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Big Brother

By Ezra Lebowitz ('22)

Our Parashah this week begins with the counting of Gershon and Merari, two families in Shevet Levi. Last week ended off with the counting of the last family in Levi, Kehat. Regarding the countings of both Kehat and Gershon, the Pasuk says "*Nasso Et Rosh Bnei Kehat/Gershon*," "Raise the heads of the children of Kehat/Gershon" (BeMidbar 4:2, 22), but in the case of Merrari, the Torah states, "*Bnei Merrari LeMishpechotam LeVeit Avotam Tifkod Otam*," "The children of Merrari, according to their families, to the house of their fathers, you should count them" (BeMidbar 4:29). Why switch from the term of 'Nasso' to the Lashon (language) of 'Tifkod' for Merrari?

Ohr HaChaim simply writes that Kehat and Gershon merited to be counted with 'Nesi' at Rosh' because Kehat carried the holiest Keilim and Gershon was the Bechor. The Malbim says similarly, yet makes the distinction that the Lashon of 'Nasso' is not used by Gershon because he is the Bechor. It is because he carries the holier Keilim, which in turn happens because he is the Bechor. A subtle yet important difference! This is why there is another textual distinction. Malbim continues that regarding Kehat and Merrari, Moshe and Aharon are told to count them "*LeMishpechotam LeVeit Avotam*," "According to their families and the houses of their fathers," (BeMidbar 4:2, 29), yet by Gershon it says "*LeVeit Avotam LeMishpechotam*," "According to the the houses of their father and their families" (4:22). The order is flipped because the Bechorah comes from the father. The Kli Yakar adds to this idea. In regards to the first count of Levi in Parashat BeMidbar, when they are about to take the place of the Bechorim in the context of Avodah, it also says "*LeVeit Avotam LeMishpechotam*," to show that even though the Bechorim lost their special status, that doesn't mean the Levi Bechorim lost their status. They did not need a Pidyon but were still the new workers for the Mishkan. The Kli Yakar also points out yet another nuance in the text of the count. Moshe is told to count "*Et Rosh Bnei Gershon Gam Heim*," "The heads of the children

of Gershon, 'also them'" (ibid). The "Gam Heim" shows that Gershon "also" has a reason to be "Nosei Rosh," i.e. their primogeniture. Finally, the Rosh adds two more discrepancies. In the context of Gershon and Merrari, the Lashon of "*Kol HaBa LaTzava*," is used, while with Kehat it says "*Kol Ba*". Why is there a missing Heh? Kehat could not just go and do their work, they had to wait for Aharon and the Kohanim to cover the Keilim before taking them. Gershon and Merrari, however, had full control of their jobs. Whenever they wanted, they could go take the Keilim. This Heh shows that they are the ones who come to get the Keilim, while Kehat must wait for the Kohanim to 'bring' the Keilim to them. The Torah also describes Gershon and Merari's tasks as "*La'avod Avodah*," while Kehat does "*La'asot Melachah*". This is because Kehat does not have 'Avodah', hard work. He has normal 'Melachah', normal work, like weekday Melachah not being allowed on Shabbat. One can't have too much work when handling something like the Aron for fear of dropping it. All of these subtleties in the text of these seemingly mundane Pesukim teach us something very important about Shevet Levi. Bottom line - Shevet Levi is the GOAT.

The Nazir: A Paradox of Religious Goals

By Harry Meister ('21)

"*Kol Yemei Nizro Kadosh Hu LaHashem*," "throughout his term of Nezirut, he is sanctified to Hashem" (BeMidbar 6:8). The standard reading of the Pesukim concerning the Nazir found in this week's Parashah come to teach the following essential insights into the nature of a Nazirite vow: 1) that the Nazir abstains from haircutting and wine; 2) that he distance himself from Tumat Met, defilement by a corpse, without exception for anyone; 3) that he brings - in the event he should become Tamei during the period of his vow - all the prescribed Korbanot for becoming Tumat Met; and finally 4) that he bring the prescribed set of Korbanot upon the completion of his vow. In probing the nature of a Nazir's vow, it is plainly understood from the aforementioned Pasuk that such heavy asceticism is in order to be "*Kadosh Hu LaHashem*." Yet it is striking that despite such religious devotion found in the Nazir's asceticism, we find that among the Korbanot prescribed upon his (or her) completion of the vow he must bring, "*Achat Bat Shnatah Temimah LiChatat*," "one unblemished ewe in its first year as a sin offering" (ibid. 6:14). There is - despite the ostensibly simple reading of the Pesukim regarding Nezirut - an apparent paradox inherent in the fact

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that despite our Pesukim relating the Nazir's elevated spiritual status, that he must bring a Korban Chatat at the completion of said status' related vow of asceticism.

An academic bible scholar or critic would perhaps see this as evidence for remonstrance against the Torah, noting that in the realm of contemporary (and dating back to ancient) metaphysics (and indeed some true mathematics and physics), the presentation of a paradox is simply indicative of a body or statement's subjectivity, concluding that the paradox of Nezirut is demonstrative of the Torah's man-made rules and thus not a reflection of any divine hand in it. However, we find that despite the seeming presentation of said paradox, it is only pointed outwardly toward the individual who accepts the Nazirite vow, isolating itself in principle from the Torah's divine presentation.¹ As Ramban (ibid., s.v. *VeChabshah Achat Bat Shnatah Temimah LiChatat*) notes, there is no formal explanation for the Chatat on account of a Nazir's completed vow in the Pesukim, or in the classical commentaries. Indeed the only account given as to explain the Chatat is only given by Rashi and Ibn Ezra on the separate incident of accidental Tumat Met, which requires its own Chatat. And so, Ramban is perplexed as to what the underlying purpose behind the Chatat presented in our Pasuk is, for once again, we must ask how one may bring a Chatat for something that is a Mitzvah and brings one closer to God? We may present three approaches to the resolution of our conflict of the Nazir: the first approach understands our Chatat from the perspective of Ramban, carefully noting the special holiness of such an opportunity like that of Nezirut. The second approach is a brief exploration of the Ma'amarei Chazal found in Masechet and the concept of the Halachic Man in the eyes of Rav Soloveitchik. And finally, we present a blend of both approaches.

We may ask the question of what drives one to become a Nazir in the first place? Certainly, to remove oneself from nearly all hedonic pleasures in order to cleave to God is a truly lofty ideal. Likewise, according to Ramban (ad loc.), the need for a Korban Chatat is brought on by the fact that the conclusion period of Nezirut is, in itself, significant of the former Nazir's turning away from the uniquely special holiness and service of Hashem manifested in the vow. And thus, Ramban is puzzled by the fact that one only adopts Nezirut for a short period, as, in truth, it would have been more proper for him to have vowed Nezirut forever as a means of holding onto that special Kedushah inherent. It is exactly because the Nazir

breaks his vow at a later point in time that requires the Chatat, for he is atoning for his return to the contamination of the world and his desires. Yet, this is not entirely surprising in the eyes of Rav Yehuda Amital, Rosh Yeshivat Har Etzion, who saw the period of Nezirut as exemplary of a most extreme and uncommon form of behavior. Rav Amital² noted that typically, the Nazir status was reserved for individuals who felt mentally oppressed by the hedonistic materialism of the lifestyles around them, thus having sought to separate themselves from said lifestyle to achieve a mindful and spiritual balance. This understanding, according to Rav Amital, would have been perfectly congruent with the prescription of Rambam in Shemoneh Perakim. The ideal of the Nazir is not simply (or at least not singularly) to cleave to God necessarily but to find a path to Him through the process of isolation from distracting influences.³ Much like in the mixing of acids and bases, one may achieve a pH balance, by going to an extreme, the one who takes on the period of Nezirut reinvigorates and recharges their Neshamah, returning them to the middle path. However, we are left puzzled as to how it can be, that with such good intentions of the Neshamah such as the Nazir as portrayed by Rav Amital here, that we find him guilty of Cheit and in need of a Korban. For this, we must tap into the nature of what constitutes a Halachic man.

What separates the Halachic man from that of the famed *homo religiosus* in the conception of the Rav? Is not Halachic man the arbiter of the creative realm, the being who seeks not to transcend and rise to God and the heavenly realm, but to bring down and infuse the materialistic and finite one with His likeness through his use and innovation (Chiddush) of Halachah, bridging the actual with the ideal? He is exactly that, and more. Yet, if we are to conceive of a Nazir in such a manner, holding him rigorously accountable to such standards, we find an additional paradox to the one previously mentioned. The Nazir, in seeking to cleave to God, simultaneously sheds his Halachic obligations to mankind (ie. the community) and to himself (e.g. haircutting and drinking wine, which may prove Halachically required if not highly suggested at certain dates on the calendar), thus transforming from an Ish Halachah to a *homo religiosus*, from a being grounded in the realm of objectivity to one concerned only with transcendence. Such an individual, while notably commendable in the eyes of the Chachamim, is certainly in violation of not only certain Halachic principles concerning day to day life but also in violation of the entire concept of

² The english translation of the Derashah can be found here: <https://etzion.org.il/en/tanakh/torah/sefer-bamidbar/parashat-naso/fear-heaven-and-fear-sin>

³ This position is not held by all, however, as is reflected by a position of Rav Kook which Rav Amital mentions to focus more on social rather than personal balance. Additionally, it is interesting to note, however, that a famous example of a Tzaddik who took on the Nazirite vow was none other than Rav David Cohen (also known as "HaRav HaNazir"), the most famous disciple of Rav Kook, and father of Rav Shear Yashuv Cohen, Chief Rabbi of Haifa from 1975-2011.

¹ It should be clarified that despite the counter-argument that may state that the Torah is indeed a "human" document based on this paradox, and many others, that this may indeed may only be the case outwardly, particularly as the Torah notably speaks in the language of the common (and likely, simple-minded) men (TB Zevachim 108b). For further exploration of this concept, see Rav Samson Raphael Hirsch, *Collected Writings* vol. 7 p. 57.

Halachah as a force meant for the benefit of the temporal man in the realm of the here-and-now, finite reality.

In the words of Rabi Tzadok, the Nazir has violated the principle of “*Al Tifrosh Min HaTzibur*,” “do not separate yourself from the community” (Avot 4:7). In consideration of this Mishnah, the separation of the Nazir from worldly pleasures and pursuits is theoretically the key factor in his being charged with bringing a Korban Chatat. The essence of a Nazir’s punishment serves as both condemnation and commendation of his behavior, reminding him of the importance to be a part of the community, where he can contribute the most to the Jewish people while growing his Neshamah. Characteristically speaking, we find that despite the pure intentions of the Nazir and what he is trying to accomplish - to become closer to God through asceticism - he has sinned in that he not only has denied himself pleasures and aspects of personal and communal life central to Halachah, but has concomitantly demonstrated his weakness of character (of Hashkafah, even) by having to force himself into an extreme vow such as that of the Nazir, and by reverting to his unsanctified lifestyle which led to his deficiency of character in the first place. And so we return to our original paradox with the conclusion that it is not paradoxical on account of the Torah’s account of the Nazir, but rather so on account of his individual choice between Kedushah and materialism, extremism and centrism. For these reasons, we may come to understand the nature of the Korban Chatat asked of the Nazir and may reflect on its communal and personal implications for our own lives today as we no longer enjoy the luxury of a Korban for personal misgivings, regardless of intentions.

PRIORITIES IN Covid-19 VACCINE DISTRIBUTION PART II

By Rabbi Chaim Jachter

6) If a family has limited funds, the Gemara (Kiddushin 29b) grapples whether the son or father enjoys priority as to who should be supported in his Torah learning:

The Sages taught: If one wishes to study Torah himself and his son also wants to study, he takes precedence over his son.

Rabbi Yehuda says: If his son is diligent and sharp, and his study will endure, his son takes precedence over him. This is like that anecdote which is told about Rav Ya’akov, son of Rav Aḥa bar Ya’akov, whose father sent him to Abaye to study Torah. When the son came home, his father saw that his studies were not sharp, as he was insufficiently bright. Rav Aḥa bar Ya’akov said to his son: **I am preferable to you**, and it is better that I go and study. Therefore, **you sit** and handle the affairs of the house **so that I can go** and study.

7) Similarly, this Gemara records a Machlokes as to which Mitzva enjoys priority – Pidyon HaBen or Aliya L’Regel

“*Tanu Rabanan Lefdot Et Beno VeLa’alot LeRegel Podeh Et Beno Ve’Achar Kach Oleh LaRegel Rabi Yehudah Omer Oleh LaRegel Ve’Achar Kach Podeh Et Beno SheZo Mitzvah Overet VeZo Mitzvah She’Einah Overet*,” “A Beraita says - If one has the opportunity to redeem his son and travel for the Regel, he should redeem his son and then travel for the Regel. Rabi Yehuda says he should travel first, because it is a timed Mitzvah”.

8) We find the Mishna (Gittin 59b) records a Takana so that water is distributed peacefully amongst field owners:

The Sages enacted that **the pit that is nearest to the irrigation channel** that supplies water to several pits or fields **is filled first on account of the ways of peace**. They established a fixed order for the irrigation of fields, so that people would not quarrel over who is given precedence[2]. The Gemara (60b) discusses the details of this Takana at far greater length. The lesson that emerges from the incident involving Abaye is the problematic nature of a situation of Kol D’alim Gevar, the mightier one prevails[3]. TABC Talmidim Yossi Sherman and Tzvi Meister note the very problematic nature of a Kol D’alim Gevar situation in regards to distributing scarce medical resources.

We learned in the mishna that the Sages enacted that **the pit that is nearest to the irrigation channel** that supplies water to several pits or fields **is filled first on account of the ways of peace**. This teaches that the party who is nearest to the water’s source enjoys first rights, and it supports Shmuel’s opinion and is difficult for Rav. **Shmuel interpreted** the mishna **in accordance with the opinion of Rav:** The mishna refers here to **an irrigation channel that passes the mouth of the pit**, so that the pit fills with water on its own, even without damming. The Gemara asks: **If so, what is the purpose of stating this?** It is obvious. The Gemara answers: **Lest you say** that the owners of the other fields **can say to** the owner of the pit: **Dam** your pit as well so that water not enter it, **and irrigate your fields in proportion [hindeza]**, just like the rest of us. The mishna therefore **teaches us** that the owner of the pit is not required to do this, and consequently his pit is filled first.

TABC Talmid Yossi Sherman observes that just like how much water one receives is not proportionate between people, it is possible that people who received the first dose of the vaccine are entitled to receive the second dose before others get their first dose.

Rav Huna bar Tahalifa said: Now that the *halakha* was stated **neither in accordance with the opinion of this Sage, Rav, nor in accordance with the opinion of that Sage, Shmuel, whoever is stronger prevails**. Since the *halakha* has not been decided, the court refuses to judge the case and leaves the claimants to settle the matter themselves, in the hope that the rightful party will exert itself and prevail. **Rav Shimi bar Ashi came before Abaye and said to him:**

Master, set a time for me to study with you. Abaye **said to him: I have a set time for myself**, and I cannot devote it to you. Rav Shimi bar Ashi said to him: **Master, set a time for me at night**, and we can study then. Abaye **said to him: I have to bring water** at night with which **to irrigate** my fields. Rav Shimi bar Ashi **said to him: I will irrigate for Master during the day**, and then **Master can set a time for me at night** to study with him. Abaye **said to him: Very well**; this is an acceptable arrangement.

What did Rav Shimi bar Ashi do? **He first went to the owners of the uppermost fields**, and **said to them**: The owners of the **lowermost fields drink the water first**, in accordance with the opinion of Rav. **He then went to the owners of the lowermost fields**, and **said to them**: The owners of the **uppermost fields drink the water first**, in accordance with the opinion of Shmuel. **In the meantime**, while the owners of the upper fields and the lower fields were arguing over who has first rights to the water, Rav Shimi bar Ashi **dammed the river and irrigated** Abaye's fields. **When he came before Abaye**, the latter **said to him: You have acted for me in accordance with two opposing opinions. And Abaye would not even taste the produce of that year** because he thought that the water had reached his field in an unlawful manner.

TABC Yossi Sherman adds: Just like Abaye didn't take from the produce that was gotten unfairly, someone who obtains a dose unfairly should not be treated like one who did so fairly. It is related that there were **certain residents** of a place called **Bei Ḥarmakh who went and dug a channel at the head of the Shanvata River** in order to divert the water and allow it to circle their fields, **and then they returned** the water to the river further **downstream**. Those who owned fields further **upstream came before Abaye**, and **said to him: This damages our river**, as the water is not flowing as it once had. Abaye **said to them: Dig a little deeper with them**, and that should solve the problem. **They said to him: If we do that, our pits will become dry**. Once Abaye heard this **he said to the residents of Bei Ḥarmakh: Go remove yourselves from there**, and dam the diversion that you made for the river.

9) The Mishna and Gemara sets forth its prioritization of competing Mitzvot as set forth in Horiyos 12b
MISHNA: Any mitzva that is more frequent than another mitzva precedes that other mitzva if the opportunity to fulfill one of them coincides with an opportunity to fulfill the other. **And anyone who is more sanctified than another precedes that other person**. If **the bull of the anointed priest and the bull of the congregation**, which are brought for absence of

awareness of the matter, **are pending, the bull of the anointed priest precedes the bull of the congregation in all its actions**, i.e., its sacrificial rites.

GEMARA: The Gemara questions the statement in the mishna that the more frequent matter takes precedence: **From where are these matters derived? Abaye said:** It is **as the verse states concerning the additional offerings brought on Festivals: "Beside the burnt-offering of the morning, which is for a daily burnt-offering"** (Numbers 28:23). **Once it is written: "The burnt-offering of the morning," why do I need: "A daily burnt-offering"?** Clearly the reference is to the daily burnt-offering of the morning. **This is what the Merciful One is saying: Any matter that is more frequent takes precedence.** Since it is a daily offering, it is more frequent. Therefore, it precedes other offerings.

The mishna continues: **And anyone who is more sanctified than another precedes that other person**. The Gemara asks: **From where do we derive these matters? It is as the school of Rabbi Yishmael taught**, that from the verse written with regard to a priest: **"And you shall sanctify him**, as he sacrifices the bread of your God, he shall be holy unto you" (Leviticus 21:8), it is derived that a priest should be esteemed and granted precedence **with regard to any matter of sanctity**. He should be the one **to open first** in the reading of the Torah, **and to recite the blessing of the zimmun first, and to take a fine portion first**. The priest who is more sanctified takes precedence.

TABC Talmidim raise the question as to whether Pikuach Nefesh needs are tantamount to holy matters.

10) **The most relevant issue of prioritization are the priorities set by the Mishna (Horiyos 13a) regarding the order of saving lives:**

MISHNA: The man precedes the woman when there is uncertainty with regard to which of them **to rescue or to return a lost item** to first. **And the woman precedes the man** with regard to which of them **to provide with a garment** first, because her humiliation is great, **or to release from captivity** first, due to the concern that she will be raped. **When they are both subject to degradation**, i.e., there is also concern that the man will be raped in captivity, the release of **the man precedes** the release of **the woman**.

Both the Rambam (in his Peirush Mishnayot to this Mishna) and the Bartenura (to this Mishna) explain the order of priorities stems from the principle set forth on the previous Daf in Horiyos **בל המקודש מחבירו קודם את חבירו**.

The Mishna continues: **A Kohen[4] precedes a Levite. A Levite precedes an Israelite. An Israelite precedes a son born from an incestuous or adulterous relationship [mamzer], and a mamzer precedes a Gibeonite, and a Gibeonite precedes a convert, and a convert precedes an emancipated slave. When do these halakhot of precedence take effect? In circumstances when they are all equal in terms of wisdom. But if there were a mamzer who is a Torah scholar and a High Priest who is an ignoramus, a mamzer who is a Torah scholar precedes a High Priest who is an ignoramus**, as Torah wisdom surpasses all else.

This setting of priorities seems to contradict the famous teaching of the Gemara (Pesachim 25b)

The Gemara asks: **And from where do we derive this halakha** (that one may not kill an innocent individual to one's life with regard to **murder itself**? The Gemara answers: **It is based on logical reasoning** that one life is not preferable to another. The Gemara relates an incident to demonstrate this: This is **similar to a certain man who came before Rava and said to him: A local official said to me: Go kill so-and-so, and if not I will kill you. Rava said to him: It is preferable that he should kill you and you should not kill. What did you think, that your blood is redder and more precious than his? Perhaps that man's blood is redder.** Apparently, one may not save his own life by taking someone else's.

Rashi (ad. loc. d"h Mai Chazis) explains "one does one know if his life is more precious before Hashem more than the other". Thus, if all life is fundamentally equal, why does not the Mishna in Horiyos set guidelines as to who is saved first? Instead, it just should have advised selection by lottery or some other random means of choosing who is to be saved. Rav Elchanan Wasserman (Kovetz Shiurim, Pesachim number five) draws the fundamental distinction between the Mishna in Horiyos where we prioritize one life over another. Rav Elchanan distinguishes between active killing and choosing not to save someone. The principle of Mai Chazis teaches that there is a doubt as to whether we may presume someone is superior in the eyes of Hashem to another (such as a Talmid Chacham preferred over an Am HaAretz) and thus the Talmid Chacham may not actively kill the Am HaAretz since the latter may be more important in the eyes of Hashem than the former.

The principle of *VeChol HaMekudash MeiChaveiro Kodem Et Chaveiro*, explains Rav Elchanan, creates a Safek sufficient to warrant choosing whom one saves first, since one is not actively killing the one thought to be of a lesser degree of Kedusha. The principle of Mai Chazis, by contrast, also creates a Safek that prevents actively killing the one perceived to be of lower Kedusha even to save the former's life, due to the possibility that perhaps Hashem views him as a more precious one[5].

TABC Talmidim observe that it is most interesting that Chazal do not suggest drawing lots to determine priority (the sailors'

use of a lottery in Yonah Perek 1 might serve as a precedent for this idea). The explanation might be that doing a lottery wastes time in a situation where it is likely that every second is of critical importance. It is also more likely that it will lead to strife as opposed to following an accepted list of priorities. 11) Of course, this discussion is not complete without mentioning the famous Gemara (Bava Metzia 62a) regarding the dispute between Rabi Akiva and ben Petura regarding the allocation of water between two people walking in the desert. Our case is different since neither party is holding the "water" or scarce resource, but a third water (i.e. the government) which must decide how to fairly distribute the scarce vaccines.

If **two people were walking on a desolate path and there was a jug [kiton] of water in the possession of one of them**, and the situation was such that **if both drink from the jug, both will die**, as there is not enough water, **but if only one of them drinks, he will reach a settled area**, there is a dispute as to the *halakha*. **Ben Petora taught: It is preferable that both of them drink and die, and let neither one of them see the death of the other.** This was the accepted opinion until **Rabbi Akiva came and taught** that the verse states: **"And your brother shall live with you,"** indicating that **your life takes precedence over the life of the other.**

TABC's Yaakov Halstuch notes that in our case a third party, i.e. the government, is holding the scarce resource, which differs significantly from our case in the Gemara. TABC's Yossi Sherman argues that the government, in possession of the vaccine, might be able, following Rabi Akiva, to prioritize the vaccine for those who serve the public such as politicians, doctors, teachers, and anyone else who works for a government funded institute.

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