



שמע קולנו

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DIVINE DEALINGS

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

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

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

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

Lastly, what are we to make of all this on a philosophical level? Is our personal unease with the Torah just cause for complaint? Haven't we always known that our sense of the unfair must submit before that of Torah legislation? Are their exceptions to submissiveness that are revealed to us in this parsha or is it a one-off event which, al -though legitimate in its circumscribed venue for whatever reason, is no longer to be applied to our navigation of Torah law in later generations? This is not simply a theoretical question or one devoid of import for us. Even were we to assume that the bringing of our ethical agony before the Divine Supreme Court, there to win reversal or, at least, an addendum to the preexisting corpus of revelation, can never be duplicated, we are nevertheless left with a similar question. To what degree, if any, should we allow our personal or communal deciphering of morality and truth to govern our response to Torah? Did Chazal ever do this? Does their legislation ever reflect a similar disquiet with the Divine Law? At root, may our view of the ethical, which surely alters as we travel through history, be brought to our understanding of and response to the Divine Legislation?

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

The Seforno heightens the intensity of the argument of those tamei l'nefesh. He explains, "Since our tumah affects our ability to perform a commandment, why should that lead to a transgression?"

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

eaten by those who are pure." That is, they would become pure at night and be able to eat the korban then.

This richer portrayal of the tamei l'nefesh claim is rooted in the tradition of Chazal that their uncleanness was due to contact with a dead body. One opinion is that it was caused by contact with the Aron of Yoseph while the other view maintains that it was a body with no one to bury it. In any event, these traditions maintain that the people who were speaking were in the seventh and last day of their purification process on the fourteenth of Nissan, the very day that the korban Pesach is to be offered. Their logic was, as explained by the Mizrochi, in his commentary on Rashi, that although they were impure at the time of zerikas hadom (sprinkling of the blood), the offering should nevertheless be brought on their behalf, for they would become clean by the night of the fifteenth. A proof is brought for this theory since the pasuk reads "why should we be left out?" which implies that they thought they should be allowed to bring the offering, rather than "should we be left out or not?" which would have implied that they were in doubt.

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

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

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

Rabbeinu Bechaya may help us clarify this matter a bit. He says that the fact that Moshe Rabbeinu brought the demand of Bnos Tzelofchad to a portion of their father's inheritance to Hashem was caused by a prior misdeed, the fact that Moshe had wanted "all difficult cases of mishpat" to be judged by him and not his surrogates. Thus, what he should have known himself was subsequently hidden from him. This is not the case with the tamei l'nefesh for there is no indication that Moshe's inability to answer or his recourse to Hashem was the result of or, created by any misdeed. What is the distinction between these two questions? According to

Rabbeinu Bechaya, Moshe should have understood on his own the justice of the Bnos Tzelofchod's complaint for, as he puts it, "even those nations who have no Torah derive from their own wisdom the fact that daughters inherit their father when there is no son." On the other hand, Moshe had no way of knowing logically that "those unclean could bring their offering in another month without a tradition."

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

What emerges now are several levels of interaction between the ethical and ritual reality. Where the ethical claim is clear and there is no explicit contradiction with meta-ritualistic reality then there is no need for further clarification. Where the ethical claim conflicts with what is ritually known up until that point in his-tory, then according to Seforno this alone might suffice to generate a legitimate query of Hashem, but, according to Rashi and others it must have an accompanying halachic component to allow its launch to the Heavenly Court. For those who may struggle from time to time with aspects of Torah and Halacha that may seem in conflict with a certain sense of the ethical or the just that we may possess, there may be a semblance of hadracha here. Yes, we are allowed to seek that which we perceive to be the ethical but without a halachic frame of reference, we may not assault the structure of ritual law. Man has certain innate insights into the good and may even trust them as in the case of the Bnos Tzelofchad; but when there is no way out of the halachic thicket without tearing it, then we must remain within, however painful its thorns may prove to be.

THE MENORAH: THE ANSWER TO THE CHEIT HA'EIGEL *David Tanner ('18)*

It is not entirely clear who made the Menorah used in the Mishkan. The confusion stems from the wording of a *passuk* in our *parasha*:

...כַּמֵּרָאָה אֲשֶׁר הָרָאָה ה' אֶת מֹשֶׁה בֵּן עֲשָׂה אֶת הַמִּנְרָה:

"...according to the vision that Hashem showed Moshe, so did he make the Menorah (Bamidbar 8:4)." Who is the "he" in this *passuk*? The Ramban understands that Moshe Rabbeinu made it, while Rashi says the pronoun refers to "whoever it was that made it," which is understood by the Sifsei Chachamim and

others to refer to Betzalel, who created all of the Kelei Hamishkan. However, the Midrash Tanchuma (Beha'aloscha, 3), quoted by Rashi, says that it was made by Hashem Himself. According to the *midrash*, Moshe was having trouble understanding how to make the Menorah. Hashem therefore told him to throw a large block of gold into a fire, and what emerged from the fire was the Menorah, completely finished.

This *midrash* might seem sound familiar, even if one hasn't heard it before. Because there is another Midrash Tanchuma, in Parashas Ki Sisa (19), with a similar retelling in a completely different context: the *cheit ha'eigel*. The *midrash* there brings an opinion that golden earrings were tossed into a fire, along with a plate upon which was written the words "Alei Shor," and a fully-formed golden calve emerged. Why is there such a parallelism, a similarity between the two events? Why does Hashem recall the *cheit ha'eigel* in His method of creating the Menorah for Moshe?

To attempt an answer to this question, we must first try to gain an understanding of the *cheit ha'eigel*. Many *mefarshim* understand the *cheit ha'eigel* not simply as flat-out intended idol worship of a metal calve on behalf of Klal Yisrael, but rather as an extremely misguided attempt to set up an intermediary between themselves and Hashem. It was an unquestionable *aveirah*, a "*chata'ah gedolah*," to quote Moshe Rabbeinu (Shemos 32:30), but it was done as a mistaken attempt to serve Hashem after the void in leadership felt after the perceived demise of Moshe. If so, why did the *cheit ha'eigel* carry such severe punishment? Wasn't it a simple mistake, an *aveira beshogeig*?

There are many different answers to this important question, but we will deal with only one of them. Rav Soloveitchik, quoted in Darosh Darash Yosef, answers that although there may have been good intentions behind the *cheit ha'eigel*, it was "illegitimate and unacceptable," because it had not been commanded by Hashem. In all aspects of Avodas Hashem, it is evident how crucial it is to stick to the Tzivui Hashem, and not to go against the teachings of our *mesorah*. An additional example of this is the death of Nadav and Avihu upon their bringing an "*eish zarah*," a "foreign fire," as *ketores* (Vayikra 10:1). Though they had intended to do it *le'sheim shamayim*, they were punished for bringing an offering "that [Hashem] had not commanded them (ibid.)."

Perhaps we can piece it all together. The *cheit ha'eigel* was an attempt to serve Hashem through an intermediary, something which was both inherently flawed as well as made much worse by the fact that Hashem had not commanded Klal Yisrael to do it. Getting back to our *parasha*, the Menorah was one of the *kelei hamishkan*. The Seforno famously writes that the entire concept of the Mishkan was only in response to the *cheit ha'eigel* (Shemos 25:9). The Mishkan is a method through which we serve Hashem. In serving that role, the Mishkan is a sort of rebuff to Klal Yisrael regarding the *eigel*: trying to serve Hashem through a physical intermediary is ridiculous. The only time the physical is used to serve Hashem is in the context Hashem has provided. Only in a way which Hashem has

commanded can gold, silver and precious stones be used in His service.

Maybe this is why Hashem created the Menorah in the same way Klal Yisrael created the *eigel*: to show that even though the intent driving that debacle was sincere, it was not performed in the proper way. To really serve Hashem sincerely, the service must be something He commanded, in line with the *mesorah*. Instead of through the *eigel*, Klal Yisrael must serve Hashem with, *lehavdil elef havdalos*, the Mishkan. But the question remains: of all the different *keilim* in the Mishkan which Hashem could have used to teach this lesson, why did He specifically choose the Menorah?

In line with what we have previously said, perhaps we can suggest that the Menorah is uniquely suited among the Mishkan's *keilim* to teach this lesson. The Midrash Rabbah on the beginning of our *parasha* (Beha'aloscha, 2) describes a conversation between Hashem and Moshe at the time the *mitzvah* of lighting the Menorah in the Mishkan was given. Hashem told Moshe, "It is not because I need lights that you are commanded about the lights. Rather, [I have commanded about them] to give you merit." The *midrash* continues to describe that when a person build a house, he makes the windows narrow on the outside and wide on the inside, in order for the light to enter from outside and illuminate the inside (if you need confirmation, take a look at some of the windows in the MTA library—this is how they are made.) But when Shlomo built the Beis Hamikdash, he did not do this; rather, he made the windows narrow on the inside and wide on the outside, so that the light of the Beis Hamikdash would illuminate the outside. A further illustration of this is to be found in Rashi on that same *passuk* (Shemos 8:2), quoting the Midrash Tanchuma that the six branches of the Menorah faced the stem of the Menorah in the middle, in contrast to an ordinary lamp which is pointing outward, so that no one should say that "its light is needed," but rather they will understand that it is being done simply because Hashem commanded it.

Going back to the Midrash Tanchuma in our *parasha* about the making of the Menorah, we can see the same idea. The *midrash* tells us that Moshe put the gold into the fire and then said, "Ribbono Shel Olam, the gold is put inside the fire, as You wish; it should be made before You." Moshe realized that the crucial point of this procedure was that it was according to the Dvar Hashem; only because it was "as [Hashem] wish[ed]" could it be done.

The message of the Menorah is clear: Hashem doesn't need it for Himself. In truth, we know that Hashem needs nothing at all. He doesn't need our Tefillah, or our Talmud Torah, or our Mitzvos. It is *we* who need them, and Hashem

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has given them to us to provide us with many opportunities to serve Him. This reinforces the contrast with the *cheit ha'eigel*: it is pointless to even consider serving Hashem in a way which He has not commanded, because that goes against the entire goal of Torah U'mitzvos, which is to serve Him specifically how He has commanded us to. Trying to serve G-d in just any way we choose can, *chalilah*, lead to *avodah zarah*.

We should take tremendous *chizuk* from the lesson of the Menorah. Hashem has provided us with so many ways to serve Him, and in using a parallel method of creating the Menorah to how Klal Yisrael created the *eigel*, He has shown us how His desire is for us to serve Him properly. All we need to do is answer the call and try our best to perform the Ratzon Hashem. May we merit to do so for all of our lives.



שבת שלום!