazing statement of R. Kattina: "Whenever Israel came up to the Festival, the curtain would be removed for them and the Cherubim were shown to them, whose bodies were intertwined with one another, and they would be thus addressed: Look! You are beloved before God as the love between man and woman." (**Yoma 54a**). The intimacy of the relationship between Israel and God is depicted by the way the Cherubim clung to one another. It is a powerful example of the physical symbolism of love at its most potent in human life, and in the life of the Divine.

This leads us to another possible understanding of the previous source, namely, the desire to prevent the Kehatites from turning the sculpture representing Divine love into something pornographic. The power of human physical love can be an intimation of the Divine, if it is the outcome of true love and concern for the other, but can also be profane if it is merely the exploitation of the other. The danger of the daily workers, jaded by their job, is that they will see the Cherubim sculpture as the latter, but Israel, coming for the Festival with expectation of joy and holiness are ready for love in its highest form.

***Num. 4, 29 – 32**

²⁹As for the Merarites, you shall record them by the clans of their ancestral house; ³⁰you shall record them from the age of thirty years up to the age of fifty, all who are subject to service in the performance of the duties for the Tent of Meeting. ³¹These are their portorage tasks in connection with their various duties for the Tent of Meeting: the planks, the bars, the posts, and the sockets of the Tabernacle; ³²the posts around the enclosure and their sockets, pegs, and cords – all these furnishings and their service: you shall list by name the objects that are their portorage tasks.

At the end of parashat Ba-Midbar we read about the tasks concerning the “coverings” of the holy objects in the Mishkan. The Kohathites are charged to take care of the most sacred of the objects (Num. 4, 17ff.). At the beginning of parashat Naso we read about the tasks of the Gershonites (Num. 4, 29ff.) One task is to cover the sacred objects with different coverings so as not to inadvertently “see” them. But the general thrust of this subject is dealt with excellently by Refael Tawil in the Bamidbar edition of Judaic Seminar (vol. 4 no. 41). I decided to save my own comments on the need to cover up holiness so that it does not become destructive, but, at the same time, to make sure that the covers be done in a certain way so that the holiness is not obliterated. Note that some objects have a cover on top of a cover etc., and that each cover is made of different materiel, and that each cover is made with a different technique, e.g. weaving, sewing etc.

When we continue to read we read about the duties of the Merarites in 4, 29 ff. They are responsible for the planks which make up the sides of the Mishkan (“kerashim”). They have to carry the planks and all of the appurtenances which attach to them to make the sides of the Mishkan. The “kerashim” of the Mishkan are the subject of much exegesis. We first read about them when God gives the instructions for building the Tabernacle: “You shall make the planks for the Tabernacle of acacia wood, upright.” (Ex. 26, 15) The phrase “acacia wood, upright” is the translation of “atzei shittim omdim” (which in Camp Ramah song lore became “atzei zeytim omdim”, for obvious reasons. This is a type of emendation which is permitted by Hāzal.) The word “omdim” translated here, “upright” is a difficult word. The simple meaning of the verse is that the walls of the Mishkan were to be assembled so that the planks were joined in an upright fashion, not by piling them up in a horizontal fashion (cf. **Rashi ad loc**).

In Tanhuma we find a wonderful Midrash. This Midrash recounts the miraculous nature of the physical materials of which the Mishkan was made. What miracles are connected with the planks?

“Jacob planted them when he went down to Egypt. He said to his sons: ‘My children, you will be redeemed from Egypt in the future, and after you are redeemed, the Holy One will command you to build a Tabernacle. Therefore, plant acacia trees now, so that when God tells you to build the Tabernacle, the acacias will be ready.’ They immediately planted the trees.... Furthermore, those trees praised God with song. What was their song? As it is written, “then (“az”) shall all the trees of the forest shout for joy at the presence of the Lord...” (I Chron. 16, 33; not Ps. 96, 12 as appears in most editions) The word “then” (“az”) always implies singing, as is written, “then

“az”) Moses sings...” (Ex. 15, 1). When [did the trees sing]? When the Mishkan was made from them. When God told Moses about the Mishkan he said: “You shall make THE planks for the Tabernacle of acacia wood which was ready and waiting.”; God did NOT say make planks, but make THE planks, THE ones which their ancestors had prepared for them, “omdim”, the ones which had been prepared in advance.... (Tanhuma, Terumah, 9:9) TTT 182 H

This Midrash fixes on the Hebrew word “omdim” in its usage of “prepared in advance” or “ready and waiting”. This is a perfectly good Hebrew usage, and it changes the whole context of the meaning of the planks. Here we have a parable of how we must always plant for the vision of the future. What we do today, the planks we create today, must be created with an eye to a future of goodness, redemption and service of God. In order for our tradition to support the future it must be concrete (the metaphor of planting), it must include the whole generation (note: Jacob tells his sons to plant), it must be celebratory (the deeds, the planks, sing in praise).

What a wonderful parable for creating Jewish life, institutions, families which are rooted in actions, inclusive and cause one to burst into praise. Those who come afterwards can then take the planks and build them into a Mishkan of their own. There is a whole spectrum of ideas, customs and mitzvot which are the planks of Conservative Judaism. We are still in the stages of planting for the future, and it is our responsibility to do so with vision of redemption and song always in our mind. We must articulate the vision of joy and redemption, in words, deeds, ideas and song. When the vision will be clear, we will know what to plant.

The beginning of our parasha seems to be one of the most boring of all the readings in the Torah. It deals with the “porterage tasks” of the Levite clans when carrying the Tabernacle, assembling it, and disassembling it. Yet, a reading of this passage through the traditional Midrash and commentaries yields valuable lessons.

The lesson is prompted by a curious, sometimes even unintelligible, word or phrase in the verses. In our case, we are reading along, learning which families carry which items of the Tabernacle, when suddenly we read: “the posts around the enclosure and their sockets, pegs, and cords—all these furnishings and their service: you shall list by name [“u-ve-shemot”] the objects that are their porterage tasks.” (Num. 4, 32)

Why does the Torah specify “by name”, “u-ve-shemot”? To what does the “name” refer? Our translation smoothes over this problem by having the name refer to the objects that each Levite clan is to carry. But, this only makes the first question stronger? We are reading a list of names of items for many verses now, why make a point of stressing something we are already doing?! While it is possible that “names” refers to the items of the Tabernacle, it is also possible that it refers to the Levites themselves.

Indeed, the Midrash understands this to be a command to specify, not only which Levite family takes which items, but to specify within each family, exactly, what each individual takes. Everyone must know his exact task; the amount must be specific by name. This is in order, so says the Midrash, to avoid rancor and dissidence among the Levites. (**Num. R. 6, 4**) This insight is precious. Uncertainty over exactly what is

expected of each person is a certain cause of bickering. All agree that the Tabernacle must be moved, but if it is unclear what each one is to do, the infighting could be cantankerous. **TTT 182 H and M**

Nachmanides, **Ramban**, develops this idea of the Midrash in his commentary on our verse. He cites the idea that each individual person must know their exact duty: “so-and-so will take x number of boards, so-and-so will take x number of bolts or planks, there cannot be a general order...”. The reason is, says Ramban, that because of the heavy burdens involved, if each person did not have a specific task, they might try to shift more of the planks or bolts onto another person. Ramban points out a specific mechanism that kindles dissatisfaction. Whatever the burden that each one has, it does matter that the burden that they do have is not shifted to others. If there is clarity about what each person does, that makes it much harder to shift part of one’s own burden onto others.

Ramban further writes that the specification of the duty of each person implies that the leaders have assiduously and piously (his word) divided the burden up. That is, it is as close as they can come to the exact ability of each person to shoulder his burden. Furthermore, this is based upon the idea that there is responsibility for carrying out the task from the top to the bottom, and from the bottom to the top. (**on Num. 4, 16**) The leaders are responsible to divide the burden fairly and honestly, the individual Levite is responsible to carry out his duty, without shifting any to others. There is little room for bitterness if this system is carried out.

If we see the Tabernacle as a metaphor for national projects, then the principles of how the burden of carrying out national projects should be set up, as revealed in our parasha, are indeed relevant for our day, and hardly boring at all.

***Num. 5, 4**

The children of Israel did thus (“ken”) sending them out of the camp, as God had spoken to Moses, thus (“ken”) did the children of Israel

In this week’s parasha there is a command to send out of the camp any man or woman who is “impure” because of skin eruption or secretions. After this command we read: “The children of Israel did thus (“ken”) sending them out of the camp, as God had spoken to Moses, thus (“ken”) did the children of Israel” (Num. 5, 4) This is fertile ground for Midrash, why repeat the word “ken” twice, telling us two times that the children of Israel did what God had commanded them!

The Midrash sees it as announcing the best side, praiseworthy behavior, of Israel. It is praiseworthy not just because they did what they were told, but because they did it “honestly” “ken”. The Hebrew word “ken” means yes, but also means “honest”, “truthfully” (cf. Gen. 42, 11 “kenim anahnu” means “we are honest”, “telling the truth”). R. Elazar the son of R. Shimon sees in the repetition of the word “ken” a scenario in which those who were impure and had to leave the camp, did so “ken” honestly without being told that they had to go, and without being policed (**Num. R. 7:9**) He comments: “this repetition can only mean that they did not need to forcefully send them...on their own they left...”. What they had to do, they did “honestly” “ken”. No sense here of “guilty, with an explanation”. This is indeed a sign of the highest moral behavior. Knowing when one needs to make amends or leave the

camp for the sake of the community, and doing it honestly without any attempt at rationalization.

The idea of being “honest” “Ken” and knowing on your own, to own up to faults and to try and correct them is very important, but we can apply the same standard of behavior to positive actions. Many times we know that we should take responsibility on our own, without being told, but we avoid responsibility. How often have I heard people say, “I know I should study more, go to services more, look after my children’s Jewish education”, but they need to be pushed to do so, to feel some threat in order to act in a responsible way. In some sense the norm is inactivity, and taking action “honestly” out of your own sense of obligation is to leave the norm. The “ken” is a positive step out of the camp, the norm, for the sake of strengthening the camp and your own self. **TTT 183 H and M and B and ED**

This Shabbat a group of 10 adult women who have, on their own initiative and out of an “ken”-honest sense of commitment to Jewish life and continuity, will lead the services, read the Torah and Haftarah and teach the Shabbat Shiur which is customary in our kehillah. They have studied all year long, and have taken on the obligation of active participation in our congregation, as the honest expression of the egalitarian idea. It will be the first time in Israel that a group of women have done this. They are stepping outside of the usual camp of inactivity, of women as spectators only, and in our society that is a major step of positive affirmation. “Ken”

***Num. 5, 5 - 8**

The Lord spoke to Moses, saying: Speak to the Israelites: When a man or woman commits any wrong toward a fellow man, thus breaking faith [li-mo’l ma’al] with the Lord, and that person realizes his guilt, he shall confess the wrong that he has done [sic “they shall confess the wrong they have done” “ve-hitvadu et hatotam asher ‘asu”]. He shall make restitution in the principal amount and add one-fifth to it, giving it to him whom he has wronged. If the man has no kinsman to whom restitution can be made, the amount repaid shall go to the Lord for the priest – in addition to the ram of expiation with which expiation is made on his behalf.

The Oral Torah, the tradition of the midrashic process which creates Torah, pays attention to everything. If a law seems to be repeated in different parts of the Torah, reasons will be given for this seemingly needless repetition. If there seems to be a grammatical error or anomaly, new laws will be derived from it.

In this week’s parasha we have such a section: “The Lord spoke to Moses, saying: Speak to the Israelites: When a man or woman commits any wrong toward a fellow man, thus breaking faith [li-mo’l ma’al] with the Lord, and that person realizes his guilt, he shall confess the wrong that he has done [sic “they shall confess the wrong they have done” “ve-hitvadu et hatotam asher ‘asu”]. He shall make restitution in the principal amount and add one-fifth to it, giving it to him whom he has wronged. If the man has no kinsman to whom restitution can be made, the amount repaid shall go to the Lord for the priest—in addition to the ram of expiation with which expiation is made on his behalf.” (Num. 5, 5-8)

This law states that a person who has wronged anyone must make restitution to the person wronged, and must bring a sacrifice to atone for the wrong they have done, and confess their wrongdoing as part of bringing the sacrifice. This law seems to be

identical to the law as stated in Lev. 5, 21ff. with one notable difference. In Leviticus the factor which makes the offense disloyal to God ("ma'al") is that the offender takes a false oath about what he has done: "if he swears falsely regarding any one of the various things that one may do and sin thereby" (v. 22). Whereas, in Numbers no false oath is mentioned, the act itself is called "ma'al". Even so, why is the basic law repeated here?

Not only that, but there is a strange grammatical anomaly in that verse 7 switches suddenly from singular to plural, and then back to singular again. Our translation (JPS) chose to translate all of the verse in the singular, but to any reader of Hebrew the sudden switch is jarring. It is the kind of grammatical mistake for which first year Ulpan students get chewed out. **TTT 184 H and L**

In addition to these two textual issues, there is also the question of the meaning of the Hebrew word "ma'al", translated here as "breaking faith", but also implying being disloyal or acting fraudulently. For a riveting explanation of the difference between Num. and Lev. on just this point see Israel Knohl's "**Mikdash ha-demamah**" (Magnes Press, 1992), p. 165ff. There Knohl spells out the different approaches to ritual and morality in the priestly texts, i.e. Lev., and in the holiness texts, i.e. Num. Leviticus distinguishes between morals and ritual, and applies the term "ma'al", disloyalty toward God, only to ritual offenses where a false oath was taken. Whereas, Numbers does not differentiate and applies the term "ma'al" to offenses against people, even if no false oath was taken. In Numbers, moral and social offenses are also an expression of disloyalty towards God. (It pays to read the whole section.) **TTT 184 M and T**

Knohl's book traces the different theologies of these two schools as they appear in the Torah. Our tradition, however, does not see these two sections as expressing different schools of theology, and thus it either harmonizes the two passages, or draws more conclusions based on the differences. Indeed, one Midrash informs us that this is a characteristic of the Torah, namely, that if a law is stated in one place, but some detail of the law is not included there, then the law is restated in another place specifically so that we will understand the new element. (**Num. R. 8, 5**) **TTT HA**

What is the new element introduced in our parasha? In the Talmud we find an exposition of our passage which relates to the phrase "If the man has no kinsman to whom restitution can be made". Our passage is dealing with an offense against another person, and demands restitution of the loss as the first step in expiating the sin. If the person who was robbed has died, then restitution is made to his kin. Only if there is no kinsman is the restitution made to the priests. The Talmud asks how is it possible that a Jew has no kinsman? Somewhere along the line going back to Jacob, a relative must be found.

So, this phrase introduces the new element, namely, robbing a convert to Judaism. The convert is considered as born anew, and thus has no kinsmen except his children born after conversion. Thus, our parasha adds that one who robs a convert, even if the convert changed the money taken into a loan, must make full restitution, and if the convert has no children born after conversion, the restitution is made to the priest as the law requires. R. Akiba makes it clear that one must make restitution as the law

demands in order to atone for thievery, no matter from whom one has taken the goods. (BK 109a)

What about the switch in person from singular to plural? The halakha learns many lessons from this lapse of grammar about the mitzvah of confessing one's sins. These lessons are summarized by Rambam: 1) that one must confess before the sacrifice is slaughtered; 2) one must confess even if there is no sacrifice, e. g. in our time when there is no Temple, that is, that confession of sins is a mitzvah by itself and not merely an adjunct to sacrifices; 3) one must confess whether in the land of Israel or outside of it. (**Sefer ha-Mitzvot, 'Aseh, 73**)

The fascinating thing is the struggle to decide what elements of the sacrificial system are independent of actual sacrifice, that is, which elements are eternal and stand on their own. One of them is the need for confession as an integral part of atonement. Indeed, the confession even in the context of sacrifice is separate, and comes before the sacrifice. Perhaps one might feel that confession is "only words", while the sacrifice is a tangible expiation. Yet, the confession takes precedence. **TTT 184 HA and M**

Why is the need for confession so strong that the tradition works very hard to make it a rite independent of its sacrificial context and universal and timeless in its scope? The reason is that this is the most intrinsic and forceful way in which a person assumes responsibility for their deeds! To confess in words, to have your own lips say the words "I have transgressed by doing such and such" is clear and not ambivalent. It is a declaration of responsibility that is made before God, not "expiation" before God, like a sacrifice, but a presentation of self, an acknowledgment of the basis of responsibility in my personal life.

In a world in which clear cut responsibility is always diluted, by psychology, by social theory, by educational theory and so on, in a world in which one never hears a public figure admit responsibility unequivocally, can we even understand the emphasis which our tradition put on confession?! The essence of living according to Torah is acting on responsibility for our actions. When we fail, how can we correct that failure? The answer is teshuvah, but teshuvah must begin with confession in words, for without clear cut acceptance of our own responsibility, the process of teshuvah cannot even begin. **TTT 184 M and ED and K**

Finally, the harmonizing work of Midrash is apparent in the way the word "ma'al" is treated. The Midrash says clearly that "ma'al" means "lying", and thus the disloyalty expressed by oppressing one's fellow is connected to the disloyalty expressed by taking a false oath before God. (**Sifrei Bamidbar 2**) Knohl's explanation is that swearing falsely to God is the definition of "ma'al" in Leviticus; whereas, in Numbers the definition of "ma'al" is any oppression or maltreatment of another person. Indeed, it is in this sense that the prophet Ezekiel declares: "O mortal, if a land were to sin against Me and commit a trespass ["li-mo'l ma'al"], and I stretched out My hand against it and broke its staff of bread, and sent famine against it and cut off man and beast from it..." (Ezek. 14, 13) As **Radak** comments: "the great punishment is not sent for just any sin, but for the sin of "ma'al", for denying God's justice, for acting as if there is no judge and no justice, as did the people of Sodom and Gomorrah." The sin of disloyalty to God is made manifest by mistreating others

with no thought of any standard of justice at all. It is compounded by disdain of responsibility for our actions. It is this behavior that brings about the destruction of society and exile.

***Num. 6, 20**

The priest shall elevate them as an elevation offering before the Lord; and this shall be a sacred donation for the priest, in addition to the breast of the elevation offering and the thigh of gift offering. After that the nazirite may drink wine.

This week's parasha is known for the laws of Nazir and Sotah which are found in it. The law of Sotah, a wife suspected by a jealous husband of adultery, is found with all of its details in Chapter 5. Chapter 6 begins with the laws of the Nazirite vow. A person, man or woman, who decides to take upon them these vows must remain absolutely out of the range of defiling objects, not cut their hair, and refrain from drinking wine or from ingesting anything that comes from grapes. The purpose of this vow is "to set himself apart for the Lord" (Num. 6, 2) When the period of the vow is over, a ceremony is prescribed for ending the condition of Nazirhood (Num. 6, 13-20). A sacrifice is brought and "The priest shall elevate them as an elevation offering before the Lord; and this shall be a sacred donation for the priest, in addition to the breast of the elevation offering and the thigh of gift offering. After that the nazirite may drink wine." (Num. 6, 20)

R. Moshe Alshekh, following traditional sources, is puzzled by the end of the verse "After that the nazirite may drink wine". The whole point of the ceremony was to end the status as a Nazirite. So, why does the Torah still refer to this person as a Nazirite? (**Sefer Torat Moshe on Num. 6, 1-5**) This implies that something of the Nazirite status remains after all the other external symbols are finished, that is after the hair is cut and wine is drunk. (cf. e. g. **Sifrei Bamidbar 24, 25**)

Alshekh begins his excursus on this subject by asking a simple but important question. If refraining from wine is a way of getting close to God, this implies that wine is abhorred by God. So, why does God not forbid wine to Israel altogether? Furthermore, wine is a central feature in many rituals in Jewish life, and it is used as a metaphor for God's blessings, e.g. Lev. 26, 5. And, once the Nazir has finished his period of the vow, he is told to leave the "higher" state of refraining from wine, and he is told to drink some. Yet, he is still called a "nazir"?!

His response to these questions reflects another exegetical tradition. That is the proximity of the laws of Sotah and the Nazirite laws. It is his experience of seeing the Sotah ritual and the woman degraded by it that motivates the wish to be a Nazir. Of course, Alshekh says, God is not abhorred by someone who drinks wine moderately without drunkenness. But, a person may be driven to extreme vows, such as the Nazirite vows, because of extreme anger with members of his family, or because of some exaggerated sense of his own holiness, or just to be hard on himself by refraining from wine. Such motivations are unacceptable. The only true motivation for a nazir is a revulsion at his own lustful mania. If this person is suddenly afraid of their own passions and drives, if there is a sudden fear of what he might do, then to take the Nazir vows is right. This person is struggling with thoughts that are driving him to sin. **TTT 185 M and HA**

It is a known phenomenon People who are addicted reach a point of rock bottom, and decide that they are going to do what it takes to change. The total restraint called for is a step in the direction of taking control of their own passions. In this case, the Nazir steps away from the worldly pleasure of wine. It is perhaps a result of seeing the Sotah ritual, and the disgrace of a woman who undergoes it. Perhaps by specifying that the person who becomes a Nazir might have been angry with members of his own household, Alshekh is implying that a man who has brought his wife to the Sotah ritual should be appalled. Or, he has seen the ritual, and now is confronted by his own anger and sees to what it might lead. The cure for this rage is to put oneself in a very ascetic regime, at least for a specified time.

If the ritual works, and the Nazir learns to control his anger and belligerence, then he remains a Nazir even after the vow is over and he has drunk the wine. The hope is that the essence of Nazirhood, the control of anger and violent impulses, stays and influences future behavior.

***Num. 7, 10**

The chieftains also brought the dedication offering for the altar upon its being anointed...

Parashat Naso concludes with the dedication of the altar and the gifts of each tribe, brought by its head (JPS "chieftain"). Each head brings their tribes offering on a different day. At the beginning of this 12 day ceremony it is written: "the chieftains also brought the dedication offering for the altar upon its being anointed..." (Num. 7, 10) Again, at the end of the 12 days, it is written: "This was the dedication offering for the altar from the chieftains of Israel upon its being anointed...." (Num. 7, 84). The Hebrew phrase "be-yom himashah oto", "upon its being anointed" is the same in both verses.

The translation "also brought the dedication offering", loses the overtone of "sacrifice" which the Hebrew word "va-yakrivu" exhibits. This phrase can be understood in a much more dramatic way: "the chieftains brought forth, as a sacrifice, the anointing of the altar, and this constituted its day of dedication". In this reading the actions described are not merely external ritual, the waving or presenting of objects of worth as a ceremony of altar dedication, but the chieftains CONSTITUTE the dedication by their inner motivation. Indeed, this way of construing the verse sharpens the basic question that this account raises, namely, why are chieftains dedicating the altar, and not the priests? It seems as if there is a strange reversal of roles.

The Midrash understands the verse just this way: "The Torah tells us that just as the chieftains volunteered of their own free will and dedication ("hitnadvu") to build the Tabernacle, so they volunteered of their own free will and dedication to anoint the altar" (**Num. R. 12:21**) **Rashi** develops this Midrash even further, adding details. "After they had volunteered ("hitnadvu") the wagons and cattle to carry the Tabernacle, their hearts were filled with even more dedication to volunteer sacrifices for the dedication of the altar". The Midrash, and Rashi's expansion on it, answer the basic question in a way which is crucial for us to understand. The chieftains had been moved to volunteer the vehicles, the ride, for the Tabernacle.

But, this act of volunteering produced an even greater dedication to the cause, and moved them to volunteer to actually dedicate the altar. Both the Midrash and Rashi go on to say, that Moses did NOT want to accept the sacrifice from them!! God had to tell him to accept the volunteer spirit of the chieftains. This interpretation is apparently based upon the fact that the word "va-yikrivu" "the brought forth" is repeated twice in verse 10. The first time is their heartfelt offer of volunteerism, the second time is after Moses has been told to accept their dedication. **TTT 185 ED and M**

Many times a person who volunteers for one task on behalf of the community is moved by what happens to them doing that job, that they volunteer to take on more. Many times other people are leery of such volunteering. There is a tendency to belittle the motives of the volunteer, or to think that a professional should do it. Of course, there is much work which is best done by professionals, but the spirit which moves a person's heart should not be diminished, rather it should be encouraged.

This rule of thumb is especially applicable to all "coming near" in religious life. When someone voluntarily take upon themselves a mitzvah that is the best way to get them to voluntarily take on other mitzvot. And the spirit that moves a person to take on a mitzvah should be encouraged. For, when a mitzvah is practiced out of a spirit of choice and dedication, it truly becomes one's own, just as the dedication of the altar was the volunteering of the chieftains. The spirit of dedication is what constitutes the mitzvah, not merely the act itself. The priests could not do it better, and so God tells Moses to accept the chieftains enthusiasm and commitment, and that is the time of the altars anointment.

***Num. 7, 66 - 67**

On the tenth day, it was the chieftain of the Danites, Ahiezer son of Ammishaddai. His offering: one silver bowl weighing 130 shekels and one silver basin of 70 shekels by the sanctuary weight, both filled with choice flour with oil mixed in, for a meal offering.

Our parasha contains the longest chapter in the Torah, Numbers chapter 7. There are 89 verses in this chapter, and what is more they are all virtually the same story repeated 12 times. It is the chapter of the votive offerings of the chieftains ["nesiim"] of each tribe. One might wonder how the Midrash would deal with such repetitious detail.

In its inimitable way, the Midrash imparts meaning and imagination to even these seemingly prosaic verses. I want to concentrate on the last days. We read: "On the tenth day, it was the chieftain of the Danites, Ahiezer son of Ammishaddai. His offering: one silver bowl weighing 130 shekels and one silver basin of 70 shekels by the sanctuary weight, both filled with choice flour with oil mixed in, for a meal offering." (Num. 7, 66-67) It is clear that the names of each tribe and its chief change, but the offerings are the same. (Num. R. 14, 9)

Our Midrash is puzzled by the order of the tribes. Why do the last three tribes appear in the order Dan, Asher and Naftali? Why was Dan the first to bring their offering? The Midrash notes that Dan is comparable to Judah in Jacob's blessings to his sons. Of Dan it is written: "Dan shall govern ["yadin" literally "judge"] his people, as one ["ke-ehad"] of the tribes of Israel." (Gen. 49, 16) Why does the Torah have to tell us that Dan is "one of" the tribes of Israel? This is obvious to all! Rather, the verse is telling us that Dan is "meyuhad", a special tribe. But, we all thought that Judah was the special tribe, destined to govern over Israel?! Dan is the head of the remaining three tribes, just as Judah is the head of all the tribes.

Dan is also a governor, but through the courts. Dan has the primary responsibility of judgment. Dan's offering of a silver bowl weighing 130 shekels is because Dan's offering is for Samson! The Midrash reveals that Jacob's whole blessing to Dan was a foretelling, a prophecy, of Samson. Samson's great deeds and strength depended solely on God's fulfilling the words of Jacob. Furthermore, just as Samson was a Nazir whose nazirite status was defiled, so the silver basin weighed 70 shekels. How so? In the verses that describe the defilement of the Nazir there are exactly 70 words, from Num. 6, 8 to Numbers 6, 12! (It is so, I counted them.)

Notice that all of these matters are in our parasha of Naso. Not only the offerings of the chieftains, but also the rules of the Nazir. So, the Midrashic imagination that links the tribe of Dan with its famous scion, Samson, finds reverberations of Samson's story in our parasha. Furthermore, our Midrash goes on to explain why Asher comes after Dan. Asher means literally "to assent". No judgment is established without assent. Thus, Asher literally is necessary to establish Dan's status as judge.

Now, all of this is interesting in itself, but it becomes even more fascinating when we consider that the Haftarah for our parasha is about the birth of Samson, and it starts out with "a certain man from Dan" (Judges 13, 2). The story of the announcing of Samson's birth has all of the elements of the parasha reverberating in it. It has the tribal motif, the Nazarite motif, the suspected woman motif ("sotah"), and the motif of a judge who will become a hero and save Israel by exploits of strength. The Midrash finds all of these elements foreshadowed in the offerings of Dan's chief.

Still, the Midrash does insist that Samson's exploits, on behalf of Israel, are only because they fulfill God's decisions. Indeed, in the story Samson is clear that his ability to act is because God is with him. Thus, it is most interesting that Samson's last act, destroying the temple of Dagon with all those in it, LACKS God's involvement. True, Samson prays to God to remember him and give him strength, but there is no overt statement that God answers this prayer. All the other forays of Samson against the Philistines have overt confirmation of God's, or at least God's spirit's, presence. Perhaps the Midrash is making a distinction between assent to military action that has been legally decided upon by government, and action which is private and unsanctioned, and which depends not upon a level headed analysis of the situation, rather upon an individual's anger and outrage at personal assault. (cf. Judges 16, 27-30)

***Num. 8, 10-11**

and bring the Levites forward before the Lord. Let the Israelites lay their hands ("ve-samkhu") upon the Levites, and let Aaron designate (literally, "elevate", "ve-henif") the Levites before the Lord as an elevation offering ("tenufa") from the Israelites..."

There are certain sections of this parasha which are used as the basis of homiletics over and over, for example, the opening section about kindling the lights of the Menorah, and the priestly blessing. Other sections languish, without much attention in sermons. For example, the section which follows the Menorah rules, the dedication of the Levites to serve God and Israel.

The Levites are to wash themselves thoroughly, shave their bodies totally, bring sacrifices, and then a ritual of dedication is prescribed. Part of this ritual includes: "and bring the Levites forward before the Lord. Let the Israelites lay their hands ("ve-samkhu") upon the Levites, and let Aaron designate (literally, "elevate", "ve-henif") the Levites before the Lord as an elevation offering ("tenufa") from the Israelites..." (Num. 8, 10-11) Even JPS notes that the word they translate as 'designate' literally means to elevate, i.e. to lift up.

Now, what is fascinating about this ritual is that there are two actions which are central actions to the sacrificial system, namely, 'laying on hands' ("semikha") and 'elevating' ("tenufa"). The action of laying on hands is performed by the person who brings a sacrifice to the Temple. The action of elevating is performed by the priest. The description in our passage seems to fit this pattern.

What is the significance of these actions? To understand them is to get to the heart of Jewish life and worship. I think that the description of these two actions could be a wonderful doctoral dissertation (if it has not already been done). I will confine myself to a very small part of this major topic.

First, the simple physical act speaks for itself. By laying one's hands on the sacrifice which one brings bespeaks of participation and connection. Elevating the object "before the Lord", actually waving it, implies acquisition ("kinyan"), presentation, and acceptance. The partnership of physical touching and lifting by the person who brings the sacrifice and the priest is expressed. Here, to some extent, the Levites are seen as "sacrificial". **R. Bahya** actually says that Aaron lifted each one of the 22,000 Levites off the ground, which shows his enormous strength. (**on Num. 8, 20**)

Indeed, the nature of the Levites status is fascinating. On the one hand, they are "sacrifices" in place of the first-born, who were saved in Egypt. On the other hand, they have positions of power and administration, and as such receive gifts from all of Israel. They are "sacrifices", and thus are "given" ("netunim netunim" cf. Num. 8, 16) to the Lord, and they are in positions of power, and thus "taken" ("lekicha" cf. Num. 18, 6 where the two words are in the same verse) by the Lord. **TTT 186 T and B and K**

This complex status is expressed by the "semikha" and the "tenufa". Since the "tenufa" is mentioned differently for each of the three Levite clans, one can see that

they are each different. But, since in our verse, Aaron elevates ALL of the Levites, we see that they are equal in their rights and privileges. Some are “netunim”, in a sense that they are “gifted”. Some Levites are gifted for the Levitical task of carrying the Tabernacle, and others are “gifted” for the Levitical task of singing, for the Levites are the choir of the Lord. But, some say, that they are “netunim”, in the sense that they gave of themselves on behalf of the Lord during the incident of the golden calf. (cf. **R. Bahya, on Num. 8, 11**).

This wonderful insight shows the dual nature of the word “natan”, “to give”. Every one has gifts, but each person must learn to give of themselves, use their gifts to keep on giving. This is a sense of “elevation” which we learn from this interpretation. This interpretation is polished beautifully by **Keli Yakar** in his interpretation of the name “Levi”, “for they have been lent gifts from all of Israel”. The root of the Hebrew word “levi” means “to lend”. This adds a dimension to the idea that the Levites are ‘taken’ for power, but the gifts which they receive are not “by right”, but are in a sense loans which must be repaid by honest, decent and fair service. **TTT 186 M**

There is another aspect of “semikha” and “tenufa” which I wish to discuss. That is the question, raised in the Midrash Halakha, of which one is the greater action (cf. **Sifra, de-borei de-nedava, 2, 1-2**). Each action has some aspect which makes it seem greater than its counterpart, and the Midrash goes back and forth in examining the qualities of each. One quality caught my attention. “Semikha” is considered greater than “tenufa” because it is an obligation which falls on all members of a group which have collectively bought a sacrifice (known as “hovarin”, or “haverim”, cf. also **Arakhin 2a-2b**).

We all know that a person who brings a sacrifice must lay their hands on it (including women according to Sifra there, and elsewhere). But, what if a group has bought a sacrifice, do they each one still have to perform the act? The answer is yes, for the responsibility belongs to all. This makes “semikha” a greater action than “tenufa”, which is performed by the priest. The priest cannot do “semikha” for the group, nor can any one of them do it for the others, each one is individually responsible for their own performance of the action. **TTT 186 M and HA**

Some Jews may feel that the rabbi should follow the Jewish practices on their behalf, but Jewish living is more like “semikha”. It is the actions of the nation, everyone of the group, which fulfill the obligations of Jewish living. The priest, or rabbi, does have some functions, like “tenufa”, but those culminate or add to the main thing. The key is that the collective feels and knows that it is a collective, and as such its sense of individual responsibility for performing the act of “semikha” follows. Perhaps the task is to get more Jews to feel that they are part of the collective that has bought into the sacrifice, to strengthen the sense of ‘haverim’, and then the great quality of being responsible for “semikha” will be obvious. Judaism can only be “elevated” if individual Jews see it as “hands on”.

***Num. 8, 15-18**

Thereafter the Levites shall be qualified for the service of the Tent of Meeting, once you have cleansed them and designated them as an elevation offering. For they are formally assigned to Me from among the Israelites: I have taken them for Myself in place of all the first issue of the womb, of all the first-born of the Israelites. For every first-born among the Israelites, man as

well as beast, is Mine; I consecrated them to Myself at the time that I smote every first-born in the land of Egypt. Now I take the Levites instead of every first-born of the Israelites"

We read about the sanctification of the Levites to God's service in this week's parasha: "Thereafter the Levites shall be qualified for the service of the Tent of Meeting, once you have cleansed them and designated them as an elevation offering. For they are formally assigned to Me from among the Israelites: I have taken them for Myself in place of all the first issue of the womb, of all the first-born of the Israelites. For every first-born among the Israelites, man as well as beast, is Mine; I consecrated them to Myself at the time that I smote every first-born in the land of Egypt. Now I take the Levites instead of every first-born of the Israelites" (Num. 8, 15-18)

It is clear from these verses that the sanctification of the Levites is a transfer of that sacred function from the first-born (Hebrew "bekhorot"). The first-born were meant to fulfill sacred duties because of their being saved by God in Egypt. However, as we learn from the Jerusalem Talmud, the "bekhorot" were first to worship the Golden Calf, and thus lost the sacred status that had been reserved for them (**TJ Megillah 1 72b, hal. 11**) Apparently, the very fact that they had experienced Divine protection in Egypt should have caused them to desire to serve God on behalf of the whole nation. **Rashi (Num. 8, 17)** explains that since the first-born sinned at the Golden Calf, they lost the privilege to serve God, and this privilege was given to the Levites because of their loyalty to God during the incident of the Golden Calf (**cf. Ex. 32, 26**)

The missed opportunity of the first-born is emphasized in the following Talmudic statement: "three times were the first-born to be sanctified for Israel, in Egypt, in the desert, and upon the entry to Israel....R. Nahman bar Yitzhak says: in three places the first-born were supposed to be sanctified, and they were not sanctified" (**TB Bekhorot 4b**). This statement shows that the first-born continually missed the chance for sanctification.

Why did the "bekhorot" constantly fail at sanctification? It seems clear that after God's saving them in Egypt that they should have felt God's closeness to them and desired to sanctify themselves to the task of always being close to God and of helping others to become closer to God. Apparently, they did not want to share the closeness to God that they felt with others. The Levites and priests had to work to help all Israel become closer to God. The first-born were not able to take up that job. Perhaps they felt a certain "superiority" because of God's saving them? Perhaps they did not want to share the closeness they felt with others?

Many times we get a gift from God and we do not know how to share it with others. In order to sanctify what we have, we must include others in our gifts, and this way God's gift is shared by many.

***Num. 9, 7**

Unclean though we are by reason of a corpse, why must we be debarred from presenting the Lord's offering at its set time with the rest of the Israelites?

This week's parasha contains the well know laws of the second Passover. Israel has spent one whole year in the wilderness since they left Egypt. The new moon of the first month, Nisan, has shown itself, and, quite obviously, God tells Moses to make

sure to keep the Passover ritual at the appointed time, namely, the fourteenth evening of the first month. So, Israel happily offers the Passover sacrifice "with all its rules and rites" (Num. 9, 3)

But, one of the rules is that a person in a state of impurity may not participate in the Paschal ritual. A person who has buried a family member, for example, would be impure, and until the period of impurity and ritual immersion had been completed they could not take part in the ritual. So, some people who were impure on the day of the Paschal meal, were upset and complain to Moses: "Unclean though we are by reason of a corpse, why must we be debarred from presenting the Lord's offering at its set time with the rest of the Israelites?" (Num. 9, 7) If the point of their question were merely to seek a reason that they were not allowed to participate, the answer seems quite obvious. You are debarred because you are impure, and that is the rule. So, the force of their question must be something else. It is: is there any way we can make this up? Is there any way that we can overcome the feeling of being out of synch with all of Israel through no fault of our own? Imagine how you would feel if your place to the family Seder was grounded and you could not make it at all?

The response of the Lord makes sense only if we understand the question in that light. The response is basically "you are right, you should be able to fulfill this ritual which is so central to the sense of being part of Israel". These people are told that they shall bring the sacrifice and keep all the rites on the twilight of the 14th day of the second month, Iyyar. Now, this ruling seems to be very fair and sensitive to the feelings of those who are forced to miss out because of an untimely death in the family. Indeed, the sensitivity seems to be even greater because the Lord adds that those who are too far away to make it on time are also given the chance to celebrate the second Passover. But, I will deal only with the issue of being impure.

In 2 Chronicles we read the story of Hezekiah who calls all Israel together to celebrate Passover in the second month because many of the priests were defiled. Presumably the Assyrian invasion and the long period of war that preceded this event left many people impure by contact with the dead. Since Hezekiah wants to invite remnants of the northern tribes in order to achieve as much unity as possible in the nation, he invites everyone to celebrate the second Passover. (2 Chron. 30)

The rabbinic tradition turns this seemingly simple ruling into a wealth of intellectual treasures. Questions such as the relationship of the individual to the community and the relationship between different groups in the nation are addressed under the heading of the second Passover ruling. In addition, the halakha, as usual, asks interesting questions. For example, the Tosefta states that: "a convert who became a Jew between the two Passovers must keep the second Passover, so says Rabbi [Judah ha-Nasi]. R. Nathan says that he does not need to keep the second Passover, because he was not obligated to keep the first one." (**Tosefta Pesahim 8, 4**) Rabbi Judah must maintain that the second Passover is a holiday unto itself, and R. Nathan must maintain that it is merely some kind of makeup for the first Passover. How do we relate to make ups? Are they valuable inherently for their own sake, or do they gain value only in relation to the first missed opportunity? What is the difference between a make up ("tashlum") and a repair ("tikkun") of a missed obligation? These very profound questions lay at the bottom of this discussion.

In this same Tosefta it is stated that the second Passover is only celebrated by an individual, but not by a whole group. R. Judah says that a whole group must also celebrate the second Passover. As proof, he cites the case of Hezekiah who: "forced all of Israel to observe the second Passover", because the majority were impure at the time of the first one. This discussion goes to the very heart of the complex relationships between individuals and groups and the larger nation. There is an implied theory that the rights of individuals to participate also applies to groups. Moreover, it seems that the whole nation may be forced to follow a path of making up when major segments of the nation are debarred from their participation. **TTT 187 HA and P**

Even more startling is the Mishna which states that if the whole community or its majority became impure, or if all the priests were impure, as implied in Hezekiah's case, then the first Passover should be performed in impurity!! (**Pes. 79a**) Here the principle is that the public sacrifice of the whole nation cannot be divided in such a way that only a minority celebrate it! The importance of having a sense of community continuity is so great that the Mishna is willing to have the sacrifice done in impurity so as not to disrupt it. This seems to counter Hezekiah's deed, but certainly the situation is quite different. Many other questions are raised in relation to the second Passover ruling. I have brought only a small taste of the depth and challenge of these passages. Zil gmor, go and learn them for they are very enriching.

***Num. 9, 10 - 11**

Speak to the Israelite people, saying: When any of you or of your posterity who are defiled by a corpse or are on a long journey ["va-derekh rehoka"] would offer a passover sacrifice to the LORD, they shall offer it in the second month, on the fourteenth day of the month, at twilight. They shall eat it with unleavened bread and bitter herbs

In this week's parasha we read one of the four cases in the Torah in which Moses is asked an "halachic" question, and, since Moses does not know the answer, he takes the question to God. The question is what to do about bringing the Passover sacrifice if one is unable to do so because of ritual impurity. There is no question that the Paschal sacrifice is a major ritual moment for Israel. Being unable to participate in this ritual would be a major disability. So if one is unable, because of other rules, in this case the rules of ritual purity, to participate what does one do to "make up" the loss of being able to take part? (Num. 9, 6ff)

The answer which God gives to Moses is: "Speak to the Israelite people, saying: When any of you or of your posterity who are defiled by a corpse or are on a long journey ["va-derekh rehoka"] would offer a passover sacrifice to the LORD, they shall offer it in the second month, on the fourteenth day of the month, at twilight. They shall eat it with unleavened bread and bitter herbs" (vs. 10-11). That is, if one is ritually impure or a long way ("derekh rehoka") away from the altar, that is, cannot partake in the ritual at the appointed time, then, one can perform the ritual a month later. This is known as "pesah sheni", the "second passover".

On the face of it, this is a wonderful example of flexibility in ritual law. It takes into account needs of people who want to participate, but are unable. God is saying: "you know what, if you can't celebrate Passover on the right day because you are unable for a good reason to do so, you can celebrate it on another day". So, if a person has a

justified excuse why they are compelled NOT to do a mitzvah, they can do it at another time. But, just what is a “justified excuse”? **TTT 187**

The Torah gives two excuses which confer upon a Jew the right to celebrate Pesah sheni. One is that they are ritually impure. That answers the question asked (v. 6-7), and it is a classic example of being compelled NOT to partake in a sacrifice. If one happened to have contact with a dead body, one cannot partake in sacrifice until purified. Indeed, some Midrashim try and decide exactly who these people were, but the general consensus is that anyone who is ritually impure is included in the rule (**Sifrei Ba-Midbar, 68**).

The second excuse, however, is very problematic. If one is far away (“derekh rehoka”) from the altar, that is, cannot get there in time, they are also allowed to bring pesah sheni. This ruling has many problems. Why did these people not start out earlier? Does not such a rule open a door for people to take advantage of the ruling, and “schedule” their sacrifice at the most convenient time for themselves? “Gosh, I tried to get here on time, but the traffic was just horrendous, I will just have to do the second one.” (wink)

This problematic is expressed in the Mishnah: “What is ‘a journey afar off’? From Modi'im and beyond, and the same distance on all sides [of Jerusalem]: this is R. Akiba's opinion. R. Eliezer said: from the threshold of the Temple court and without. Said R. Jose to him: for that reason the heh is pointed in order to teach: not because it is really afar off, but [when one is] from the threshold of the temple court and without [he is regarded as being ‘afar off’].” (**Pesachim 9:2**) This attempt to decide how “far away” is far away is very instructive. R. Akiba sees it in terms of physical distance. But, R. Eliezer seems to be making the distance relative. Even if one is at the threshold of the court, and cannot get there in time, it is considered to be under this ruling.

From this ambiguity, the Gemara on this Mishnah discusses the possibility that the Pesah Sheni is meant for ANYONE who did not partake in the first sacrifice, even if they INTENTIONALLY missed it (cf. **Pes. 92b-93b**). **Ramban** cites this Talmudic passage in his interpretation of these verses, and adds that the word “far” (“rehoka”) does not mean ONLY physical distance, but can be seen as spiritual distance. This is hinted at because **v. 13** repeats the ruling about one who “is not on a journey”, but leaves out the word “far”.

Ramban pushes the meaning just a bit to suggest that the the word “rehoka” “far”, may be taken to be the opposite of “kerovah”, near (**end of Ramban on v. 10**). Namely, at this time, for whatever reason, the mitzvah is “far” from the person, and the person is “closer” to the mitzvah at another time. In this case the distance is not the physical distance of the person from the mitzvah, but the spiritual distance of the mitzvah from the person!! By this reading, we have in the example of Pesah sheni a most important guideline for Jewish education. Namely, that we must think not only about how to bring Jews to the mitzvot, but, we must also think about how to bring the mitzvot to the Jews. Sometimes, that means being flexible with the exact details of a mitzvah, so that the individual's feelings of being removed or being near are taken into account. **TTT 187 ED**

***Num. 9, 15 - 16**

On the day that the Tabernacle was set up, the cloud covered the Tabernacle, the Tent of the Pact; and in the evening it rested over the Tabernacle in the likeness of fire ("ke-marei esh") until morning. It was always so: the cloud covered it, appearing as fire by night.

Our parasha contains a description of the day that the Tabernacle ("mishkan") was set up: "On the day that the Tabernacle was set up, the cloud covered the Tabernacle, the Tent of the Pact; and in the evening it rested over the Tabernacle in the likeness of fire ("ke-marei esh") until morning. It was always so: the cloud covered it, appearing as fire by night." (Num. 9, 15-16)

One striking feature of this description is how the cloud turned into something that looked like fire at night. The same expression "likeness of fire ("ke-marei esh")" is used by Ezekiel to describe his vision of God (Ezek. 1, 27 and 8, 2). The implication is that God's physical presence was on the tabernacle. The implication of this question is that there are three "tabernacles" referred to in this verse.

In the Zohar our verse prompts two questions: "R. Yose asked R. Shimon: "why are there three Tabernacles here?" and "why is it called Mishkan and not "bayit", that is, mikdash?" (**Zohar II, pekudei 241a**) The first question relates to verse 15 in which the word "mishkan" is repeated three times. In typical rabbinic fashion it is assumed that once is enough, and pronouns could be used the other two times. **TTT 188 L and H**

The notion that each mention of the mishkan in our verse hints at a different entity, or at least hints at a different nuance of the mishkan, is intriguing. Perhaps, we can imagine a typology of this verse as relating to the creation of a covenant, for example a covenant between humans as in marriage. The first mention is about something that is "set up". When a couple is married they begin the process of setting up their abode. The second mention is about something that is cloudy. The process of creating a home together produces a lot of shady areas, and this may even produce some ambiguities. But, if the process is handled honestly and compassionately by both parties, the third stage is the mention of fire, which is both light and warmth.

The stages of "mishkanization", to coin a hybrid word, are one aspect of creating the dwelling for a couple. The second question regarding the appellation of that dwelling "mishkan", tabernacle, or "mikdash", temple seems to me to be a logical extension of the first part. The Talmud records discussions about the use of both of these words. Are they not basically referring to the same thing? Why do we need two words?

The most striking of these passages is in **Shavuot 16b**: " R. Eleazar [b. Pedath] said: One verse states: "The tabernacle [mishkan] of the Lord he has defiled" (Num. 19, 13); and another verse states: "For the sanctuary [mikdash] of the Lord he has defiled." (Num. 19, 20) But are the verses superfluous? [That is they seem to refer to the same thing, if mishkan and mikdash are interchangeable] Surely it is necessary to say both, for it has been taught: R. Eleazar [b. Shammua'] said: If tabernacle is mentioned, why is sanctuary mentioned; and if sanctuary is mentioned, why is tabernacle mentioned? If tabernacle had been mentioned, and sanctuary had not been mentioned, I might have thought that for [entering] the tabernacle he should be liable, because it was anointed with the anointing oil; but for [entering] the sanctuary [i.e., Temple] he should not be liable; and if sanctuary had been mentioned, and tabernacle had not

been mentioned, I might have thought that for [entering] the sanctuary he should be liable, because its holiness is an everlasting holiness; but for [entering] the tabernacle he should not be liable; therefore tabernacle is mentioned, and sanctuary is mentioned."

The qualities that distinguish each term impose themselves on us. We thus must use each term in its appropriate place. The mishkan has temporary holiness brought about by the physical application of the anointing oil. Matters of the materiel world are important in creating the covenant. Respect of the physical is essential, but it is not the only ingredient. The mikdash has everlasting holiness, it represents a spiritual dimension that may be considered an ideal. This dimension is essential to the relationship of the couple. One can defile either aspect of the relationship. The Torah is telling us that both are essential, and that both are present in each other.

TTT 188 M

A couple building a life together need to build both a tabernacle and a temple. The two aspects of life, physical and spiritual need to be part of their abode, the space they build together and they inhabit together as a covenanted couple. They also need to understand that there is a process in this building, setting up, befuddled fumbling around to learn the space they live in, and finally light and warmth of living together in true covenant. This is the sense that God's presence is felt among them.

***Num. 9, 23**

will come to rest by God's word and will move forward by God's word

***Num. 10, 35 - 36**

Whenever the Ark was carried forward, Moses would say: Arise Lord. May Your enemies be scattered; may Your foes be put to flight." and when we put it back into the Ark: "Whenever the ark was set down, Moses would say: Lord, may You dwell among the myriad families of the people Israel.

This week's parasha includes the verses which we recite when we take out the Torah from the Aron ha-Kodesh: "Whenever the Ark was carried forward, Moses would say: Arise Lord. May Your enemies be scattered; may Your foes be put to flight." and when we put it back into the Ark: "Whenever the ark was set down, Moses would say: Lord, may You dwell among the myriad families of the people Israel." (Num. 10, 35-36; translation from Siddur Sim Shalom).

A midrash on these familiar verses points to an apparent contradiction in the Torah. A few verses before we read that the camp of Israel "will come to rest by God's word and will move forward by God's word" (Num. 9, 23). This Midrash (**Sifrei Zuta 10:35**) wonders how can both of these citations be true at the same time? Does the Ark and the camp move forward by Moses' command, or by God's command? The Midrash solves the contradiction in a bold manner: "When they went forward, the pillar of cloud would stir from its place by God's command, but the pillar had no permission to move forward until Moses told it to do so." (**Sifrei Zuta, ibid.**) Thus, we have both God's command and Moses' command instrumental in getting the camp to move forward.

This is a striking example of the concept of "partnership" ("shutafut") between God and man. What makes it so striking is the parable which the Midrash then brings to

further illustrate the mutual relationship between God's voice and man's voice. "To what may this be compared, to a king who told his servant "I am going to sleep until you wake me up", thus did the Holy One say "I am not going to move forward until you tell me to go". (*ibid.*) The divine is at rest, until man causes it to wake up. There can be not spiritual development by waiting for God to do it, we have to make the move. Man is not only a partner with God, but an active partner, whose actions are necessary to make God's being manifest. **TTT 189 T and K**

Perhaps it is with this midrash in mind that the rabbis enjoined the recitation of these verses upon taking the Torah out of the ark. The potential in the words of the Torah has to be activated by our voice. We take the Torah out of the Ark in order to read from it, to give voice to our central role in making God's ability to move the camp forward become a reality. Our voice reading Torah is the voice of God, two voices blending to create the Jewish camp.

When we remove the Torah from the Ark, we pronounce our own responsibility to move forward and disperse God's enemies. I interpret those enemies to be ourselves, in our guise of disinterested bored Jews. We are the enemies of Torah if we do not use our mental and spiritual resources to develop Torah, and make it part of our "camp", our lives. We must do everything in our power to turn the formal ceremony of "keriat ha-torah" (reading of the Torah), into an inner moving forward (*va-yehi binesoa*), a spiritual and intellectual moment. We strive for that moment, and we return the Torah to the Ark, with the hope that we have succeeded in some measure to make Torah relevant and meaningful so that: "Whenever the ark was set down, Moses would say: Lord, may You dwell among the myriad families of the people Israel."

***Num. 11, 12 - 15**

¹²Did I conceive all this people, did I bear them, that You should say to me, 'Carry them in your bosom as a nurse carries an infant,' to the land that You have promised on oath to their fathers? ¹³Where am I to get meat to give to all this people, when they whine before me and say, 'Give us meat to eat!' ¹⁴I cannot carry all this people by myself, for it is too much for me. ¹⁵If You would deal thus with me, kill me rather, I beg You, and let me see no more of my wretchedness!

Towards the end of our parasha is the strange mixture of the nation's gluttonous desire for meat together with the appointment of seventy leaders to share the burden of leadership with Moses. The nation, or the "riffraff" (JPS), demand meat. They have had enough of Manna for every meal. Moses explodes: "why do I have the burden of these people? Did I conceive them? I can't take it any more, Lord. Just kill me." (cf. Num. 11, 10-15) God counters by telling Moses to take seventy people who will have the spirit of God rest upon them, and they can help Moses. In addition, God tells them that they will eat meat every day, so much that it will come out of their noses! (*ibid.* v. 16-20)

True, Moses complains of the burden, but this is not the first time. Furthermore, his complaint is in the context of the demand for meat. He has already provided them with water and bread. The meat seems to be the breaking point. But, still, why is the demand for meat so different that it causes God to enlarge the sphere of leadership?

Part of an answer to this question begins with Moses' response to God's words: "But Moses said, 'The people who are with me number six hundred thousand men; yet You say, 'I will give them enough meat to eat for a whole month.' Could enough flocks and herds be slaughtered to suffice them ['u-matza lahem']? Or could all the fish of the sea be gathered for them to suffice them ['u-matza lahem']?' And the Lord answered Moses, 'Is there a limit to the Lord's power? You shall soon see whether what I have said happens to you or not!'" (Num. 11, 21-23)

The request for meat is different. It is physically daunting. Water flows and is found in underground springs. It is part of the creation of nature. Bread, Manna, may be some kind of viable food which is under God's control as part of the rules of nature. But, meat needs to be slaughtered, caught, fished. Jews need to slaughter meat in a certain way, and prepare it. These are all human endeavors beyond the scope of "creation". Moses seems to doubt God's ability to provide so much meat for so long a period of time. God responds that this IS within His power. Moses is accused of seeing God's power as limited.

"Wait a minute", you will say, this is not the only time Moses seems to doubt God's power to provide. After Miriam's death, the nation is without water. God tells Moses to speak to a certain rock, and water will come forth. Moses bursts out against the people: "Listen, you rebels, shall we get water for you out of this rock?" (Num. 20, 10) Moses strikes the rock twice, and is soundly berated for this by God. Is Moses a constant skeptic about God's power? Is one outburst worse than the other? If so, why?

This very discussion is found in a most fascinating Tosefta source. It is a dispute between Rabbi Akiba and Rabbi Shimon ben Elazar. The dispute seems to be over the meaning of the word "matza", which JPS translates "suffice". One understanding of "matza" is: will the people "achieve" their desire if they are killed because of the call for meat? The other one is that nothing that God will do for them will suffice for them to stop complaining. (cf. **Lieberman, Tosefta ki-feshuto, Sotah p. 672-3**) In the language of Bamidbar Rabbah: "the whole cry for meat is a pretext. If you give them steak, they will say 'we asked for lamb chops', and if you give them lamb chops they will say 'we asked for prime rib, or for Buffalo or chicken, or maybe fish or grasshoppers.'" (**Num. R. 11, 23**)

Jews are hung up on food, and specific demands mask a more ominous agenda. They want to leave God, and the pretext is that God does not provide exactly what we want. [Where is the Concord when you really need it?] The Tosefta implies that this slip of Moses is worse than the one about water. It is blasphemy to imply that God's hand cannot supply what people want. The nation, in Num. R., is not willing to accept any compromise. They want their specific food requests honored, and they want it immediately. Moses does not know what to do, and thus the seventy elders are added to his leadership.

It is clear from these texts that there was a crisis in leadership, and the clamor for meat is a symptom of that crisis. Anyone working in Ramah or other institutions will recognize that rebellion against the authorities many times begins with complaints about the food. It may be that the people's complaints, at least those recorded, are about the monotony of the food. Moses is highly focused and the picture is of

someone for whom food is not important. Indeed, he manages forty days without eating! So, it is the single minded focus of the leader which needs some compensation. Seventy new leaders, representatives of the tribes, are appointed. Meat is delivered. The compromise is between a highly spiritual existence, in which bodily delights are unimportant, an existence which needs those delights. Moses is upheld, and yet the elders are appointed. Another indication that for the Torah a middle path is the preferred one.

***Num. 11, 28 - 29**

²⁸And Joshua son of Nun, Moses' attendant from his youth, spoke up and said, "My lord Moses, restrain them!" ²⁹But Moses said to him, "Are you wrought up on my account? Would that all the LORD's people were prophets, that the LORD put His spirit upon them!"

In this week's parasha God's spirit is shared between Moses and 70 elders. But, two others, Eldad and Meidad, are left in the camp, and somehow the spirit rests on them as well, and they begin to prophesy (Num. 11). This story is analyzed in many ways, but I would like to concentrate on Joshua. His reaction to the unexpected prophecies of Eldad and Meidad is short and sweet "my master, Moses, punish them". (Num. 11, 28) Moses' response is astounding: "Are you zealous on my behalf? May it be granted that all of God's people could be prophets, with God's spirit resting on them" (Num. 11, 29)

Joshua's immediate response is to "punish" the offenders. The Hebrew word "kelaem" is not an easy one to explain. The word is used in the sense of "prison" ("keleh" with an alef), but could also be related to the word "finish off" ("keleh" with a hey). Is Joshua suggesting that the offenders be imprisoned, or that they be wiped out? Why does he view their deeds as being so evil? How come Moses is not nearly so agitated about it, and sees something positive in their actions? Above all, what does this exchange teach us about the personalities of Joshua and Moses?

Joshua appears in only five situations in the Torah.

1. He is asked to choose people to go to war with Amelek. He succeeds in his choice, and vanquishes Amalek. (Ex. 17) We do not know who Joshua is before this, but God gives Joshua the task of fighting Amalek in the future. (Ex. 17, 14)
2. When Moses descends Mt. Sinai with the Tablets of the Law, Joshua is waiting for him. As they approach the camp they hear loud noises and shouting. Joshua says to Moses that it is the "voice of war". Moses tells Joshua that it is not war, but merrymaking. We know that it is the frenzy of idol worship of the golden calf. (Ex. 32, cf. 17)
3. In our parasha, Joshua responds by demanding punishment (as above).
4. In next week's parasha, Joshua is among those sent to spy out the land of Israel and report on how to conquer it. He is in the minority which stands for action. However, his and Calev's report is not accepted. (Num. 13 - 14)
5. Joshua is appointed to be the leader of the nation after Moses, and he is specified as the one to carry out the task of fulfilling God's promise to the people of Israel of inheriting the land of Israel. (e.g. Deut. 1, 38)

In situations 1, 2, 4 and 5 Joshua is associated with war, with strong action to suppress any threat. That is his mindset. When he hears the sounds of rejoicing from afar, he thinks it is war (2). He is the one to conscript men for battle and motivate them to victory (1), and he is the one who believes that the nation can triumph militarily over the Canaanites (4), and, indeed, he is given that task as his mission in life (5).

With a mindset like that, is it any wonder that Joshua's reaction to any kind of "threat" to Moses' prophetic leadership would be "imprisonment" or "finishing off"? (3) Joshua can only think in terms of military solutions or solutions which rely on force for any problem. Moses, on the other hand, is an educator. He knows when war is necessary, e.g. when attacked by Amalek, and when it is not. Eldad and Meidad do not need force applied to their spiritual innovations. Moses is not afraid of "competition", rather he can see that their prophecy is the stuff out of which Israel could become closer to God.

The Midrash notes this clash between the personalities of Moses and Joshua. R. Ahva, son of R. Zeira remarks that Joshua said two things to Moses, his teacher, and that neither one of these things were propitious. These two clashes, in 2 and 3, show that Joshua did not have the perception to distinguish between force and education, between war and idolatry ("amar lo moshe: yehoshua adam she-hu atid linhog serarah al shishim ribo, eino yodea li-vehon bein kol le-kol?!") (**Gen. R. (Albeck) 96:47**)

If we had any doubts about Joshua's mindset, the final proof, for me, is the only incident in the Bible where Joshua actually is in God's presence. Just before the first battle, of Jericho, Joshua encounters an angel of God, and he sees God's presence in the form of an armed man with his sword drawn out, in battle stance! Joshua immediately approaches him in battle stance, with the challenge "are you one of us or an enemy?". The figure then tells Joshua that he is a messenger from God, at which point Joshua prostrates himself. (Josh. 5, 13ff.) Joshua's vision of God is of a soldier ready to fight.

What is fascinating to me is the Midrash's willingness to spell out the shortcomings of Joshua as a spiritual leader. True, he is given the task to conquer the land of Israel, but that is exactly the kind of job for which he is best suited. He cannot tell the difference between war and idolatry, and thus will not succeed in educating the people to be totally committed to a quest for God's spirit. On the other hand, he will succeed in settling the people in the land.

In the light of all this, I am left with speculations. Is the order to wipe out the Canaanites, really from Moses, as it is written? Or, perhaps, this is Joshua's understanding of God's command, a command which might have been simply to insure that the people Israel would not be led astray by Canaanite beliefs? From what we have seen of Joshua's mindset, it seems likely that he could understand the implementation of such a command in only one way, I. e. "finish off" the Canaanites. Is the backsliding from Monotheism after the conquest, as we read in the book of Judges, due to Joshua's lack of "educational" understanding during the whole period when he was the leader? Questions that I ponder.

***Num. 12, 13**

So Moses cried out to the LORD, saying, "O God, pray heal her!"

In parashat "Be-Haalotekha", we find the dramatic story of the besmirching of Moses by none other than his siblings, Aaron and Miriam. The well known events of that story center around Miriam's being struck with "leprosy", or as JPS more correctly puts it, "snow-white scales". At this point, Aaron urges Moses to do something to cure Miriam, while admitting their misdeed and folly in speaking against Moses. Moses speaks what are surely some of the most famous words in our tradition: "El na refah na lah". This is translated in the JPS as, "O God, pray heal her!"

While this translation captures the sense of the original it seems a bit weak to me. Following **Ibn Ezra (on Lamentations 1, 8)** the verse could be rendered: "God please heal her NOW". Ibn Ezra points out that the Hebrew word "na" means "now", but that it also can be a request, such as "please" or "pray". If we see the word having those two meanings, it can help us understand why the word repeats in the sentence. Since this is touted as the shortest prayer on record (cf. **Rashi ad loc** etc.), it could have been one word shorter. The second "na" does not seem to add anything. But, if the second "na" means "now" it adds quite a lot! Indeed, if we read the verse in this way, Moses seems to be not only requesting, but demanding. This is a far cry from the pleading tone usually ascribed to these words. **TTT 190 H and T and PR**

Indeed, Ibn Ezra points out that God's answer to Moses, namely that Miriam will be healed in 7 days, reacts to Moses' demand that she be healed "na", "now". So, God is accepting part of Moses' prayer, namely that she be healed, but rejecting part of it as well, namely that it be immediate.

Having said all this, we can now take a new look at this remarkable sentence. The tradition reveals much about how we should relate to a sick person in its dealing with this verse. In the Talmud, Rav Hisda notes that one who requests mercy for an ill friend does not even have to mention their name. He learns this from the fact that Moses did not mention Miriam by name in his prayer for her healing. This seems to be at odds with our sense of making all health requests very personal, and yet the sense of the verse is that our concern for our friend's welfare is central. Apparently, God can figure out who it is we have in mind. The genuineness of our feeling, and the veracity of our request is what matters. (**Berakhot 34a**)

Along this line of thought the Midrash remarks on the first part of the verse: "Moses cried out to the Lord...". What is behind this urgent cry? The Midrash cites a parable of a hero who had been punished in the stockade. When he was freed, he saw another person put into the stockade, and he cried out. When asked why are you screaming, he replied: "I know what pain and anguish that person is undergoing, I felt it myself." So, Moses, remembers the time his hand was leprous, covered with white scales (cf. Ex. 4, 6). He identifies with Miriam's pain and anguish. He knows what she is going through, and thus screams out. (**Deut. R. 6, 13**)

What seemed, at first, to be a gentle verse, quietly requesting healing, turns out to be a deep agonizing shout. It comes out of concern and empathy with the suffering, both physical and mental, of the afflicted other. This view of Moses' words is reinforced dramatically by other Midrashim. In **Avot de-R. Nathan A, 9**, we read that Moses scratched out a circle in the sand, and stood inside of it when he asked for

mercy on Miriam. He said: "I will not move from here until You cure Miriam, my sister". This version adds to our new understanding of these words as being forceful and demanding.

But, the most forceful Midrash, to my mind, which bolsters this interpretation is the first part of **Deut. R. 6**, mentioned above. This Midrash is on the verse of Deut. 24, 9, which adjures us to remember what God did to Miriam. The Rabbis comment that Moses is saying to God: "Master of the world you have made me a physician [you have taught me all of the laws of curing lepers]. If you will heal her, that is well, but if not, I will heal her myself!" Moses is not content to rely ONLY upon prayer. He is ready to take action, based upon his knowledge, and what God has already taught him. Indeed, one could almost envision Moses saying to God, "look, I had to learn all of the rules about the scales, and how to purify them, and go through all of the details of the boring anatomy lessons, and now I have a case where I must apply what I know." The prayer is combined with medical knowledge. **TTT 190 PR and K and B**

The word "remember" may remind us that we must remember to use our knowledge to help cure the ill. It may imply that we must remember our own pain and suffering so that we may empathize with the suffering of others. It may imply that we must remember not to give up, and to always be there for those who suffer. Indeed, from all of these Midrashim, one might conclude that what we are to "remember" about what God did to Miriam is that Moses' strong activism resulted in God curing Miriam! Indeed, Moses' unwavering support of Miriam in her illness, despite the fact that he was the injured party, is credited with her being cured. Perhaps that is the lesson which the Torah bids us to remember.

***Num. 13, 1 - 2**

The LORD spoke to Moses, saying, ²"Send men to scout the land of Canaan, which I am giving to the Israelite people; send one man from each of their ancestral tribes, each one a chieftain among them.

After leaving Egypt, the nation has arrived at the border of the promised land, and before entering into that land, God tells Moses to send representatives of each tribe "la-tur et ha-Aretz", literally to "visit" the land of Israel (Num. 13, 1-2). The word "la-tur" is not usual, and its meaning is not clear. JPS translates it "to scout" the land. The verb is used in the sense of "to find a proper place" (see Num. 10, 33; Deut. 1, 33). But, in that usage could it mean that God wanted to find a good place out of the totality of Israel for the Tribes? God has promised the whole land to the people. Thus, the exact nature of this verb and the mission which God had in mind for these people is not clear. In any case, Moses interprets God's command as "to scout out" or "to spy", and indeed, we call these men "meraglim", the spies.

Moses spells out what he wants from them, a report on the physical conditions of the country, the fruitfulness of the country etc. While they fulfill their mission, and travel the length and breadth of the country, they also do something which is not in Moses' mandate to them, they cut down some fruit from the land, and bring it back with them (Num. 13, 23). When they return to the Israelite camp, the sequence is very interesting: a) they return after 40 days (13, 25); b) they come to the camp and announce their return (13, 26a); c) they show them all the fruit they have brought back (13, 26b); d) they give their report, namely it is a bountiful land and "this is its' fruit", BUT the rest is known. The people rebel at the idea of entering the land, because of the end of the report, and God punishes them by making them wander for 40 years in the desert, one year for each day that the spies had spent there, "asher tartem et ha-aretz" (14, 34 etc.)

Why do they show the fruit before giving the report? Perhaps it is just good public speaking to have audio-visual aids to what you are saying. Perhaps, it is more sinister than that. They cut the fruit down and bring it back with them, because they know that it will establish their credibility. Once they have materiel proof that their words are true, than all the rest will be accepted without scrutiny.

What fascinated me was the parallelism between the 40 days that Moses spent on Mt. Sinai and his return with two tablets, also materiel proof of the covenant, and of his experience. Theoretically, the people should have accepted Moses' word for what God said to him, but THERE IS NEED for physical substantiation. Here too, the fruit of the land, is like the luhot ha-berit, in substantiating the covenant, the former, the covenant between God and Israel, and the latter, that between the people and its land. BOTH HERE AND AT SINAI, THE PHYSICAL PROOF WAS NOT ENOUGH TO OVERCOME LACK OF COMMITMENT TO THE DECLARED BELIEF. **TTT 191 M and ED**

Why then, is the punishment of wandering for 40 years applied here, and NOT at Sinai? After all, there too, 40 days was the period of forming the covenant. Our newly minted colleague, Rabbi Amy Levin, suggested to me that maybe because the

acceptance of Torah was something new to the people, and God was willing to take that into account. But, the acceptance of the Land was as old as Abraham, and should not have been so easily given up! This led me to wonder if the word "la-tur" didn't mean simply, as in modern Hebrew, "to tour", i.e. the spies were supposed to do what Abraham did, namely go up and down the land in order to accept it in his faith as his own. They were not supposed to "spy" at all, but to symbolically "walk in the land" and thus to make a covenant with the land by being there, and enjoying it. A sort of renewal of commitment to the belief in God's granting of the land, as they believed in God's granting of the Torah. They fail the test of belief, as is clear from Joshua and Caleb's arguments (14, 7-9). Their use of the word "la-tur" is in that sense. IF THE BASIC COMMITMENT TO YOUR OWN BELIEF IS WEAK, OR BASED SOLELY ON MATERIEL SUBSTANTIATION, THEN THE BELIEF IS ALWAYS OPEN TO BETRAYAL.

There is another approach to the story of the spies which Moses sends to bring back information about the land of Israel. From the account in Deut. 1 we learn that God commanded Moses to have Israel begin the settlement of the land (Deut. 1, 21), however, certain people came to Moses and requested that people be sent to spy out the land (Deut. 1, 22). (cf. **Ibn Ezra on Num. 13, 2**) The implication is that the second verse of our parasha "Send ("Shelah Lekha") men to scout the land of Canaan, which I am giving to the Israelite people; send one man from each of their ancestral tribes, each one a chieftain among them." (Num. 13, 2) is a decision of Moses. The translation covers up the difficult language "Shelah Lekha". If this were a command "send", then the Hebrew would be merely "shelah". The addition of the word "lekha", literally "for you", is puzzling. It is this word which implies that the sentence is not a command, but an acceptance of Moses' decision in which God has no part. **TTT 191 L and H**

Ibn Ezra is relating to this understanding of "Shelah Lekha" that is based on the Talmudic passage in the name of Resh Lakish: "'Shelah Lekha" on your own cognizance" (**Sotah 34b**). The passage continues: "because does anybody choose a bad position for himself? [would God sanction a plan that He knew was going to turn out badly?] That is what is written: "And the thing pleased me well" (Deut. 1, 23) — Resh Lakish said: It pleased me [Moses] well but not the All-Present."

So, contrary to the seeming plain meaning of the text, there is a strong tradition that the plan to send spies was not ordered by God, but was purely a decision of Moses and the people. Indeed, **Ramban** poses questions about Moses guilt and transgression in this matter, namely that the spies might not be as guilty as Moses. When Moses gives the spies instructions he says that they are to see "if it is good or bad" (**Num. 13, 19**). However, previously he had told them only that it was a good land. The possibility of its being bad was never mentioned before by Moses. Thus, when the spies report the negative aspects of the land they are merely responding to Moses question. Why should they be blamed for it? As Ramban puts it "did he send them to come back with a false report?".

Furthermore, of what use could Moses think this mission could be? If it is good, as he had always said before, fine, but if it is bad, what would he do, take them back to Egypt? Ramban answers that the mission was that of any nation going to war. One must have spies that will find the best paths of attack, the best lines of supply etc.

This was their mission, and their desire to defame the land is expressed in the way they delivered their report. This explanation, in my opinion, is weak, for Ramban does not answer his own questions about Moses' part in forming the way the response would be given. But, I leave that issue for another time.

The Haftarah for this week is the parallel story of spies being sent by Joshua when the nation finally does begin the process of settling the land. The two spies that Joshua sends succeed in their mission. There are many ways to compare the two missions, numbers, social standing, scope, but one midrashic tradition compares the level of commitment. An emissary who is willing to commit himself or herself totally to their mission is most beloved of God. Even though the Bible does not say who these two emissaries were, this Midrash says that they are Pinhas and Caleb, and both are people whose commitment to Israel's mission is total. (**Num. R. 16, 1**) When the level of commitment is higher, the chance of success is higher.

To return to the problematic language of "Shelah Lekha", we can ask why the word "lekha" here is interpreted as "from your own opinion"? In another famous verse the word is interpreted differently. When God tells Abram "Lekh Lekha" (Gen. 12, 1), the "lekha" is interpreted to mean "for your own benefit and reputation". But, this interpretation is connected to the word "lekh", the active word meaning to go, or to take action. But, the word "shelakh" implies sending someone else to take the action. Perhaps, this is another difference. The most important missions, the ones that will make or break the ultimate vision or ideals for which we strive, need to be done personally, not by others. On the simple level which we all know where people may feel that the rabbi "keeps the mitzvot" for them, it is clear that such an approach is open to all of the disabilities of Moses' sending others. Perhaps we need to explore ways to change the tendency of people to seek out emissaries for good deeds or for religious practice into an approach which will make them feel called upon to do it themselves. If we can foster a sense of commitment to Jewish values and life, then the "shelah" of many Jews might be turned into "lekh".

***Num. 13, 30 - 31**

Caleb hushed ("va-yahas") the people before Moses and said, "Let us by all means go up, and we shall gain possession of it, for we shall surely overcome it." But the men who had gone up with him said, "We cannot attack that people, for it is stronger than we.

This week's parasha opens with the dramatic story about the failure of the Israelites to fulfill their part of the covenant with God, in particular, to settle in the land of Israel. I wish to concentrate on one figure who stands out, in the Midrashic tradition, namely, Caleb ben Jephunneh, from the tribe of Judah.

Briefly, God tells Moses to send men to scout out the land. Moses chooses one chief from each tribe, 12 in all. They enter the land and return, telling of the bounty of the land and its goodness, however, "...the people who inhabit the country are powerful, and the cities are fortified and very large; moreover, we saw the Anakites there." (Num. 13, 28) The country cannot be conquered.

The biggest national project of all, creating a homeland, is agreed upon by all. God has promised it, and the nation is eager for it. But, the exact implementation of this grand idea needs to be worked out. Information must be gathered, and a committee

of experts created to evaluate the information. Up to this point it looks like a typical exercise in government administration gone awry. The committee has reported that the grand idea will have to wait, for the nation, as it is now, is not capable of finishing the project. The obstacles are too great.

There is, however, among the experts a minority opinion. "Caleb hushed ("va-yahas") the people before Moses and said, "Let us by all means go up, and we shall gain possession of it, for we shall surely overcome it." But the men who had gone up with him said, "We cannot attack that people, for it is stronger than we." (Num. 13, 30-31)

So Caleb looks like a lone fighter against the other experts. In the Midrash, Caleb is more than that. One Midrash frames the situation in terms of Psalm 76, 6: "The stout-hearted were despoiled; they were in a stupor; the bravest of men could not lift a hand." The stouthearted who are in a stupor are Moses and Aaron, who sent the scouts in the first place! This Midrash is extremely critical of Moses and Aaron. When the scouts returned and defamed the land of Israel, Moses and Aaron acted negligently, and did not know what to do! They had created a situation, with no way out. They had never taken into account the possibility that the scouts would torpedo the idea, and so they were unprepared to respond!

Caleb, is the only one who rises to the occasion. He stands on a bench, and quiets the masses, and tells them that the land is "very good". This Midrash has God tell Moses: "Caleb is with Me more than all of you 600,000. You did not "lift a hand", rather you failed. Why, because you sent scouts who were fools (or, some of them were fools)". (**Num. R. 16, 2**) Caleb is praised here to be even greater than Moses! He is the only one who does not lose his cool, and he has a plan to try and change the peoples mind. Even though Moses and Aaron must have been aghast at the turn of events, and even though Joshua also wants to change the nation's mind, only Caleb can even get a word in to exhort them.

The question remains, how does he do it? How does Caleb "quiet" a raging mob of people who feel they have been led astray by their leaders, and are in a mode of rebellion? One answer to this question is found in the fascinating passage in the Talmud that analyzes the whole incident of the scouts (**Sotah 35a ff.**) The passage includes a famous statement of R. Yohanan in the name of R. Meir, "Any piece of slander ("lashon ha-ra"), which has not some truth in the beginning, will not endure in the end." That is, "lashon ha-ra", slander, must have some truth in it; otherwise people will dismiss it outright. **TTT 191 M**

This dictum is picked up on by Rabbah, who interprets our verse "Caleb hushed ("va-yahas") the people before Moses" in the following manner: "... he [Caleb] won them over ["hissithan"] with words. When Joshua began to address them, they said to him, Would this person with the lopped-off head speak to us! [Caleb] said [to himself], If I address them [in the same strain as Joshua], they will answer me in like manner and silence me; so he said to them, "Is it this alone that Amram's son has done to us!" They thought that he was speaking to censure Moses, so they were silent. Then he said to them, "He brought us out of Egypt, divided the Red Sea for us and fed us with manna. If he were to tell us, Prepare ladders and ascend to heaven, should we not obey him!" "Let us go up at once and possess it" etc."

Rabbah interprets the Hebrew word “has” not to mean “silence”, but relates it to another word “hisit”, which means “to persuade” or “to win over”. He imagines Caleb’s thought process and words. Caleb sees that the people will not listen to Joshua, who has no children, the meaning of the phrase “a lopped-off head”. Since Joshua has no children, he is not credible to speak about the conquest of land, or of its division. Caleb understands that the nation will only listen to one who speaks the truth, but in a manner that they WANT to hear, in the fashion of slander. So, he opens with a question that the people INTERPRET to be the beginning of a juicy roasting of Moses’ leadership: “Is it this alone that Amram's son has done to us!” The people quiet down to enjoy the verbal abuse. Caleb then turns this question into a forceful argument for following Moses.

What I find fascinating is the greatness that the Midrash imparts to Caleb even beyond that of Moses. This is because Moses seems to have lost his ability to discern how the nation will respond, or, perhaps, because he relies too much on minor figures to carry out tasks which require more talented people. Caleb, senses the need for slander, just in order to be heard. He uses the emotional state of the people to get their attention, and then leads them in a positive direction, that could potentially have brought about a change of mind.

The fact that he did not succeed is attributed to the stubbornness of the nation. Indeed, our Talmudic passage even relates it to a kind of willful idolatry. R. Hanina b. Papa interprets the people’s lament “We cannot attack that people, for it is stronger than we.” to read “for it is stronger than Him [God]”, meaning even God could not defeat the Canaanites (the Hebrew “me-menu” is ambiguous). So, despite Caleb’s brilliant move and cogent arguments, when the nation is totally despaired of God’s presence, there will be no way to change their lack of will.

***Num. 14, 8 - 9**

If the LORD is pleased with us, He will bring us into that land, a land that flows with milk and honey, and give it to us; only you must not rebel against the LORD. Have no fear then of the people of the country, for they are our prey: their protection has departed from them (“sar tzilam me-aleihem”), but the LORD is with us. Have no fear of them!

The dramatic events which open this parasha concern a heated internal debate. Israel is called upon to decide whether they will enter the land of Israel in order to settle it, or if they will give up on this goal and will prefer to return to Egypt. The scouts return from their foray into the land and seem to conclude that, despite the land being everything that had been promised, it is beyond their capabilities to contend with the inhabitants. A minority report, of Joshua and Caleb, on the other hand, stress that the materiel facts are not the whole story. After all, God has promised this Land to Israel, and, even more importantly, has promised Israel to help them overcome any obstacles in settling the land.

They counter the cry of the majority to return to Egypt with the words: “If the LORD is pleased with us, He will bring us into that land, a land that flows with milk and honey, and give it to us; only you must not rebel against the LORD. Have no fear then of the people of the country, for they are our prey: their protection has departed from them (“sar tzilam me-aleihem”), but the LORD is with us. Have no fear of them!”

(Num. 14, 8-9) As to the ferocity of the inhabitants, they claim “their protection has departed from them (“sar tzilam me-aleihem”)”.

What can the phrase “sar tzilam” mean? Most commentators take the Hebrew word “tzilam” to mean “tzeil shelahem”, their “covering, shadow, protection”. The use of the word “tzeil”, shadow or covering, as connoting protection is widespread. To be under the “tzeil” of God’s wing is to feel protected (Ps. 17, 8, 36, 8, 57, 2, 63, 8 etc.). **Ibn Ezra** says simply “a warrior who has no shield to guard him and be his protection (“tzeil”) will have a frightened heart”. Whatever divine protection the inhabitants of the land thought they had is removed from their hearts, and they are like warriors who have lost their shields.

Rashi even comments that the “protection of God was taken away from them.” He seems to imply that God did protect them up to now, and is removing that protection so that Israel can succeed. Perhaps Rashi is thinking of the Midrash’s conception that living in the land of Israel is beneficial and results in favor in God’s eyes. **Ramban** rejects Rashi’s reading in favor of Ibn Ezra’s. He takes Ibn Ezra to mean that the inhabitants of the land will recognize that God is protecting Israel, and will thus be afraid of them. He also adds the curious note that on the long night of Hoshana Rabba, that a person who is destined to die in the coming year will not cast a shadow with their head. He suggests that the words “sar tzeilam” may be taken literally, that is, they did not cast shadows.

The Midrash reports an interesting debate between Rabbi and R. Jehonatan (different mss. readings, but Buber chooses this one.) Rabbi says: “if it were not for God’s protection “tzeilo” which he grants to each person, the harmful spirits would kill him, as it says: “their protection has departed from them (“sar tzilam me-aleihem”), but the LORD is with us” (Num. 14, 9). R. Jehonatan says: “if it were not for God’s statement (“maamaro”) which he grants to each person, the harmful spirits would kill him, as it says: “heartening, comforting words: It shall be well, Well with the far and the near” (Isa. 57, 19) (**Mid. Tehilim (Buber) 104:24**)

Rabbi seems to accept the whole line of understanding of “Tzeil” as some kind of physical protection which God gives to each person. There is no doubt that this is a clear tenet of Judaism. If God did not protect us we would physically die. This protection can take myriad forms. For example, the intricate workings of the human body, created by God, keep us alive. If one of the veins in our body were to open up or close up, we could not exist (cf. **Asher Yatzar prayer**). **TTT 192 PR**

If this idea is so clear, what is R. Jehonatan saying? What is God’s statement that keeps us alive? Note, that he replaces the word “tzeil” literally “shadow” with the word “maamar” a “statement”. I believe that R. Jehonatan is reading the word “tzilam” as “tzelem” or “image”, and he is coopting Gen. 1, 26 ff. for this purpose. There it says that God made humans “in God’s image” (“be-tzelem Elohim”). God’s statement is: “Let us make man in our image, after our likeness”. I believe that R. Jehonatan is saying that if it were not for this statement, which applies to every human, the forces of violence and immorality will take over and destroy us.

When people act in such a way that the image of God which was spoken concerning them is made out to be a lie, they lose their spiritual existence, they die morally. In

my mind both of these interpretations are true. We must be mindful of God's physical protection, and grateful to God for that protection. At the same time, we must be mindful of God's expectation of moral responsibility from us, of the legacy of God's image which was stated about us, and we must be careful not to betray that statement. **TTT 192 M**

***Num. 14, 19 - 20**

Pardon, I pray, the iniquity of this people according to Your great kindness, as You have forgiven this people ever since Egypt." And the Lord said, *"I pardon, as you have asked"* ("salahti ki-devarekha").

The story of the 12 spies is another low point in the history of Israel's relationship with God. As in the other lowest moment, the golden calf, God thinks of destroying Israel, but Moses argues with God and saves Israel. In our parasha, we have verses which are well known because of their liturgical use in the High Holiday prayers: "Pardon, I pray, the iniquity of this people according to Your great kindness, as You have forgiven this people ever since Egypt." And the Lord said, "I pardon, as you have asked" ("salahti ki-devarekha")." (Num. 14, 19-20)

Everyone knows the importance, indeed the centrality, of forgiveness in Jewish religion. Clearly the High Holidays stress this element of life. God's forgiving of Israel is the model for humans forgiving one another, and these verses are repeated so often in our High Holiday liturgy in order to stress that point. God was offended by His covenantal partner, Israel, and yet forgave them. The importance of this for human beings is spelled out in the well known comment of Abba Shaul that "just as God is merciful and compassionate, so must you [humans] be merciful and compassionate." (Mekhilta dR. Yishmael Shirah 3) That is, we are commanded to emulate this characteristic of God, and thus, our verses need to be understood well. But, the question remains exactly how is one to forgive?

The creation of the covenantal relationship is at Sinai. From that moment on human words may be approved by God. Indeed one Midrash points to this fact and remarks: "Happy is the person whose words are approved by God". The examples given are not words of prophets, but words of ordinary people who happened to say something that was right and just. God approves of their words. The daughters of Tzlophehad (Num. 27, 7), for example, or the tribes of Joseph (Num. 36, 5) are given Divine approval for their words. Yes, our Midrash says, one whose words are to be acknowledged as correct, one whose words are to be validated by the Most High is indeed a happy person. So it is in our case. God says to Moses "I pardon, as you have asked" ("salahti ki-devarekha"). (**Mekhilta dR. Yishmael BaHodesh 9**)

This Midrash stresses that the forgiveness is "as you have said", "ki-devarekha". This is a crucial point. The side of the relationship which has offended asks to be forgiven. It must be the first step in making forgiveness possible. Without it, there is no expectation that the offended party will initiate expiation. The point is that when one is asked, one must forgive. The precedent is that God DOES forgive "ki-devarekha", as requested. First one listens to what the other is saying. Then one assumes responsibility towards the one who is asking. One forgives here not out of a sense of superiority, but BECAUSE one was asked. Unlike some explanations (**Num. R. 16, 28**) which assume that God forgives for Moses sake, here the idea is that any

party who has offended their covenantal partner must be related to when they ask to fix a rupture in the relationship. **TTT 193 M and T**

In addition, other Midrashim imply that the offended party, in this case God, must invalidate his anger and desire for punishment in order to validate the words of the party asking for forgiveness. According to the strict scales of justice God's wish for punishment is correct. But, these Midrashim say that Moses' request for forgiveness takes precedence. (**Num. R. 16**) One of them even has God's will nullified and Moses' will accepted. (**Deut. R. 5, 13**)

Indeed, another Midrash makes this clear. It gives examples of God's forgiveness, but puts those examples in the frame of forgiving a righteous person because they are righteous, such as the saving of Noah during the flood, or Lot from Sodom. But then, another voice asserts that God's forbearance is for anyone who turns to God in sincerity. The proof text is our verses. (**Ex. R. 29, 7**)

Another Midrash adds an important element to this tale of the process of forgiveness. It tells that God gave Israel the Torah and called them a kingdom of priests. After 40 days this kingdom of priests sinned against God, disrupting the covenant. At that moment the pundits of the nations of the world, viewing the golden calf on CNN no doubt, explained that God would never forgive them. The same happened when the spies reported. Now, however, Moses pleads with God that he do something so that the nations of the world will know that God has forgiven Israel. God's reply is that he will dwell in the tabernacle, and all will see that God has forgiven Israel. (**Ex. R. 51, 4**) Here, the process of forgiveness must go beyond declaration. The parties must once again "dwell together". There has to be a real living together. The presence of God in the camp IS the outcome of forgiveness, and at the same time it is the proof of forgiveness. The tabernacle is called "the tabernacle of witness", it witnesses the culmination of the process of forgiveness.

This last point is important. It qualifies the notion that when one who has offended asks for forgiveness that we are obligated to acknowledge and validate that request. It also qualifies the idea that the justice of the offended parties desire for punishment needs to be invalidated. The qualification is that we are obligated to respond and to forgo the hurt only if our response indeed leads to "mishkan", that is dwelling together. We are all aware that a violent husband, for example, often begs for forgiveness, and that a battered wife may be made to feel guilty for not accepting his apologies. If that request cannot end up in actually living together, then we are not bound to acknowledge it nor are we bound to forget the desire for justice. There must be a genuine possibility of dwelling together in order for the process of forgiveness to genuine, and certainly it can never be complete until "mishkan", companionship and indwelling, can be achieved. **TTT 193 M and B**

***Num. 14, 34**

You shall bear your punishment for forty years, corresponding to the number of days – forty days – that you scouted the land: a year for each day. Thus you shall know what it means to thwart Me.

The "calamitous punishment" of those who left Egypt, to wander in the desert for 40 years until all, except two men, had died out is one well known feature of our

parasha. To recap: after the exodus and the miraculous crossing of the Reed Sea, the people of Israel reach their destination, the land of Israel and they are poised to enter the land and settle it. They know that they cannot do that without fighting battles with the kingdoms that exist there. Moses sends 12 spies to bring back a report, presumably to prepare for battle. They come back and 10, the vast majority, report that Israel is not able to defeat the kingdoms there. Their journey has been in vain. God is greatly angered, seeing this as a betrayal of God's plan for Israel, and a sign of lack of faith in God's help. God announces: "You shall bear your punishment for forty years, corresponding to the number of days—forty days—that you scouted the land: a year for each day. Thus you shall know what it means to thwart Me." (Num. 14, 34)

Now, we all know, or think we know, that the verse means that the people are punished by a year of wandering for each day that they "sinned". In addition, the real punishment is that they will not enter the land of Israel, but will die out in the desert. We imagine that the point is that the generation of adults to whom the punishment applies, only to those over 20 at the exodus, trying to survive in the desert will die out to the last person over a 40 year period. The problem with our first assumption is that the Hebrew reads "yom le-shanah tisu et avonoteikhem", which literally translates: "you shall bear your punishment one day a year"! The problem with our second assumption is simply, what happens if hayyim yankel from the tribe of Gad lives a little more than 40 years?! A third problem is with the calculus of punishment. The principle that God's grace is greater than God's punishment ("midah tova merubah mi-midat puranut" **Sotah 11a et al**) seems to be contravened here. If they only sinned for 40 days, it seems like overkill to be punished for 40 years! **TTT 193 M and T**

Rabbi Yosef Trani, the son of R. Moshe Trani, wrote a long teshuvah on the question of the calculus of punishment. It is a most fascinating work in which R. Yosef examines all of the statements about sins for which there is no ability to repent, or sins for which amends can never be made. He tries to show how, in each case, the statement does NOT contradict the principle that God's grace is greater than punishment. (cf. **Maharit II OH 8**) In our case, he alludes to an astounding Midrash in the Talmud Yerushalmi:

"R. Levi said, every eve of the 9th of Av, Moses issued a declaration saying: "go out and dig, go out and dig". And the people would go out and dig graves for themselves, and each person would sleep that night in their own grave. When dawn broke they would wake up and find that 15,000 and a few more of them were missing [would not wake up because they had died in the night]. On the last 9th of Av they did this, but when they arose in the morning they saw that no one was missing! They said [to themselves] perhaps "perhaps we made a mistake in calculating the new moon" [that it was really not the 9th of Av]. So on the 10th, 11th, 12th, 13th, and 14th they did the same thing [but each time no one had died]. On the 15th the same thing happened and when they saw that all were there they said [to themselves] "it appears that the Holy One has annulled the difficult decree." And they made that day [15th of Av] into a holiday ["yom tov"] and they purified their vessels, and the daughters of Israel went forth in dancing..." (**Yerushalmi Taanit 4, 69c**)

Trani learns the answers to our problems from this Midrash. (*cf. note at end) The text is literally correct, that is, the punishment, namely that the generation died out in the wilderness, was administered on only one day a year. Since the decree was issued on the 9th of Av, each year that day was the day on which the decree was put into effect. Fifteen thousand and some of the generation against whom the decree was issued die on that day, and this happens 40 times, which gives us the total generation, i. e. 600,000 plus. Secondly, this explains how it is that hayyim yankel did not live more than 40 years, that is, the decree was administered exactly so that all of the generation would be gone at the end of 40 years, that is the last 9th of Av is the beginning of the 41st year, the end of the decree. And finally it is clear that the punishment was not of greater length than the crime, so the principle of God's grace not being outweighed by punishment is retained. This Midrash is also explaining why the 15th of Av is such a joyous holiday. It was the day when people first realized that the decree of exile had ended, and that no more Israelites would die because of it.

The 15th of Av is, according to this Midrash, the day of "knowing you are alive, and that your exile will end". It is truly a source of rejoicing. When does one know that they are alive? When they wake up in the morning, which is why one of our first prayers is praise of God for returning my soul to me. In this case, the joy and gratitude to God are for more than just for being alive, but also for knowing that sin has been forgiven, decrees have been annulled, and that the potential to end exile is at hand.

In addition this Midrash gives us another "spin" on the 40 years in the desert. If the point of so long a wandering is NOT so that the exodus generation will die out in a natural fashion, i. e. over a period of time, what other purpose(s) can there be? The 40 years is necessary not for dying but for giving birth, that is, that is done by procreating and raising the next generation. There is no miraculous shortcuts for that one. **TTT 193 T**

Since I firmly believe that God's grace far outweighs God's chastisement, I wonder what to do with our old conception that the transgression of 40 days was punished for 40 years? Along comes a wonderful story from the other Talmud, the Bavli. **(Hagigah 5b)**

"R. Idi, the father of R. Jacob b. Idi, used to spend three months on his journey and one day at the school; and the Rabbis called him 'One day scholar'. So he became dispirited, and applied to himself the verse: "I am as one that is a laughing-stock to his neighbour" etc. (Job 12, 4) R. Johanan said to him: I beg of you. Do not bring down punishment upon the Rabbis. R. Johanan then went forth to the Bet Midrash and delivered the [following] exposition: "Yet they seek Me day by day, and delight to know My ways." (Isa. 58, 2) Do they then seek Him by day, and do not seek Him by night? It comes to tell you. therefore, that whoever studies the Torah even one day in the year, Scripture accounts it to him as though he had studied the whole year through. And similarly in the case of punishment, for it is written: "After the number of the days in which you spied out the land." (Num. 14, 34) Did they then sin forty years? Was it not forty days that they sinned? It must come to teach you, therefore, that whoever commits transgression even one day in the year, Scripture accounts it to him as though he had transgressed the whole year through."

This story addresses not the punishment itself, but the effect of deeds on the individual. The effect is always longer lasting than the time spent doing the deed, and longer lasting than any reward or punishment for the deed. A transgression against one's own basic beliefs, an infidelity to one's ideals, as in the case of the Israelites vis a vis God's promise of the land of Israel, is long lasting. This effect is not the result of the punishment administered from the outside, but it creates an internal flaw that remains and becomes very difficult to shake. Perhaps it is THIS reason why the generation that committed the infidelity must die out, so that a generation that had not experienced a weakening of the commitment could fulfill the promise. TTT
193 B

We also learn from this story to be thankful for every day, for every hour, that a Jew learns Torah. For this learning stays with them, and carries over into all aspects of life.

(*Trani misquotes the Midrash, e.g. he has 14,000 instead of 15,000 and seems to be referring to some other reworking of the original Yerushalmi passage.)

***Num. 15, 26**

And all the congregation of the people Israel ("adat benei yisrael") shall be forgiven, as well as the stranger who dwells among them, for all the people Israel ("le-khol ha-am") acted in error

This week's parasha contains a verse which is familiar to almost every Jew: "And all the congregation of the people Israel ("adat benei yisrael") shall be forgiven, as well as the stranger who dwells among them, for all the people Israel ("le-khol ha-am") acted in error" (Num. 15, 26) This verse is so well known because of its inclusion in the Kol Nidre Service on the eve of Yom Kippur.

In parashat Shelah, this verse culminates a section which deals with the method for atoning for sins committed in error. If the whole "people" sins in error, they must bring a bullock etc. (v. 22-23). The priest atones for the people by virtue of these sacrifices, for they sin in error. (v. 25) Indeed, this fits into the Biblical context of Yom Kippur, which is atonement for sins committed in error. We all know of the ways which the rabbinic tradition, the Oral Torah, dealt with expanding Yom Kippur as a day of atonement for intentional sins.

I would like to concentrate on other fascinating aspects of this section. How can we imagine that "all the congregation of the people Israel ("adat benei yisrael")" commits the same sin? Is there no one, not a single individual, who is aware of an unjust or immoral situation, not a single person who feels the sin? Where does the error creep in? Is the Torah so unclear that "all the people Israel ("le-khol ha-am")" can be mistaken about a given mitzvah?

The answer to these questions is found in the **Mishnah, Horayot 1:5** (see the whole masechet). "If the court issued an [erroneous] ruling and all the people, or a majority of them, acted accordingly, a bullock must be brought, and in [the case of] idolatry a bullock or a goat are to be brought; these are the words of R. Meir. R. Judah said: the twelve tribes bring twelve bullocks; ... If the court ruled [erroneously] and seven tribes or a majority of them acted accordingly, a bullock is to be brought; and in respect of idolatry, a bullock and a goat must be brought; these are the words of R.

Meir. R. Judah said: the seven tribes who sinned must bring seven bullocks and the rest of the tribes who did not sin must bring bullock[s] on their behalf, because even those who did not sin must bring offerings on account of these who sinned. ... If the court of one of the tribes ruled [erroneously], and that tribe acted accordingly, that tribe is liable, but all the other tribes are exempt; these are the words of R. Judah. but the Sages say: no liability is incurred except as a result of the rulings of the Supreme Court only; for it is stated, and "if the whole congregation of Israel shall err", (Lev. 4, 13) but not the congregation of one particular tribe."

The first thing we learn from the end of this Mishnah is that the word "edah" in our verse refers to a court. This is a well known usage of that term in Rabbinic literature. Thus, we now understand our verse to mean that if a rabbinic court, and no less than the Supreme Court in Jerusalem (cf. **San. 11:2**), promulgated a mistaken interpretation of the law, or enacted an erroneous ritual, and all of Israel, as would be expected, followed their ruling, that the whole people of Israel must bring one bullock as a sacrifice. But, note that the Mishnah specifies that the same rule applies if the erroneous act is committed not by "all" the people, but even by a majority of them. We can now understand how it is possible that all Israel would commit an unwitting sin, but we also understand that probably some Jews would not follow the ruling. There is always a minority who would not do it! So the necessity for sacrifice is there, even if it is only a majority who follow this error.

The continuation of the Mishnah carries this question even further. Let us say that the erroneous ruling is not widespread in all the tribes, but only in say just over half of them, or a majority of half of them. However, a large part of the whole nation has nothing to do with this action. Can this be considered, like the first part of the Mishnah, an unwitting sin of "all of Israel"? There is a difference of opinion. R. Meir thinks that the same rule of one bullock applies. R. Yehudah thinks that each tribe is a microcosm of the whole, and has to bring a bullock. But, he also thinks that those tribes, seemingly totally innocent, who did not follow the tribes who sinned must also bring a sacrifice, on their behalf. There is a certain communal responsibility for atonement, even on the part of those who had no part in what was done.

Another perspective on this communal responsibility is found in the Yerushalmi's discussion on this Mishnah (**Yer. Horayot 1:hal. 6**). There, a principle is enunciated that "one tribe can drag along all the others" ("shevet ehad gorer kol ha-shevatim"). This explains why tribes who had no part in the sin still have to bring a sacrifice on behalf of those who did. For, each tribe has the potential to influence every other tribe. And just because at this moment your tribe was not dragged into this sin, the next time they might follow along. **TTT 193 M**

Another aspect of this Mishnah is most astonishing. What kind of mistakes could the great Sanhedrin in Jerusalem make? The Mishnah assumes that one mistake could be concerning idolatry. The Mishnah is able to imagine that the Supreme Rabbinic Court could issue a ruling which mistakes idolatry for the true service of God!! This is almost thinking the unthinkable, and yet the Sages of the Mishnah were able to grasp the magnitude of potential error, even by great and committed sages. This is how they explain the addition of the goat as a sacrifice in our parashah (v. 25). This means that there is no limit to the potential errors that Sages can unwittingly

promulgate in the name of Torah or Judaism, up to and including erroneously ordering Jews to do something which it turns out is idolatry! **TTT 193 M and HA**

We see that these texts raise complex and major moral issues. What is a majority, and what is the responsibility of a minority for the actions of the majority? Given the mutual influence of groups of people one upon the other, how can atonement be achieved as a nation? Are Sages aware of the almost limitless possibility for error in their judgements?

The sense of mutual responsibility between all segments of the nation, "tribes", and the sense of mutual influence, should lead every Jew to a heightened sense of self-criticism and strict moral introspection concerning the "certainties" that we think we know about our religion. Perhaps this is particularly true of the Sages who are supposed to promulgate Torah. Now we understand that it is precisely under the influence of that heightened sense of moral responsibility that we recite this verse during Kol Nidre on Yom Kippur. On that night, at that moment, the sages, the strangers (peripheral Jews?), and all of Israel must be united in resolve to avoid injustice, immorality or mistaking idolatry for the true service of God.

***Num. 15, 22 - 31**

If you unwittingly fail to observe any one of the commandments that the LORD has declared to Moses ...The priest shall make expiation for the whole Israelite community and they shall be forgiven; for it was an error... The whole Israelite community and the stranger residing among them shall be forgiven, for it happened to the entire people through error. The priest shall make expiation before the LORD on behalf of the person who erred, for he sinned unwittingly, making such expiation for him that he may be forgiven. ... But the person, be he citizen or stranger, who acts defiantly reviles the LORD; that person shall be cut off from among his people. Because he has spurned the word of the LORD and violated His commandment, that person shall be cut off – he bears his guilt.

One of the most fascinating exegetical tools in the midrashic process is explicating "proximity". That is, finding meaning in the placement of one matter "near" or "next to" another particular matter. This rule is known in Hebrew as "smichat parshuyot", the "proximity of subject matter." In modern literature, one would expect some kind of obvious logical relationship between one paragraph and the next. The whole way of looking at things might be superfluous in modern literature. While to me this seems NOT to be the case in modern literature, still, in the Torah, matters that seem to be totally unrelated do flow one after the other. Since the first rule of the midrashic process is that the whole form of the Torah exists to teach us something, it is always appropriate to ask "what is this matter doing close to this other matter?". **Cf. TTT 172 L and H**

At the end of this week's parasha are three items one following the other. First, there are rules concerning sin which is committed unwittingly, second, is the story of the man gathering wood on Shabbat, and finally, the command to put fringes ("tzitzit") on garments. Now, the Midrash does not raise the question of proximity here, but I wish to raise it. Indeed, it seems to me that from examining some of the interpretation of the wood gatherer and tzitzit, we may fashion an explication of the proximity.

First matter (Num. 15, 22-31): "If you unwittingly fail to observe any one of the commandments that the LORD has declared to Moses ...The priest shall make expiation for the whole Israelite community and they shall be forgiven; for it was an error... The whole Israelite community and the stranger residing among them shall be forgiven, for it happened to the entire people through error. The priest shall make expiation before the LORD on behalf of the person who erred, for he sinned unwittingly, making such expiation for him that he may be forgiven. ... But the person, be he citizen or stranger, who acts defiantly reviles the LORD; that person shall be cut off from among his people. Because he has spurned the word of the LORD and violated His commandment, that person shall be cut off – he bears his guilt."

Now, this seems straight forward. The Torah is telling us that people can be forgiven if they have violated the Torah's laws in error, and they are contrite about it. When they come to admit their deeds, and to formally ask forgiveness, they shall be forgiven. However, a person who has deliberately "spurned the word of the Lord" will not be forgiven.

Second matter: the wood gatherer, who is executed for his violation of the Shabbat, as the letter of the law prescribes. I do not want to deal with the issue of the appropriateness, or lack thereof, of the death penalty for Shabbat violation. Suffice it to say, that presenting the penalty in those terms makes it clear that the Shabbat is of highest value in Israelite society. What is fascinating to me is that the Midrash Halakha on these verses learns the principle that everyone must be "warned" that the deed they are doing is punishable by death. They must warn the offender in very specific terms, spelling out exactly which category of forbidden work he is doing that may lead to his execution. Not only that, but they must spell out all the details and subcategories of this particular forbidden work. (cf. **Sifrei ba-midbar, 113**).

The procedure for prosecuting an offender with the death penalty calls for such a warning on the part of two witnesses, who both warn the person of the consequences of his actions. But, even more than that, the person must acknowledge the warning and must directly refuse to heed it. He must "spurn the word of the Lord" in front of two witnesses. Indeed, the first matter is echoed clearly in this Talmudic explanation of the wood gatherer: "the school of R. Ishmael taught: "Those who found him as he was gathering wood" (Num. 15, 33) - they warned him and he kept right on gathering!" (**San. 41a**).

Indeed, the severity of the punishment implies a willful scorning of the law. It is not merely the deed which brings in its wake the fearful punishment, but ignoring the rules. How often we get angry at people who, even after warnings, continue to ignore what is in their own best interests? How can one become responsible toward life, if one constantly spurns all moral or scientific knowledge or even good advice? The proximity of these two matters widens our understanding of the wood gatherer. Israel cannot be true to its highest ideals, if people constantly adjure them, and ignore all pleas to reconsider.

The third matter: the command of tzitzit. Yalkut Shimoni (**Shelah 750**), preserves an amazing Midrash. Moses brings the gatherer before God, who denounces him "this one has desecrated Shabbat!" Moses defends him! Moses here is on the side of the Israelites who are expected to always live up to high ideals. He wants God to be

aware that the expectations are very high, and that people need aids in being able to live up to high ideals. Moses says: "Master of the World, you know that every day he places Tefillin on his head and Tefillin on his arm, and sees them and retracts [contemplated evil deeds]. Now [on Shabbat] he has no Tefillin, so he has desecrated Shabbat." What an argument! Precisely on Shabbat when you expect more discipline than any other day of the week, you have left this poor person with no reminder, no physical, concrete prod. What do you, God, expect of him? **TTT K and HA and P**

God, of course, replies that he commands them to wear tzitzit on Shabbat and holidays, so that they not "stray after their heart and eyes... in lustful urge" (Num. 15, 39). Now, it is clear that the tzitzit passage is also connected to the wood gatherer. Living up to high ideals is hard. Even if one knows that failing those ideals can lead to death and disaster, it is hard to give up urges, give up desire. To avoid hardness of heart or spurning of a warning requires help. God needs to provide that help, in the form of symbols and deeds which will focus our mind and heart on the ideals that we strive to achieve. God, understands Moses' argument and provides a solution for it.

So, the proximity of these three matters exposes the complexity and the difficulty of living up to high ideals. The constant conflict between personal lust and the good of others, and the constant need for symbols and ceremonies that aid in resolving that conflict are revealed with the help of these Midrashim.

***Num. 16, 4**

When Moses heard this he fell down prostrate ("va-yipol al panav")

In Memory of Rabbi Rabbi Wolfe Kelman z"l

At the beginning of our parasha, Korah challenges the choice of Aaron and his sons as priests, and the choice of particular Levite clans for service. It is a religious struggle over power, status, authority, a classic example of controversy over religious functions, and it is even couched in terms of religious ideology.

Moses' reaction is unusual and surprising: "When Moses heard this he fell down prostrate ("va-yipol al panav") (Num. 16, 4) JPS translates "...he fell on his face", with a note which reads "perhaps in the sense of 'his face fell'". I take this to mean that Moses collapsed, almost as if Moses fainted. The Hebrew expression has different interpretations in the Bible, but I wish to focus on those where it has a connotation of fainting

There are two major questions here: one, what did Moses hear, and two, why did this cause him to faint? The implication is that whatever Moses heard was so distressing, that he fainted because of it. Or, perhaps his falling down prostrate had nothing to do with what he heard? But, then why does the verse have it seem like cause and effect.

Of course, one could simply say that he heard the criticism of Korah. One Midrash does assume that:

"Korah assembled against them" (Num. 16, 19). He said to them: "everyone of the nation is holy" (Num. 16, 3), and each one heard at Sinai "I am the Lord your God".... immediately Moses was astonished, for this was the fourth instance of rebellion. A parable, a prince who rebelled against his father, a friend of the king calmed him down one, twice, three times, but when the prince rebelled a fourth time, the friend said, 'how many times can I prevail upon the King's patience?' Thus, Moses, when they rebelled with the calf, he interceded (Ex. 32, 11), at the rebellion of lust "Moses prayed to God" (Num. 11, 2), at the incident of the scouts, "Moses pleaded to God" (Num. 14, 13)... "what will Egypt say" (ibid.), but at the rebellion of Korah his energy failed him, his hands became weak, he said to himself, 'how many times can I bother God?', thus, "Moses heard, and fell down prostrate"... (**Tanhuma (Buber) Korah, 9**)

This bold Midrash is couched in terms of criticism of Moses! To the rhetorical question implied by the parable, how many times can a leader act on behalf of his people, the answer is surely an infinite number of times! Moses should never give up advocacy on behalf of his people. According to this understanding Moses falls down out of weakness, out of despair. His inner frustration causes him to 'time out', so to speak. One of the things most forcefully etched in my memory is that of Wolfe, z"l, as a tireless advocate for the rabbis and their families. This trait is important for all of us, both rabbis and community leaders, to take to heart. Many times we tend to despair, and this can cause us to 'black out', stop functioning effectively.

Another midrash gives us great insight into another area where a leader can stumble and become faint. This midrash is couched in terms of a particular halakha, which tries to determine when it is proper to suspect another person of wrongdoing.

“A person should not be suspected of an evil act, unless they have actually done it; or if they have partly done it; or if they have not done anything, but have dwelled upon doing it; or if they have not thought about it for themselves, but have seen others doing it and have rejoiced, the following verse seems to contradict this principle, "Moses heard, and fell down prostrate", what rumor had he heard? ... [he heard] that he was acting out of hatred.... (**Yalkut Shimoni Korah, 703**)

The analysis of suspicion is most illuminating. Only a person who is free of the despicable act entirely, even of joyful approval at hearing of someone who has done it, is beyond suspicion. Our Midrash queries this definition in the traditional manner by bringing a case which seems to contradict it. Moses surely could not have been suspected of doing anything wrong, and yet he reacts by fainting, implying that there might have been grounds for the suspicion. So what was this onerous rumor? It was that Moses was acting out of hatred.

But, the Midrash goes on to say that this could not be the case, but just “hearing the rumor” was so distressing to Moses that he fainted. The one thing of which no leader should be suspected is acting out of hatred. Those who don’t agree with a leaders’ decisions, particularly when it impacts on them personally, may put their feelings in such terms “so and so must hate me”. Although there may be hundreds of reasons for a particular decision, it is essential that hatred NOT be one of them. I feel that this was true of Wolfe. I do not remember any sense of hatred at all in his talk. He had reasons for preferring one decision over another, but none of those reasons was hatred of the individuals involved.

Since it is not hatred which is involved in a given controversy, but, perhaps, genuine differences of opinion, a most enlightening continuation of this process is found in the section of the Talmud where the whole Korah affair is analyzed. There we read:

"Moses arose and went to Dathan and Aviram" (Num. 16, 25). Resh Lakish said: from this verse we learn that it is forbidden to perpetuate a controversy, as Rav has said: "everyone who perpetuates a controversy contravenes a negative commandment, as is written: "you shall not be like Korah and his group" (**Sanhedrin 110a**)

The way to overcome fainting, to arise from the prone position, so to speak, is by going to the other side and finding ways to live together even though the differences of opinion remain!! The most striking thing about the statement in the Talmud is that Moses is the one who sees himself charged with NOT perpetuating the controversy. He feels that he is the one who is charged with the negative command “not to become Korah”. It is the side that “wins” which can become Korah themselves, by NOT forcefully pursuing ways to “live with” the dispute. **TTT 195 M and HA**

It is precisely the working out of profound and intelligent ways to maintain decency and social cohesion, while ALLOWING FOR differences of opinion, which informs the way of Mishna, and it was the intention of the Rabbis of the Mishna to make this way the ideal of Torah. (cf. **Yev. 1, 4, Eduyot etc.**) Even major religious controversy,

according to this view, must not be allowed to deteriorate into a Korah situation, and the burden of prevention falls on the side that seemingly has triumphed. This is another valuable lesson of community life, and one which I saw lived out by Wolfe many times.

***Num. 16, 5**

Come morning ("boker"), the LORD will make known who is His and who is holy, and will grant him access to Himself; He will grant access to the one He has chosen.

The story of Korah is familiar. Korah and his group challenges Moses regarding the choosing of Aaron and his family as priests. The tradition and the Biblical text present this as an attack on God, and not merely as a dispute between Levites over leadership.

Moses' reaction to this challenge is: "Come morning ("boker"), the LORD will make known who is His and who is holy, and will grant him access to Himself; He will grant access to the one He has chosen." (Num. 16, 5) He then proposes a sort of test that will reveal who is the real chosen family. From this verse we can see that Korah confronts Moses during the day or perhaps towards evening. Why does Moses put off the test until morning? Does God have to wait to make His will known? Is Moses unsure himself about the answer? Why not get it over with right away?

One Midrash contains several different answers to this intriguing question (**Tanhuma, Korah 5,5**). The first opinion in this Midrash assumes that Korah raises his complaint in the evening. Moses thinks to himself that perhaps it is because they are so full of food and drink that they raise this divisive question. Somehow, **Rashi** (ad loc) takes this Midrash to mean that Korah and his cronies are drunk. That is, the food and drink mentioned in Tanhuma is taken by Rashi to imply a night of carousing. So, Moses, thinks that by morning when they sober up, they will come to their senses and withdraw the challenge. In this view, Moses is a man of consensus. He considers what external forces might have motivated Korah to be so offensive, and is not quick to think poorly of them. On the other hand, the Midrash is instructive in pointing out that the will to rule is aroused not by poverty and exclusion, but precisely when one is full and well off.

The second opinion in this Midrash has Moses say to Korah that we have no permission to bother God at this time with our quarrels. In this view, Moses is also giving time to Korah to reconsider, but he is pushing off the time because of an administrative reason. We shouldn't bother God at night. The Midrash also uses the notion of being full with food and drink as a reason not to approach God with disputes. To me this seems like a typical bureaucratic move that is used as a delaying tactic when difficult decisions are involved. Perhaps Moses hopes that after thinking about it overnight Korah will realize the severity of his request and withdraw it.

The third opinion in this Midrash gives an entirely different meaning to the word "boker". It connects this boker with the refrain used in the creation story of Genesis 1. This interpretation says that just as God distinguished between morning ("boker") and night ("erev"), so God distinguished between Israel and the nations, and so between Israel and the Levites, and so between the Levites and the kohanim. In this view, Moses is NOT saying to Korah to wait until morning, but he is saying: "if you

can change morning into night or night into morning, that is, reverse the distinctions which God has created in the order of things, then you can come with this challenge." Moses is reproving Korah in this view. He is saying the choice of Aaron is fixed in advance, it is part of God's ordering of the world. In this view, the verse is an ironic put-down of Korah, turning his request into a pathetic attempt to reverse the order of nature. **TTT 195 H**

What is bothersome with this view is that, if this is what Moses thinks why does he bother with the whole rigmarole of the fire pans and incense? He has shut Korah up and there is no need for the trial by test. Perhaps Moses wants to go through with this as an example to others not to question what God has fixed. Or perhaps he wants the people to see Korah and his group given enough rope to hang themselves. In this way, he can say that they brought it on themselves, that is, even though it is clear that this is God's decision, God was willing to run a test of the opposition to it.

In the same Midrash we have different approaches to the Korah incident. The latter opinion seeing it as a cynical attempt to overthrow God's authority, and other opinions as seeing it as a temporary weakness of people, which might have been prevented had they not been so enamored of their own wealth and welfare.

***Num. 16, 15**

Pay no regard to their oblation. I have not taken the ass of any one of them, nor have I wronged any one of them.

Moses' leadership is challenged by Korah and his gang of 250. At first Moses seems to be surprised by this challenge to his authority. He apparently interprets their challenge to be an outcry against an apparent conflict of interest. Moses is the one who selects Aaron to be the bearer of the priesthood; at least that is the way it looks. Korah, also a Levitical family asks how Moses can be in charge of this choice since he is a Levite, and look, he has chosen his own brother! Moses apparently understands it this way, because his initial response is to say: "ok, come tomorrow and we will appeal to God to make the choice". He proposes to remove himself entirely from the selection process.

But, when some refuse to come and it becomes clear that this is not a mere challenge, but rather a revolt, Moses then changes his tone. He says: "Moses was much aggrieved and he said to the Lord, "Pay no regard to their oblation. I have not taken the ass of any one of them, nor have I wronged any one of them." (Num. 16, 15)

The English translation, once again, smoothes over difficulties in the Hebrew. The Hebrew phrase "lo hamor ehad mehem nasati" is rendered as "I have not taken the ass of any one of them". The only problem is that the Hebrew is not clear at all. The English gives the impression that Moses claims innocence of taking someone's possessions. The word "nasati" does not usually mean "to take" in that sense. It points to some other nuance of taking, as in parashat "naso", which means "to count" the heads of the people, and not to literally take them. **TTT 196 H**

However, our translator can point to **Rashi**, who did understand "nasati" that way. Rashi says simply, that Moses did not "take" ("naltti") any person's donkey. But, this understanding leaves the question of why Moses thinks this is an appropriate

response about his moral character. Does someone of Moses' stature brag about not being a thief? It would be a poor commentary on leadership if the best that a candidate could say for himself was that he had never stolen anyone's property.

Rashbam, Rashi's grandson, understands "nasati" in a slightly different way. He thinks of it as appropriation by the ruler. Moses says: 'I have never confiscated any person's animal for government use'. Rashbam points out that this was a norm in the world, and Moses is showing how free he is of the complaint of oppressive government. He does not even countenance the usual and acceptable practice of inducting equipment into national use. In Israel it used to be that cars and vans were inducted into the army in times of war, with or without their owners. This was considered understood and acceptable by all. **TTT 196 M**

Rashbam bases his understanding on the vocalization of "ehad mehem", to read "lo hamor ehad", not one donkey, "mehem nasati", have I appropriated from them. He points out that if the word "ehad" had been vocalized "ahad", as it is at the end of the verse, then it would mean "one of theirs". So, according to him the interpretation that it means taking one of their animals is not possible grammatically. **TTT 196 H**

Another approach is found in a Midrash which explains that when a person is involved in holy work, his expenses are covered by his work. Moses says, according to this Midrash, "when I was traveling forward and backward to Midian, it was as part of my job as national liberator. It would have been appropriate for you to give me the use of one of your animals for this purpose, and return it to you on my return". But, Moses used his own animal. Even though he was permitted to use transportation from his job, he used his own. (**Num. R. 18, 10**) This connects to a passage in the Talmud which uses our verse to suggest that prophets were wealthy. (**Ned. 38a**) While in this passage it is not so proved, still the suggestion is that people with means should not have perks of the job that might look like they are taking advantage. **TTT 196 M**

Finally, another Midrash adds another dimension to this whole question of what is appropriate for a leader in terms of integrity. It starts with the verse from Psalm 24 "who will ascend the mountain of the Lord... the person of integrity". In order for Moses to ascend the mountain of the Lord he must show that he has all the qualities spelled out in this Psalm. Integrity is proved in Moses' case by our verse. This Midrash rejects the idea that our verse might mean that Moses actually took an animal for the reason stated above, what is the big deal in not being a thief? Rather, it interprets our words thus: "all of the many journeys that we embarked on in the desert, I never asked even one of you, let me put my baggage on your donkey". (**Ex. R. 4, 4**) The word "nasati" means to carry, according to this Midrash. Moses was so punctilious that he did not even use another's animal while walking along with it. The notions of integrity in public life expressed in these different interpretations of "nasati" give a window into the richness of Torah interpretation in Jewish tradition.

***Num. 17, 11 - 13**

Then Moses said to Aaron, "Take the fire pan, and put on it fire from the altar. Add incense and take it quickly to the community and make expiation for them. For wrath has gone forth from the Lord: the plague has begun!" Aaron took it, as Moses had ordered, and ran to the midst of the congregation, where the plague had begun among the people. He put on the

incense and made expiation for the people; he stood between the dead and the living until the plague was checked.

Our parasha contains another account of lack of faith on the part of Israel which leads to rebellion against God's plans. Once again, God becomes angry at the people's rebellion and punishes them. Once again, Moses and Aaron act to mitigate the punishment and save as many people as possible. In this week's parasha the very punishment meted out to the transgressors is the source of another transgression. The people attack Moses and Aaron and accuse them of murdering people. God becomes even angrier at this rebellion against His punishment, and tells Moses and Aaron to remove themselves from proximity of the people so that the whole nation will be annihilated. (Num. 17, 6-10)

In the past scenarios such as this ended with Moses speaking to God, presenting a case for mercy so that God would not carry out the threatened punishment. However, in this event we read: "Then Moses said to Aaron, "Take the fire pan, and put on it fire from the altar. Add incense and take it quickly to the community and make expiation for them. For wrath has gone forth from the Lord: the plague has begun!" Aaron took it, as Moses had ordered, and ran to the midst of the congregation, where the plague had begun among the people. He put on the incense and made expiation for the people; he stood between the dead and the living until the plague was checked." (Num. 17, 11-13)

Instead of talking to God, or arguing with God about changing the decree, Moses immediately instructs Aaron to act to effect ritual expiation for the people. God is, so to speak, forced to stop the killing, because the sin has been ritually expiated. Until Aaron could act, 14,700 had died, but the vast majority were saved. (ibid. v. 14) The situations in which the nation had turned its back, so to speak, on God and God's plans seems to have required intercession on behalf of the transgressors, a kind of "throwing themselves on the mercy of the court". In light of that pattern, the vivid image of Aaron with an incense pan standing between the living and the dead is most striking. **TTT 197 H and M and K and T and ED**

In Moses' speech to Israel at the end of Deuteronomy, he talks of God acting on behalf of the nation out of mercy when they have reached a state where their "might is gone" ("ki yireh ki azlat yad"), and they are without any resources ("ve-efes atzur ve-azuv"). (Deut. 32, 36) The Hebrew words "efes" ("nothing"), "atzur" ("incarcerated") and "azuv" ("abandoned") all denote states of despair. Indeed in the Midrash halakha on Deuteronomy, Sifrei, this verse is interpreted as referring to times of national despair, such as exile or extreme poverty. (**Sifrei 326, cf. Sanhedrin 97a**)

In this same Midrash another context is proposed for the workings of God's mercy at times of despair: "Might is gone" when God sees that there is no person who arouses God's mercy like Moses... another interpretation ("davar aher") when God sees that there is no person who arouses God's mercy like Aaron, as it is said: "he stood between the dead and the living until the plague was checked". This Midrash understands the need to invoke Divine mercy when despair takes hold, or when a situation has deteriorated to the point of a total lack of morality. **TTT 197 T**

The Sifrei supposes two models for making Divine mercy manifest. One is Moses and the other is Aaron. Moses exhorts and argues in order to diminish anger and the force of judgment and punishment, thus allowing mercy to operate. Aaron acts by running into the midst of the situation, despite the evident danger of being there, and doing what his training has prepared him to do to bring about mercy. Aaron is pro-active on behalf of those threatened by retribution. **TTT 197 T and M**

Obviously, one can say that both of these models are necessary. In some cases one model may be appropriate, and in other cases the other model fits better. We are, however, more attentive to the “Moses model” of intercession. What is the advantage of Aaron’s way?

In the Talmud there is a fascinating Midrash of R. Yehoshua b. Levi. (**Shabbat 88b-89a**) When Moses ascended to receive the Torah, the angels protested before God: “Master of the world, what is a human, born of woman, doing here among us?” God tells them that Moses is there to take the Torah to humans. The angels are aghast that God would give such a precious item to humans? God then tells Moses that he, Moses, must reply to the angels complaint. The Midrash continues:

“He [Moses] said: Master of the world, what is written in the Torah You are giving me? “I am the Lord your God who took you from the land of Egypt, from slavery”. He [Moses] turned to the angels: were you enslaved in Egypt, so what use is the Torah to you? Further, what is written: “you shall have no other gods”, do you [angels] live among nations that worship other gods? Further, it is written: “remember the Sabbath day to sanctify it”, do you [angels] do labor from which you need cessation? Further, it is written, “you shall not take”, do you [angels] engage in business [that might lead you to swear falsely]? Further, it is written: “honor your father and mother”, do you [angels] have parents? Further it is written: “you shall not murder, not commit adultery, not steal”, do you [angels] suffer from jealousy, do you have an evil inclination? Immediately they [the angels] admitted to God [that the Torah belonged with humans]. Immediately each one [each angel] began to love [Moses, rather than to hate him], and each one gave him good advice (“masar lo davar”). Even the angel of death gave him good advice, as is written: “He put on the incense and made expiation for the people” and it says “he stood between the dead and the living until the plague was checked”, if he [the angel of death] had not told him, how would he [Moses] have known?”

This Midrash makes it clear that the Torah is meant for humans. The Torah addresses itself directly to the situations in human life which are most problematic, situations of crisis and despair, situations in which jealousy or forces of violence push us in the direction of transgression. Furthermore, this Midrash boldly asserts that there is “good advice” (“masar lo davar”) which comes from above that is NOT written in the Torah. This good advice is adherence to the Divine attribute of mercy, even if it may seem extreme to do so. Furthermore, this Midrash reveals that such advice, such sense of fidelity to the Divine principle of mercy, is necessary exactly in those cases where one stands “between the dead and the living”. In those cases, action is needed, action that springs from the advice that the angels give, “be true to God’s vision of mercy no matter what”. Even the angel of death joins in informing us that lesson, even at the expense of his having less to do. **TTT 197 M**

***Num. 17, 19 – 23**

¹⁷Speak to the Israelite people and take from them – from the chieftains of their ancestral houses – one staff for each chieftain of an ancestral house: twelve staffs in all. Inscribe each man's name on his staff, ¹⁸there being one staff for each head of an ancestral house; also inscribe Aaron's name on the staff of Levi. ¹⁹Deposit them in the Tent of Meeting before the Pact, where I meet with you. ²⁰The staff of the man whom I choose shall sprout, and I will rid Myself of the incessant mutterings of the Israelites against you. ²¹Moses spoke thus to the Israelites. Their chieftains gave him a staff for each chieftain of an ancestral house, twelve staffs in all; among these staffs was that of Aaron. ²²Moses deposited the staffs before the LORD, in the Tent of the Pact. ²³The next day Moses entered the Tent of the Pact, and there the staff of Aaron of the house of Levi had sprouted: it had brought forth sprouts, produced blossoms, and borne almonds.

After Korah and his clique are dramatically swallowed up by the earth, one would think that any complaint of nepotism against Moses would be finished (Num. 16). But no, the next day the people rise up against Moses and accuse him not only of NOT settling the issue, but of using unjustified force thus causing Korah and his clique to die (Num. 17). God wants to punish the people outright, but Moses understands that the question of Aaron's appointment remains to be settled in another way. [This is an interesting idea in itself, different ways of settling issues of authority and appointments. Reader you are invited to consider it].

God tells Moses to have each tribe bring a wooden staff ("mateh"), to the Ohel Moed, and to inscribe the name of each tribal head on their staff. They are to be placed ("vehinachtem") before the Ark (v. 19). It is not clear what is to be done with the staffs, but some midrashim assume that they are driven into the earth. The staff of the one whom God chooses will sprout ("matehu yifrach" v. 20), and this will be proof of chosenness. The next day Aaron's staff not only sprouted, but "it had brought forth sprouts, produced blossoms, and borne almonds" (v. 23).

What is the meaning of Aaron's staff producing blossoms and bearing almonds? Why is this the sign of chosenness? A midrash (**Lev. R. 20:5, Margalioth**) makes the point that Aaron's staff is NOT like his sons. His staff "entered the Mishkan barren (dried out) but left it fruitful (moist)". It's flowering was a sign of Aaron's good deeds, of his kind heart, of his willingness to compromise to bring two people together, of his ability to bring people close to Torah (cf. **Avot 1:12; Avot d'R. Natan, Schechter p. 48 ff.**) This idea is also found in Radak's interpretation of Isa. 17, 11, where he explains the expression "produced blossoms, and borne almonds" as meaning useful, productive, and proper deeds which bring great blessing on others.

The fact that his sons died because of some misdeeds, was no reason to disqualify Aaron, according to this midrash. Their misconduct must have been very great, since Titus, the evil one, entered the Holy of Holies with his sword and came out unblemished, but they went in to sacrifice and were burnt. This midrash sees the symbolism of Aaron's staff as one of good deeds and kindness, not of progeny. Aaron is chosen on his own merits, not because, by some fluke or other, his children were scoundrels or successful.

It seems to me, that the reason this interpretation is given for Aaron's staff, is the people's reaction to Aaron's being chosen (v. 27-28). The people are afraid to go near

the Sanctuary lest they die! They seem to think that Aaron is responsible for his son's death and bears guilt for it, and are afraid that his appointment as Cohen will bode ill for anyone coming near the sanctuary. But, God reassures them that the priests are each individually responsible, their sins are NOT transferred to anyone else, each one has the guilt on their own (18, 1). Korah's complaint was of nepotism, the people's complaint is of moral guilt. But, the Torah here is saying that moral guilt is NOT incurred because of misdeeds of one's children. **TTT 198 M and T**

Of course, we are all concerned with our children and with their success and reputations. We have even turned such concern into jokes of Jewish parents who measure their own success by that of their children. We know that many Jews justify involvement in any Jewish activity as "for the children". I have been reading lately of Jewish women whose children have grown up and left the home, and who are single, finding it hard to light Shabbat candles or to hold a Seder without the "children". They are struggling to find ways to keep doing those rituals "on their own".

I do not want to understate the importance of that concern, but in this midrash we are reminded that our own reputation and our own Jewishness counts on its own without any reference to our children. Aaron's staff should be the symbol of personal Jewish involvement for every adult Jew. Would that our deeds always be fruitful and not dried up, at every stage of our life.

***Num. 18, 19**

All of the holy tithes which the people of Israel will donate to the Lord, I give to you and your sons and your daughters with you, as an eternal law ("le-hawk olam"), it is an eternal covenant of salt ("berit melah olam") before the Lord, to you and your descendants with you.

The dispute of Korah and his followers over the leadership of Moses and Aaron may be seen as one over the "covenant of the priesthood". Korah, also a Levite, feels that Moses has discriminated against him, by assigning the role of priesthood to Aaron and his descendants.

What is important to note here is that the choosing of Aaron is a kind of "covenant" "brit" which is intended to be eternal. It is a special kind of relationship, and not merely being chosen for a particular job because of certain qualifications. It is the covenantal nature of Aaron's being chosen which is at stake here. Presumably, Korah is rejected because he could not uphold the covenant. His actions reveal that to us. The irony of it is that not only does he lose the priestly covenant, which he so coveted, but because he is swallowed up by the earth, he also loses the Levitical covenant which is revealed to the Levites towards the end of the parasha. (For a beautiful exposition of the problematics of the priestly and Levitical covenants see our teacher **Yohanan Muffs, Love and Joy, pp. 128-130.**)

What is the nature of covenant? Why is Korah unfit to be included in the berit? In an unexpected way we can find answers to those questions in a verse towards the end of the parasha, a verse which seems very strange on the face of it. "All of the holy tithes which the people of Israel will donate to the Lord, I give to you and your sons and your daughters with you, as an eternal law ("le-hawk olam"), it is an eternal covenant of salt ("berit melah olam") before the Lord, to you and your descendants with you." (Num. 18, 19) These passages in Num. 18 reaffirm the covenant with the

priests and with the Levites (cf. v. 28). The phrase which characterizes the covenant as "a covenant of salt" is striking, and almost seemingly unintelligible. What does salt have to do with it? In what way does salt stand as a metaphor for covenant? Why not "devash", honey, or something sweet?

There is much commentary on this phrase, and I will concentrate on just two. One of the simplest explanations of this metaphor is found in the **Sifre on Numbers (118)**: "it is an eternal covenant of salt ("berit melah olam") before the Lord", Torah makes a covenant with Aaron by means of a healthy thing, and not only that but it is healthy for others as well". In this comment, "salt" should be understood in a generic way as an object which is healthy, which is for the benefit of all. The covenant must be a source of health and life, and anyone who might turn it into just a means of enriching themselves, like Korah, is not worthy of such a berit. **TTT 198 M and T**

Much more complex and interesting is a series of comments on the "salt covenant" which can be found summarized in the commentary of **Ramban on Lev. 2, 13**, where the connection of salt and priestly sacrifices is first mentioned. Ramban sees the covenant with Aaron regarding their bringing sacrifices as the archetype of covenant. That, he says, is why the same phrase "berit melah" is used for David's covenant of everlasting kingship (cf. 2 Chron. 13:5). But, what does "salt" mean? Ramban quotes Ibn Ezra who says that it means "cut off", a salty place is one which is not habitable, cut off, and a covenant is "cut" (cf. Jer. 17, 6).

But, Ramban rejects this notion. He develops an understanding of the metaphor of salt and covenant which is beautiful and cogent. Salt, he points out, is found in water. Salt is an integral part of the water, totally bound up, and dissolved in the water. With the heat of the sun, the water evaporates, and only the salt remains. Now, water in its essence will irrigate the land and cause growth, but if the water is turned to salt by the fiery sun, the same land will become barren and no growth can take place. "Thus the covenant is composed of all the attributes, both the water and the fire are included in it... just as salt adds taste to all foods, but can also destroy a dish if too much is added, so the salt is like the covenant".

The covenant is a special pact with God. It is an obligation to help others renew their relationship with God. But, that is not inherently simple and easy. Too much "heat", fervor or strictness, can cause the invigorating parts of that covenant and relationship to turn into being cut off from the very source of divinity which we are trying to approach. The life-giving waters of Torah and Jewish life can turn into a salty land which drives inhabitants away. **TTT 198 P and K**

Those who are empowered to keep the covenant, have a difficult task. They need to be able to prevent the water from evaporating, to keep the mixture together. Maybe there are "salty" parts of the covenant, but those parts are not harmful if kept in solution. Once we lose the fluidity of the water, only then they may cause bitterness and loss of growth.

If this covenant is the archetypal covenant, then the warning about balance and fluidity which is expressed by the metaphor of the covenant = salt applies to all Jews. Korah, by his actions, shows that he would not be able to keep the Torah fluid. His

self-interest and self-righteousness would combine to suck up the waters of Torah, leaving only the salt. May we always be aware not only of our obligation to keep the covenant, but also of our obligation of keeping the covenant in a state of proper solution.

There is another characteristic to the phrase, "brit melah". Indeed, our explanation of the term was to connote the covenant with Aaron, that his progeny will be Priests for ever more. Indeed, JPS translates our verse (Num. 18, 19): "It shall be an everlasting covenant of salt before the LORD for you and for your offspring as well". This translation stresses the word "olam", everlasting, which also describes the covenant. But, what does salt have to do with it? Rashi explains that just as salt does not spoil, but rather preserves food, so the covenant with Aaron will last forever. Thus, "salt" seems to be a metaphoric way of describing a unique quality of this covenant, namely, it is forever.

JPS adds a note to the word salt, sending us to Lev. 2, 13: "You shall season your every offering of meal with salt; you shall not omit from your meal offering the salt of your covenant with God; with all your offerings you must offer salt." We thus are supposed to understand that the covenant with Aaron is eternal, and the use of salt, a substance which helps to preserve, is connected with this covenant because salt is such a central feature of the sacrificial system of which the priests are in charge.

Now, all of this seems to make sense, and puts our mind at rest about the phrase "brit melah". There is just one little problem, and that is that the very same phrase is also used to describe the particular covenant that God makes with David that his progeny will be kings over Israel. "Surely you know that the LORD God of Israel gave David kingship over Israel forever—to him and his sons—by a covenant of salt." (2 Chron. 2, 13) The common denominator to both covenants is eternity, but how do we explain "salt" for David? There is nothing central about salt in the monarchical system? So, we are back to square one, what is the meaning of "salt" in these covenants?

Help comes from **Ramban**, who see "salt" as representing the two qualities of justice and mercy, death and life. Salt comes from water, which gives life, but after the water evaporates, only salt is left and this cuts off growth. So, the covenant includes BOTH of these qualities, like salt. Salt adds flavor to all food, but too much salt makes the same dish inedible. So, implies Ramban, the covenant made with the Priests and the Kings is meant to give life, but it includes the potential to turn into destruction.

Now, this is a very different understanding of the metaphor of salt in these PARTICULAR covenants. Our understanding of this path of interpretation is enhanced by the statement of R. Shimon that there are three crowns, the crown of Torah, which is that of Moses, the crown of priesthood, that of Aaron, and the crown of kingship, that of David. But, the crown of a good name is higher than these. (**Avot de R. Nathan, B, 48**) What differentiates these "crowns" is that the crown of Torah is there for the taking by anyone. It is not hereditary, as are the other two.

Indeed, this Midrash specifically states that the crown of Torah IS ESSENTIAL for any of the other crowns. They are all dependent on the crown of Torah. Aaron

received his crown, BECAUSE he had already achieved the crown of Torah, and the same for David. They had "come and taken Torah unto themselves." That is, the good name, which comes with living the Torah, is a necessary PREREQUISITE to attaining the crown of priesthood or of monarchy.

This understanding of the two covenants is bolstered by the **Midrash in Tanhuma, Lekh Lekha 20**. There we are informed of how the priests had desecrated their covenant by bringing sacrifices while they themselves had NOT undergone circumcision! (cf. Ezek. 44, 7) They had annulled the PRIMARY covenant of God and Israel, namely circumcision, and still expected that God would keep His SECONDARY covenant with them?! This Midrash also informs us that King Yehoiakim annulled circumcision. As a result, the prophet Jeremiah is told to tell the priests AND the kings that God is annulling His covenant with them. (cf. Jer. 33, 20-21, 24)

This Midrash makes it clear that "brit melah" is a conditional covenant. Like salt, it may give taste and meaning to life, as in the case of Aaron who pursued peace and brought people close to Torah. Or, like salt, it may turn a dish repugnant, as the priestly sons of Eli. In these days when genes of the Priests are so much in the news, we should take these teachings to heart. The privileges of hereditary priesthood and monarchy are not total and unequivocal. They may be revoked by God in any given generation which "overdoes the salt". Moderate salting that adds flavor is what is called for. The effectiveness of the covenant DEPENDS upon adhering to the life giving properties of Torah in a manner which acquires and upholds a "good name".

***Num. 18, 25 - 32**

"The Lord spoke to Moses, saying: Speak to the Levites and say to them: When you receive from the Israelites their tithes, which I have assigned to you as your share, you shall set aside from them one-tenth of the tithe ("maaser min ha-maaser") as a gift to the Lord. This shall be accounted to you as your gift. As with the new grain from the threshing floor or the flow from the vat, so shall you on your part set aside a gift for the Lord from all the tithes that you receive from the Israelites; and from them you shall bring the gift for the Lord to Aaron the priest. You shall set aside all gifts due to the Lord from everything that is donated to you, from each thing its best portion, the part thereof that is to be consecrated. Say to them further: When you have removed the best part from it, you Levites may consider it the same as the yield of threshing floor or vat. You and your households may eat it anywhere, for it is your recompense for your services in the Tent of Meeting. You will incur no guilt through it, once you have removed the best part from it; but you must not profane the sacred donations of the Israelites, lest you die."

One of the most misunderstood institutions in the Torah is the one dealing with Trumah, a gift of produce given to the priests, and Maaser, a tithe of produce given to the Levites. In Num. 18, towards the end of our parasha, we read in detail about the offerings ("trumah") given to the priests, both from sacrifices and from harvested produce. The parts of the sacrifices which are given to the priests are specified, but the amounts of offerings not from sacrifices are not spelled out. Indeed, these are left to the generosity of the heart of the giver. These gifts, or offerings, are part salary for the priests "work" in preparing and offering the sacrifice on the altar, and part gratuity, a kind of payment on the account of holiness. The privilege of the priest to serve in holiness is acknowledged in a most tangible way.

The tithe of the Levite, on the other hand, is very specific. It is ten percent of the produce. There are many discussions about when the ten percent is calculated, but I do not wish to get into those specifics. The exact verses in Num. 18 on this subject read: "The Lord spoke to Moses, saying: Speak to the Levites and say to them: When you receive from the Israelites their tithes, which I have assigned to you as your share, you shall set aside from them one-tenth of the tithe ("maaser min ha-maaser") as a gift to the Lord. This shall be accounted to you as your gift. As with the new grain from the threshing floor or the flow from the vat, so shall you on your part set aside a gift for the Lord from all the tithes that you receive from the Israelites; and from them you shall bring the gift for the Lord to Aaron the priest. You shall set aside all gifts due to the Lord from everything that is donated to you, from each thing its best portion, the part thereof that is to be consecrated. Say to them further: When you have removed the best part from it, you Levites may consider it the same as the yield of threshing floor or vat. You and your households may eat it anywhere, for it is your recompense for your services in the Tent of Meeting. You will incur no guilt through it, once you have removed the best part from it; but you must not profane the sacred donations of the Israelites, lest you die." (v. 25-32)

The Levites must give a *trumah* offering to the priests from the tithe which they receive from Israelites. But, the amount of their gift is specified; it is ten percent of their ten percent ("maaser min ha-maaser"). The Levites are given the tithe, their ten percent, as "recompense" ("sekhar") for your services in the Tent of Meeting" (v. 31). They, as the priests, have no land, so they cannot grow produce in order to make an offering, but they must still make an offering from their income, even though that in itself is a gift to them. Thus, there seems to be a distinction between compensation, "sekhar", for physical labor, and offering, "trumah", which is a kind of gratuity for service, or support of holiness. Furthermore, even those receiving "sekhar" need to give for the general cause, that is, the Levites give a tithe of their tithe.

In the Talmud Yerushalmi the implications of the verse: "When you receive from the Israelites their tithes, which I have assigned to you as your share, you shall set aside from them one-tenth of the tithe ("maaser min ha-maaser") as a gift to the Lord" (Num. 18, 26) are spelled out. Why does the verse specify that the gift is from Israelites? One opinion is that this means to exclude gifts from priests and levites, who are not obligated for the first tithe. But, R. Elazar b. Azariah thinks that the word Israelites comes to exclude non-Jews. (**Yerushalmi Maaser Sheni chap. 5, 56b, hal. 3**) Now, this is a fascinating debate. R. Elazar is bothered by the facile interpretation of our anonymous gemara, probably because it is clear that priests and levites are not obligated to give the first tithe, since they have no land. So, he reasons that the verse means to exclude accepting a tithe from a non-Jew. But, why would a non-Jew even consider giving a tithe to a Levite?

R. Abbahu continues this sugya by saying that the dispute is between R. Yehoshua b. Hananiah and R. Elazar, and it is really a dispute about whether one gives maaser, the tithe, to a priest. The former says that one does not tithe to a priest, and the latter says you do tithe to a priest. R. Yehoshua tries to persuade R. Elazar that he is mistaken. He asks: "it is written: "You and your households may eat it anywhere" (Num. 18, 31); so maybe the priest will take the tithe into a graveyard and eat it? He uses a *reductio ad absurdum*. If the tithe can be eaten anywhere, then a priest, who must not enter a cemetery, might think that he can enter in order to eat his tithe? R.

Elazar replies that "anywhere" means anywhere in the priestly precincts of the Temple. R. Yehoshua is not dissuaded by this, in my eyes, weak answer. He presses his point. The verse says: "You and your households", meaning wives and children, can a women enter the priestly precincts? The gemara implies that there is no answer to this, and the halakha is according to R. Yehoshua.

So, it appears that only "tithe" which the priest can use is that given by the Levites, the tithe of their tithe. This must be considered a *terumah*, even though it looks like a tithe. Furthermore, one Midrash states that the Levites gifts were the result of a special covenant which God made with them, like the covenant made with the priests. The covenant of the Levites includes the stipulation that they cannot use their tithe, until they have made their *trumah* contribution to the priest from it. (**Sifrei Zuta 18, 26**) The conceptual world becomes clearer with this Midrash. Both the priests and the levites have a special covenant which includes gifts or offerings from Israelites.

There is much similarity in these covenants, but there are also many differences. It is clear that the priests are a privileged group whose work with and control over holiness gives them that status. The levites are not privileged in the same sense. They are workers, whose compensation is because of what they do, not at all because of status. Furthermore, the levites are also bound to give an offering to the priest, even though their salary is fixed and comes from the public. The stratification of obligations between the various layers of social status is fascinating, and the Torah's attempt to define it is instructive to us all.

***Num. 19, 1 - 2**

The LORD spoke to Moses and Aaron, saying: ²This is the ritual law ["Hukkat"] that the LORD has commanded

It is a commonplace that the word "hukkah" means a decree which must be accepted despite its being self-contradictory. This understanding of the word is a central idea in the mainstream of Rabbinic commentary. In modern Hebrew the word "hukkah" is used to translate the notion of "constitution". That is, it is applied to a set of basic rules which become a standard by which concrete cases are judged. Today the Hebrew word for a law whose force is only because it is a law, being otherwise unreasonable, is "gezerah". Now, this word has a similar meaning in Rabbinic texts, and is indeed used to describe the nature of "hukkah". **TTT 199 H and L**

On the face of it, it looks as if there is a discrepancy of meaning between classic Rabbinic tradition and modern Hebrew as regards the word "hukkah". There is, however, one Midrash which, while purporting to accept the classical definition of "hukkah" does seem to point in a different direction.

The original explanation of "hukkah" comes out of the law of the red cow. Since it purifies whatever it touches, there is a seeming internal contradiction in the fact that the one who prepares it becomes impure. This led our teacher Wolfe Kelman z"l to call it a "Parah-dox" (the word "Parah" in Hebrew meaning cow). But, this Midrash applies this approach to other instances of "hukkah" in the Torah, thus creating a category of "hukkah", paradoxical laws.

This Midrash (**Num. R. 19, 5**) defines these laws as ones about which the evil inclination raises doubts about the validity of the law. It cites four examples: the law of a brother's wife, mingled kinds ("shaatnez"), the scapegoat, and the red cow. A man is forbidden to have sexual relationships with his brother's wife (Lev. 18, 16), yet if the brother dies without children, he must marry her and have children (Deut. 25, 5). The forbidden relationship is called "hukkah" in Lev. 20, 22. One is forbidden to wear clothes made of wool and flax (Deut. 22, 11). Yet, a flax coat with wool fringes, tzitzit, is a mitzvah. The word "hukkah" is used here in connection with the prohibition (Lev. 19, 19). The scapegoat atones for all, but he who sends it forth is made unclean (Lev. 16, 26), and it too is called "hukkah" (ibid. 34). The red cow as we have seen.

This attempt to define the category of "hukkah" as laws which are inherently contradictory opens up another possibility for understanding it. The definition itself stems from a premise that laws which are from God must necessarily be consistent. But, what I learn from this Midrash is not that God can give self contradictory laws, but that God can tell us that there are principles that are greater than consistency. This Midrash spells out areas of concern where consistent laws would be against God's values, and what is important is upholding the values. **TTT 199 HA and B and M**

What is at stake in these laws? In the first case it is the principle, or value, of continuing a person's lifeline.; the concern to enable each person to have continuity of progeny. That concern overrides the prohibition. One could say that technically

once the brother is dead his wife would be permitted to him, but the point here is that the law is formulated in terms of the value of concern for the continuity of life. In the second case the principle is that symbols which remind us to walk in God's ways, remind us of our accountability to keep God's commands, are of great value. The value of our accountability to our covenant with God overrides the prohibition. In the third case the principle is that hard labor for the sake of public atonement must be valued, even if it results in that person's impurity. The value is that of responsibility for our actions. Taking responsibility is the path to forgiveness. One who can ensure that the public takes responsibility may have to become unclean in the process, but it is permitted to knowingly become unclean to insure that principle. Finally, in the matter of the red cow the principle is that hard labor for the sake of public purity, for the sake of enabling all members of the public to participate, may result in impurity. Again, the value of the integrity of the public allows one to knowingly become impure.

If we look at "hukkah" in the light of this Midrash we see that it can be defined as "principles which override consistency". In a sense the word "hukkah" here is much like the modern usage of 'constitution', that is, principles to which all laws must be molded to conform. In this reading of the Midrash, the evil inclination is not attacking a logical inconsistency, but it is attacking the principles. The evil inclination is trying to persuade us that consistency is more important than life, accountability, responsibility and integrity. Our Midrash makes it clear that the Torah is telling us the opposite. Laws need to conform to higher principles, not the other way around.

***Num. 19, 2 – 8**

²This is the ritual law that the LORD has commanded: Instruct the Israelite people to bring you a red cow without blemish, in which there is no defect and on which no yoke has been laid. ³You shall give it to Eleazar the priest. It shall be taken outside the camp and slaughtered in his presence. ⁴Eleazar the priest shall take some of its blood with his finger and sprinkle it seven times toward the front of the Tent of Meeting. ⁵The cow shall be burned in his sight – its hide, flesh, and blood shall be burned, its dung included – ⁶and the priest shall take cedar wood, hyssop, and crimson stuff, and throw them into the fire consuming the cow. ⁷The priest shall wash his garments and bathe his body in water; after that the priest may reenter the camp, but he shall be unclean until evening. ⁸He who performed the burning shall also wash his garments in water, bathe his body in water, and be unclean until evening.

The most famous cow in the Torah appears at the beginning of this week's parasha. This is, of course, the red cow whose ashes mixed with water produced the "water of lustration" ("mei hatat" lit. "water for impurity") whose property is that it can purify the impure. The name of the parasha "hukat" is used to describe the rules and instructions for making and using this water: "zot hukkat ha-Torah", "This is the ritual law". The JPS translation here renders the word "hukat" as "ritual law", implying that the word is specific. In modern Hebrew the word is used to refer to laws which are constitutional, or in short a constitution. There are two issues regarding the red cow that I wish to address. One is what is the idea of the cleansing of impurity, and the second is another possible meaning for the term "hukkah".

Impurity and purity in the Torah are ritual states of being. In order for one to be able to approach the altar and bring a sacrifice, that is to enter sanctified space, one must be in a state of purity. If one is in a state of impurity, one is excluded from

participation. One becomes impure by contact with death, skin disease ("tzara'at"), or certain bodily emissions. But, the state of impurity can be transformed back to purity by the passage of time and immersion in water. Now, all of this is clear. What is not often emphasized is that the main effect of this system is the exclusion and inclusion of individuals in the sacred life of the community. That is why impurity is associated with being "outside of the camp". Indeed, the emotional reaction of those who could not celebrate the first Passover in the wilderness emphasizes the psychological and spiritual impact of impurity. I described it thus: "Is there any way that we can overcome the feeling of being out of synch with all of Israel through no fault of our own? Imagine how you would feel if your plane to the family Seder was grounded and you could not make it at all?" (see my comments on Lev. 9, 7 above)

How do the categories of purity and impurity serve the ritual interests of the nation? What purpose does the fact that a person is, through no fault of their own, periodically excluded from participation in religious and communal rituals serve? There are many possible ways to address these questions, but I want to focus on the concept of the sacrificial ritual at a sanctified altar being an idealized picture of the service of God. The very definition of impurity as being related to death or illness arises because of this idealized nature. I am tempted to portray this in terms of the mental state of a person who has suffered contact with death or with his own illness. However, I think that what is at stake is more than merely "mental state". The total harmony of body and soul in the service of God must necessarily be disrupted by death or illness. Both body and soul suffer in those cases, and it is this disruption of harmony that leads the Torah to cry "time out". Just as one waits 7 days before resuming life after death of a relative, so one must wait to resume participation in the ideal service of God.

It is interesting to note that there is no consistent parallel to these strictures in our system of prayer three times a day. True, there are demurrers about not putting on tefillin without a clean body and other such matters, but basically there is no ruling that for any reason a person has time out from the obligation to pray. There is one exception, and that is when a person has suffered the death of a parent etc., that they are exempt from prayer. Perhaps this case is the exception that proves the rule about harmony of body and soul mentioned above. But, then again, we do not conceive of the prayer system as an idealized way of the service of God in the sense that it can stand on its own separate from one's actions. In all fairness, the Prophets did not see the sacrificial system of the Torah in that way either, but their conception was in tune with our own regarding prayer. Only in the Torah is the sacrificial system granted the status of idealized worship separate from actions. **TTT 200 M and T and B and K**

This way of looking at the categories of purity and impurity (and I am totally not relating to the way the Prophets changed the nuances of those terms) leads to a broader understanding of the significance of the red cow. There is a wonderful tale in Pesikta Rabbati about a Jew who had one cow with which he plowed. He fell on bad times and was forced to sell his cow to a gentile. The gentile bought the cow on Sunday and plowed six days straight with her. On the seventh day, Shabbat, the cow refused to get up and work. The gentile tried everything; including beating her, but the cow would not plow. He complains to the Jew, who understands that the cow was used to rest on Shabbat as the Torah commands. The Jew comes and whispers in the cow's ear "oh, cow, cow, you know that when you were under my authority you

would plow six days and rest on Shabbat, but now that my sins have caused you to be under the authority of this gentile, please get up and plow". The cow immediately got up and began to plow.

The gentile implores the Jew to explain to him why the cow would not get up on Shabbat, and how did he get her to do it in the end. The Jew explains it all to him, and the gentile understands that the cow's inherent sensing of her Creator is lacking in him. He converts to Judaism and he is R. Yohanan b. Torta, about whom this midrash reports, "that until this day the Rabbis cite halakhot in his name". The punch line of this midrash is: "if you are astonished that a person came close to God and Torah because of a cow, remember that the purity of all of Israel was achieved by the means of a cow". (**PR 14, ed. Ish Shalom**)

If, as I have argued, the prayer system is not idealized as is the sacrificial system, is there any idealized system in Jewish life? It seems to me that the affirmative answer is Shabbat. The legend of R. Yohanan b. Torta's cow connects the two. The cow functions as the media by which the idealized goals may be approached. Indeed, the harmony of body and spirit that is the goal of the rules of the red cow is also a goal of preparation for Shabbat. Shabbat is, as our teacher Prof. Heschel observed, a sanctuary in time, and as such we must prepare to enter it whole in spirit and flesh. Shabbat is the only mechanism in Jewish life which allows us to approach the feeling of reentry to the sacred which everyone experienced when the Temple stood. It is clear that every person has periods of impurity in their life, that is, death, illness or emissions. Thus, everyone had to go through the period of impurity and exclusion, culminating in purity and return. In that sense the six days of the week is our period of time out. It is when harmony of body and spirit, while a goal, is not a necessity. But, Shabbat sets the goal and creates the opportunity to achieve harmony of body and spirit. Indeed the Hebrew word "menuha" which describes the ideal state of rest on Shabbat means harmony as in Psalm 23, 2 or Deut. 12, 9.

In that sense, Shabbat is our present day "hukkah", our complete system affording the approaching of an idealized state of the service of God. The "hukkah" of the cow is considered greater than the "hukkah" of the Passover sacrifice. (cf. **Ex. R. 19, 2**) This is because in order to take part in the Passover ritual one must first be pure, that is, have gone through the red cow ritual. Achieving the state of harmony is greater, because it is what makes possible a true service of God. In that sense, really striving to prepare properly for Shabbat, and struggling to achieve the harmony of spirit and body that Shabbat requires is the workout training that can make proper prayer possible on a normal workday. **TTT 200 T and PR and K and B**

We began with a red cow, purity and impurity, and a sacrificial altar; and we end with the natural cognizance of being a creature of God which is a step to achieving harmony of body and spirit. Shabbat is both a challenge to and the application of that achievement.

The subject of the Parah Adumah ("red cow") is much in the news today (Num. 19, 1ff). One of the more fascinating aspects of this parasha is the exegesis found in the tradition concerning the qualities of the red cow. The Torah merely states: "Instruct the Israelite people to bring you a red cow without blemish, in which there is no defect and on which no yoke has been laid." (JPS, Num. 19, 2) The translation

smoothes over some of the ambiguities of the Hebrew. The phrase “temimah” in Hebrew is here translated “without blemish”, yet tradition takes this to mean that the cow must be “perfectly red”. The Hebrew “temimah” implies “wholeness”, and the Oral Torah understood that the wholeness applies to the color of the cow. This is so, because the continuation of the verse, “in which there is no defect”, which is taken to mean “without blemish”. The rendering of the verse according to the Talmudic discussion would be: “Instruct the Israelite people to bring you a red cow, wholly red, in which there is no defect....”.

But, to my mind, the most fascinating aspect of how the red cow is conceived relates to the last quality, “asher lo alah aleha ol”, “on which no yoke has been laid”. The tradition immediately sees the connection between this quality and the similar command concerning the heifer which is used to atone for an unsolved murder (“eglah arufah”; Deut. 21, 1ff.). The qualities used to describe the heifer are: “take a heifer which has never been worked (“asher lo ‘ubad bah”), which has never pulled in a yoke (“asher lo mashcha be-ol”)” (Deut. 21, 3). The Talmud, in its discussion on this topic makes it clear that the red cow is disqualified even if the yoke is merely placed on it, but it never really pulls it or does any work. (**Sotah 46a ff.**) Indeed, the discussion goes into great detail as to what constitutes “placing a yoke” on a red cow. This discussion is summarized by Rambam in the Mishneh Torah (**parah adumah, 1:7**).

Before I analyze the summary of the halakha on this issue, as presented by Rambam, let me try and grasp the issues behind the rulings. The red cow is a concretization of holiness (“kedusha”) in the world. That is, the water of lustration made from the red cow enables one to move from a state of impurity to a state of purity. It is a physical symbol of the power of kedusha, the power which enables the change in state of being to a purer form of being. This is a crucial ingredient in existence. The power to be cleansed, to be sanctified or purified is essential to every person. Now comes the issue: can “kedusha” be yoked? What happens to “kedusha” if it is ‘controlled’ by human desire, driven in a particular direction which one wishes for, exploited? The answer is it becomes disqualified, unfit, blemished. “Kedusha” can cleanse us totally, but if we try to yoke it, to work it, it becomes unfit. **TTT 201 M and T and B**

Just having the yoke placed on it, the mere attempt to control holiness, or just declaring that holiness is in someone’s control renders it blemished. In Rambam’s language, just tying the yoke on, without even plowing an inch, renders the red cow unfit.

Setting up a limit which is said to “guard” the red cow, ostensibly for its own good, renders it unfit. If the guarding is not really necessary, it is considered a burden like a yoke (Rambam, *ibid.*). Any unnecessary attempt to restrict holiness, to fence it in, leads to less holiness and not more. There may be necessary fences to prevent abuse of holiness, but adding strictness (“humrot”) does not mean more kedusha, but rather less. **TTT 201**

It is permitted to place one’s garment on the red cow to guard it against flies, because that is for the welfare of the cow. But, if for any reason which does not directly help her, that makes the cow unfit (**Rambam, *ibid.***). “Kedusha” to be unblemished must result in benefit for people, if a particular claim to kedusha does not benefit those to

whom it is applied, but rather harms them or benefits others but not them, then it is a blemished kedusha. **TTT 201**

What if the yoke falls on the cow by accident, it just happens to get there? If the owner likes this result, that is, it is consistent with what he wanted, then the cow is unfit (**Rambam, ibid.**). Kedusha which is seen as “useful” or “just what we wanted” is suspect. **TTT 201**

The power of holiness, kedusha, the power to transform impurity to purity, must itself be holy and pure. If it is sullied with desire for acquisition or power, or with commercialization, or even with intent to safeguard itself unnecessarily, it becomes a disqualified holiness, which removes one farther away from God and purity, causing no real change. **TTT 201**

***Num. 20, 13**

Those are the Waters of Meribah – meaning that the Israelites quarrelled with the Lord – through which He affirmed His sanctity. ("va-yikadesh bam")

After the opening section of Hukkat, the red cow purification ritual, we read the sad tale of the "waters of a quarrel", "mei merivah". Once before (Ex. 17) the nation had protested over the lack of water. In that case God told Moses to strike the rock, and water came forth to quench the thirst of the nation. The word "merivah", quarrel, is also applied to that incident. That incident also is called by the name of "masah", implying that the nation put God on trial. (for a wonderful explication of the notion of trying God and this chapter see **Yaakov Licht, ha-Nisayon be-Mikra** (Testing in the Hebrew Scriptures and in Post-Biblical Judaism), Magnes, 1973, pp. 30 - 40).

In parashat Hukkat, Miriam dies and this seems to cause a shortage of water. The people contend with Moses and Aaron about the lack of water, and they are set on turning back to Egypt. God tells Moses that he and Aaron should gather the nation and order a rock to produce water, and when it does the nation shall realize the error of its ways. Moses, instead of ordering the rock to produce water, castigates the people and strikes the rock. God is angry that Moses has not carried out His orders, and so ordains that neither Moses nor Aaron shall enter the Land. At the end of this story the summary verse reads: "Those are the Waters of Meribah – meaning that the Israelites quarrelled with the Lord – through which He affirmed His sanctity. ("va-yikadesh bam", Num. 20, 13))

The ambiguity and difficulty of the last two Hebrew words "va-yikadesh bam" is only partially conveyed by our JPS translation "through which He affirmed His sanctity". How exactly is God's sanctity affirmed through the quarrel? The subject is the waters, so does the affirmation come from the fact that the people indeed had water, or through the way in which this incident affirms God's control over Moses? My point is that these words are truly difficult for they do not seem to belong here. They seem to be tacked on to the end of a sentence whose purpose is to explain the name given to the water that answered the nation's demand that their thirst be quenched. Even the juxtaposition of the word "kadosh", sanctity, with the nature of the quarrel seems jarring. **TTT 202 H and L**

Such a wrenching use of words will, as we have seen over and over again, produce a number of interpretations. Rashi simply states that the phrase "va-yikadesh bam" informs us that these waters brought about the deaths of Moses and Aaron. When God metes out justice to his sacred leaders, then all people are in awe of Him, and thus God is sanctified among humans. (**Rashi on Num. 20, 13**) Rashi seems to be relying on a midrashic tradition which asserts that it was foreseen by the soothsayers of Pharaoh that Moses would be punished by water. The midrash learns this from the language of our verse "those are the waters of Meribah", where the word "those" implies that what is referred to is well known. So, when Moses' castigation of the nation, "shall we get water for you out of this rock?" (Num. 20, 11), did not come true, God was sanctified, thus, the addition of the words "va-yikadesh bam". (**Midrash Aggadahh, Num. 20, 13** which also ascribes to the phrase "va-yikadesh bam" the meaning of death for transgressing God's commands; also cf. **Tanhuma Hukkat 11**)

Ramban rejects this explanation, for it is unseemly in his eyes. First, he says, Moses and Aaron are not dead yet. Furthermore, he does not believe that in this case the intention is to strike fear into the hearts of people by a Divine act of power. This may have been a byproduct of the deaths of Nadav and Avihu or of Uzza, for they were the ones who acted in a manner deserving of punishment, and their punishment, thus, establishes the notion of Divine judgment. But, here all of the nation was quarrelling with God, and not Moses and Aaron alone.

Ramban explains that the first case of strife over water, in Exodus, the quarrel was between the nation and Moses, but in this case it was between the nation and God. Thus, the need for Moses and Aaron to totally take God's side and to behave in a godlike manner, that is, by miracle and word and not by anger and further strife, was total. They failed in this assignment. Thus, there was a need to explain that God's sanctification arose out of the punishment of Moses and Aaron for this failure of leadership. (**on Num. 20, 13**)

Lekah Tov, R. Toviah ben Eliezer, adds the notion that the sanctification of God alluded to by our phrase stems from the fact that the nation merely asked for water to drink, and God created a mighty flow of water from the rock. (**Lekah Tov Num. p. 123a**) This may be the source of the opinion of Rashbam who says that "va-yikadesh bam" means that God was sanctified through the water that the nation received, despite the fact that Moses did not speak to the rock. The fact that there was a great need for water and that the water was supplied in abundance was more important in creating the sense of sanctification than the fact that it was produced by striking the rock rather than by talking to it.

Indeed, it seems as if their rebuke to the nation implies that they felt that the people were not worthy of the miracle of water. (cf. **Magen Avot of R. Shimon b. Tzemah Duran on Avot 2, 15**) In this interpretation, God's announcement of Moses' and Aaron's punishment at this moment had to do with their anger at the nation, that is, their disavowal of God's mercy towards the nation. They really thought that the nation was so unworthy that they would all die of thirst in the desert, so God declares that they are the ones who will perish there. God, despite the leader's negativism, produces the life saving water for the nation. It is in mercy that the sanctification is made manifest. **TTT 202 T**

***Num. 20, 14 - 16**

From Kadesh, Moses sent messengers to the king of Edom: "Thus says your brother Israel: You know all the hardships that have befallen us; that our ancestors went down to Egypt, that we dwelt in Egypt a long time, and that the Egyptians dealt harshly with us and our ancestors. We cried to the Lord and He heard our plea, and He sent a messenger who freed us from Egypt. Now we are in Kadesh, the town on the border of your territory. Allow us, then, to cross your country. We will not pass through fields or vineyards, and we will not drink water from wells...."

This devar Torah is dedicated in honor of Shabbat Hatan ve-Kallah of Rabbi Tzvi Yehudah Graetz and Shirley Laderman.

In this week's parasha we find the dramatic story of Moses striking a rock in order to produce water for the people who are rebelling for lack of water. This incident is the top of the list of Moses' actions for which God forbids his entry in the land of Israel. Immediately after this incident we read: "From Kadesh, Moses sent messengers to the king of Edom: "Thus says your brother Israel: You know all the hardships that have befallen us; that our ancestors went down to Egypt, that we dwelt in Egypt a long time, and that the Egyptians dealt harshly with us and our ancestors. We cried to the Lord and He heard our plea, and He sent a messenger who freed us from Egypt. Now we are in Kadesh, the town on the border of your territory. Allow us, then, to cross your country. We will not pass through fields or vineyards, and we will not drink water from wells...." (Num. 20, 14-16)

Despite the incident which caused such turmoil, the very next step was Moses sent a request to the nation of Edom to allow Israel a shortcut through its land on the way to the land of Israel. The request is a model of politeness and tourist etiquette. Indeed our tradition learns from this request "manners ("derekh eretz") of tourism", namely that a tourist should do no damage to the places where she stays, and must not eat their own food and drink, but must bring money to pay for food and other expenses. (cf. **Tanhuma Hukkat 35 et al**) By the way, Shirley is studying to be a tour guide, and I think the Midrash includes a reference to tips for the guides.

What is most striking in this request is that Moses continues to toil on behalf of Israel even after their behavior has caused him to lose entrance to the land of Israel, and his use of the phrase "Thus says your brother Israel". True, Jacob, Israel, and Esau, Edom, were brothers, but the relationship was problematic. Edom does not honor this request, and a war ensues; so Moses knows that when violence results one is not bound by feelings of brotherhood. However, to begin with, Moses appeals to a sense of brotherhood, to a sense of covenant of family, a sense of common destiny.

Why does Moses think that Edom still harbors any of those sentiments? Moses continues to serve Israel, even though he has good reason, he thinks, to turn his back on them, and he seeks to arouse feelings of brotherly concern where it appears that anger and alienation have taken hold.

Indeed, a Midrashic tradition raises these two points in the inimitable way of the Midrash: "In the normal way of the world if a person has a business partner who causes him to lose money, he leaves the partner and does not want to see him, but Moses, even though Israel caused him loss, did not give up his service to

them...[Moses says to Edom] you know the difficulties we have been through, when God said to Abraham "know that your seed will be strangers in a foreign land" (Gen. 15, 13), we were enslaved while you were free." (**Tanhuma, Buber, 33 et al**).

This Midrash juxtaposes the two problems: Moses loyalty to serve the nation, and his feelings of brotherhood towards Edom. It implies that one is connected to the other. Moses keeps his loyalty to Israel despite his feeling that they have caused him to lose something, have caused him pain and dishonor. The Midrash remarks on Moses behavior, it is unusual, but Moses is a role model for us. We should emulate Moses' behavior, not the "normal" way of people.

This Midrash continues to explore the fact that Moses calls Edom "brother". The Midrash develops Moses' point of view. Israel and Edom were brothers, but one of us had the whole fate of the family on their shoulders, slavery, while you, the other brother remained free. But, now we need your help, so honor your responsibility to family, keep the covenant of family and humanity that binds us. Edom does not respond in the way Moses would. But, our Midrash seems to say, how does Moses NOT see that Edom will behave like "normal people". It explains that Moses expects more of them, he expects them to have HIS sensibilities and sense of responsibility. Indeed, the Midrash is telling us that it is just Moses' sense of serving Israel despite hurt that motivates him to turn to Edom as brother. **TTT 203 M**

In a marriage, there may be times when one side or the other will feel slighted or dishonored by the other side. The model of Moses here is the one needed to keep the marriage up. It is commitment the covenant of integrity for the other, responsibility for the other, as spelled out in the ketuba. This commitment needs to be honored, in spite of the feeling that the other has caused us some loss. This is a central secret to marriage, family, indeed to human relationships. **TTT 203 M**

We wish Shirley and Tzvika a long and happy life together. They have great role models for marriage from their grandparents, may their memory be a blessing, aunts and uncles on all sides of the family. We pray that their covenant of marriage will be strong and enable them to overcome adversity. May their strong commitment to each other, to family, Torah, Am Yisrael, Medinat Yisrael and to humanity continue to guide their lives. Amen.

***Num. 20, 29**

The nation saw that Aaron had died, and all of the house of Israel ("kol bet Yisrael") wept for Aaron thirty days

In this week's parasha the nation takes its parting from Aaron. At the end of this passage we read: "The nation saw that Aaron had died, and all of the house of Israel ("kol bet Yisrael") wept for Aaron thirty days" (Num. 20, 29)

On the face of it, this is a simple statement of the deep sense of loss that the whole nation felt when a great leader dies. This sense of grief for a beloved leader is known in our day as well, e.g. FDR, JFK or Ben Gurion. But, the Midrash compares the national mourning described for Aaron with that for Moses. In this comparison, it finds that the scope of mourning for Aaron was greater than that for Moses! In the case of Moses we read: "The sons of Israel ("benei Yisrael") wept for Moses at the

plains of Moab for thirty days" (Deut. 34, 8). Only the men ("benei") wept for Moses, whereas for Aaron both men and women wept ("kol bet") (**Tanhuma, Buber, addition to HUKKAT, 2**).

Why was the weeping for Aaron on a wider scale than that of Moses? This Midrash, and others (cf. **Sifra, SHEMINI, 1**), explain that the greater extent of grief when Aaron died was because he was a "pursuer of peace". The Midrash Tanhuma quotes the characterization of Aaron found in **Avot 1:12** as a person who: "loves peace, pursues peace, loves all people and draws them nearer to Torah". The Sifra reports that Aaron never said to any man or woman, "you have sinned, excessively offended me", whereas Moses was always chastising people.

There are different nuances in these two explanations. According to the former, Aaron was more missed than Moses because the person who devotes their life to making peace is so rare. To bring people closer to Torah in a peaceful way, out of love of people, is an uncommon quality. There are so many more people who do it with chastisement, by playing on peoples' fears. They may be great leaders, who succeed in bringing large numbers to Torah, but the means to the end is not irrelevant. According to the latter, Aaron was favored over Moses because he never chastised anyone, never made them feel small or unworthy. This is a matter of personal relationships, without necessarily bringing anyone to Torah at all. **TTT 203 M and B**

One could say that there are merely different styles of leadership and approach to people, and that the main thing is not how many people really mourn after a leaders demise. Still, can we be so sure that it makes no difference how people are brought to Torah?

***Num. 21, 4 - 9**

⁴They set out from Mount Hor by way of the Sea of Reeds to skirt the land of Edom. But the people grew restive on the journey, ⁵and the people spoke against God and against Moses, "Why did you make us leave Egypt to die in the wilderness? There is no bread and no water, and we have come to loathe this miserable food." ⁶The LORD sent serpents against the people. They bit the people and many of the Israelites died. ⁷The people came to Moses and said, "We sinned by speaking against the LORD and against you. Intercede with the LORD to take away the serpents from us!" And Moses interceded for the people. ⁸Then the LORD said to Moses, "Make a figure and mount it on a standard. And if anyone who is bitten looks at it, he shall recover." ⁹Moses made a copper serpent and mounted it on a standard; and when anyone was bitten by a serpent, he would look at the copper serpent and recover.

The use of amulets or talismans in Jewish religion is widespread. In this week's parasha we can learn about their function and efficacy. After the military triumph over the king of Arad, the Israelites complain that they are going to die in the wilderness. The Manna is abhorrent to them, water is scarce, and they feel that their lives are in danger (Num. 21, 4-5). The language of the Torah is "the people spoke concerning God and Moses..." (v. 5), and it is the same language as used of Miriam and Aaron who spoke concerning Moses (Num. 12, 1), namely "le-daber be...". The implication being that the peoples complaints are a sign of apostasy, lack of faith, or at least lashon ha-ra. (BTW, it is interesting that this seemingly ungrateful complaining comes immediately following a military victory which is a result of

God's responding to the people's oath. Do the people think that because they fought a battle and won that their power is great enough to coerce God and Moses, or that because of the victory "it is coming to them"? Also, note that in Ex. 17, after complaining about water, Amalek attacks and a battle is fought. These two episodes can be seen as a chiasmic structure: challenge God - battle (Ex.) battle - challenge God (Num.). The two incidents are also linked in the **Mishnah in RH, yedei Moshe and the Nahash**. Food for thought)

God reacts as if this is genuine apostasy which requires an immediate and strong lesson. God sends snakes, whose bites cause death among the people (v. 6). The people come to Moses and confess their sin and beg Moses to pray to God on their behalf to stop the plague of snakes, which he does (v. 7). Now, up to this point the parallels between this tale and the account of Miriam's leprosy is very similar: someone complains and shows lack of faith, they are struck by a plague, Moses prays to have the plague removed. But, in the case of Miriam, Moses' prayer is answered directly and with no stipulations attached. Miriam is put into quarantine and cured after 7 days, which is the minimum period the Torah prescribes for such a cure (Num. 12, 13 ff.)

But, in the case of parashat Hukat, God's response to Moses' prayer is not an immediate lifting of the plague of snakes, but an unusual use of an amulet or talisman! Moses is told to make a snake out of copper and to attach it to a staff, and "any one bitten who looks at it will live" (Num. 21:8). It is well known that the Mishna interprets this story in a way which seems to deny any inherently curative properties to the copper snake: "Can a copper snake kill or keep alive? Rather, know that when Israel focuses on the Divine and commits its heart to their Father in Heaven -- they will be cured, and if not they will perish" (**RH 3:8**). This interpretation seems to be a conscious reworking of the Biblical story to say that the copper snake itself has no efficacy to cure, but that it, at best, can serve as a symbol of God's justice and/or God's mercy and ability to heal. It can be a symbol that will help bolster our faith in God, and if that is what happens to us as a result of considering the snake symbol, then we will find healing. **TTT 203 T**

It seems to me that the Mishnah's interpretation can be understood from the Torah text itself. In the incident of Miriam, God's response is immediate healing, whereas here, the healing depends upon the person "beholding" the symbol of God's power to heal. The Hebrew word "histakel", means to watch, observe or behold, but the root "sachal", is the same as for "sense" or "intelligence", and since the form is reflexive "mistakel" implies "gaining understanding". That is, what is being said is that observing this symbolic copper snake can result in renewing one's belief and understanding of the spirit of God. **TTT 203 K and B**

How does this work? The process of healing is internal and depends upon the people "beholding the copper snake", that is, "renewing their faith through intellect". That is just the point here: the snake itself DOES NOT have any power. One is to look at the talisman and understand ("mistakel") that it is MERELY a symbol of God's mercy. In that sense, beholding the copper snake is a TEST of our faith in God's spirit. It is TEMPTING to think that the snake heals, but, only those who "MISTAKEL", "SEE IT WITH UNDERSTANDING", overcome that temptation and thereby renew faith in God's healing spirit within the world and within them.

This reading of the story can be learned from a fascinating Midrash which compares Adam ha-Rishon and Moses (**Otzar ha-Midrashim, 356**). The point of this Midrash is that Moses was much greater than Adam. One of the reasons given is that Moses and Adam were like two physicians. One was bitten by a snake and did not know how to cure himself, and the other knew not only how to cure himself but all others bitten by the snake. Adam was bitten as it says: "The snake tempted me and I ate..." (Gen. 3, 13), and died because of it. Moses, made the copper snake, and was able to cure many who were bitten. Thus, Moses is greater than Adam. (Note that Adam here includes Eve, i.e. all humanity, since according to the Torah, Eve says that verse.)

This Midrash makes it clear that the "snake" is the temptation to disobey, which really means to deny God's presence in the world. We are all tempted to deny God's presence in the world, especially when that denial will enable us to get something for ourselves in a way which is immoral or against God's Torah. Adam looked at the forbidden fruit and heard "the snake" say, 'God will not notice'. Adam did not overcome the temptation and took the fruit, because of the benefits it seemed to promise. Moses understands that the copper snake is like the forbidden fruit. In order to live, one has to look at the copper snake and **OVERCOME** the temptation to think that it has efficacy. That is, to affirm God's presence, and this leads to being healed. **TTT 203 M and B and T**

This is not an easy lesson to learn or to implement. We can see that an amulet or talisman can be a means of renewing our faith in God, a way of self-testing our affirmation of the presence of God's spirit. But, it is dangerous, for we may slip into the more "convenient" mode of thinking that the amulet itself has power. What should religious leadership do if that happens? The answer to that is found in II Kings 18, 1-4, where we read that King Hezekiah, as part of his attempt to remove idolatry from Israel, "ground up the copper snake which Moses had made, for by those days the people of Israel were worshipping it, and he called it "copper one"" ("nehushtan"). If the amulet **ITSELF** becomes an object of worship, then it must be destroyed. Even the snake of Moses was ground up to copper dust. **Ralbag**, commenting on the name "Nehushtan", says that Hezekiah called it that as if to say "this object has as much power as plain old copper"!

An amulet, or Kemea, which is seen as possessing power should be scorned. But, if it serves to increase our awareness of the presence of God, and thus to enable us to tap the healing power of God's presence within us, then it is a blessing.

***Num. 21, 25 - 31**

Israel took all those towns. And Israel settled in all the towns of the Amorites, in Heshbon and all its dependencies. Now Heshbon was the city of Sihon king of the Amorites, who had fought against a former king of Moab and taken all his land from him as far as the Arnon. Therefore the bards would recite: "Come to Heshbon; firmly built And well founded is Sihon's city. For fire went forth from Heshbon, Flame from Sihon's city, Consuming Ar of Moab, The lords of Bamoth by the Arnon. Woe to you, O Moab! You are undone, O people of Chemosh! His sons are rendered fugitive And his daughters captive By an Amorite king, Sihon." Yet we have cast them down utterly, Heshbon along with Dibon; We have wrought desolation at Nophah, Which is hard by Medeba. So Israel occupied the land of the Amorites."

Much has been written about secret codes in the Torah. This week we will see a Midrash which decodes verses in the Torah. Unlike the modern "codes", which are basically the result of statistical manipulation, the Midrash codes are based upon the Hebrew language. One other difference is that the modern "codes" claim to reveal events in history, notice always after they have occurred, whereas our Midrash's code reveals information about religious and ethical behavior. It is kind of a meta-text to the Torah's text. **TTT 204 H and L**

At the end of Hukat, the Israelites are marching towards Israel and encounter nations and kings who are not friendly towards them. In particular Sihon, the king of the Amorites, refuses to let Israel pass through his country. A battle ensues and he is defeated. We read:

"Israel took all those towns. And Israel settled in all the towns of the Amorites, in Heshbon and all its dependencies. Now Heshbon was the city of Sihon king of the Amorites, who had fought against a former king of Moab and taken all his land from him as far as the Arnon. Therefore the bards would recite: "Come to Heshbon; firmly built And well founded is Sihon's city. For fire went forth from Heshbon, Flame from Sihon's city, Consuming Ar of Moab, The lords of Bamoth by the Arnon. Woe to you, O Moab! You are undone, O people of Chemosh! His sons are rendered fugitive And his daughters captive By an Amorite king, Sihon." Yet we have cast them down utterly, Heshbon along with Dibon; We have wrought desolation at Nophah, Which is hard by Medeba. So Israel occupied the land of the Amorites." (Num. 21, 25-31)

The first verse is the end of the story of Israel's battles with the Amorites. Israel captured their towns, including Heshbon, which was the seat of Sihon their king. (v. 25-26) This is straight forward, and pertinent for the story of Israel's history. But, what follows is an ancient poem relating how Heshbon was captured by Sihon from the Moabites. Israel captures Heshbon, and the Torah interrupts its narrative to say, oh, and by the way remember that Heshbon was originally not Amorite, but they conquered it from Moab. (v. 27-29) The ending is, Israel has defeated those who defeated Moab, so Israel must be the strongest. (v. 30-31) JPS notes that "the meaning of several parts of this ancient poem is no longer certain", and that is putting it mildly. But, even if it was understood in ancient times, why does the Torah waste Divine space telling us this history which seems to be extraneous to Israel? Even more surprising is the fact that the history of the war between Amorites and Moabites has already been told to us in simple prose (v.26). Why the poem, which imparts greater significance to a seemingly marginal incident?

R. Shmuel bar Nahman, one of the greatest aggadists, reports a midrashic tradition in the name of R. Yohanan, one of the greatest Amoraim of the land of Israel. This Midrash is based upon creative understanding of Hebrew, and thus the "not certain meaning" turns out to be a profound moral lesson.

We need to return to the original verses and insert the Hebrew words which are developed in the Midrash. As we go along we will spell out the Midrashic reading proposed in this source, **Baba Batra 78b – 79a**:

"Therefore the bards ("ha-moshlim") would recite": "ha-moshlim" refers to those who control their evil impulses. [The Hebrew word "ha-moshlim" is translated here as

"bards". The usage is one who creates "mashalim", that is proverbs or metaphoric poems. But, the Hebrew root "mashal" means "to rule". The word "memshalah", government, is created from this word. Our Midrash understands that the Torah is referring to people with self discipline who are not motivated by their instincts.]

"Come to Heshbon": make a calculation ("Heshbon"). Come and calculate the reckoning ("heshbon") of the world, the loss [time, money] due to performing a mitzvah, as against the reward; and the reward [time, money] of transgression as against its loss. [The word heshbon is literally a calculation, and the verb root means to calculate. It is this way of seeing the profit of clinging to God and to the spirit that is the basis of ruling one's impulses. Ruling here means doing what a good ruler is supposed to do. We expect governments, in our days as well, to calculate risks and gains of policy. We expect rulers to chose actions which maximize the gains of citizens and minimize losses.]

"... firmly built ("tibaneh"), and well founded ("ve-tikonen)": if you do such calculation, you will be firmly built ("tibaneh") in this world, and well founded ("ve-tikonen") in the world to come. [The result of this calculation and ruling of impulse is a firmly built society, or individual, in this world, and a lasting influence and affect into history.]

"is Sihon's city" ("Ir Sihon"): BUT, if a person makes himself like a young ass (Heb. 'Ayyar') who follows comely talk ("siha naah"), what will happen to him? [This Midrash is based upon the fact that the Hebrew word for city ("ir") and the Hebrew word for young ass ("ayyar") are written exactly the same. The sound of the name Sihon is associated with the word "siha" which means talk or conversation. Comely talk is the talk of self-persuasion, it is the talk of rationalization which ignores moral issues.]

"For fire went forth from Heshbon": the fire of lust which is not calculated will devour the calculations of goodness;

"Flame from Sihon's city": the fire will consume the righteous who are likened to green trees ("sihin"). [The name Sihon is associated with the word "sihin" which are trees.]

"Consuming Ar of Moab": they will be like the young ass who can be lured with sweet talk. [The propensity of the young ass ("ayyar") to be led astray by comely talk is a defect in that evil impulses also know how to sweet talk. The difference is, remember, that these who are led by their impulses do NOT do the calculation necessary to rule those impulses.]

"The lords of Bamoth by the Arnon": these are the arrogant, who, as Mar said, die and fall into Gehinom. [The clue here is probably the word "bamoth", which is written like the word "ba-mavet", in death. The one who does not calculate and does not rule his impulses creates a space in which there is no exit. It is a picture close to Sartre's description of hell as human relationships without good faith between people.]

The Midrash continues to develop the remainder of the verses to the end of the poem. For our purposes, we have seen how sensitivity to the wide range of possibilities of meaning within the letters of Hebrew words has transformed what looks like a misplaced poem celebrating an ancient battle into profound moral advice. It relies on appeal to rational thinking about long term moral consequences of actions, and puts those into perspective vis a vis short term materiel gains. It is a message which aspires to teach us the value of self rule, and the need for such discipline in order to properly fulfill God's Torah. **TTT 204 M**

In these accounts of Israel's encounters with other nations on the way to the Land of Israel, Ammon and Moav are singled out, and we remember the tension and struggles which Israel had with all of these nations. But, what is quite curious in this passage is the presence of an ancient poem about the fortunes and battles of those nations in their history, apart from Israel. In particular we have the following: "Therefore the bards would recite: "Come to Heshbon; firmly built And well founded is Sihon's city. ...Woe to you, O Moab! You are undone, O people of Chemosh! His sons are rendered fugitive And his daughters captive By an Amorite king, Sihon." (Num. 21, 27-29)

This seems to be a poem by the bards of Sihon praising him for his victory over Moav, and mocking Moav and its God, Chemosh, for not protecting the Moabites. Why does the Torah quote the sayings of bards of other nations about those nations fortunes?

One explanation found in the Midrash is that the bards in question were sorcerers, Balaam and his father. This connects us to the beginning of the next parasha, Balak. This explains where the later king of Moav got the idea to hire Balak to curse Israel.(cf. **Num. R. 19, 30**) But, even though this explanation is attractive, there is something more basic going on here. The Torah praises God for His works in history, is this poem's criticism of Chemosh as an impotent god part of the establishment of the idea of one God alone having power in the world?

Indeed, an interesting debate ensues about the meaning of these verses. Our translation reads: "You are undone, O people of Chemosh! His sons are rendered fugitive And his daughters captive" ("avadeta 'am Kemosh natan banav peleitim uvenotav bashevit"). The Hebrew literally says: "you are undone, O people of Chemosh WHO HAS rendered fugitive...." The translation takes an active verb "natan" and changes it into a passive verb. **Rashi** interprets "natan" to mean "natan - ha-notein", that is "he who has rendered". **Ramban** attacks Rashi, saying that the simple meaning of the words is that Chemosh has rendered them fugitives, not some hinted at power. But, that is precisely the point. Rashi finds it hard to grant ANY POWER WHATSOEVER, even the power of FAILURE, to the gods of the nations. They are nothing, and only the implied "one who renders", namely God, directs the fortunes of the nations. **TTT 204 T**

Now, we see that the inclusion of these verses poses a larger question. Is there any power at all to the gods of the nations, or is only the God of creation, and the God of Israel, the only one with power? Is the God of Israel the only one directing the fortunes of history? Now, we think that the answer to these questions is clear and

simple. Of course, there is only one God, and that God is the ONLY ONE with power in history or over the nations.

The next question is, if that is the case, than how far does God's concern extend over all the nations!? The answer to that may be found in the Prophets. The Prophets not only emphasize that there is only ONE GOD, and that God is the only power in the world, they also prophesy to the nations in the name of that God. Jeremiah prophesies to Moav: "Woe to you, O Moab! The people of Chemosh are undone, For your sons are carried off into captivity, Your daughters into exile. But I will restore the fortunes of Moab in the days to come – declares the Lord." (Jer. 48, 46-47) Note that Jeremiah is almost quoting our verse from the Torah, but CLEARLY makes the verb passive, showing that Chemosh had nothing to do with the captivity of Moav.

What is even more striking, is that God cares for the nations, and PROMISES THEM DELIVERANCE FROM THEIR EXILES. **Rashi** expounds the verse in **Deut. 30:3**, "Then the Lord your God will restore your exile..." saying that we find the SAME LANGUAGE regarding all of the nations! Now the verse in Deut. is also used for another lesson. The Hebrew is: "ve-shav adonai elohekha et shevutekha", but in Hebrew, the word "et" can sometimes mean "with". So, the Rabbis understood the phrase to mean: "'Then the Lord your God will be restored with your exile..." God went into Exile with Israel, and God will return from exile TOGETHER WITH THEM. **TTT 204 T and M and B**

This explanation is used by R. Judah Loew of Prague, Maharal, in his commentary Gur Aryeh. He wonders if there is anything special about Israel, in the light of the fact that God restores every nation from exile. He thinks that Rashi's comments on Deut. 30, 3 imply that there is no real distinction between Israel and the nations. He concludes that Rashi thinks that God is concerned and acts on their behalf exactly as God does for Israel. (**Gur Aryeh on Deut. 30,3**)

Maharal thinks that there IS a distinction. God is concerned about every nation, and does want to have every nation be free in its own land. That is because exile disturbs God's original plan of creation, in which every nation was assigned its due place. So God is concerned that the integrity of creation is disturbed, and God's mind rests only when each nation is restored from their exile to their appointed land. But, with Israel it is much more than peace of mind. God actually goes with them into exile, and God must be redeemed with them.

It is like the difference between concern that one might have over the misfortune of a neighbor or close friend. One might worry about them, and one might contribute money or time and effort to help them. But, if the same thing happened to a family member the need to help and the worry would be much more intense and personally felt. Thus, the Maharal attempts to be true both to the idea of the universal God who cares for all humans, and to the God of Israel who has a special relationship with the people Israel.

The Prophets struggle with this same tension. Many of them seem to be less intent on proving that God cares more for Israel in any fashion. They do stress that Israel has more responsibility as a "moral exemplar" of God's presence in the world. But, all in

all, it seems to me that the Prophets stress the universality of God more than the commentaries of the Middle Ages.

***Num. 22, 2**

Balak son of Zippor saw all that Israel had done to the Amorites

Our parasha opens with "Balak son of Zippor saw all that Israel had done to the Amorites" (Num. 22, 2). Ramban, quoting a tradition from Numbers Rabbah, infers from the fact that Balak is not called 'king' here that he was not yet a king of Moab, but merely one of its leading generals. Only in verse 4 do we learn that he was king. Balak became king because what he saw, his vision of Israel, became the accepted policy of the Moabites and their allies. By virtue of the vision that he was able to sell to the people, Balak became king.

How can one describe what he saw? Shai Agnon in his monumental "Tmol Shilshom" (translated into English as "Only Yesterday") writes about Balak the dog. The rabid dog is the enemy of Isaac, the Jew, and bites him in the story. One reviewer of the English edition suggested that the word Balak was the Hebrew for dog ("kelev") spelled backwards. It was pointed out by a reader that the "k" sound in Balak is the letter "kuf" while the sound in "kelev", dog, is a "kaf". This reader does state that: "Agnon was doubtless aware that one of the classical biblical commentators of the fourteenth century (**Baal Ha-Turim**) parses the name Balak as "Ba-lak," the one who "comes to lick" the blood of Israel."

To me it is clear that Agnon, while he obviously knew the Baal ha-Turim, derived his use of the name Balak for the dog from the same source as that of the Baal ha-Turim, namely, **Midrash Aggadahh on Numbers** (Buber edition). There we read: "why was he called Balak, to teach us that he came to lick the blood of Israel as a dog does". This Midrash continues with another explanation of Balak's name. This is based upon the verse in Nahum 2, 11: "Desolation, devastation, and destruction" ("Bukah u-Mevukah u-Mevulakah"). This is certainly one of the most mellifluous and unintelligible phrases in the Bible! Nahum is describing the terror in the nations when Israel will once again triumph. The Midrash views the name Balak as a conflation of all of these words, a name meaning total destruction.

The explanation continues in explaining the continuation of our verse: "saw all that Israel had done to the Amorites". When he saw that Israel had defeated Sihon and Og, he was in great fear. If those great powers were defeated, how can we possibly stand up to them? His only hope is to engage unconventional weapons to destroy Israel, that is, witchcraft and sorcery.

Balak's plan emerges from his fear. His fear moves him to immoral means to cope with his perceived enemies. But, it is clear from this that the fear is as irrational as the solution. He views the enemies as demons, and the only way to cope with demons is with sorcery. It is almost a classical example of the kind of magical thinking that characterizes 2-3 year olds. In order to deal with demons, one must have the right spell. What the Midrash reveals is how much childlike thinking stays with us and comes out in adulthood. We see that imagination is raw materiel out of which all kinds of plans can be made.

The Midrashic tradition develops the idea of vision, of human imagination, as being a potential that can be used for both evil and good. Balaam is considered a prophet

on the same level as Moses. The point is that God is a God of justice (cf. Deut. 32, 4). As such, he must give all the nations leaders and prophets, not just Israel. However, the prophets of Israel turn their vision to warning the nation about their transgressions, whereas Balaam turned his vision into finding a way to destroy a whole nation that was innocent in its behavior. Furthermore, the visions of the Biblical prophets were of mercy for both Israel and the nations. Jeremiah's heart rends for Moab's suffering (Jer. 48, 36), and Ezekiel laments the fate of Tzor (Ez. 27, 2). But, Balaam focuses his vision on cruelty and ways to uproot a nation from the earth. (**Num. R. 20, 1**)

In this same vein verses are brought where "seeing" is the operative verb. For the evildoers seeing is through the prism of destruction, and for the righteous seeing is through the prism of mercy and hope for the future. (**Esther R. 7, 9**) All humans are endowed with imagination and the capacity for vision. What we learn from this Midrashic tradition is that a given vision must be examined in terms of its goals. Does it lead to destruction and hatred, or does it lead to life and compassion? To adopt a vision means we must first answer these questions. If the former is the result, then no matter how charismatic the leader, nor how fearful the nation, it would be best to reject such visions.

***Num. 22, 9 - 13**

God came to Balaam and said, "What do these people want of you?" Balaam said to God, "Balak son of Zippor, king of Moab, sent me this message: Here is a people that came out from Egypt and hides the earth from view. Come now and curse them for me; perhaps I can engage them in battle and drive them off." But God said to Balaam, "Do not go with them. You must not curse that people, for they are blessed." Balaam arose in the morning and said to Balak's dignitaries, "Go back to your own country, for the LORD will not let me go with you."

Balaam is one of the most fascinating characters in the Torah. On the one hand he is described as prophet whom God addresses directly, on the other hand it seems clear that he is some kind of a religious con-artist or charlatan. How is it that these seemingly contradictory qualities come together in one person?

The Torah itself presents God as speaking with Balaam, and describes these conversations in the same manner as it describes the conversations that God has with Moses. Right off the bat Balaam tells the messengers of Balak that he must hear from God before he can accept the king's invitation to come to him in order to curse Israel. "God came to Balaam and said, "What do these people want of you?" Balaam said to God, "Balak son of Zippor, king of Moab, sent me this message: Here is a people that came out from Egypt and hides the earth from view. Come now and curse them for me; perhaps I can engage them in battle and drive them off." But God said to Balaam, "Do not go with them. You must not curse that people, for they are blessed." Balaam arose in the morning and said to Balak's dignitaries, "Go back to your own country, for the LORD will not let me go with you." (Num. 22, 9-13)

God appears to Balaam and converses with him, and it is clear that he is a person with religious power and can claim to have access to the "holy spirit" ("ruah ha-kodesh"), which is the term that our tradition uses for sensory or physical perception of God. Yet, in this very conversation where this claim of Balaam's is supported openly in the text, his charlatanism is also present, as revealed to us by the Midrash.

God tells Balaam not to go with the emissaries of Balak and that he is not to curse Israel. He also tells Balaam why he is not to curse Israel, namely because they are blessed. But, Balaam does NOT tell this whole story to the emissaries. He merely says, "for the LORD will not let me go with you" (v. 13), without telling them that he is not allowed to curse the nation.

Balaam's con, as is the technique in many con schemes, is not to tell the whole story, and thus to lead the hearers to draw a false conclusion. They think that he is not allowed to go with them because God is guarding his prophets reputation, and that THEY are not prestigious enough for Balaam to go with THEM. So, Balak sends more important and prestigious emissaries the second time. (cf. **Num. R. 20:10**) Balaam cleverly combines his own reputation and status along with selective reporting of God's word in order to keep the door open for another try.

Still, the question remains. How does a person who has these capabilities of the holy spirit allow himself to ignore the clear word of God, or even worse, to manipulate the clear word of God for some other purpose? A hint at an answer to this complex question is found in another Midrash on the way that Balaam is introduced to us. He is introduced as "Balaam ben Beor petorah" "Balaam son of Beor in Pethor" (Num. 22, 5). The translation smoothes over the difficulty in the Hebrew word "petorah". One Midrash suggest three possibilities of understanding this word. (**Num. R. 20:7**) One, as in the translation, is that it is the name of the city in which Balaam lived. **TTT 205 H and M**

The second way is that the Midrash takes this to be related to the Aramaic word "patura" which means table, and thus refers to a money-changer ("shulhani"). Balaam according to this interpretation is being described as a person whose main interest is in making money, as befits the profession of money changing. There is no question that Balaam is concerned with silver and gold, and this is clear from the way that the text deals with the negotiations for his services. But, this Midrash seems to imply that it is part of his "name", that is, his nature is to accumulate wealth. In that case, everything in his life, including direct speech by God, is prone to being used to achieve Balaam's overriding goal. This insight helps us understand that there must be some boundary that divides wealth from God's word. It is not wrong to want wealth, but not if God's word is exploited for that purpose. **TTT 205**

The third interpretation of "petorah" in this Midrash is that Balaam was at first an interpreter ("poter") of dreams. But, at this point he rose above his abilities and was granted the holy spirit. This view asks us to consider that God's appearance to Balaam might have been as big a surprise to him as it is to the reader. Imagine a dream interpreter, maybe one who speaks as if God has favored him with insight, suddenly hearing direct speech from God. He might even have thought to himself that "it is just a dream". Since he was most likely used to manipulating his words about the meaning of dreams in order to bolster his fee, he simply did the same thing this time.

In this case Balaam is a person who suddenly has insight from God that he never had before, and he does not know how to handle it. He continues to do the same thing with his new insight that he had done up to now. He has no other criterion for evaluating the revelation with which he has been entrusted, and so he treats it in the

same way he treated his own insights into peoples dreams, as a tool to make more money. Balaam has no code of moral values which will enable him to place the insight God has granted him into perspective in terms of the insight itself! **TTT 205**

This is, perhaps, one of the major lessons of Balaam's story. Divine standards should be addressed in their own terms. If the nation is blessed, then not only can it NOT be cursed, but everything done vis a vis that nation should be to enhance the blessing, even if that includes criticism of the nation. That is, criticism is not a curse, it is not meant to weaken the nation, but it is meant to bring the nation to an understanding which will enable it to fix what needs to be fixed so that its inherent blessing will be preserved and strengthened. Thus, even those parts of Balaam's blessing which seem to be critical of Israel, e.g. 23, 9, are meant to enable it to enlarge its blessing.

***Num. 23, 4**

God APPEARED to Balaam ("va-yiker")

The issue of prophecy is central to this week's parasha. Balaam appears as a genuine prophet, yet his motives are suspect and he seems to be an evil character. Is there no connection between being a prophet, one to whom God speaks, and being a moral person? Are there different levels of prophecy that would enable us to distinguish between a "good" prophet and a "bad" one? Can any person become a prophet, or is that status reserved only for Israelites?

As to the last question, Hazal already made it clear that there were prophets among the nations (**BB 15b, etc.**). As to different levels of prophecy, this is a matter of dispute between two sages R. Hama b. Hanina and R. Issachar of Kefar Mandi (**Gen. R. 52:5**). R. Hama holds that there is such a thing as "partial" prophecy, i.e. the prophet hears only part of God's speech. He bases this interpretation on a comparison between the first verse in Leviticus, "God CALLED to Moses" ("va-yikra"), and between Num. 23, 4, "God APPEARED to Balaam" ("va-yiker"). R. Hama understands the word "va-yiker" in our parasha as the same word in Leviticus, except that the aleph is missing, and thus he understands that Balaam is getting truncated messages from God. This is a distinction between saying that a revelation is clear and spelled out, or that it is unclear and needs filling in. The only problem with this distinction, is that it is hard to imagine by what criterion we can judge the claims of a prophet? How are we, non-prophets, to know if the message is full or partial?

R. Issachar has a different approach in explaining the difference between "va-yikra" and "va-yiker". He connects "va-yiker" with the word "mikreh" ("by chance"), which is used in reference to a chance nocturnal emission which renders a man impure (cf. Deut. 23, 11). He apparently relates to Balaam's night when God appeared to him and told him not to go to curse Israel, but in the end Balaam goes. The impurity is the bending of God's words to fit his own desires. The beginning may have been in prophecy, but the motivation was impure, and thus the prophecy becomes impure. The word "va-yikra", applied to Moses, is connected with the angels "calling" to one another when they proclaim God's holiness (Isa. 6, 3). The thoughts of the angels are to praise God, their intentions are for the good. Balaam's thoughts lead him to oppose God's intentions, as certain thoughts might lead to a nocturnal emission.

The criterion for judging prophecy according to R. Issachar is not the clarity of the words, but it is to be judged by what motivations can be discerned by how the prophet acts. A prophet who displays immoral actions, or who claims that his prophecy substantiates unethical goals is a prophet “by chance”. He is using his gift for prophecy for his own personal ends, which he perceives OUTSIDE OF the framework of prophecy. The ends of the prophet who is “called” are shaped by the prophecy itself. Even if the revelation is personal, such as “I will serve science”, it is the content of the revelation which helps form the ends. **TTT 205 M and K**

This point is refined in another Midrash which relates to Balaam’s reaction to God’s appearing to him: “I have prepared seven sacrificial altars...” (Num. 23, 4). The Midrash likens this reply to a parable of a stallkeeper in the marketplace who is cheating on weights. When the police question him about cheating, he replies: “I have already sent some produce as a gift to your home” (**Num. R. 20:18**) Balaam’s religious teachings are accompanied by attempts to bribe, like the stallkeeper. He thinks that he can bribe God to overlook his evil deeds and intentions. This midrash ends with God saying that the Israelite sacrifice in Egypt of Matzah and Maror, which was done out of love of God, is far better than the many bullocks which Balaam sacrificed out of hatred. It is this fact, that Balaam’s original intention is out of hatred. That fact turns God’s revelation to him into “chance”. God’s revelation cannot change anything, for his mind is already made up to hate. **TTT 205 T and B**

So an immoral person cannot be a true prophet, even though they may have prophetic revelation, and there are criteria to judge teachings. In order for religious teachings to be authentic they should be free of any sense of “bribery”, they should be based on love and not hatred, and the students of those teachings must be open to have them change their narrow vision of self interest.

***Num. 23, 8**

How can I damn whom God has not damned, How doom when the Lord has not doomed?

Balaam, who is hired to curse Israel, ends up blessing them. In his first utterance, Balaam explains: “How can I damn whom God has not damned, How doom when the Lord has not doomed? (Num. 23, 8) This seems to be obvious. One cannot curse another person if God has not cursed that person. Balaam seems to be offering Biblical theology. The power to curse is God’s alone, a human can stand all day and curse someone, but nothing will happen unless God has already cursed that person.

One question to Balaam might be: “if that is so, what good is the human curse altogether?” Is the human curse not some cheap trick of pretending to take credit for something in which you really had no hand? **TTT 206 T**

One answer to this question is to read Balaam’s statement another way. There is a prevalent Midrashic tradition to read it as saying that Israel is immune from curses. Even when it was fitting for God to curse them, God did not. That is, God has favored Israel by making them “uncursable”, to coin a word.

This tradition notes that when it was fitting for Jacob to have cursed Simeon and Levi for their wanton murder of the Shechemites, he said “Cursed be their anger so fierce” (Gen. 49, 7). Jacob cursed their anger, not them. This tradition has a strong ethical

message. Curses should not be directed against people, only against their deeds. (cf. **Num. R. 20, 19; Rashi on Num. 23, 8 et. al.**) This is the tradition of Beruriah who teaches her husband, R. Meir, to ask for mercy even on behalf of thugs, for we ask that sins disappear from the world, not the sinners. (**Berachot 10a**) **TTT 206 M**

But, there is another answer to our query of Balaam. He could say that the point is to know when God's anger will be directed at someone. That is, the special power of one like Balaam, who knows how to curse, is to know exactly when it will come into play. The human curse is thus not a trick, but a sign, showing a power of awareness of God's anger that others lack. In this sense, Balaam, like the other prophets of the Bible, is a true prophet. According to this view, knowing when God is really angry is something which most people do not know. Perhaps they do not want to know.

In a fascinating Talmudic discussion we learn that one should never try and appease another person when they are angry. This is learned from an interpretation of Ex. 33, 14 in which God says to Moses to wait until God's anger subsides, and then God will return to lead the people. But, the Talmud asks, does God really boil over with anger? The answer is yes, as is written in Ps. 7, 12: "God is angry every day". Now, the question is how long does that anger continue. The answer is "a moment" ("rega"), which is defined as 1/58,888 of an hour. Furthermore, no human knows just when that very infinitesimal part of time is. Clearly no human watch can measure such small particles of time, let alone a person feel it or know it. No, the Talmud says, Balaam knew when that moment was, and that was his talent. **TTT 206 T**

So, if Balaam did know when that instant was, and if it occurs every day, how is it that Balaam's curses did not work? The Talmud informs us that God's mercy towards Israel was that God withheld the daily anger for the few days when Balaam was around. This is what Balaam is saying, "I don't understand it, but I am not feeling God's anger at all during these days. How can I damn when the moment of damnation is not available?"

Can one develop sensitivity to the outbreak of Divine anger? In our times we seem to connect Divine anger up with humans failing to live up to God's standards of ethics and responsibility for life. In that case, we can be aware of those failings and have some sense of prediction of results that look a great deal like Divine anger. Indeed, we might have a better chance to predict social upheaval as a result of immoral behavior than of predicting earthquakes. Perhaps this prophetic sensibility, which Balaam also had, is something we should strive to develop.

Even though the parasha is named after Balak, the central figure is the prophet Balaam. Indeed, the main section is known as "parashat Balaam". This section figures prominently in a most surprising passage in the Talmud: "Said R. Abbahu b. Zutrat, in the name of R. Judah bar Zeveida: they wished to include parashat Balak in the recitation of the Shema (Keriat Shema). Why did they not include it? They did not want to burden the public." (**Berachot 12b**)

The idea that part of the prophecy of the evil Balaam should be included in Keriat Shema astonishes. The Shema is a central prayer of Jewish life, announcing theology, commitment to commandments and the historical experience of the exodus. What were the rabbis thinking when they sought to include Balaam's

words? This is exactly the question the Talmud asks. The answers, as usual in the Talmud, are many. A major discussion is couched in terms of the motifs included in Balaam's prophecies, and the motifs of the Shema prayer. It is clear that the discussion seems to center on specific verses of Balaam's oracles, not the whole text, although this issue is never totally clear.

At one point the suggestion is made that verses from Balaam that mention both the exodus from Egypt and God's kingdom should be included. In some sense these may even be preferable to the last paragraph of the Shema, since that only refers to the exodus! On the other hand, the gemara asks, if mentioning the exodus is a criteria for daily reading in the Shema, why not include the laws of usury or of false weights, for they too refer to leaving Egypt! All of these suggestions are rejected.

R. David Tamar suggests that there may be a rabbinic tradition preserved here that was based on Micah 6, 5: "My people, Remember what Balak king of Moab Plotted against you, And how Balaam son of Beor Responded to him." That is, the tradition was that this was a command to remember, like the command to remember Amalek, and thus it is to be inserted into the Shema. (**Alei Tamar, p. 24-5**)

The suggestion in the Talmud that seems to be accepted, is that the verse to be included every day in the Shema is: "They crouch, they lie down ("shachav") like a lion, Like the king of beasts; who dare rouse them ("yekimenu")?" (Num. 24, 9) This seems to connect to Shema because of the usage "lie down" and "rise up", which defines the times when it is obligatory to recite Shema (Deut. 6, 7) But, this is just half of the verse. The continuation is: "Blessed are they who bless you, Accursed they who curse you!" Just as one does not dare to disturb a resting lion, so one cannot dare to curse Israel.

The words "lie down" and "rise up" connote not only the physical times of morning and nighttime, but "peace, tranquility" and "fighting, violence" respectively. Indeed, "to rise up against" is the word for Cain's murder of Abel. This expansion of the usage sheds light on the Shema, namely, that we must ponder God's words and laws at all times, when we are peaceful and when we are angry and mad! **TTT 206 PR and M**

Indeed, by introducing this verse as the one to be added to Keriat Shema, the Talmud introduces another, more spiritual, motif to the Shema, namely, turning curses into blessings, or in our understanding, curbing violence, and turning it into channels of peace. This suggestion is that in addition to the other themes of the Shema, one is to include thinking about dealing with "curses" and making them into "blessings".

How does one turn curses into blessings? To put it another way, what kind of actions creates situations that are "accursed" and what is to be done or avoided so that the situation will have more "blessing"?

The context of the Talmudic discussion on including Balaam in the Shema contains two concrete answers to this question. One is presented by Rabbah bar Hanina the elder, in the name of Rav: "if one is in a position to request mercy for another, and does not do so, that one is called a sinner." People who ignore the distress of others, for whatever reason, and refuse to offer comfort, or even to pray for the one in distress, are creating a situation of curse. This is not an active curse, or a magical

curse, but it implies a hardening of the heart to the plight of others, and that in itself is a foundation of curse.

The second answer, in the name of the same sages, is: “if one commits a sin and is ashamed of it, his transgressions will be forgiven.” Another internal event that creates accursedness is lack of embarrassment. If the first reaction of a person to their own misdeeds is to justify, to explain, rather than a feeling of shame, then the door is open to many curses. Shame is not a popular feeling today, but lack of shame, lack of stricken conscience, leads to an inability to admit misconduct, indeed, it may even be the necessary condition that allows general moral decline. **TTT 206 M**

Perhaps the Rabbis raised the possibility that the recitation of the Shema should include a verse, or verses, from Balaam in order that the recitation would point to a moral and spiritual dimension. The idea was that verse(s) from Balaam would raise the issue of changing curses to blessings. That a person praying would also focus on keeping God’s commands to be merciful and responsible for others in mind even in a fit of anger or rage. That each person would feel the need for embarrassment if they had done wrong. Perhaps those who suggested this addition to Shema felt that theology, mitzvot and history were not enough, but a spiritual and moral dimension had to be part of each recitation of Shema.

This is a very compelling argument for including Balaam in the Shema. So, why not? The official answer in the Talmud is, as we have seen, so as not to burden the public. Presumably, the burden is reciting more verses, lengthening the prayer service. The burden would NOT be adding a moral or spiritual dimension.

I suggest that the Rabbis did intend to have such a moral dimension in the Shema, and that dimension is embedded in the last paragraph, the exodus from Egypt. Indeed, the Talmud’s question cited above reminds us that many of the laws of the Torah, particularly laws that have to do with social justice and social compassion, are connected to the exodus from Egypt. Usury, fair weights, equal time for rest for all, and dozens of other social laws are all based upon the experience in Egypt.

Why are so many laws, social laws, grounded in the exodus? It occurred to me that the answer could be learned from the response of Hillel to the person who wanted to learn the whole Torah while standing on one foot. Hillel unflinchingly told him “what you hate being done to you, do not do to your fellow, all the rest needs to be studied, go learn it.” How does Hillel come to this formulation? I believe that he interprets all Torah laws as grounded in this ethical principal because of the connection to Egypt. That is, the Egypt experience creates the impetus for the laws, not to do to others what you so hated when it was done to you in Egypt.

Furthermore, Hillel calls it the “whole” Torah, because when you study the laws and learn to implement them, you should do this according to that rule. When Hillel says, “go and learn”, he means, as my son Rabbi Tzvi Graetz commented to me, study according to this principle. That means that if your study leads you to a possible understanding that one is permitted to abuse others, learn from this principle that such a reading is the wrong interpretation. **TTT 206 M and B**

Now, other conclusions could be drawn from the Egypt experience. For example, to concentrate on building a strong army, or that it is proper to exploit human beings for the "good" of the state etc. So Hillel is emphasizing that this is NOT the conclusion that the Torah draws from the Egypt experience.

We might raise the same question about the modern slogan, which claims to be a Jewish conclusion from the experience of the Holocaust, "never again". The question is never "what" again? Never again to be weak and without power so that others can do with us what they will, or never again to do to others what was done to us, a la Hillel? It seems to me that both are meant, but, unfortunately the emphasis seems to be too much on the former, and the latter is overlooked or dismissed. But, if curses have any chance of being turned into blessings, it can only be so by taking into account Hillel's dictum and his understanding of the Torah very carefully. TTT 206 all

***Num. 24, 25**

Then Balaam set out on his journey back home; and Balak also went his way.

The story of Balaam never ceases to fascinate. The "evil genius" or, in this case, the "evil prophet", someone who uses their God-given powers and talents for destruction, is a theme which recurs over and over in all literature. I am always riveted as the story unfolds. Balaam, after all of his posturing and indecision, after God has made the outcome clear to him, after the striking incident of his ass talking to him, still goes forth and acts as if he will curse Israel.

Dramatically, he prepares the way for cursing, and three times the opposite occurs. Blessings instead of curses issue forth. Balak, the king who hired him is enraged, and as a topping to all that Balaam goes on to prophesize about the future destruction of Balak at the hands of Israel!

What is the end of all of this drama? "Then Balaam set out on his journey back home; and Balak also went his way." (Num. 24, 25) THAT IS ALL? Balak just calmly leaves the scene where Balaam has betrayed him? Balaam is able to just walk away! This is no Hollywood movie, where, I expect, Balaam would have been tortured in no uncertain terms, and left a dying and/or bloody mess after such a performance. He just goes back home?!

The English translation "Then Balaam set out on his journey back home", does not capture the problematics of the Hebrew: "va-yakam Balaam va-yelekh va-yashav li-mekomo". Literally, "Balaam arose, and he started out on a journey, and returned to his place". The English has one verb, but the Hebrew has THREE! The English has him going "back home", but the Hebrew is much more ambivalent, "to his place", almost as if this seer-prophet, whose card reads "have curse will travel", has no "home", but only a "place" where he can be found. So, what is happening here?

This whole tale is compounded by the immediate continuation of the story, which ends this week's parasha, "While Israel was staying at Shittim, the people profaned themselves by whoring with the Moabite women, who invited the people to the sacrifices for their god." (Num. 25, 1-2) The worship of Baal-Peor results in a plague breaking out in Israel and killing 24,000 people (Num. 25, 3-9) In this incident, an Israelite chieftain and a Midianite woman, also the daughter of a chieftain, are slain

by Pinhas. All of this comes around when Israel attacks and kills the Midianite kings over this incident, and AT THE SAME TIME they kill Balaam!! (Num. 31, 8) So, Balaam seems to be mixed up in this affair as well.

Any one who studies Midrash and Jewish Commentary is familiar with the principal of "semikhut Parshiyot", interpreting two incidents in the light of each other, because of proximity in the text. I have referred to this many times. But, the fact is that this principal has its detractors. In this week's parasha, concerning Balaam's leave taking being followed immediately by the incident of Baal-Peor, there is a dispute among the sages. R. Akiba says that one should learn about one parasha from EVERY adjacent parasha. R. Meir says: "there are numerous adjacent parashot, which are as far away from each other as east is from west!" (**Yalkut Shimoni, Emor, 631; cf. Sifrei Ba-Midbar, 131** where the respondent is Rabbi and not R. Meir). **TTT 207 L and H**

For R. Meir there is NO connection between Balaam and the incident at Shittim. Support for this view might be found in the Midrash which notes that the opening word is "va-yeshev", "dwelling or staying". This Midrash, in the name of R. Yohanan, interprets every use of that word to indicate trouble. "Jacob dwells" (Gen. 37, 1), and the result is the selling of Joseph. "Israel and Judah dwell safely" [not a real verse] and the result is "So the LORD raised up an adversary against Solomon" (I Kings 11, 14). This Midrash concludes that "There is no "dwelling" ("yeshivah") without corruption, decadence, demoralization". The final proof for this black use of the word is from Gen. 37, 25, "Then they sat down to a meal." The brothers sit down, "va-yeshvu", to eat just after they have stripped their brother Joseph and thrown him into a pit!! The indifference and moral dullness of this act of sitting down to eat implies moral corruption. It is just the calmness and security of the word "va-yeshev", which is highlighted here. The flip side is indifference, bending of morality to maintain security. In this view, Balaam had nothing to do with the whoring of the Israelites at Shittim. It was Israel's own overblown sense of well being that brought on the decadence. **TTT 207 MI**

Yet, how is it that Balaam is killed when Israel pays back the kings of Midian for their scheme?! Akiba's principle has much support in the Midrash and in Ramban. Ramban explains how the Moabites, Balak and company, and the Midianites are BOTH involved in the scheme at Shittim. It is a Midianite plan provided to Moab. Indeed, the Midianite princess who is killed is sent specifically because of her beauty. It is clear, says Ramban, that a princess would not simply be allowed to go out to a foreign place, if she was not sent there on purpose. (**Ramban on Num. 25, 18**)

Then Ramban goes on to say: "and it seems likely that Balaam was also involved in this plot. For when he left Moab he passed by the land of Midian, which was on his way, and he was among the advisors of the Midianite kings. And perhaps he stayed there a while to see what would happen, and that is how Israel found him there when they attacked the Midianite kings. That is the meaning of Num. 24, 25, that he was on his way to his land..." So, the halting verse with three verbs about Balaam's leave-taking implies that he was on his way to his land, but stopped off to help give more advice on how to destroy Israel.

Another Midrash also wonders how Balaam got to Midian, and what was he doing there. This Midrash assumes that our verse says that Balaam did, indeed, return to his place, BUT when he heard that 24,000 Israelites had died, he returned to collect his fee!! (cf. Num. 22, 17) When he reached Midian, he got caught in the Israelite attack, and was killed. (**Tanhuma, Balak, 14**)

Both Ramban and Tanhuma assume that Balaam was part of the conspiracy to destroy Israel by weaning them away from God. One seems to say that his motivation was that his ego had to be satisfied or that somehow his reputation as an adversary had to be maintained. (cf. PM 209a) The other implies that Balaam's motivation was pure avarice.

In either case, they give us an understanding of Balaam leaving with the understanding that he "will get the job done". Balak gives him one more chance, which he uses to propose luring Israel away from God by fornication. In either case, the enemy who is so intent on destroying Israel, and who is so corrupt in his own right, is, in the end, brought to destruction by their very adamant hatred of Israel, corruption and greed.

***Num. 25, 1**

While Israel was staying at Shittim, the people profaned themselves by whoring with the Moabite women

In general the halakha is that "there can be no agent to do a wrong" ("ein shali'ah li-devar averah"; **Kid. 42b**). This is because the Talmud reasons that every person is responsible for their deeds, and every person knows that God is the one who commands, not a person of flesh and blood. The legal import of the rule is that the agent himself is the transgressor, and not the one sending him to commit a wrong. True, there is an opinion in this sugya that the sender of the agent is liable (**Kid. 43a**), but the halakha was decided against this opinion. (**Rema to Sh. Ar., HM 182:1**). TTT 208 M

There are discussions of exceptions to this rule throughout the halakhic literature. One exception is when the agent is unaware that his act amounts to a transgression, so that in effect the agent has no choice to do or not to do the act. (**R. Samma in BM 10b; Rema to Sh. Ar., HM 182:1 and 348:8**) Despite these exceptions, the general rule is applied in most discussions. In the light of this general principle the comments of Ramban and others to the effect that Balaam and the elders of Moab are responsible for the transgression of tempting Israel at Baal Peor is most striking. On the verse: "While Israel was staying at Shittim, the people profaned themselves by whoring with the Moabite women" (Num. 25,1), Ramban quotes Rashi to the effect that the whoring of the women was done on the instigation of Balaam. Ramban then goes on to say that according to this view the women are innocent of any wrongdoing. The transgression is that of those who incited them to do it, namely, "their leaders". (**Ramban on Num. 25, 1**)

Perhaps this tradition views the women as acting without free will, unaware that their actions are transgressions. Perhaps, Balaam convinced them that they were acting out of religious motives and in accord with Moabite religious traditions, namely, of sacred prostitution. Ramban may feel that the women are captives of the

propaganda of Balaam and thus feel compelled to do what they do, or at least they don't see that there is any issue of moral choice in their situation. **TTT 208 M and B**

This understanding is bolstered by a closer look at the source of Ramban's comments, **Sanhedrin 106a**. Balaam, according to this source, uses Israel's weaknesses to trap them. One "weakness" is that "their God hates licentiousness" and the other is that they have a desire for fine linen garments. The first weakness is because Israel accepts the standards of their God. While Moabite gods may tolerate or even encourage ritual sexual activity, the God of Israel despises the use of sexual organs as a means of Divine service. The other weakness has to do with Israel's own material desires, they love really high fashion clothes.

So, Balaam suggests that Balak set up a grandiose system of markets, a kind of super mall that stretches from the Hermon until the Arava. There such wonderful clothes will be hawked by older women outside of tents, and inside the tents younger women will offer the clothes at a better price. When the Israelite has bought a few suits, the women, who are scantily dressed, entice him for sexual liaison. This whole sugya is an exercise in brilliant psychology of how to ensnare someone, using one of their desires, for fine clothes, expand that desire using sex and naked women as advertising come-ons, and to cause them to eventually violate their deeper values and beliefs.

The whole passage is a fascinating example of creative Midrash. The role of the women here is clearly something that they accept as proper, that is, they have no sense that they are doing something that is a transgression. Balaam and the leaders know that this is transgression, and it is because of this that they are liable and the women are not. The exception to the general rule that there is no agency for transgression is a very important part of this interpretation, and it gives us much to think about.

***Num. 25, 3 - 4**

Israel cleaved ("va-yitzamed") to ba'al Peor, and the Lord's anger was fierce against Israel. The Lord told Moses: gather the heads of the nation, and hang them up ("ve-hoka' otam") for God, over against the sun ("neged ha-shemesh"), and the Lord's anger against Israel will abate

Parashat Balak ends with the story of the apostasy of some Israelites to a deity known as "ba'al Peor". There are many aspects to this story, but one of the more interesting angles is the implications for criminal procedure and justice.

We are told: "Israel cleaved ("va-yitzamed") to ba'al Peor, and the Lord's anger was fierce against Israel. The Lord told Moses: gather the heads of the nation, and hang them up ("ve-hoka' otam") for God, over against the sun ("neged ha-shemesh"), and the Lord's anger against Israel will abate" (Num. 25, 3-4). Rashi, following Midrash, assumes that the Hebrew word "hoka" implies "hanging up" bodies that have been executed by stoning. The Torah tells us that 24,000 died in this incident, and the tradition assumes that these are people executed for the crime of idolatry (one of the main capital crimes).

This apostasy comes immediately after God's power to bless Israel forces Balaam to abandon his intention to curse them. The abandonment of God, after witnessing a miraculous salvation, reminds us of the worshipping of the Golden calf at Sinai after the Exodus. Indeed, R. Levi remarks that this apostasy is WORSE than that at Sinai. He implies that it is worse in two ways. The first way is that it is a worse case of apostasy, that is, the attraction to idolatry is worse in this case. R. Levi knows this because at Sinai it is written: "the nation acted wantonly ("va-yitparku")" (Ex. 32, 3), whereas at ba'al Peor it is written: "Israel cleaved ("va-yitzamed")". R. Levi expounds the verb "to cleave", "like bracelets ("ke-tzemidim")". This was not just a frivolous flirtation with a golden image, this was a real attachment to idolatry, like golden bracelets are attached to the arm. (**Tanhuma (Buber) Balak, 27**). The second way is that more people die as a result of this apostasy, 24,000 as opposed to Sinai where 3,000 died. That is, ba'al Peor is a worse form of apostasy and this leads to greater loss of Israelites. There are different degrees of idolatry, and some are worse than others.

This is an important and interesting lesson, but one of the more puzzling parts of this story is the punishment which is carried out "over against the sun ("neged ha-shemesh")". Why is the sun important here? The halakha learns from this verse that capital cases are judged only in the daytime, never any "night-court" for capital crimes (cf. Sanh. 34b). This is a simple and practical consequence of the verse, but it does not answer the question, what is it about the sun that makes this possible?

R. Bahaya ibn Pakuda summarizes the Midrashic opinions on this question. He counts four explanations for the phrase "over against the sun":

1. That God's name should be sanctified openly in the sight of everyone, just as it was profaned openly and in the sight of everyone. The sun is a symbol for public access. Heinous crimes should not be dealt with in secret. The assumption here is that the workings of the court will sanctify God's name in the hearts of a public that witnesses their operation.
2. The sin of Peor was against the nature of Jacob, who is called the sun. Jacob assumes that he is "the sun" in the dream of Joseph (cf. Gen. 37, 9ff) The Midrash understands Jacob's sobriquet, the "sun", to point to several principles. One is based on the fact that God wanted to talk to him privately, and so caused the sun to set early. (**Gen. R. 68:10**) According to this Midrash Jacob embodies the principle that communion with God should be honest, true and modest. Thus, it cannot be in the full light of the sun. The public fragrance of the idolatry of Peor was part and parcel of the idolatry itself. It was "un-Jacob"-like, and thus was reputed by Jacob himself, the sun. As if, having despised the tradition of the ancestors, one somehow was made to confess that abandonment in their presence.

Another understanding of this is that when the Israelites left God for Peor, it was as if the sun had set. As if a great eclipse of faith in God had taken place. Now that faith had been restored, it had to be in the light of the sun. The Midrash makes this point about Jacob, namely, that the sun set when he left Israel (cf. Gen. 28, 11), but upon his return the sun shone brightly. (ibid., **Gen. R. 84:11**; cf. Gen. 32, 32).

3. "Neged ha-shemesh" is specified to insure that they are hung-up ONLY when the sun is out. This is in order to fulfill the law that those who are hung up after execution, must be taken down at night. This law (Deut. 21, 23) expresses the idea that even a person convicted and punished for the worst capital crimes is to be treated with respect as a human being.

4. Moses was told to punish those who had cleaved to ba'al Peor. But, since part of this apostasy was done in secret, Moses was at a loss to know who were those who had sinned. He asks God, how he will find out who the guilty parties are. God replies that He will make this known to Moses. The cloud which covered the camp during the daytime (a very handy device for trekking in the desert), would fold up and the sun would send a shaft of light down on those who had sinned with Peor.

In this explanation the sun is the instrument of detecting the sinner. Those who had tried to hide their apostasy, had light shone upon them. When people are called upon to affirm their deepest beliefs, any doubts about their faith which they may have tried to hide, even from themselves, have a way of coming out. It is best to be as frank and truthful about ones faith as possible, that is the only way to discover if we are true to the tradition or if we have strayed from it.

***Num. 25, 10 - 13**

The LORD spoke to Moses, saying, "Phinehas, son of Eleazar son of Aaron the priest, has turned back My wrath from the Israelites by displaying among them his passion for Me, so that I did not wipe out the Israelite people in My passion. Say, therefore, 'I grant him My pact of friendship. It shall be for him and his descendants after him a pact of priesthood for all time, because he took impassioned action for his God, thus making expiation for the Israelites.'"

The "act of Pinhas" ("ma'aseh pinhas") occurs at the end of last week's parasha, even though the name of this week's parasha is Pinhas. Our reading opens with the consequences of the act for Pinhas and his descendants: "The LORD spoke to Moses, saying, "Phinehas, son of Eleazar son of Aaron the priest, has turned back My wrath from the Israelites by displaying among them his passion for Me, so that I did not wipe out the Israelite people in My passion. Say, therefore, 'I grant him My pact of friendship. It shall be for him and his descendants after him a pact of priesthood for all time, because he took impassioned action for his God, thus making expiation for the Israelites.'" (Num. 25, 10-13)

The "act" occurs in the context of public idolatry involving sexual intercourse. Midianite women seduced Israelites to consort with them and by thus doing to worship their god Baal-Peor. Moses commands his men to kill the ringleaders. Just then, one Israelite brought one woman over and, apparently, started having intercourse with her in front of Moses and the leaders. Pinhas, seeing this, arose ("va-yakam") and killed both of them by spearing them through their bellies. At this point, a plague which had ravaged 24,000 Israelites stopped. The story is not totally clear. When did the plague start? We are only told when it stopped. Is it clear that the act of Pinhas is what stopped the plague? From what God says at the beginning of this week's parasha, it appears that this is the case, but even that is not spelled out, but rather inferred from juxtaposition of the verses.

In any case, one stream of Jewish tradition has seen these beginning verses of our parasha as approval of the act. This approval is shown both in Aggadahn, Midrash texts which praise religious zeal or "passion" ("kanaut"), and in Halakha, all the way to an halachic formulation implying that the "act" is one of normative halakha, namely "He who cohabits with a heathen woman is punished by zealots (i.e. killed)" (**Sanh. 82a, Yerushalmi Sanh. 9, (27b) hal. 7**) I wish to point out another stream of Jewish tradition which, despite these verses, disapproves of the act. I will start with Halakha.

As to the latter halachic ruling, the Talmud records objections to the simple use of this ruling as if it were an ordinary halachic ruling meant to be applied at all times. The Yerushalmi states simply that this halachic formulation was NOT accepted by the hachamim. Presumably it is the opinion of one sage or a minority, and thus Pinhas, who relied on this ruling as the halachic justification for his act, was actually sinning. Indeed, according to the Yerushalmi there, the sages were going to excommunicate Pinhas! However, the Holy Spirit jumped in ("kaftzah ruah ha-kodesh") declared that Pinhas is granted a "pact of friendship (peace)". Like Cain who is spared the justice due to him because of God's own intervention and the

fixing of a sign showing that he is to be left alone, Pinhas is given a sign to prevent his excommunication. According to this view Pinhas' act is justified by Divine decree, but the upshot is that it is NOT to be considered normative halakha. **TTT 209 M and HA**

The Bavli insists that if one asks a rabbi about keeping this halakha he is to be told NOT TO DO IT. Furthermore, it spells out the problematics with summary execution in this fashion. Namely, that if the murder is not actually during the act, then Pinhas would be executed for it; or if Zimri would have stopped and turned and killed Pinhas, Zimri would be justified because Pinhas was in the category of "rodef". All of these formulations show the reservations which the Talmud had about this ruling. In any case, it can be shown that the Talmudic traditions cited here, both Bavli and Yerushalmi, do NOT see this formulation as normative halakha.

At best these texts are willing to view the act as ONLY "justified" and ONLY in the particular case described in the Torah, NOT an act to be emulated. Furthermore, the "justification" is ONLY by direct Divine revelation. In its attempt to isolate Pinhas' act so that it NOT be seen as normative, the Bavli even states that the atonement granted by God for this one act is enough for ALL time (**Sanh. 82b**), i.e. does not need to be repeated. Thus, in one move, the Bavli explains the seeming "approval" found in the verses, but limits that approval to one case so that it is an isolated example. Still, as we know, this rule has been codified, and has been used as one of the halachic arguments for those who did not totally disapprove of the murder of PM Rabin. (see what I wrote then on a Takkanah to disavow this ruling)

As to the Aggadah, there are strong Midrashic texts which do NOT praise religious zeal or "passion" ("kanaut"), and which directly point out that these qualities *in the service* of violence end up being very destructive, *even if it seems as if the goal is to uphold Torah*. In modern parlance "extremism in defense of Torah is NOT justified". There are many Midrashim which point out the irony of the fact that the two Jewish players in this incident are descendants of Simeon and Levy. These two are linked as zealous comrades in the slaughter of the inhabitants of Shechem (Gen. 34). Although no Midrash makes this point directly (and I find the exact meaning of the Midrash which points this out in **Sifrei 349** to be difficult to understand and problematic), it seems to me that one can infer the idea that the former comrades in violence against non-Jews, in the service of "justice", end up killing each other, in the service of "justice". Perhaps it is this reading of Gen. 34 which underlies the beautiful interpretation of "love of God" as making God's name beloved among all humankind. It is this statement which ends with the admonition: "one who steals from a non-Jew will end up stealing from a Jew... one who kills a non-Jew will end up killing Jews..." (**Seder Eliyahu Rabbah, 26**).

This idea is brought home specifically in a long Midrash which states that the passion, zealotry, and extremism of Pinhas, *in the name of upholding Torah*, led to much bloodshed within Israel, that is, led to internal civil wars! (**Seder Eliyahu Rabbah, 12**) Because Pinhas did not annul Jephthah's vow (**Judges 11ff.**) and protest at the internal feud, the war with Gilead took place in which 42,000 Jews killed each other! This Midrash states "who killed all of these? No one killed them except Pinhas ben Elazar, for he could have protested the feud and did not, he could have annulled Jephthah's vow and did not...." **TTT 209 M and HA and K**

This Midrash goes on to accuse the great Sanhedrin, set up in the land by Moses, Joshua and Pinhas, of being responsible for the war with the Benjaminites in which 70,000 Israelites killed each other. They should have “put on belts of iron around their waists, and picked up the folds of their robes and walked around every town of Israel and taught all of Israel “derekh erez” (morality and civil responsibility; politeness and good manners), during a year, two years or three years ... But, they did not do that, rather when they came into the land every one went into his own vineyard and made his own wine, and said, ‘peace be to you, my soul’, in order not to be bothered [with the needs of others].... God said: ‘I did not give my Torah to these people, except that they should study it and teach it in order to learn from it “derekh erez”! who killed all these [70,000]? No one killed them except the great Sanhedrin set up by Moses, Joshua and Pinhas ben Elazar the priest.” **TTT 209 M and HA and K**

There is yet another approach, found in the Bible itself. Under the influence of my friend, our colleague, Rabbi Martin Cohen, I looked at how Pinhas appears in the book of Psalms. Martin is working on a major study of Psalms and Torah, in which he sees these two compilations as different religious paths, in some sense opposite paths. What follows is inspired by Martin’s main thesis, but I have no idea if he agrees with this interpretation or even approves of it. So, though he inspired this line of thinking, I alone am responsible for the results. Pinhas appears in **Psalm 106, 28-31**. There the act is described thus: “They attached themselves to Baal Peor, ate sacrifices offered to the dead. They provoked anger by their deeds, and a plague broke out among them. Phinehas stepped forth and intervened (“va-ya’amod Pinhas va-yefalel”), and the plague ceased. It was reckoned to his merit for all generations, to eternity.” I am surprised by the JPS translation “Phinehas stepped forth and intervened (“va-ya’amod Pinhas va-yefalel”)”. The Hebrew is literally, *Pinhas stood up and prayed*!! Indeed, this verse is used in Rabbinic literature as the classic proof text for the idea that “standing up” “amidah” means “to pray” (cf. **Ber. 6b; Ber. 26b; Hullin 134b**).

It is clear that the Psalm tradition about what Pinhas did to stop the plague is much different from that of the Torah. It is non-violent and it is related to direct religious intervention with God. It describes Israel’s sin differently, and it uses the Hebrew “va-ya’amod”, which is more neutral than the Torah’s “va-yakam”, which has the overtone of “going to war”. It is true that other Rabbinic texts try and harmonize the two versions, and it is those attempts which probably influenced the JPS translation of “intervened” (e.g. **Sanh. 44a**). But, even if we stick with the ambiguous “intervened”, the Psalm tradition, at the very least, demurs from the violent act of zealousness depicted in the Torah. It leaves room to interpret Pinhas’ “intervention” with God as prayer.

Our understanding of tradition is that all the acts, and the different accounts of the acts, are recorded and all of the opinions are written down. One of my heroes, Eliezer b. Elijah Ashkenazi "ha-rofe" (1513-1586) wrote that we are obligated by the covenant of accepting the Torah to search all of the opinions, and, using our intelligence, to decide which is true with no fear about what was said by others who came before us. ("**Maasei Adonai**", "**maasei Torah**", **31, Balak**). We are obligated to choose the approach which seems to best fulfill the intent of the Torah. In my mind, that is the

approach which teaches Torah, not as a standard to be upheld by violence, but as a way to live with "derekh erez".

The comparison of the accounts of the plague and how Pinhas brought it to an end in Bamidbar and Tehillim should include the language of the conclusion of the story. The Torah says: "I grant him My pact of friendship ("noten lo et briti shalom"). It shall be for him and his descendants after him a pact of priesthood for all time ("brit kehunat olam"), because he took impassioned action for his God, thus making expiation for the Israelites." (Num. 25 ibid.). The Hebrew stresses the word "brit" or covenant, translated here as "pact". One pact is that of "shalom", peace, translated here as "friendship". And the other pact is "kehunat olam", translated here as "a pact of priesthood for all time".

In Tehillim the conclusion is: "It was reckoned to his merit for all generations, to eternity." "va-tehashev lo li-tzedakah le-dor va-dor ad olam" (Ps. 106, 31) The prayer which stopped the plague is considered as a meritorious deed, a deed whose greatness lasts forever. Note the avoidance of the term "brit" and no mention of the priesthood as an eternal benefit of his descendants. The justice or mercy or merit ("tzedakah") of the act is so great that it lasts forever, but no perquisites for Pinhas or his family accrue because of it.

The Torah account includes an etiology of the line of Priesthood through the descendants of Pinhas. It also refers to a special favor of protection that God bestows on Pinhas reminiscent of Cain. It is almost as if the ending is couched in order to acknowledge the power plays of the priesthood, up to and including killing, but to insist that this is acceptable and justified because it saves lives in the long run, and anyway, God has declared it justified. The picture that emerges is of a very "political" priesthood wielding its power over peoples lives in order to save them from terrible religious sin.

In the version in Tehillim, Pinhas is also concerned about the sins of the nation, but it envisions a person who is close to God and who uses this closeness to bring about a spiritual transformation. It seems that this vision of leaders who go to the people and work tirelessly to bring about commitment to "derekh erez" (morality and civil responsibility; politeness and good manners) *as a primary religious obligation* is what lies behind the Midrash in Seder Eliyahu Rabbah. **TTT 209 B**

***Num. 25, 19**

When the plague was over ("va-yehi aharei ha-magefa")

Parashat Pinhas opens with a salutation to Pinhas who has "saved the day", and specifically tells us that God says "so that I did not wipe out the Israelite people in My passion." (Num. 25, 11) It then tells us the details about the two who were killed, and ends with the following words: "When the plague was over ("va-yehi aharei ha-magefa")" (Num. 25, 19). Then God commands Moses to take a census of all Israelite males over 20 years old who are capable of bearing arms, and embark on an attack against the Midianites.

Now, the big question has to do with this phrase "When the plague was over". The Hebrew usage is that of how one begins a story, very much like "once upon a time"

in English. No one would expect a text to start with that phrase, and then go on to totally not relate to any story! Furthermore, the Masoretes in fixing the text of the Torah ordained that this phrase be the end of the previous section. That is, there seems to be no continuation to this phrase. So, what is it doing here, and why is there a census stuck into this place? (There are two other places in the Torah where a verse is interrupted in the middle, but that is a subject for another time.)

Midrash Rabba emphasizes that the continuation of the interruption is the command for a census. It creates, as it often does, a parable form to explain the call for a census after such a deadly plague. The Midrash starts out with the note that after every catastrophe where many Israelites perish, a census is taken. The parable is of a wolf that enters a flock of sheep, the idea being that some sheep are killed. The shepherd counts the flock after the attack in order to see how many have been spared. According to this explanation the break is not a strong one, but rather the end of the previous incident, the plague is over, and the beginning of the natural continuation, let us count our losses. (**Bamidbar Rabba 21, 7**)

This same midrash includes another parable. The owner of the sheep turns his flock over to a shepherd. When he does this, each sheep is counted, and when the shepherd is finished, he returns the flock to the owner, and he must account for each one. So, Moses performed a census when he left Egypt (Num. 1, 2), and now that his watch is ending he must do it again. Indeed, the language of the command is identical. This explanation shifts the emphasis from the census as a quantitative evaluation of loss, to seeing the census as a means of evaluation of Moses' success as a shepherd of Israel. It emphasizes the leader's responsibility, and implies that if there have been significant losses, this reflects poorly on the evaluation of the leader. (cf. below)

Ibn Ezra points out that the need for a census is to enable the assignment of the land to each family. This seems to follow from the fact that the end of this chapter includes the specific command to divide the land up among those counted in the census. (**Num. 26, 53**) However, the census can have more than one purpose. It is clearly used here to number the available soldiers, since God commands Moses to punish the Midianites for their role in instigating the idolatry, and thus being the indirect cause of the plague.

R. Tuviah b. Eliezer, the author of *Lekah Tov*, explains why our verse is separated. It is in order to tell us that the command to attack the Midianites was not given immediately after the incident at Baal Peor, but some time later. The point is that we are told that 24,000 died in the plague, and thus we learn of the punishment for those who sinned. But, says R. Tuviah, the Torah also wants us to understand that those who were responsible for the sin, even though they did it by sending others to lure Israel into the sin, also need to have punishment meted out to them. It would not be right that only those directly guilty of the act were punished, whereas those who did not actually do anything by action, but rather planned and set into motion the chain of events that led to the sinful actions would go completely free of punishment! (**Lekah Tov Num, Pinhas, p. 132a**)

R. Yaakov ben Hananel Sikili, author of *Torat ha-Minha*, explains all of the three verses in the Torah which are separated in the middle. In our verse he explains that

most of the punishments meted out to Israel in the desert were by means of plagues. The Torah in our case is hinting that the plagues of the desert can be stopped. He reads our half verse "When the plague was over" to be a statement for the future, not of what had happened in the past. This is brilliant, because we have already been told that the plague was over, and given the exact count of casualties. Why say this again? Sikili suggests that God is angry at Moses for not living up to his role as leader, and says to him "how long are you going to let the plague go among you, and destroy Israel, and you do not have enough sensitivity to work to remove it?" Indeed, Sikili sees this verse as a rebuke to Moses who had not yet collected the half shekel from all of Israel, for the purpose of that collection was that no plague would take hold of Israel! (cf. Ex. 30, 12)

Sikili imagines a fascinating scenario. Moses finally realizes that he has forgotten to collect the half shekel, and that all of these plagues continue to fall upon the people because he has neglected this commandment. After the incident with Pinhas, he collects the half shekel, and the Torah announces "When the plague was over", that is, from here on there will be no more plagues. The positive act of social justice mandated from every person was missing until now. Moses had not been aware of the therapeutic powers of positive social action to build community cohesion, grant communal pride of purpose, and prevent mass defections that would lead to plagues, indeed they are a kind of plague in themselves. (**Torat ha-Minha, Pinhas, sermon 63, p. 550**) One could even read Sikili's comment to imply that the plagues mentioned were not necessarily physical death, but spiritual death, a leaving of the community. The act of the half shekel is the kind of community building activity that can prevent such incidents.

***Num. 25, 19 – Num. 26, 1 – 4**

¹⁹When the plague was over, ²⁶ the LORD said to Moses and to Eleazar son of Aaron the priest, ²"Take a census of the whole Israelite community from the age of twenty years up, by their ancestral houses, all Israelites able to bear arms." ³ So Moses and Eleazar the priest, on the steppes of Moab, at the Jordan near Jericho, gave instructions about them, namely, ⁴those from twenty years up, as the LORD had commanded Moses.

This section includes a puzzling example of Torah typography (even though this word relates to print, I use it to describe the look of the page even in a manuscript, such as the Torah scroll). Chapter 26 begins with the following verse: "When the plague was over, [end of parasha] the LORD said to Moses and to Eleazar son of Aaron the priest, "Take a census of the whole Israelite community from the age of twenty years up, by their ancestral houses, all Israelites able to bear arms." The phrase "When the plague was over" is followed by a blank space to the end of the row, indicating the ending of a parasha, and yet it is in the middle of a verse!

The "look" of the Torah, not the printed version with cantillation and vowel points, but the Sefer Torah is considered to be a tradition from Sinai. There are disputes about the exact look, and different customs among different Jewish communities, but this is no different from any other matter in Jewish life. The traditions from Sinai are pluralistic, nevertheless they are traditions from Sinai.

Not only that, but the "look" is a serious matter which can be a basis for halakha. The famous aggadah of Moses' visit to God, informs us that everything in the Torah is

there for the purpose of human interpretation, including the forms of the letters. (**Menahot 29b**) That is, if there is suddenly the end of a whole parasha, paragraph, in the middle of a sentence, we are bound to ask what is the reason for this!

The generation of the wilderness, in Hebrew “metei midbar”, literally “the dead ones of the wilderness”, were to perish. Until the last one had passed away, Israel was not able to enter the land. When does this momentous occasion, giving new meaning to the phrase “the end of an era”, occur? One explanation is that after the plague at Baal Peor, the last of the generation of the wilderness died, and this is the reason that this phrase is singled out. “And it came to pass when the plague was over” (“va-yehi aharei ha-magefah”) is a parasha on its own to signify this moment! (cf. **Hazkuni, on Num. 26, 1**)

The change of generations is not only biological, but it is the change of mentality, the change of venue, and the implementation of a mission that the dead generation was not able to complete. It is significant that the last of the Egypt generation dies in a plague brought about by fornication and idolatry. So much changes now. Political change, a new leader, new tasks, soldiers are needed, first and foremost. Thus, the first act “after the plague”, after the new generation is installed, is a census for the army. The only thing that is meant to continue is Torah, loyalty to God and loyalty to the land of Israel.

This interpretation allows us to understand other, seemingly mystifying, features of the narrative. The rabbis were sensitive to every word and detail of the Torah. Sentences that we read through without seeing had to be explained. Thus, the differences in the accounts of census taken at the beginning of Numbers and this census are explained by the fact that this one is at the end of the 40-year period. Some families did not survive the trek. They married into other families, and assimilated into them taking those family names. All of the inconsistencies of the lists are explained in terms of the changes that occurred to a nation during a whole generation of wilderness. (cf. **Daat Zekenim, on Num. 26, 1**)

One Midrash is quoted over and over. It is the parable of the shepherd who receives his flock from the owner, and each sheep is counted. When he returns the flock to the owner, again each sheep is counted. So, Moses returns Israel to God, at the end of his life, by counting them. (cf. **Or ha-Hayyim on Num. 26, 3 et. al.**) The miracle is that despite all of the destruction and plagues, the number remains the same.

The traditions explaining the unusual typography of the Torah text, give us much food for thought about the transitions between generations, both change and continuity.

***Num. 26, 59**

The name of Amram's wife was Jochebed daughter of Levi, who was born to Levi in Egypt; she bore to Amram Aaron and Moses and their sister Miriam.

Pinhas, the son of Elazar the priest, is credited with stopping the plague which broke out among the Israelites as a result of the sin at Peor. Immediately after this, a census is taken. This is, presumably, to see just how many had died in the plague, but it is also connected with the division of the land of Israel among the tribes. There are

different views on this, but what concerns me this week is that there is an exact description of the tribe of Levi, who has no portion of land.

In this description we read: "The name of Amram's wife was Jochebed daughter of Levi, who was born to Levi in Egypt; she bore to Amram Aaron and Moses and their sister Miriam." (Num. 26, 59) Moses' mother, who was nameless in the Exodus account, now gets a name. In Exodus all we know is that she was a levite: "A man ("ish") of the house of Levi went and married a Levite girl ("bat")." (Ex. 2, 1) The Talmud is bothered by the disjunction of an adult, "ish", marrying a young girl, "bat", especially since Jochebed was 130 years old at the time!

This Midrash is based on the rabbinic statement that Israel was in Egypt for a total of 210 years. Since Moses was 80 at the time of the Exodus, thus, Jochebed, who was born as her father Levi entered Egypt, must have been 130 years old at the time she gave birth to Moses. So how can a 130 year old be called "bat"? The rabbis exhibit some sense of political correctness in terminology. One does not call an "older woman" a "girl". (**Sotah 12a, BB 119b-120a**)

So, why does the Torah refer to Jochebed, at the age of 130, as a girl? In the Talmud, the answer is given by R. Yehudah bar Zeveida who assumes the Midrashic tradition that the verse in Ex. 2, 1 refers to Amram's retaking of Jochebed as a wife. He had divorced her because of Pharaoh's decree to kill all male children, but Miriam had convinced him that this was wrong. (ibid.) R. Yehudah says that at this "renewal of vows" ceremony, Jochebed's appearance was that of a young girl: "her skin was smooth, the wrinkles disappeared, and her original beauty was resored." Some kind of cosmic plastic surgery gave Jochebed the same look she had as Amram's young bride.

The passage goes on to query why the Torah says that he "married" her ("lakah"), rather than he returned her to married status. The answer is that he made a ceremony of marriage for her, placing her in a wedding carriage, and Miriam and Aaron sang before her: "the mother of children is joyful". (Ps. 113, 8) Note that this interpretation of the verse in psalms assumes that children ("banim") is gender neutral and refers to boys and girls.

One of the glories of Jewish commentary on the Torah is that what seem like simple issues, or even simplistic issues, produce comments of profound depth. The question of Jochebed's age when she gave birth to Moses is one of the opportunities seized by **Ramban** to expound one of the major points of his theology. For Ramban the question is not why is she called a "girl", but why does the Torah not refer to the great miracle of a 130 year old woman giving birth!? Ramban uses his amazement at this lack of mention to discuss his notion of "concealed miracles" ("nissim nistarim") versus "revealed miracles" ("nissim geluim"). **TTT 210 T**

How does one account for the differences in content between the Talmud and Ramban? One could merely say that the Talmud knows that the question is a Midrash, and has some consciousness of a "Midrash game", a kind of VMR, Virtual Midrash Reality, which should not be, or there is no need to be, confused with reality. So, the question about the word "bat" is a legitimate question in VMR where Jochebed was 130 years old, but in reality, the whole identity of Jochebed with the

daughter of Levi is not certain. Whereas, Ramban views all of Jewish literature, Torah and Midrash, as a unity upon which the deepest categories of philosophical thought should be applied.

Be that as it may, Ramban raises a fascinating issue. For him ALL of the Torah, even what seems natural or is not specifically presented as miraculous, IS miraculous, that is, concealed miracles. That is, for Ramban, the miraculous does not exist in nature, rather nature exists in the miraculous. This is because the whole goal and mission of the Torah is to present signs that point to the miraculous, even in its concealed form. Concealed does not mean inapprehensible, rather one can strive to get a glimpse of the concealed. As Ramban puts it: "For one who has transgressed the laws of forbidden relationships, or eaten forbidden suet will not necessarily die and be cut off in nature, nor will the heavens necessarily become as iron naturally because we have sown in the Sabbatical year, rather all of what the Torah describes including the success of the righteous, and all of the prayers of David our king [which were answered], indeed, all of our own prayers, are part of the miraculous which is concealed, but they have no revealed change in the nature of the world." (**Ramban on Gen. 46, 15, cf. particularly Ramban on Gen. 17, 1**)

For Ramban, the miraculous is the natural. All that we do or say is part of the miraculous, and not related to the nature of the world. The very existence of the world is a miracle, and all of the striving to give natural explanations why, for example, one brother of two parents lives into his 90's and another brother of the same parents dies in his 50's cannot be true explanation, for all of what happens is miraculous. We pay attention to revealed miracles, because they seem to us to be exceptions to nature. Indeed, they mostly cloud our understanding of the miracles which are always part of our life.

No doubt, Ramban's mystical tendencies contribute to this worldview. Still, there is a powerful point here. We tend to rely too much on "explanation", especially when that explanation has a scientific basis in the realm of the natural world. There is so much we do not know, and perhaps can never know, for example, the mystery of death and the immutability of the soul. Things like this for which explanation is a pitiful tool. In the light of that it seems to me to be foolish to make light of Ramban's instinctive understanding of all of the plots of the Torah as "concealed miracles".
TTT 210 K

***Num. 27, 3 - 5**

Our father died in the wilderness. He was not one of the faction, Korah's faction, which banded together against the LORD, but died for his own sin; and he has left no sons. Let not our father's name be lost to his clan just because he had no son! Give us a holding among our father's kinsmen!" Moses brought their case before the LORD.

This week we read the famous case of the daughters of Zelophehad. The time has come to apportion the land of Israel to each family. The sons of each patriarch are to inherit a family estate. But, Zelophehad had no sons, only daughters. His daughters approach Moses and say: "Our father died in the wilderness. He was not one of the faction, Korah's faction, which banded together against the LORD, but died for his own sin; and he has left no sons. Let not our father's name be lost to his clan just

because he had no son! Give us a holding among our father's kinsmen!" Moses brought their case before the LORD." (Num. 27, 3-5)

On the face of it this seems to be a simple tale. A group of women feel that a particular law, in this case a law of inheritance, discriminates against them. This is so because the law specifies that sons shall inherit, but says nothing about daughters. The 5 daughters, Mahlah, Noah, Hoglah, Malkah and Tirzah, feel that the meaning of the language of the law is that daughters cannot inherit. Thus, their father's portion would be lost to them and their children. Also, their father's name would be lost, that is, the fact that he was among those who left Egypt and got a portion of the land would be erased from history. They want to know if that is the intent of the law. Moses says nothing! We do not know what he is thinking. All we are told is that he immediately takes their case before the Lord.

The Talmud interprets this in a manner which I find fascinating. Moses has transgressed, and R. Hanina, or R. Josiah, interpret this as his punishment! (**Sanh. 8a**) That is, his punishment is that he does not know how to answer, and is forced to take this case to God. They ascribe to Moses the sin of pride because he utters the phrase: "And any matter that is too difficult for you, you shall bring to me and I will hear it." (Deut. 1, 17) In the Sifrei Moses' sin of pride and the connection to our verse is made even more clear. God says to Moses: "So you can deal with the hard cases? I will have a case brought before you that even a student of your student could easily answer, and you will be baffled by it." (**Sifrei, Deut. 17**) **TTT 210 HA**

I am fascinated by the Rabbinic interpretation of Moses, who is known as the most humble of men, being accused of pride. Even more intriguing than that is the idea that this is such a simple matter, that even a beginning student of halakha could easily give an answer, and that Moses could not. Now, Rashi and most commentators, take this interpretation literally and explain that the sin is one of pride, of boasting about one's halakhic knowledge. Thus, God brings Moses a case where the obvious halakhic answer will escape him. He will be forced to bring this case to God, and learn his lesson from the embarrassment.

So far, this is a wonderful lesson to Rabbis or others to not be overly proud in general, and about matters of halakha in particular. But, I still wonder, how is it that Moses does not see it?! Is it because he harbors a prejudice against giving equal legal status to women? This seems to me a credible idea because, the answer that God gives in our parasha, namely that the 5 women are correct, and that they should inherit, if there are no sons, is assumed to be a no-brainer by the Talmud and the Sifrei. So, what can prevent a great halakhic mind from not seeing an obvious answer? What comes to mind is a prejudice, or blind spot, concerning the persons involved in the case.

This reading is borne out by a Midrash. This Midrash notes that immediately after the case of the 5 daughters, God tells Moses: "The LORD said to Moses, "Ascend these heights of Abarim" (Num. 27, 12), and he is to see the Land and prepare for his death. The Midrash asks, why are these two in proximity? The answer is: "when the land was divided, the daughters of Zelophehad came to take their portion and Moses avoids their case"! God responds: "Moses, you may run away from their case, but

you will not be able to run away from me!" (**Song R. 1,3**) I understand this Midrash to sense that Moses purposefully avoids the decision, not because he did not know, but because he did not WANT to know. His taking the case to God, was an instance of passing the buck.

When we view the incident in this way we have another more profound lesson. When a Rabbi or other leader avoids the needs of the public that they serve, or even any part of the public, it is better that they prepare themselves to leave the job (in terms of this Midrash , 'to die¹). **TTT 210 M and HA**

Indeed, in the continuation of the passage in **Sanhedrin** mentioned above (**8a**) we find the following: "And I charged your judges at that time¹ (Deut. 1, 16); and again, ,I charged you at that time¹ (Deut. 1, 18). [Why does Moses charge, or warn, both the judges and the people?] R. Elazar, on the authority of R. Simlai, says: These passages are a warning to the Congregation to revere their judges, and to the judges to bear patiently with the Congregation. To what extent! R. Hanan, [some say R. Shabatai,] says: "As the nurse carries an infant." (Num. 11, 12)

True, there is an expectation of the public to follow their judges, but there is also an expectation that the judges be aware of the needs of the congregation, that they listen for any outcries of deprivation, or feelings of injustice. The verse quoted to explain this obligation of the judges and Rabbis brings forth the image of how a nurse pays attention to the needs and cries of an infant. It is a great responsibility, and there are great rewards for fulfilling it with mercy and the desire to serve.

***Num. 27, 20**

Invest him with some of your authority

In parashat Pinhas Moses is commanded to pass his leadership on to Joshua: "place on him your leadership charisma..." (ve-natata me-hodekha alav) Num. 27, 20. In the JPS Torah this is translated as, "Invest him with some of your authority....", assuming that the Hebrew "me-", means "some of". They also translate "hodekha" as "your authority". But, this expression is a source of debate in midrashic literature. "Me-" could mean simply "of", and the word "hod" seems to me to denote the charisma of leadership, although it is also connected with authority in this passage.

But, in any case the question could be asked, how does one transfer charisma? How is leadership authority invested from a gigantic figure like Moses to Joshua? A source for the JPS translation is found in the Talmud (**BB 75a**) where the interpretation is precisely "me-hodekha", some of your leadership, "ve-lo kol hodekha", but not "all" of it. This passage goes on to reveal to us that the establishment leaders ("zekenim") of that generation had a saying: "Moses countenance is like the sun, Joshua's countenance is like the moon". From this saying it is clear that there was a clear cut perception among the "pillars of society", that Joshua had only "some of" Moses' leadership qualities.

But, this passage continues: "woe is this disgrace, woe is this calumny". Rashi explains: "Respect for leaders was diminished in such a short period of time, for

Joshua was a prophet and a king like Moses, but was not able to reach the same level of respect". The Talmud's sigh is meant for the "zekenim" who were disrespectful to the new leader, they couldn't carry over the necessary attitude of respect. Perhaps they were yearning for the "good old days", saying: "whatever happened to leaders like....?" For this midrash the transfer of leadership did NOT work. The tendency is to compare the leaders, and the "zekenim" have their own memories and sense of importance, and these are factors in their assessment.

Another Midrash (**Num. R. 15:25**), however, relates a parable of a king who hired a forester to take care of his orchard. After a while the forester complains that he cannot do it all alone, and that he needs helpers. The king tells him that he can have the helpers, but the forester must pay for them out of his salary! (A good ploy to control bureaucracy?) So, when Moses asks for help in leading the nation, God tells him that he can choose 70 elders, but God will not send a new dose of "spiritual qualities of leadership" ("ruakh"), but they will get theirs from that given to Moses himself "part of the spirit which I gave to you, I will place on them..." (Num. 11, 17). Unlike the forester, however, the Midrash reports that "Despite this Moses was not lacking in any of his qualities". One of the special characteristics of spirituality, is that unlike material goods, it can be shared with others, and the one who shares does not lose anything!! **TTT 210 T and P**

According to this Midrash, when it comes to spiritual qualities, a part is as good as a whole. Joshua was a "prophet and king" just as Moses was. Since Moses realized that he was not "losing" anything by passing leadership to Joshua, so it was possible for him to "place on him your leadership charisma..." (ve-natata me-hodekha alav). For this Midrash the transfer of leadership DID work. It worked for the people (maybe not the "zekenim"), because they could recognize the spiritual qualities of different individuals. They were not totally locked into what had been, and they accepted the equality of potential that is inherent in every human being. Indeed, this Midrash continues by having God say, that in this world only certain individuals were prophets, but in the future, everyone could be a prophet, as it is written: "I will pour out My spirit on all flesh; Your sons and daughters shall prophesy;....I will even pour out My spirit upon male and female slaves in those days." (Joel 3, 1-2)

***Num. 29, 35**

on the eighth day you shall hold a solemn gathering ("atzeret tiyeh lakhem")...

The end of parashat Pinhas lists the sacrifices for Shabbat and all of the holidays. We read these verses not only on this Shabbat, but each section is read on the holiday. One of the most interesting parts of this listing is the sequence regarding Sukkot, where each day a decreasing number of Bullocks are sacrificed, and "on the eighth day you shall hold a solemn gathering ("atzeret tiyeh lakhem")..." (Num. 29:35). This is the JPS translation with a footnote that the precise meaning of the Hebrew "atzeret" is uncertain.

This holiday, known in our tradition as Shemini Atzeret, is a conundrum of sorts. First of all, its purpose is not clear, and secondly, as JPS rightly points out, the meaning of its name is uncertain. As to the purpose, I am partial to the explanation in the Talmud Bavli, namely that Sukkot is a holiday in which all nations worship God, and God grants them all atonement. But, after this week in which every nation has

come to the Temple, God adds a day for the people Israel (**Sukkah 55b**). After all the guests have gone home, there is need for a small family gathering. Still we are left with the question what does "atzeret" mean?

Rashi, summarizing Midrashic sources, gives three possibilities. One is that it means "stopped from doing labor". According to this view, the word reflects the familiar Hebrew usage for "atzar", namely, "stop". Anyone familiar with Israeli roads know the "Atzor" sign, i.e. the stop sign. Thus, it merely is a way of saying that this day is a separate holiday, a day in which labor is not permitted. We know that in Jewish tradition, Shemini Atzeret is indeed a separate holiday, not part of Sukkot. Sukkot has only one holiday, the first day, and ends with a semi-holiday, not a "yom-tov". For example, if a person is buried before the first day of Sukkot, the shivah is annulled, i.e. 7 days, the holiday of Sukkot counts as another seven days, and Shemini Atzeret counts as another seven days, as if it was a full holiday, leaving the mourner only 9 more days of sheloshim after Shemini Atzeret. (cf. **Rambam, hilchot Evel, 10:4**) (A trick question: how many "festivals" are there? We usually say three, Pesah, Shavuot and Sukkot, but according to this tradition there are four! That is, four "festivals" which count as 7 days of mourning in the sheloshim count.)

Rashi's second explanation is also related to "stopping", but it means that those who came for Sukkot are forbidden to leave Jerusalem. Thus, they had to stay over for Shemini Atzeret. In that usage, the word implies "lodging", and the holiday would be translated "the eighth day, a day of lodging".

Then Rashi explains that the aggadic or Midrashic explanation is the one which I quoted above from the Talmud, that is, a day of a minor, "down-home" festival sacrifice. But, perhaps the Talmudic explanation is not such an aggadic Midrash as Rashi thinks. When the angel of the Lord comes to Manoah, he says to him "Stay with us ("naatzrah na") and we will honor you with a kid-goat". The angel replies: "if you do make me stay ("teatzreinee"), I will not eat with you..." (Judges 13, 15-16) What is this interplay all about? Let me suggest that the word "atzar" can mean, a "small sacrificial meal at home", a kind of "potluck family sacrificial meal". Manoah offers to prepare such a meal to honor the bringer of good tidings, and the angel says that it is not necessary. Perhaps what was thought to be Midrash is really the Peshat!? **TTT 210 L**

Finally, our verse appears as an important proof-text in the debate over the nature of rejoicing on Yom Tov, and Shabbat, which appears in the Talmud, **Pesachim 68b**. The debate is between two great Tannaim, R. Eliezer and R. Yehoshua. R. Eliezer thinks that Yom Tov demands a choice, either one dedicates it to "physical rejoicing", i.e. eating and drinking, or one dedicates it to "spiritual rejoicing", i.e. study of Torah. Perhaps, he implies that there are different types of Jews, and each one celebrates the holiday in one of these ways. There is no evidence in this passage that one of these ways is "better" or preferable to the other way. But, he is implying that one cannot mix these two ways together. There will be Jews who will spend all of Shabbat studying, and others on earthly pleasures, but they should not mix.

R. Yehoshua, on the other hand, specifies that one must divide the day up among the two. "Half devote to eating and drinking, and half to the Bet Midrash". R. Yehoshua thinks that the nature of holy time demands both aspects, the physical and the

spiritual. There should be no sharp bifurcation between them. R. Yohanan, the Israel amora, says that R. Yehoshua's view is based upon two verses: "'atzeret' to the Lord your God" (Deut. 16, 8), showing that the holiday is devoted to God, i.e. study; and our verse "atzeret tiyeh lakhem", "'atzeret' for yourselves" (Num. 29, 35), that is, earthly pleasures. The section continues that everyone agrees that Shabbat must be divided as well, for we learn from Isa. "you shall call Shabbat a pleasure ("oneg")" (58, 13) The "pleasure" "oneg" of Shabbat and holidays is not monolithic, it can and should express both the physical and spiritual sides of "pleasure".

***Num. 29, 39**

All these you shall offer to the LORD at the stated times, in addition to your votive and freewill offerings, be they burnt offerings, meal offerings, libations, or offerings of well-being.

Every Jew who attends synagogue regularly is very familiar with the last part of parashat Pinhas. It is the list of sacrifices which are to be brought on each holiday of the year. Indeed, this portion is engrained in our celebratory life in a special way. Part of it is even included in the famous 13 questions about Jewish ritual:

Question: What single verse (i.e. the same verse, not different verses with the same words) is read publicly from the Torah most often?

Answer: Numbers 28, 3ff. read twice every Rosh Chodesh in addition to its normal reading during the weekly Parsha. (Thanks to Rabbi Sandy Press for this one.)

After this famous listing, the Torah sums up: "All these you shall offer to the LORD at the stated times, in addition to your votive and freewill offerings, be they burnt offerings, meal offerings, libations, or offerings of well-being." (Num. 29, 39) This seems to be a perfect summing up of the whole matter, and it would seem like the perfect place to end the parasha. Indeed, the numerical division of the Torah ends chapter 29 here. Yet, the parasha division of our traditional Humash does NOT end here, but with the next verse: "So Moses spoke to the Israelites just as the Lord had commanded Moses." (Num. 30, 1) So, does Num. 30, 1 really belong with chapter 29, or not?

The continuation of Chapter 30, that is, the beginning of next week's parasha is: "Moses spoke to the heads of the Israelite tribes, saying: This is what the LORD has commanded. If a man makes a vow to the LORD..." (Num. 30, 2-3) What follows is the section of laws about vows. When seen in this context, Num. 30, 1 is a very problematic verse. Where does it fit best, as a tacked on termination of the sacrifice laws, or as a superfluous opening of the laws of vows?! It is clear that our tradition preferred the former reading, and the tradition of the numerical division of the chapters preferred the latter reading.

Ramban compares this listing to the great list of holidays in Lev. 23. There the list begins with "The LORD spoke to Moses, saying: Speak to the Israelite people and say to them..." (Lev. 23, 1), and the list ends with: "So Moses declared to the Israelites the set times of the LORD." (Lev. 23, 44) So, both lists of holidays begin with an announcement that this is what God told Moses to say, and end with an announcement that this is what Moses said. Ramban points out that our verse doesn't specifically refer to the holidays, as does the verse in Lev., so one might think

that it did not belong attached to our list. But, he explains, that is because other matters are also mentioned here.

Ramban points to an old tradition of the school of R. Ishmael, that this verse comes to end the holiday section, and to purposefully divide between that section and the section on vows. He explains that the difficulty is this: why should the Torah have to specifically tell us that Moses tells Israel just what God commands him to tell them!? Is this not obvious?! Are we to suspect even for a moment that Moses would NOT tell Israel what God asked him to say? Thus, there must be a special reason that the Torah emphasizes this point.

Ramban makes it clear that this literary framework emphasizes that the laws and rules of the holidays are for ALL of Israel, and not just for the priests. It is even more important to emphasize this in the section of the offerings, where one might think that the whole section is only for the priests. Indeed, the final verse makes it clear that God intends for ALL of Israel to be responsible for maintaining public worship on the holidays.

I understand Ramban's explanation this way: This responsibility of *kelal yisrael* must be stressed because these commands are only going to be implemented after the people have settled in the land of Israel. Once they have settled in the land, and an organized priesthood has become a "religious establishment", there is a danger that the public will think that their responsibility to keep up the holiday worship has ended. So, Moses has to clearly mark off each set of rules and customs in order to warn Israel that this is a collective responsibility for all times. They cannot shirk it, NOR should they rely ONLY on the priests. **TTT 210 T and HA**

Indeed, it is precisely necessary to separate this section from the vows section, a la R. Ishmael, since that section is specifically meant for "the heads of the Israelite tribes". If our verse did not come between them, one might mistakenly infer that the holiday rules are also only for the heads. So, this strange verse, suspended between two sections, is necessary to drive home the point that the celebration of Shabbat, New Moon and Festivals is the business and responsibility of all of Israel, for ever and ever.

***Num. 30, 1**

So Moses spoke to the Israelites just as the Lord had commanded Moses.

The last verse of parashat Pinhas is particularly problematic. The verse is: "So Moses spoke to the Israelites just as the Lord had commanded Moses". What is so problematic about that, you say? It looks like one of those "throw-away" verses that we read over and over until our eye just glances over them without noticing.

Well, what is so problematic is the placement of this verse. The verse before it seems to be a summary of the statutory public sacrifices for each holiday, and the verse after it has Moses speaking to the heads of the Israelite tribes about vows. The problem is: is our verse, the general verse about Moses telling Israel about God's commands, ending the previous section about the holiday sacrifices, or is it opening the next section about vows? The Massora and Babylonian division of Parashot prefers the first view, making it an open line in the Torah scroll and the last verse of

parashat Pinhas. The division of the Torah into chapters and verses prefers the second view, making it the first verse of Chapter 30 which continues with the rules of vows.

One Midrash questions why there is a need to tell us at all that Moses told all of the rules of holiday sacrifices to Israel? Since the section begins with the words: "Command the Israelite people and say to them..." (Num. 28, 2), is it not clear that Moses has told them of the sacrifices? What is our verse adding? (**Sifrei zuta 9, 5**) This Midrash wonders if this extra verse is hinting that the Israelites did not actually offer public festival sacrifices in the desert. That is, Moses spoke to them as God had commanded him, but they did not do it! As the old Yiddish joke has it: "er hat gesagt". Furthermore, this Midrash cites Amos who asks rhetorically: "Did you offer sacrifice ... to Me those forty years in the wilderness?" (Amos 5, 25). The answer of this Midrash is that in the desert only individual sacrifices were offered, not public ones. However, the Levites offered the public sacrifices in the desert, and this was accounted to the merit of all of Israel.

Now, this is an interesting construct out of evidence from the prophets that throws doubt on the existence of public sacrifice during the 40 years in the desert. Even stronger prophetic witness to this doubt is Jer. 7, 22: "For when I freed your fathers from the land of Egypt, I did not speak with them or command them concerning burnt offerings or sacrifice." Indeed, one tradition relates to the verse: "the children of Israel did the Passover sacrifice at its appointed time" (Num. 9, 2) as meaning THIS first Passover sacrifice was performed, but no other was performed in the desert at all! (cf. **Rashi on Amos 5, 25**) **TTT 210 T and HA**

So, what is the meaning of our verse and of its placement? **Ramban** enters into a lengthy discussion of these issues. He quotes R. Ishmael to the effect that this verse is the end of the festival sacrifice section. The "hiddush" in our verse is that the commands are meant "for all of Israel", and not just to the priests and Levites. The sensitivity of the Midrash which understood, as Ramban spells out, that these rules were NOT meant for the desert, but for living in the land, leads it to conclude that the Levites did carry on these traditions, but it was not the responsibility of all of Israel.

There is a powerful lesson here. The difficult conditions of exile in the desert place extra responsibility on the heads of leaders. To maintain existence and loyalty to Torah under those conditions may not be possible for all of the nation; so the leadership must conscientiously make sure that the customs are kept up. But, once the nation has achieved independence under its own rule, the whole nation, every individual, becomes as responsible as the leadership to keep the rules and customs alive and well.

***Num. 30, 1 - 3**

1So Moses spoke to the Israelites just as the Lord had commanded Moses. 2Moses spoke to the heads of the Israelite tribes, saying: This is what the LORD has commanded: 3If a man makes a vow to the LORD or takes an oath imposing an obligation on himself, he shall not break his pledge; he must carry out all that has crossed his lips.

The end of parashat Pinhas is the listing of public sacrifices to be offered to God, according to the holy times of the Jewish calendar year. God tells Moses to tell all Israel about these services of public worship. (Num. 28, 1-2) The beginning of parashat Mattot, which follows the end of the list of sacrifices, presents an interesting hermenutical problem. Numbers 30 begins thus: "1So Moses spoke to the Israelites just as the Lord had commanded Moses. 2Moses spoke to the heads of the Israelite tribes, saying: This is what the LORD has commanded: 3If a man makes a vow to the LORD or takes an oath imposing an obligation on himself, he shall not break his pledge; he must carry out all that has crossed his lips." I have indicated the verse division to illustrate the problem with verse 1. Is that the end of the list of sacrifices, or is it the beginning of Mattot?

Parashat Mattot DOES begin with verse 2. But, look at the problems with that division: A) Is there a difference between speaking to "the Israelites" (verse 1) and speaking to "the heads of the Israelite tribes" (verse 2)? B) If there is NO difference, what is the connection to the sacrificial list? [One could say that since the sacrificial list ends by mentioning "nidreichem", your vows, that the Torah goes on to spell out some rules about vows. In that case, this is NOT a NEW parasha!] C) If there IS a difference, what is the point of specifying that the rules about vows are spoken to the "heads of the tribes", rather than to all Israel, as are the rules about sacrifices?

The way in which tradition dealt with these problems yields fascinating insight into the essence of Oral Torah and Halakha and the role of Rabbis in that process. R. Ishmael accepts that vs. 1 of chap. 30 is clearly to end the list of sacrifices, that is, the whole matter of festive sacrifices is framed by two verses which make it clear that this matter is directly from God to Moses to ALL Israel (Num. 28, 2; Num. 30, 1, cf. **Sifrei Bamidbar 152**). This same idea is found in a statement of Ben Azzai, namely that 30, 1 refers to the sacrifices and NOT to vows (cf. **Sifra, Emor, 17:12; Ramban on Num. 30, 1** assumes that Ben Azzai and R. Yishmael are saying the same thing.) There is a clear cut implication that some halachot are revealed to ALL of Israel, and there are other halachot which are revealed ONLY to the leaders. **TTT 211 HA**

It seems to me that all of this interpretation is connected with the halachot concerning the annulling of vows. The Mishnah states specifically that "the [halachot of] annulment of vows "float in the air", and they have nothing [no Torah verse] on which they are based"! (**Mishnah Hagigah 1:8**) This astonishing statement shows that for this tanna the basic concept of annulling vows is not based on any biblical reference. Of course, the Talmud there (**Hag. 10a ff.**) does not accept this at face value. One amora after another gives their understanding of how to learn the rules of annulling vows from different verses in the Torah.

In both the Bavli and Yerushalmi of Nedarim there are interpretations of our verse in order to “prove” the Torah origins of annulling vows (cf. **Ned. 78a ff.**; **Yer. Ned. 37d, hal. 1 ff.**). The interpretations are based on the fact that the laws concerning vows are spoken only to the leaders and NOT to all Israel. In the Bavli, this fact is used to learn that even a single expert, rabbi or leader, can annul a vow, whereas in other laws, those revealed to ALL Israel a minimum of three is needed for any judicial procedure. That is, the “head of the tribe” is specified to show that a) one person can annul a vow, but b) that person must be a “head”, i.e. an expert.

As to the actual category of annulment which does not seem to be in the Torah, the final opinion as to where to find it, that is, the opinion which is accepted is that of Shmuel. Since our verse says, concerning a vow: “he shall not break his pledge” (“lo yahel devaro”); Shmuel interprets: “HE” shall not break his pledge, this implies that “ANOTHER” can break his pledge. (cf. **Yerushalmi et al**) **Ramban (on 30, 2)** states simply that perhaps these laws were revealed to the “heads of the tribes” only because it might be dangerous to reveal the notion of annulling vows to all of Israel. This might lead the people to take vowing lightly. The reflection of such an attitude is standard in all of later Rabbinic writings concerning vows.

What is fascinating for me is that DESPITE the clear statement in the Mishnah that the whole halachic category of vow annulment “floats in the air”, the amoraim did NOT accept this and strove to find reasonable explications of Torah verses in order to link the halakha to the Torah. In other words, the process of Midrash halakha continues. The sages felt a responsibility to make this halakha work and to ground it in interpretations of Torah verses. They also knew that they had to be experts in order to justify the radical innovations which they promulgated. **TTT 211 HA**

***Num. 30, 2 - 3**

Moses spoke to the heads of the Israelite tribes, saying: This is what the LORD has commanded: If a man makes a vow to the LORD or takes an oath imposing an obligation on himself, he shall not break his pledge; he must carry out all that has crossed his lips.

We are still troubled by why does Moses speak this command to the "heads of the tribes"? Is this not a mitzvah that should be addressed, as all the others are, to the whole nation?

In the Jerusalem Talmud we learn the reason for this law being addressed to the "heads" of the tribes. The **first Mishna of Nedarim chapter 3** begins with the words "the sages have permitted four types of vows". The Talmud comments on this: "did not the sages permit ALL of the vows?!". The proof that this is so is our verse. (**TJ Nedarim 37d**) The Yerushalmi understands that our verse is directed to the heads for a purpose, namely to teach us that they have the authority to permit vows. In other words, the fact that this mitzvah is addressed to those with authority is to tell us that they have the authority to override the basic purpose of the law. They can release a person from their vows. Thus, the Yerushalmi tells us, the Mishna's dictum that there are grounds for releasing a person from a vow, and that act is in the hands of the "heads", is grounded in our verse.

In the same passage, as is common, other suggestions are made as to the Biblical grounds for the practice of permitting vows, something which seems on the face of it

to be totally prohibited by the verses. Rav Yehuda in the name of Shmuel pins this authority on another phrase "he shall not break his pledge" ("lo yahel devaro" Num. 30, 3), he cannot break his pledge, but another person, namely an expert, can break it. Hanina the nephew of Rabbi Yehoshua ties it to "I have sworn and I will keep your rules" (Ps. 119, 106). This implies that some times a person will keep them, but other times he will not keep them. Finally, Rabbi Yehoshua ties it to the verse "Concerning them I swore in anger" (Ps. 95, 11), if I swore in anger I can recant my vow.

The last opinion is fascinating because this verse is said by God. We usually think that God must always keep his vow, but R. Yehoshua points to a verse which implies that even God needs remission of vows, if the vow is made out of anger. Of course, this is the overall approach of the Mishna, which allows remission of vows if there is some extenuating circumstance at the time the vow was made, some circumstance that proves that the vow was not made with calm objective thought as to the consequences of keeping the vow. **TTT 212 T and HA**

Indeed, one Midrash makes it clear that one can only vow under the circumstances implied in the verse from Jeremiah: "And swear, "As the LORD lives," In sincerity, justice, and righteousness..." (4, 2) A person should only swear to begin with if these conditions are present, otherwise it is disastrous to do so. (**Num. R. 22, 1**) As our Midrash puts it: "if all of these qualities are present you are permitted to make a vow, and if not you are not permitted to make a vow". Even if the oath is true, without justice and righteousness and sincerity, one is not allowed to swear. We are given as an example Yannai, the king under whose reign 2000 cities were destroyed over true oaths. These oaths were frivolous oaths about eating and drinking, and because of this licentiousness appealing to solemn oaths, Israel was plunged into destruction. Perhaps this reflects the period of war which was so costly because of the arrogance of Yannai.

There is a midrashic tradition that points to a connection between the laws of the holiday sacrifices and our verses. This is because in Numbers 29 the following phrase appears as part of the sacrificial order: "All these you shall offer to the LORD at the stated times, in addition to your votive and freewill offerings" (v. 39) The votive offerings are offerings in payment of a vow. R. Yaakov ben Hananel Sikili, author of *Torat ha-Minha*, interprets the midrashic connection in a most fascinating and provocative way. He assumes that the law which Moses states so emphatically about the absolute necessity to keep vows is necessary precisely because the people were NOT keeping their vows concerning votive sacrifices! People might have been careful about swearing by God's name, but a vow which did not involve God's name, but was "merely" an utterance of an individual about what he or she thought they would do was considered lightly. Moses is here rebuking the leaders for allowing such laxity. Sikili learns from the "pesak halakha" of Moses about caution in keeping vows that this ruling reflects a social situation in which people were not cautious about such matters. (**Torat Ha-Minha sermon 65, p. 571**) **TTT 212 HA**

***Num. 30, 6**

But if her father restrains ("henee") her on the day he finds out ("be-yom shamo"), none of her vows or self-imposed obligations shall stand; and the Lord will forgive her, since her father restrained her.

The rules concerning vows contain a clear differentiation made between men and women. If a man makes a vow, he must carry it out. Now, the same rule applies to a woman, but when a woman makes a vow, there are circumstances that may preclude her having to carry it out. If the woman is unmarried and living in her father's house: "But if her father restrains ("henee") her on the day he finds out ("be-yom shamo"), none of her vows or self-imposed obligations shall stand; and the Lord will forgive her, since her father restrained her." (Num. 30, 6) If she is married: "But if her husband restrains her on the day that he learns of it, he thereby annuls ("ve-hefer") her vow which was in force or the commitment to which she bound herself; and the Lord will forgive her." (Num. 30, 9) However: "If her husband offers no objection from that day to the next ("mi-yom el yom"), he has upheld all the vows or obligations she has assumed..." (Num. 30, 15)

Now, it seems quite clear that the males have veto power over women's vows. This section is often studied in our time out of the feminist challenge to patriarchal rules. Even though rabbinic halakhic midrash seems to qualify the males control, still these rulings cannot be "explained away". It is proper and right that those who hold egalitarian concerns dear criticize these texts, and I am among them. However, my concern this week with these rules is different. I want to propose, at least for this essay, that we study rabbinic interpretations of these rules in a general context, and not in the context of male female relationships. That is, suppose in place of her father, we read "a parent", and in place of a daughter, we read "a child". That is my starting point, relationships between parents and children. I will want to take this even further later on.

There are two issues in the text that will be my focus this week. One is the word "henee", which is translated in JPS as "restrained". Even the Sifrei on Numbers admits that we don't know what this word means. What exactly does restrain mean? Does he tie up the child so they cannot fulfill their vow? The translation leaves us puzzled just as the original Hebrew does. The second issue is the time factor. Is there a time limit on when one who wants to "restrain" a person who has made an unfortunate vow can do so? The use of the word "day", or "from that day to the next" implies that this is not an open ended thing.

The word "henee" appears both in regards to the father and to the husband. That is, it is a technical word specific to an action that relates to an unfortunate vow. The Sifrei on Numbers says: "I do not know what this "hanaah" is? But, since in the same verse "henee" appears with "hefer" [v. 9] as regards the husband, so I infer that this is also the meaning in the first case..." (**Sifrei Bamidbar 153**) The word "hefer" means "to invalidate" in the sense of "to break off". However, since the first instance does not use the word "hefer", I think that the force seems to be "to dissuade", that invalidation by dissuasion. Thus at this point we have two possibilities to explain the actions of someone who is appalled at another person's vow emanating from their mouth: to break it off, that is make it impossible for the person to do what they say they will do, and to dissuade them from doing it.

The great commentary of **Sekhel Tov** of R. Menahem ben Shlomo (c. 1139) analyses the verses of the Torah. An integral part of his analysis is the grammar of the Torah, and like many of his contemporaries he held that Hebrew had roots that were two letters, or even one letter. In his analysis of the laws of the Paschal sacrifice he writes

about the word "na". This word appears describing how one should NOT eat the Paschal sacrifice (Ex. 12, 9). It is usually translated as "raw".

But, R. Menahem is not happy with that rendering. He writes: "I have great respect for our Rabbis who expounded the Torah and its laws and rulings with such clarity, I am in awe of them always, and accept their comments on the midrashim of the mitzvot and rules and laws, however, when my heart stirs within me I cannot brake myself without honoring my Creator who has given me sense. So, I have said in my heart that the word "na" means to make idle ("le-vatel", that is to make idle in the sense of to nullify), as in the verse "But when her father makes her vow an idle one ("henee")" (**Num. 30, 6**)... And as in the verse: "why do you make the hearts of Israel idle ("taneun")" (**Num. 32, 7**)... and the root of these words is "na" whose main meaning is to make idle, and thus "do not eat of it na" (**Ex. 12, 9**) means, do not make this an idle eating..." This is a third possibility for our word. It means to nullify the other person's vow by making it into something that will be null and void, that is, to make it into an idle utterance. **TTT 212 H and L and HA**

Now the Mishnah states that there is a time limit to when such unfortunate vows may be annulled, broken off, or dissuaded. It is in the day when it comes to your attention. One cannot wait till tomorrow or another week. (cf. **Nedarim 76b, Mishnah and first sugya there**). True, there is a dispute over this, as is usual in the Talmud, but the dispute is whether the time limit is only the day time, or 24 hours. Still and all the principle is quite clear. One does not have unlimited time to react to a vow which might cause harm.

Let us return to my suggestion of looking at these laws in a generalized way not connected to gender. If I hear my child utter a vow that might cause them or someone else harm, I need to react. First, my reaction must be immediate. It cannot wait for a long time. The halakha in the Mishnah is that it must be in the 12 hour period when I hear it. Secondly, I have different possibilities of reacting. I may work to dissuade my child, or somehow call it off, or to somehow make it void, turn it into idle talk.

What if we enlarge the scope of these rules to see them as not only part of family relationships, where parents presumably have an educational role and even a disciplinary role, but as part of all human relationships. What if students at Columbine who heard the threats, or vows if you will, of those who wanted to commit murder, had acted immediately and in the ways suggested here to make that talk null and void? We all hear words that are harmful and meant to do harm, but most often we do not react at all. Perhaps there is a very broad moral lesson in this passage about how people who see themselves as responsible for others need to react when they are confronted by hostile or harmful words. **TTT 212 M**

***Num. 31, 2 - 3**

Avenge the Israelite people on the Midianites; then you shall be gathered to your kin." Let men be picked out from among you for a campaign, and let them fall upon Midian to wreak the Lord's vengeance on Midian.

One of the most disturbing stories in the Torah is found in parashat Mattot. God tells Moses: "Avenge the Israelite people on the Midianites; then you shall be gathered to

your kin.” (Num. 31, 2) The Midianites had been responsible for the sins of the nation at Baal Peor. (cf. Num. 25, esp. v. 16-18) In our parasha and in Num. 25, the punishment for the Midianites seems to be that Israel is to make war upon them. Moses reports God’s word to Israel thus: “Let men be picked out from among you for a campaign, and let them fall upon Midian to wreak the Lord’s vengeance on Midian.” (v. 3)

What is disturbing is the command to kill all of the Midianites. Even though the rule of Herem, the ban of destruction, is not specified against the Midianites, Moses is upset that the soldiers leave part of the population alive. How can we relate to a story of total revenge on a civilian population? Worse, how can we relate to this vengeance being attributed to God’s word? Further complicating this moral problem is the fact that Moses’ own wife is a Midianite, and his children are born of this woman. Is Moses commanding the murder of his own wife and children? This seems to be an impossible situation.

Despite these problems, one Midrashic tradition justifies and even praises Moses. This Midrash praises Moses for acting immediately on God’s commands, since, according to the wording of the verse, Moses can live until he has taken vengeance on the Midianites. By postponing this war, he could lengthen his life considerably. The fact that he does not is in praise of Moses. (**Num. R. 22, 2**) This Midrash glorifies Moses’ zeal in killing the Midianites.

This same Midrash notes the discrepancy between God’s description of the task to Moses: “Avenge the Israelite people on the Midianites”, and Moses’ description of the task to the people: “the Lord’s vengeance on Midian”. Moses has changed the people’s revenge to God’s revenge. This Midrash views Israel as God’s representatives. The nations are jealous of Israel because they have been given the Torah and commandments. They are really striking out against God, and as such Israel’s revenge is simply God’s revenge as well.

This Midrashic tradition does not seem to have a problem with the text. However, I met a prophet who did have a problem with it. **TTT 213 M and P and T and U and MI and ED**

I met the prophet Nahum on Sept. 13, 1966 near Columbia University in New York. Not Nahum ha-Elkoshi of the Bible, but Nahum Bloom, who prophesied to the Jews. Bloom wrote:

"The Jewish people, His chosen, has said of God that genocide -- the extermination of a people -- is sanctioned by Him. That it is proper when applied to an enemy of the Jewish people and that genocide is termed as being an act done in God's service. And God looks with favor on such action under these conditions. That God derives pleasure from it and shares in the division of the booty and spoil that is related to such slaughter...The reader will of course say...that no Jew would say such a thing of his God....the sad fact of the matter is that these statements are made and implied in the 31st chapter of Bamidabar (sic)...these statements are accepted to be truth. They are proclaimed to be the word of God...Since it is placed in every bible and proclaimed the Word of God. Proclaimed Holy Scripture. Thus it has been given power....God did not say this thing -- it is not true...Because this word was placed in

the Torah, in the Ark...to be worshipped. Because no voice spoke out against it -- so was the force of evil granted power -- by the Jewish people....Precisely what was said that Israel did to Midian. So was it done to Israel....Let it not be said that the Torah mocks God--by continuing its presence there. It is God who is holy and the Torah is not holier than God...God does not ask you to murder in cold blood as an act of service to God."

Nahum Bloom thought that the Holocaust was visited on Israel because it had not repudiated this part of the Torah as a man-made fabrication, something God could never have said. He particularly raises the question of Moses' wife and children, and says that this is a proof that the tale is not really from God. Bloom's argument is clearly a problematic understanding of history, but one thing cannot be ignored in his words -- the notion that holy words have power, power to influence how men act, power to mold basic ways of thinking and acting in society. Some of those holy words which have been sanctified by tradition may turn out to be unholy. Bloom suggests that because of their power, the mistakenly sanctified words must be repudiated by being placed in archives, by being changed totally, or even by removal.

There is another Midrashic tradition which seems to be going in the same direction as Nahum Bloom. This Midrash imparts purifying powers to Tzipporah, Moses' Midianite wife. It sees her as the one who defies the oath that Moses took to her father, namely, that their first born son would be dedicated to idolatry. In this Midrash, Moses agrees! Tzipporah does not agree, and she is the one who circumcises the son. In this Midrash, Jethro is also seen in a positive light, as one who helped Moses, and thus helped Israel. Therefore, his people are rewarded in the days of Saul. (cf. I Sam. 15, 6). This Midrash seems to be saying, there are bad Midianites, who may deserve to die, but there are good Midianites who do not. (**Yalkut Shimoni shemot 169**, for the basis of this working cf. **Mekhilta derabbi Ishmael, Yitro, Amalek 1**)

This tradition seems at least to question the Torah story, and raises the possibility that the good Midianites, including Tzipporah, were not at all included in the general order of chapter 31. Still, the questions raised by Nahum Bloom continue to haunt me. Jews have to disavow the idea of genocide and make it clear that it is NOT part of God's will. Another Midrash makes Moses the architect of peace, and is almost the opposite of the first Midrash cited above. (cf. **Deut. R. 5, 13**)

I do not like the notion that war is value-neutral, thus God can command it and that would make it all right. I can't think of how anything whose purpose is to kill can be value neutral. An axe can kill, but it was not designed for that purpose, unless you take the point of view of Kubrik's "2001", that tools are the result of the need for aggression. Aggression and the desire to kill are indeed part of nature, but as God tells Cain, hey, man you have to control it!!

Aggression and yetzer ha-ra can be used for good purposes, as we know, and the struggle is to use those forces ONLY for those purposes and not for murder. Now, in the Torah, war as a tool of power to subdue evil or chaos (according to Jon Levenson the same thing) is God's tool. The best that we can do is "justify" war, but that is not the same as saying it is value-neutral. Indeed, that is saying that it is value-negative,

however there are circumstances where it is justified, e. g. self defense. The problem with the war against Midian, and the Herem in general, is that the justifications do not seem to hold up!

Perhaps my navi friend, Nahum Bloom is right, and Chapter 31 is from an anti-Moses clique of Israelites. Perhaps the point of the story is that Moses interpretation of what God says is wrong! We have seen that before, e.g. in transmitting God's message to Pharaoh. To me the story of the Midianites is there to emphasize just this difficulty: the difficulty of understanding God's message and the even greater difficulty in understanding what our understanding of God's message implies for action. Caution and ethical reasoning need to be applied to help us deal with the difficulty. **TTT 213 M**

***Num. 31, 11 – 12, 26 – 27**

¹¹They gathered all the spoil and all the booty, man and beast, ¹²and they brought the captives, the booty, and the spoil to Moses, Eleazar the priest, and the whole Israelite community, at the camp in the steppes of Moab, at the Jordan near Jericho.... ²⁶"You and Eleazar the priest and the family heads of the community take an inventory of the booty that was captured, man and beast, ²⁷and divide the booty equally between the combatants who engaged in the campaign and the rest of the community.

Moses is commanded to revenge God on the Midianites who tried to seduce Israel away from God. Moses chooses soldiers from each tribe, to fight and destroy Midian. The soldiers succeed, and in the process bring a large booty and spoils of war to Moses and Eleazar the priest (Num. 31, 11-12) Later on, Moses commands them to divide the booty into two equal parts, and divide it between the soldiers who fought the war ("tofsei milhama"), and between all the others (Num. 31, 27). Each group also has to give part of its booty to the Levites, who stayed around the Mishkan.

Why should those who stayed in the camp get an equal share of the whole as the soldiers who actually fought the war? **R. Bahaya** suggests that in truth the soldiers did keep more of the booty for themselves, since the contribution to the Levites was much less for them (one part in 500), than for the others (one part in 50). This is a common way of making a distinction between those who serve the nation and those who don't. In Israel, there is a common custom that someone who is serving in the army has tax benefits, or extra payments over someone who does not. Seforno suggests that reason that each group got its part, was that the war was fought because what the Midianites did was intended as an attack on all Israel. This approach says that if the whole nation is in danger, than they all equally share in the spoils of the victory. Still, those who participated seem to deserve more.

A Midrash in the Sifrei Ba-Midbar (157) relates the ability to keep the booty to the fact that all of it was brought to Moses, and no one took anything privately for themselves, as in Jericho for example (cf. Joshua 7, 1). This approach is similar to the rules in the IDF, which prohibit taking any booty personally, and specify that it all must be turned over to the authorities. The Israeli army has had this battle on its hands in every war, trying to prevent individual soldiers from taking spoils. There is a sense of it not being in the category of "theft" if all booty is turned over to the authorities. Still, this seems to be only the beginning of the story, for in the parasha the booty is divided up among individuals in the end.

In any case, I find these passages most disturbing. Especially problematic for me are the verses which count up the spoils, beasts, men and women, and spell out how many human beings were divided up between the groups. Yes, the Torah is reporting a time of history when there were slaves, and captives in war. Yes, there is some protection and sensitivity to slaves and captives in the Torah. Yes, we can say that the exact count was in order to prevent individual abuses. Still, in our day and age, and in the face of the atrocities perpetrated against our own people, it causes me discomfort to have to read these passages in the Torah. Perhaps we should read them silently, like the Tochechot. Perhaps you should preach on something else, or perhaps davka on this, to show that part of religious sensitivity today is to be able to read and discuss our sources and at the same time to protest their basic faults. TTT
213 M

***Num. 31, 32**

The amount of booty, other than the spoil ("yeter ha-baz") that the troops had plundered, came to 675,000 sheep...

As part of the division of booty we read: "The amount of booty, other than the spoil ("yeter ha-baz") that the troops had plundered, came to 675,000 sheep..." (Num. 31, 32). There are contradictory rules about the permissibility of taking booty in the Bible. In some places all booty is dedicated to God, and none of it may be taken by any person (cf. Josh. 7). However, in this verse not only is it permitted to take booty, but there are instructions on how to divide it. In addition, another category, "spoil", in Hebrew "baz", is introduced. Just what is the distinction between booty and "baz" (or in other places "bizah")?

The commentaries distinguish between booty, which are major goods such as livestock, and "bizah" which are small personal goods and food. (cf. **Rashi there**) These items are not counted as part of the booty which is to be divided. Indeed, some commentators say that "bizah" is only food (cf. **Ibn Ezra there**). So, according to our verse soldiers are allowed to eat food that they find and, according to some, even take small items that they loot. Why is this so? How can we think of personally taking items from another person, even in the act of war? If booty is NOT to be taken by individuals, and is to be either dedicated to God, or distributed by the community, on what basis can an individual soldier be allowed to just take something that happens to be lying in his path?

The Mishnah states that if someone saves an item from robbers or from soldiers, it belongs to them if the owners have abandoned hope ("yeush") of getting those items back (**BK 10:2**). This is the same rationale for allowing a person to keep a found item, after trying to return it. Thus, we might reason that underlying our verse is an assumption that the owner of a personal item gives up hope of ever recovering the item if it disappears in war. We might want to apply that reasoning and allow the soldier to claim possession of what is taken. However, in the Talmud's discussion of this Mishnah, there is a view that one must always return such an item. There is also a dispute as to whether the Mishnah's ruling is applied to non-Jewish robbers or soldiers, or to Jewish ones. In any case, it is not crystal clear that a soldier has the right to "bizah".

In a fascinating Responsa of R. Shimon b. Tzemah Duran (d. 1444), he deals with this issue (**Tashbetz, halek 4, tur 3, hut ha-meshulash 24**). A certain city was captured, in war, by Christians. Some Jews subsequently bought Jewish books, e.g. hilchot ha-Rif, from the soldiers. The owners demanded that their books be returned to them, but, the one who bought them claimed that they were his since they had properly belonged to the captors according to our verse and the Mishnah etc.

Ha-Rashbetz traces the sources mentioned above and shows that a good case can be made for the view that a soldier acquires possession immediately, because of the “fact of war”, and may not even need proof of the owners abandonment of hope of recovery. That is, the very fact that a person’s possession disappeared in the course of war constitutes more than prima facie abandonment; war is strong enough to transfer possession by someone’s merely taking the object. However, R. Shimon questions whether Jewish books are in the same category as any other private possession. He shows that books are different, for “one never abandons hope of getting his book back”. This certainly sounds familiar to any one of us who has loaned a book to a friend, and then lost track of it! In the end, ha-Rashbetz decides that books must be returned, and any other items should also be redeemed and returned.

Now we all remember that in the Book of Esther, even though by the king’s decree the Jews are allowed to take booty, the text specifically tells us that they did NOT (“uva-bizah lo shalhu et yadam” Esth. 9, 10 ff.). Although the commentators there relate this to a desire to placate the king (cf. **Ibn Ezra there**), perhaps this example becomes a new standard of conduct in war, namely that soldiers are forbidden to take personal items or even food during the conduct of the war. Indeed, those are precisely the rules of the Matkal (general staff) of the Israel Defense Forces. The IDF commands forbid a soldier from eating fruit from orchards or from looting personal possessions.

The heading of these rules is the verse from Deut. 23, 10-13 which includes the phrase “may your encampment be holy”. The widest interpretation of that phrase is that all soldiers should behave, even in the conduct of war, to the highest ethical standards (cf. e.g. **Lev. R. 24,7**). The IDF use of this phrase implies that the behavior of the Jews fighting their enemies in the time of Esther was because of an ethical sense of respect for the personal property of others, and a desire to refrain from acting in a manner which even resembled theft. That is, keeping the camp holy. The use of this idea and its application in the modern Jewish army illustrates the grandeur of Torah throughout history.

***Num. 33, 1**

these are the journeys of the children of Israel...

My comments this week travel backwards to Abraham, for the Midrash makes a connection between him and his descendants, the people of Israel. Indeed, the Midrash states: "R. Pinhas in the name of R. Hoshayah said....you find that everything written about our ancestor Abraham, was also written about his descendants..." (**Gen. R. (Albeck) 40:16**) This Midrash proceeds to show verbs and expressions which appear in the Torah about Abraham which also appear about Israel. The final comparison is: "about Abraham it is said: "Pharaoh commanded people that he be sent away ...(Gen. 12, 20), and about Israel it is said: "Egypt forced the people to be sent away..." (Ex. 12, 33); about Abraham it is said: "he went on his journeys ("massa'av")" (Gen. 13, 3), and about Israel it is said: "these are the journeys of the children of Israel..." (Num. 33, 1).

What struck me as interesting was the contrast between "shalakh" "sent away", and "masa" journey. Both involve traveling and a journey. Yet, the difference is essential. One is a journey of rejection, being sent away because the party they were with did not want them there anymore. The second is a journey of hope, one which is meant to afford self fulfillment. Abraham was rejected by Pharaoh, and his journey through the Land of Israel was an affirmation of God's promise, of the Divine potential which he could aspire in his own land. Israel was sent away from Egypt, and their journeys in the desert were also meant to affirm the same potential. The first type of journey is one of bitterness; the second is one which is intended to lead to empowerment.

I have mentioned before the tendency of many Jews today to dwell on the Holocaust as a means of Jewish identity. However, we must remember, that is not the only memory we should have, nor even the most central memory that we should have. We have to stress the "masa", the journey of empowerment, that the Jews took. We should stress that that journey was undertaken, in spite of the destruction and oppression of the first one!! It is a triumph of spirit and belief that enabled Abraham and Israel to embark on a "masa" after having been expelled ("shelakh"). The legacy of that triumph is the taste that should remain in our mouths. **TTT 213 B and ED**

***Num. 35, 6 - 8**

"The towns that you assign to the Levites shall comprise the six cities of refuge that you are to designate for a manslayer to flee to, to which you shall add forty-two towns. Thus the total of the towns that you assign to the Levites shall be forty-eight towns, with their pasture. In assigning towns from the holdings of the Israelites, take more from the larger groups and less from the smaller, so that each assigns towns to the Levites in proportion to the share it receives."

The last parashot of Numbers deal rather extensively with the settling of Israel in the land. It talks about borders, areas to be settled, and how the Levites are to be accommodated. The Levites are to be given 42 cities, in addition to the 6 cities of refuge that they are responsible to administer. "The towns that you assign to the Levites shall comprise the six cities of refuge that you are to designate for a manslayer to flee to, to which you shall add forty-two towns. Thus the total of the

towns that you assign to the Levites shall be forty-eight towns, with their pasture. In assigning towns from the holdings of the Israelites, take more from the larger groups and less from the smaller, so that each assigns towns to the Levites in proportion to the share it receives." (Num. 35, 6-8)

The Levites are in charge of the cities of refuge, and six cities are set aside for that purpose in the Torah. Three are in the area east of the Jordan and three in the west. In addition, the Levites are to reside throughout all of the lands of the tribes, and the fair thing is to give them towns in proportion to the size of the tribe. At first glance this seems quite simple. Yet, upon further examination, our tradition finds this scheme to be rife with problems. I will confine my remarks to the problems associated with the cities of refuge only.

The first problem is that there seems to be an unusual imbalance of numbers. Why are three cities assigned to one side of the Jordan where only 2 and a half tribes reside, while the same number is meant to serve all of the 9 and a half tribes! The answer, given by Abbaye, is that the region of Gilead is rife with murderers! That is, the Torah prescribes cities not on a theory that there will be a more or less equal distribution of murders, but on the fact that some areas have more murders than others. (**Makkot 9b-10a**)

Abbaye bases his understanding on the verse from Hosea which describes Gilead as an area of blood soaked evildoers, who track down people to kill them (6, 8). This question is exacerbated when the Talmud examines where these cities are located. There seems to be too great a distance between them on one end of the country as opposed to the middle of the country. Abbaye further explains that Shechem is also rife with murder, and he quotes the following verse of Hosea (v. 9): "The gang of priests is Like the ambushade of bandits Who murder on the road to Shechem, For they have encouraged depravity." R. Elazar explains that just as the priests band together to take their offerings from the threshing floor, so the men of Shechem banded together to murder.

Now, up to this point all seems to be clarified. We know why the imbalance in number, and why the imbalance of distance. Both arise because there are certain areas where the crime rate, particularly the murder rate, is much higher than in other areas.

But, wait a minute, you might say. The point of the cities of refuge is to spare one who murders without intent, one who kills not by direct action. The classic case given in the Torah shows that the action accidentally resulted in death. "Now this is the case of the manslayer who may flee there and live: one who has killed another unwittingly, without having been his enemy in the past. For instance, a man goes with his neighbor into a grove to cut wood; as his hand swings the ax to cut down a tree, the ax-head flies off the handle and strikes the other so that he dies. That man shall flee to one of these cities and live. Otherwise, when the distance is great, the blood-avenger, pursuing the manslayer in hot anger, may overtake him and kill him; yet he did not incur the death penalty, since he had never been the other's enemy." (Deut. 19, 4-6) So what difference does it make if a particular area has a very high murder rate, if we are talking about accidental murder we assume that the distribution will be even everywhere!

We must remember that the cities of refuge are meant to save the accidental manslayer from the “blood-avenger”. The city of refuge is a kind of free zone where the blood-avenger is not allowed to touch the one who killed his kin. Indeed, the Talmud describes the kind of activities prohibited in cities of refuge, such as selling weapons, and tells us that this is so: “so that the blood avenger may have no occasion to come visiting there”. (**Makkot 10a**) It seems to me that the assumption of the Talmud is that in areas of high crime, there will be more cases of people out to pursue blood vengeance. An atmosphere of murder will breed desire for more murder, and thus, the need for one who kills by accident to escape blood vengeance will be greater in those areas. The Talmud seems to imply that in areas where it is very easy to obtain arms, murder will be more on peoples’ minds. **TTT 214 M**

The Talmud has another question. Our verse specifies 6 cities of refuge, but then goes on to say, “to which you shall add forty-two towns”. So, any Levite town can be considered a city of refuge! In that case, they will be perfectly proportioned for an even distribution, and reflect the fact that accidental murder is a random occurrence. Still, the Babylonian Talmud makes a distinction between the 6 specified cities and the other 42. The six cities afford refuge with or without knowledge and consent of the town’s authorities, but the other 42 afford refuge only with knowledge and consent. (Rashi interprets it to mean with or without the manslayer’s knowledge.)

That is, the six primary cities, which are located in areas of high criminal activity, afford refuge without any “paper work” or bureaucracy, whereas the other cities require one to be accepted by the authorities. Furthermore, we learn that in the six cities specified for refuge the manslayer does not have to pay rent to the Levites, whereas in the other 42 cities, even if accepted for refuge, he must pay rent to the Levites. (**Makkot 13a; cf. Rambam Hilkhos Rotzeah ve-Shmirat ha-nefesh 8, 10;** note that in the Yerushalmi the Midrash which says that all the Levite cities can afford refuge does not exist, and there only 6 refuge cities exist. **TY Makkot 2, 31d, halakha 6, cf. Responsa of Radbaz, 6, bet alafim 138 and Ramban on Num. 35, 14**)

These distinctions lead to thoughts about the institution of cities of refuge. We tend to think of this as a step to prevent blood vengeance, to prevent people from taking the law into their own hands. It is usually explained as a means of preventing field justice, and allowing authorities, Levites and priests, to examine and determine if the killing was an accident or not.

But, there may be more to it than that. Killing is an absolutely forbidden activity. The Torah makes that clear over and over. In the law of cities of refuge the Torah is allowing very specific justification for certain actions that result in death. It specifies that if there is no previous enmity between the slayer and the slain (or that had not even known each other), that is, no motive exists for the killing to be considered premeditated, and if there is no evidence of stalking the slain by the slayer, and if the actual death is the result of something that can be seen as an unforeseen accident, then the one who has slain should not receive the usual punishment for murder, i. e. death. NOR, can we allow blood vengeance, for that would be to allow killing in a case where there is NO justification for it.

In such cases the manslayer goes to a city of refuge. But, a city of refuge is also a city of exile. It is not true that there is no punishment for the manslayer. Perhaps the

Torah's fixing of killing as an absolutely forbidden thing is so strong that even when all reason and sense of justice demands to release the person, there is no release. Even a sacrifice is not demanded, yet, some consequence must apply to the slayer for his actions. Perhaps the Talmud is thinking: what if there was something that provoked the slayer. Even if he had just now seen the slain, perhaps his appearance made him angry. Perhaps, the slain was dark, and the slayer hated dark people. Or, perhaps, the "accident" has some element of negligence involved. Does an axe head just fly off the handle? Is a person not obligated to check his axe before he swings it at a tree? In short, perhaps the Torah cannot abide the idea of a totally "free" killing, there can be no killing without consequence. [cf. p. 988 - 990 for an expansive treatment of this idea] The idea of exile, of leaving one's own place to a strange place, is inherent in the idea of killing, for killing is exile from the image of God in the other. **TTT 214**

***Num. 35, 10 - 12**

Speak to the Israelite people and say to them: When you cross the Jordan into the land of Canaan, you shall provide yourselves with places to serve you as cities of refuge to which a manslayer who has killed a person unintentionally may flee. The cities shall serve you as a refuge from the avenger, so that the manslayer may not die unless he has stood trial before the assembly.

According to the Torah, these cities are designated as places where a person who has killed another, and claims that it happened unwittingly, can flee in order to escape blood revenge and to have a fair trial to determine if the act was murder or manslaughter.

Our parasha gives a detailed set of rules which are intended to enable us to determine who killed accidentally, and thus should be exiled to a city of refuge; and who is guilty of murder and, thus, put to death. These rules have two different types of evidence to help us determine between murder and manslaughter. One is the circumstances of the actual killing. This includes such considerations as the instrument of killing, e. g. iron or fist, and the manner of killing, e. g. struck or pushed. The second type of evidence has to do with the killer's mental state, specifically the killer's relationship to the deceased, e. g. hatred or enmity or not.

The first set of distinctions could occupy our study for a long time. I want to concentrate on the second set, which seems, on the face of it, much harder to determine. One can presumably ask around about the facts regarding the circumstances of the death, but how does one determine love, indifference or hatred?

We receive help from the Mishnah dealing with eligibility of witnesses: "Further, a friend or an enemy [is ineligible]. By friend` one's groomsman is meant; by enemy`, any man who, by reason of enmity, has not spoken to one for three days, is understood. To this the rabbis replied: Israelites, as a rule, are not to be suspected on such grounds." (**Sanh. 3:6**) The Mishnah deals with those whose testimony is NOT acceptable. Relatives are the first category, but this Mishnah deals with "friends" and "enemies". **TTT 214 M**

The question of relationships is established by actions. Inviting someone to be a groomsman at a wedding establishes a presumption of "friendship", which is so close that testimony may be colored by it. Thus, such a "friend" cannot be a witness. Not speaking to a neighbor, out of enmity, for three days creates a presumption of "enemy". The Rabbis are loathe to accuse Jews of giving false evidence based on friendship or enmity. Not that they are less prone to the influence of personal relationship than others, but they are in awe of the responsibility and of the Divine command to speak the truth when giving evidence.

One verse in our parasha: ",though he had no enmity towards him and did not seek his harm ('lo oyev lo ve-lo mevakesh ra'ato')" (Num. 35, 23) is the basis for discussing this issue. The verse implies TWO aspects of being an enemy. One is having feelings of enmity towards another person; and the other is actively seeking to do him harm. To decide that a death was not a murder, BOTH FACTORS need to be present!

In the Talmudic discussion on witnesses (**Sanh. 29a**), we find that some Rabbis did NOT allow a friend or enemy to testify, as the Stam Mishnah states, because being an enemy causes "alienation of the mind" towards the other. Being a friend brings about the opposite "proximity of the mind". But, other Rabbis, those who close our Mishnah, felt that Jews could put aside their feelings of disaffection or of affection, and testify truthfully.

What they all agree upon is that one cannot act as a judge if one is an enemy or a friend. Those who feel that an enemy cannot testify learn this from our verse "he had no enmity towards him ('lo oyev lo)". They learn from the second clause "did not seek his harm ('ve-lo mevakesh ra'ato') that one cannot judge. Those who feel that an enemy can testify learned from the first clause, "he had no enmity towards him ('lo oyev lo)", that one cannot judge. From the second clause, "did not seek his harm ('ve-lo mevakesh ra'ato')", they learned another halakha altogether. Namely, that two rabbis who dislike each other cannot sit together on the same bet din!

Rambam codifies this law and says simply: "for this causes the law to be distorted, for the dislike between them causes each one to concentrate only on refuting his fellows words." (**hilcot Sanhedrin 23:7**) This reading reveals a profound lesson on the meaning of the concept of enmity. One does not have to be an overt "enemy" to act in a way which "seeks to harm" the other. When one finds that one is framing ones response ONLY in terms of refuting what the other says, that is a sign to question ones own frame of mind. **TTT 214 M**

Many times we find it hard to differentiate between the person and their opinions. If we are opposed to the opinion, this can lead to a feeling of enmity towards the person. This, in turn, leads one to totally overlook any real analysis of the opinion, and to think only of ways to contradict it. Instead of presenting our own opinion in a way which is intended to convince others of its soundness, one formulates it purely as a refutation of the other opinion. Thus, our own opinion is skewed by this syndrome. This way of presentation, reveals a dislike, to which we might not otherwise have been attuned.

***Num. 35, 25 - 28**

²⁵The assembly shall protect the manslayer from the blood-avenger, and the assembly shall restore him to the city of refuge to which he fled, and there he shall remain until the death of the high priest who was anointed with the sacred oil. ²⁶But if the manslayer ever goes outside the limits of the city of refuge to which he has fled,²⁷and the blood-avenger comes upon him outside the limits of his city of refuge, and the blood-avenger kills the manslayer, there is no bloodguilt on his account. ²⁸For he must remain inside his city of refuge until the death of the high priest; after the death of the high priest, the manslayer may return to his land holding.

Part of the preparation for crossing into the land of Israel and becoming a nation is the command to set aside "Cities of Refuge" ("arei miklat") for those who kill another person by accident. These rules, and the social setting of blood revenge, have been examined by many scholars. I would like to call attention to one detail in this construct, namely, that a person judged to have killed unintentionally and thus exiled to one of the "cities of refuge", is to return to their home town "after the death of the High Priest" (cf. Num. 35, 25, 28 ff.) Indeed this rule is repeated in the book of Joshua where the implementation of the "cities of refuge" is reported (20, 6).

What happens if a High Priest is the murderer who is to be exiled? The Mishna in **Sanhedrin (2:1)** assumes that the High Priest can be a judge and is to be judged ("dan ve-danin oto"). Although in **Chap. 1** the Mishna says that the High Priest is to be judged only by a full Sanhedrin of 71, still one might have thought that a High Priest has immunity from trial. The **Talmud on 2:1** assumes that it is obvious that a High Priest can be a judge! But, the Mishna has to specify that the High Priest is to be judged. But, the Gemara goes on to say, is that also not obvious? If one is immune from judgement, how can they themselves be a judge!?

In this simple statement the Talmud reveals a basic moral truth, that one who is beyond judgement cannot judge others. It does not matter if being immune from judgement is merely the way a person feels about themselves, or if it is a status conferred by some office. In our case, the High Priest, even though carrying the highest religious office, is not immune from judgement, and because of that fact can also act as judge. **TTT 214**

The sugya continues by quoting a proof-text, which is almost unintelligible, "hitkosheshu ve-koshu" (Zeph. 2, 1). This verse is supposed to show the above principle, but is in itself not clear. We are led to understand it only in terms of the remarks of Resh Lakish, which seem to be the "official" rabbinic interpretation of the words: "straighten out ("keshot") yourself, and afterwards straighten out others". Resh Lakish seems to be relying on the similar sounds of the verses' "koshu" and the Aramaic "Keshot", which means "straightness, righteousness or truth". He thus understands Zephaniah to say "Be righteous yourselves, and then you can judge righteously". (**San. 18a ff.**)

This development adds a dimension to the simple moral truth spoken of above. Not only can one not judge if immune from judgement, but in order to judge, one must actually be judged, if only by oneself!! Here is a powerful reminder to everyone, that we are responsible for checking the righteousness of our own actions all the time, and if we do not do so, then we have no real right to judge others. **TTT 214**

But, there is a further development in this matter. In another Mishna we learn that a High Priest who unwittingly killed someone, or someone who killed the High Priest, is to be exiled to a "city of refuge", but "is never to leave the city" (**Makkot 2:7**). Now, if the verse which prescribes that at the High Priest's death all are to leave the city cannot be applied to the High Priest, perhaps we learn that he is not to be exiled at all? For if the law cannot be applied, than perhaps it does not cover that category? The Talmud simply states that the halakha that the High Priest is exiled is thus stated to show us NOT to accept this line of reasoning.

Then another possibility is put forward, and that is that the ruling is based on another verse. In Deut. we read about the "cities of refuge" that they are instituted "so that any murderer can flee there" (19, 3). The word "any" includes the High Priest. By finding a proof-text the gemara strengthens the case that the High Priest is also subject to the law like anyone else. The amazing thing about this talmudic section is that the same reading of the law is applied to the King, even though the Mishna states specifically that the King is not judged nor can he judge (cf. **19a ff.**). Still, the Talmud applies its worldview to the King as well. Everyone should be subject to the law, no matter what office or status.

***Num. 36, 1 – 9**

The family heads in the clan of the descendants of Gilead son of Machir son of Manasseh, one of the Josephite clans, came forward and appealed to Moses and the chieftains, family heads of the Israelites. ²They said, "The LORD commanded my lord to assign the land to the Israelites as shares by lot, and my lord was further commanded by the LORD to assign the share of our kinsman Zelophehad to his daughters. ³Now, if they marry persons from another Israelite tribe, their share will be cut off from our ancestral portion and be added to the portion of the tribe into which they marry; thus our allotted portion will be diminished. ⁴And even when the Israelites observe the jubilee, their share will be added to that of the tribe into which they marry, and their share will be cut off from the ancestral portion of our tribe." ⁵So Moses, at the LORD's bidding, instructed the Israelites, saying: "The plea of the Josephite tribe is just. ⁶This is what the LORD has commanded concerning the daughters of Zelophehad: They may marry anyone they wish, provided they marry into a clan of their father's tribe. ⁷No inheritance of the Israelites may pass over from one tribe to another, but the Israelites must remain bound each to the ancestral portion of his tribe. ⁸Every daughter among the Israelite tribes who inherits a share must marry someone from a clan of her father's tribe, in order that every Israelite may keep his ancestral share. ⁹Thus no inheritance shall pass over from one tribe to another, but the Israelite tribes shall remain bound each to its portion.

We always need to be aware that our modern day conceptions are often not at all what the Torah has in mind. For example, the whole question of inheritance in modern times is not at all what the Torah has in mind in dealing with this question. We think of inheritance as getting something from our parents. I am not talking about spiritual inheritance, but good old fashioned wealth. This is even more true in connection with the "inheritance" of land, and particularly in the case of the land of Israel. The point is that the passing of some objects of worth from one person who has acquired it to another does not work for the Torah in regard to the land of Israel.

In the first place, the land is not the property of a single individual or family, but belongs to all of Israel. Secondly, this belonging is not really belonging. The land "belongs" to God, and God leases the land to the whole nation of Israel, thus the land

can never be sold for good, and always reverts to the original family at the Jubilee year. (cf. Lev. 25, 23) So, how can land be inherited from God, especially when the land is community property, that is, property of the whole nation? The land is divided by God, that is, it is divided by a combination of lots, Divine guidance, coupled with size of family. But, what happens with inheritance of this original inheritance? That is, if the original division is by Divine decree to individual families, how is this land given in inheritance to the offspring of the original person(s)?

The incident of the daughters of Zelophehad, in our parasha, raises this question in a stark fashion. The question is not merely can daughters inherit, but viewed in this broader perspective the question is how is a portion originally assigned to one person to be divided up among many offspring? I wish to frame the issue with the question: how does the land, which is to be given in inheritance from generation to generation, maintain its status as national property? How can the holdings of individuals be maintained in the framework of national identity? This framework helps to understand the limits put on the daughters in terms of who they may marry. (Num. 36, 3-7)

There is a long and involved chapter of the Mishnah, **Baba Batra** chapter 8, devoted to this subject. **Mishnah 3** reports that the daughters got 3 parts of the land as an inheritance. "The part of their father, who was among those who left Egypt, and the part of his brother from the property of Hefer, and since Zelophehad was a first born he had two parts." (cf. the Tosefta tradition where the daughters get 4 parts; **Tosefta Kifshutah**, p. 415 ff.) What is this all about? The 5 daughters divide up 3 portions of land. Why do they not divide up just one portion, that of their father, or at most two portions since their father was a firstborn?

The answer is in the long and complex Talmudic discussion of the process of inheriting the land. There is a further complicating factor which we have not considered. The land is divided Divinely among those leaving Egypt, but those all died out in the desert, except for two. Thus, when their children are ready to enter the land, how is the original division to be split up. The exact number of those leaving Egypt and those entering Israel is not the same. For example, Zelophehad had one or two portions coming to him, but he had 5 daughters. So, how do we get to three portions as per our Mishnah?

This whole matter is the subject of a most fascinating controversy. R. Josiah holds that the land was divided among those who left Egypt. He cites the verse which says that the land was divided by Divine decree ("goral") according to the patriarchs of each family in each tribe (Num. 26, 55), implying the families who left Egypt. Yet, he asks how does this square with the verse that talks about those ("la-ayleah") who will inherit, by inheritance ("be-nahala"), the land in the context of the census of those entering the land? (v. 53) He rejoins that the word "la-ayleah", literally "to those", is to be read as "ka-ayleah", like those, that is, excluding minors. The rule that a portion of the land would only be given to someone over twenty years old is maintained.

R. Yonatan holds that the land was divided among those who entered the land. He cites the second verse above insisting that it is according "to those", those counted at that point who are entering the land, that the land is divided. How, then, does he account for verse 55, which refers to the patriarchs of each family that left Egypt?

He explains that this inheritance is different from all other inheritances in the world. "In the case of every inheritance in the world – the living inherit the dead; but here [the inheritance of the land of Israel] the dead inherit the living." (**BB 117a**) What makes the land of Israel different is that it is not merely property. The reason is that property is private, that is, it belongs to one person or family at a time, but the land of Israel is not only private but also communal, that is, it belongs at the same time to the individual to whom it is allocated and to that individual's ancestors who left Egypt.

This is an amazing concept. The great deeds of history, the acts of dedication and consecration which ancestors did in order to secure a future for their children and their nation, are not only for the future. The acts of the future, perhaps because in some sense the very existence of the future is beholden to the past, need to enhance the acts of the past. To the great question: does history have any claim on us?, this passage affirms YES. Certainly, in matters relating to the inheritance of God's promise of the land of Israel to the nation, those who actually settle the land, need to make sure that their own division of the land reflects some fidelity to the way their ancestors dreamed about dividing it! The dead, who are not able to partake physically in the fulfillment of their own dreams and vision, must be taken into account, given their due in the present.

In the end our Talmudic passage wants to include both points of view and declares that both those leaving Egypt and those entering Israel divided the land between them. The notion that those who faithfully created the vision must be taken into account when the vision comes to be fulfilled is clear from the continuation of our passage. Those who refused to maintain fidelity to the vision of the nation of Israel living in its own land, such as the 10 spies (cf. Num. 13), the murmurers (cf. Num. 14), and Korah and his group (cf. Num. 16) were not counted as being worthy of having their portions taken into account in this fashion. But, their children entering the land, on BOTH sides, father and mother, are given portions. (**BB 117b**) Perhaps, this is why the daughters specify that their father was not part of Korah's group. His transgression was not against the vision, but it was of another kind, so his portion of the land is still to be counted.

There are many attempts to explain exactly how this idea would work. The main thrust is as follows: 3 brothers leave Egypt, so each has one portion. (They are not among those not taken into account.) Brother A has 4 sons, B has 3 sons, and C has 2 sons. Thus, those entering the land have claim on 9 portions. But, since the dead inherit the living, this total is divided back to those who left Egypt. Thus, each brother has "inherited" 3 portions of the land to bequeath. So, in the end each son of A gets three-quarters of a portion, each son of B gets one portion, and each son of C gets one and a half portions. This may not seem fair to our sense of inheritance, but it maintains the ideal of land that belongs to the past and present equally. This also makes it easier to understand how the restrictions on the daughters, as their belonging to a certain tribe, are part of the equation of inheritance.

For our purposes, the idea of including past and present together in matters that are communal for the whole nation is exceedingly important. The positive and spiritual visions of our ancestors and the heritage of their deeds deserve to be adhered to by their heirs, in such a way that it reflects back on them, as if they had done them. For

those ancestors for whom this is not the case, their children's participation is recognized, and their dishonor is overlooked. In any case, this issue deserves our continued and serious attention.