



TORAH ACADEMY
of Bergen County

קול תורה

Parashat BeHa'alotecha

17 Sivan 5781

May 28, 2021

Vol. 30 No. 38

SPREAD TORAH WITH HASHEM'S HELP

By *Yaakov Abrahams ('22)*

Adapted from Zelig Pliskin's *Growth Through Torah*

"*VaYehi BeNso'a Ha'Aron VaYomer Moshe Kumah HaShem VeYafutzu Oyevecha VeYanusu Mesan'echa MiPanecha,*" "And it was when the Ark traveled, Moshe said, arise Almighty and disperse your enemies. and those who hate you will flee from you." (BeMidbar 10:35)

It was the opening of a prominent yeshiva in Yerushalayim, and Rabbi Yosef Chayim Sonnenfeld was the guest speaker. The Rav cited this Pasuk, and explained the reason behind why we recite it every time we open the Aron in Shul to remove the Torah. Whenever someone tries to start a worthwhile Torah initiative, there are always people who will try to stop him. Whether it be opening up a yeshiva, or starting a new community, many naysayers will try to discourage him, messengers of the Satan. Therefore, when we take out the Torah, we ask that HaShem should disperse the enemies of Torah and prevent them from causing trouble (Mara De'ara Yisrael, p.155).

A vital piece of advice for one who seeks to spread Torah is that you should account for the hurdles that may bombard you when you try to spread Torah in advance, which will prepare you for the battle that you are likely to face. In preparation for the challenges ahead, it is helpful to make plans and outline how you will overcome those difficulties. However, no matter how much you prepare for the fight ahead, the outcome of your efforts are ultimately up to Hashem, and therefore the key component for success in your Torah endeavors is to pray for HaShem's help. Do your best and HaShem will do the rest. "HaShem Chafetz Lima'an Tzidko, Yagdil Torah VeYadir!".

LEADER? I HARDLY KNOW HER!

By *Ezra Lebowitz ('22)*

In our Parashah, there is an unexpected story. Yitro wants to leave Bnei Yisrael, and Moshe Rabbeinu begs him to stay. Moshe pleads with Yitro, "*Al Na Ta'azov Otanu Ki Al Ken Yadata Chanotenu BaMidbar VeHayita Lanu Le'Einayim,*" "Don't leave us, because you know where we camp in the desert. Be our eyes" (BeMidbar 10:31). What kind of argument is this? Why not say something like, "You know Judaism is correct, you've experienced the great miracles of the Midbar, how can you leave now?" What does "*VeHayita Lanu Le'Einayim*" even mean? A quick look at the Rishonim shows just

how important it is for a communal figure like Yitro to set an example for everyone.

Ibn Ezra (BeMidbar 10:31 s.v. "*VeHayita Lanu Le'Einayim*") quotes two different explanations for "*VeHayita Lanu Le'Einayim*". The first is that Yitro would lead the way. He knew the way they camped inside and out, as stated in the Pasuk. He therefore would be able to lead them into Eretz Yisrael too. His second answer is that "*VeHayita*" is in the past tense: "And you *were* our eyes." Since Yitro would advise Moshe, whom we normally think of as just getting all necessary information from Hashem if not from himself, he was like a pair of eyes for Bnei Yisrael, seeing things that Moshe could not. Both of these interpretations show that Yitro was a huge figure in Bnei Yisrael. Everybody knew Yitro and looked up to him. Rashi (ibid.) gives even more examples of Yitro's leadership. Not only did Yitro advise Moshe in the past, but when Bnei Yisrael do not understand something, Yitro *will* educate them. He will still be that leader, that teacher that everybody looks up to. Rashi also says that it can just be a term of endearment, like "the apple of our eyes". Moshe's saying "We all love you, Yitro! How could you leave us in the wake like this?" If Moshe Rabbeinu is telling you that, you're probably a good leader and community figure. If he doesn't go into Israel, what kind of message would that send to Bnei Yisrael? They'd want to follow him back to his home too! Finally, there's the message of Onkelos. He translates the phrase as "*UGouran De'It Avidan Lana Chazeita Be'Einayich,*" "You saw the miracles that were done for us with your very own eyes!" How could Yitro leave after all that! Combining this with Chizkuni, we have a wider scale answer. Chizkuni says that potential Geirim will look to Yitro as a role model. They'll say, "The great Yitro experienced all these crazy miracles and *still* left! Why should I convert?" We see that great leaders need to set examples for the community. The Ramban, (BeMidbar 10:14 s.v. "*Ve'Al Tzeva'o Nachshon Ben Aminadav*") earlier in the Parashah, asks why the names of all the heads of the tribes are mentioned again. We already know them all! He answers that it shows that they led their respective Shevatim when travelling. There's no room for a leader to act just like another one of the followers. When the leader doesn't set a good example for the community, everything breaks down.

LEVI'IM AND FORCED RETIREMENT

By *Shimmy Greengart ('21)*

A significant problem in contemporary society is age discrimination (ageism). This is where successful old workers are let off to be replaced with younger ones for no reason other than their age. Luckily, this is not a problem that usually comes up in the Torah. In the Torah, the elderly are respected for their wisdom, so being older makes you more valuable, not less. However, an apparent exception is found in this week's Parashah.

Kol Torah is a community wide publication that relies on generous donations from our friends and family in the community for its continuous existence. To sponsor an issue in memory of a loved one, in honor of a joyous occasion, or for a Refu'ah Sheleimah, please contact:
business@koltorah.org

At the end of Perek 8, the Levi'im are presented with a forced retirement age. As soon as they hit the age of 50, they must return from the "Tzeva Ha'Avodah", the legion of service, and work no more. They still may "Sheireit Et Echav", officiate with their brothers, but they may not do any more proper Avodah. This seems like a clear-cut case of age discrimination. Why is it so?

Perhaps unsurprisingly, no Mepharesh answers this question. However, a ready answer does spring to mind. According to the Mepharshim, the Avodah in question being banned here is specifically carrying the Mishkan. Other jobs of the Levi'im (which may or may not include singing) are still permitted. Carrying giant objects of gold is (believe it or not) not easy, and as people get older, their bodies deteriorate, and they can no longer utilize the physical strength they once did. As such, the Torah wants to spare them the pain by preventing them from carrying.

This answer seems satisfying, but only if it isn't inspected too closely. If the Torah was really so worried about old men hurting themselves, why does it use a specific threshold? After all, different people age at different rates. One person might be too weak to carry the Aron at age 45, while another might carry on strong through age 60. There is nothing special about the age 50. My father turned 50 a month ago, and I haven't noticed any significant changes from when he was 49.

One could answer that the Torah needs to put a specific boundary for how long a Levi could carry because otherwise, he might insist that he can carry the Aron even when he isn't strong enough to do so, the results of which would be catastrophic for everyone. 50 is just the average time when most people are no longer strong enough.

However, that does not hold up to closer examination either. After all, the count of Bnei Yisrael two Parshi'ot ago didn't have any upper limit at all, despite the fact that (according to Ramban) its purpose was to draft soldiers for the war to conquer the land. Additionally, Judaism never really sees 50 as the onset of old age. According to Avot 5:21, that doesn't happen until age 60, a full decade later. So why is there a threshold, and why at this age?

Perhaps we can answer that the Torah isn't committing any age discrimination at all, by redefining the word "Sheireit". The Torah says that while a 50-year-old Levi can no longer do Avodah, he can still be "Sheireit Et Echav". The traditional translation of that is serve, that the Levi can still do some sort of service with his brothers in the Mishkan. However, that is not the only way we see that word being used. It can also mean managing or administrating. We see this with Pharaoh's cabinet members, who are called the Sar Ha'Ofim and the Sar HaMashkim. A general in Hebrew is a Sar Tzava. What if "Sheireit" doesn't mean serve, but instead administrate? "Sheireit Et Echav" can instead mean administrate his brothers.

Picture Kovi'el, a worker from Mishpachat Merari. For thirty years, he has been guiding the oxen as they pull a wagon holding the Mishkan's beams. He knows his job, and he does it well. But he doesn't get any respect for it. All his friends just call him "Wagon Guy". Then, one day, Kovi'el turns 50. Suddenly, he is kicked out of his old job and put up in the administration. Instead of leading wagons, he leads the men who lead them. He passes on his knowledge about how to properly lead the oxen so

that they don't trip and the wagon remains steady to the next generation. Now he is important. Now he has respect.

There is evidence behind this suggestion. The Mishna in Avot mentioned earlier does make the age of 50 a threshold for something, albeit not old age. It has 50 as the threshold for Eitzah, the ability to give advice and lead, exactly what Kovi'el was doing in our example. Furthermore, a promotion at age 50, a decade before the threshold of old age at 60, provides a much needed boost. After all, if Kovi'el is not going to be promoted now, he never will be. He will retire as "Wagon Guy". We cannot allow that.

In conclusion, we need to respect our elders. We cannot kick them out of their jobs because someone younger came along. The Torah doesn't do it, so neither should we. But more than that, everyone deserves a chance at leadership. No one should have to live their whole life at a low status. Everyone should be able to be a Sar.

THE BIRTH OF HALAKHIC JURISPRUDENCE AND THE SANHEDRIN

By Tzvi Meister ('21)

In this week's Sidrah, we arrive at the stark reality that as Moshe Rabbeinu has grown older, his continued role as Halachic decisor and leader of Am Yisrael alone is called into question by none other than Moshe himself (see Sifrei BeMidbar 92). Thus, Hashem answers his call: "*VaYomer Hashem El Moshe Esphah Li Shivim Ish MiZiknei Yisrael Asher Yadata Ki Heim Ziknei HaAm VeShoterav VeLakachta Otam El Ohel Mo'ed VeHityatzevu Sham Imach. VeYaradati VeDibarti Imcha Sham VeAtzalti Min HaRuach Asher Alecha VeSamti Aleihem VeNase'u Itecha BiMasa HaAm VeLo Tisa Atah Levadecha,*" "And Hashem said to Moshe, 'Gather for Me seventy men from the elders of Israel whom you know to be the elders and officers of the people, and bring them to the Tent of Meeting and let them take their place with you. I will descend and speak with you there, and I will draw upon the spirit that is on you and place it on them; and they will bear the burden of the people with you, and you shall not bear it alone' (BeMidbar 11:16-17). From the language of the Pesukim, it would appear as if Hashem has just informed Moshe of His intention to inaugurate and ordain an assembly of men qualified to handle Halachic questions of major concern. Yet, this is seemingly not the first Sanhedrin to be ordained by Moshe Rabbeinu and HaKadosh Baruch Hu, as Rashi (ibid. 11:16, s.v. Esphah) and Rabbeinu Bachya (ibid. 11:16, s.v. VeNireh) highlight there being two previous Sanhedriots. As a result of this seeming discrepancy in events and linguistic, we are left to ask the following critical questions: 1) What makes this new Sanhedrin any different and what is its role; 2) What is the significance of there being 70 elders; and finally 3) What was Moshe Rabbeinu's role in this new Sanhedrin?

In addressing the differences in roles of this new Sanhedrin Gedolah, we are once again reminded of its predecessors and their respective functions. Rabbeinu Bachya (ibid. 11:16 s.v. Esphah Li Shiv'im Ish) again addresses the situation by noting that the original 70 elders were among those beaten by their Egyptian masters (Shemot 5:14) because of their displayed compassion for Am Yisrael. Thus, their compassion was rewarded by HaKadosh Baruch Hu. Their capacity as a collective "Sanhedrin" was not one of Halachic jurisprudence, but rather one more closely resembling of a modern presidential cabinet. We find an interesting homiletic parable in the

Gemara (Chagigah 3b), which relates that the comparison of the words of Chazal to a goad is because just as the goad ensures that a cow will contribute to life on earth through ploughing, etc., so the function of the teachings of Chazal is to bring life into the world. After all, the whole purpose of the Torah is to enrich life, to ensure that life continues. They are to steer their students away from paths that lead to death to paths that lead to life. Just as the goad causes the cow to move forward, likewise the words of Chazal teaching Torah prompt their listeners to move forward spiritually. Much like the function of Chazal was to spiritually “goad the cows” to the proper path, so too was the original Sanhedrin as it related to counseling which Moshe Rabbeinu and Aharon HaKohen would have sought in Mitzrayim and following the Yetziah, the exodus.

In this new Sanhedrin, however, we witness the synthesis of a wholly new entity within Yahadut and its rapidly evolving roles while in transit to Eretz Yisrael. According to Rav Yosef Dov Soloveitchik, the Sanhedrin Gedolah¹ served two functions that were not previously seen: first, this Sanhedrin serves as the final arbiter in all areas of Halachah (derived from Devarim 17:8-10). Second, they act as the representative of all Knesset Yisrael (Kovetz Chidushei Torah, p. 52). The sanction of the Sanhedrin on any action represents the consent of the Jewish people as a whole (e.g. the authority to enact the period of Kiddush Levanah following Rosh Chodesh or authorize Milchamot Kivushim, wars of conquest, all required the Sanhedrin). Yet, it is puzzling that we find this Sanhedrin to have so much jurisdictional range, especially given that this Sanhedrin was not needed judicially; Yitro had already taken care of a separate Sanhedrin to handle this (see Shemot 18:13-23). It is clear that this new Sanhedrin’s true purpose is to assist Moshe in leading, but in what way? Certainly, it cannot be in jurisprudence, and it certainly cannot be in spiritual guidance. Thus, we must beg the said question: What makes this Sanhedrin, unlike the others? Perhaps the answer to this question lies in a deeper cognition of the whole that is our original Pesukim.

Another question we must face in dissecting these difficult Pesukim is the significance of the number 70 as it relates to this new Sanhedrin. Per the Mishnah (Sanhedrin 2a), these men constituted the Sanhedrin Gedolah recorded later in Tanach and Rabbinic Literature. Yet it is strange to conceptualize the existence of the Halachic-decisional power structure at this point, particularly as we have not witnessed Bnei Yisrael’s entrance into the land of Israel, and will not do so for many years. Additionally, we know from historical records that the formation of these decisional bodies did not take place for many years even post-entrance. However, the number 70 still presents us with a significant piece of information to process, one that represents a deep historical connection in Am Yisrael. According to Rabbeinu Bachya (ad loc.) these seventy men - plus Moshe Rabbeinu - correspond to the 70 Malachim and HaKadosh Baruch Hu Himself, who represent the Machaneh Elyon, the celestial camp. The positioning of the Zekeinim around the Ohel Mo’ed in Pasuk Chaf Daled (24) of this Perek is in actuality a symbolization of this. Not only that, but at the time that Ya’akov Avinu descended to Mitzrayim, he was the 71st person presiding over his 70 biological descendants who traveled with him, and earned much Berachah from this lineage. Ramban (ad loc.) states similarly that the number 70 is significant of the Malachim who correspond to the nations and

languages of the world (this is supported by the Midrash in Pirkei DeRabi Eliezer Ch. 24). As a result, this is why 70 went down to Mitzrayim, and why there are 70 Shofetim because 70 is a number that contains within it all viewpoints and positions. It is fitting then, that as Moshe Rabbeinu requires leaders who will represent and help steer the entire nation of Israel, the number 70 is designated here. And so, we are now left to yet again ask what the role of the Sanhedrin is in light of the numerical significance presented to us. Perhaps we may build upon this number through the remainder of 1: Moshe Rabbeinu.

Where does Moshe stand in all of this? One could conclude that based on the Pesukim, Moshe is ready to retire and has designated these 70 elders to help him transition. Another suggestion is that perhaps Moshe has become too weak to handle leading the nation alone and serve as their Rebbi. In retrospect, neither of these suggested claims hold validity, and yet they do each hold individual kernels of truth. Ramban (ibid., 11:17 s.v. VeYaradati VeDibarti Imcha Sham VeAtzalti Min HaRuach) states that Moshe presided over the Shivim Zekeinim, setting the precedent that in every Sanhedrin Gedolah (Talmud Bavli, Sanhedrin 2a), there is to be one president over the 70. This is also connected to Ramban’s previous assertion of the Machaneh Elyon and Hashem ultimately presiding over it. Just as Hashem presides over the heavenly and other-worldly Machaneh Elyon, Moshe presides over the human counterpart. He also finds that based on a Midrash (BeMidbar Rabbah 1:25) that because Hashem was alleviating Moshe Rabbeinu of a “burden,” He channeled his Nevu’ot to be passed from him directly to the Zekeinim so they could alleviate part of the burden. Their Nevu’ah came to them directly through Moshe Rabbeinu. Thus, the Zekeinim, by virtue of their serving as conduits to Moshe Rabbeinu’s powers of Nevu’ah, would be able to transmit and disseminate the messages of what would occur in the Midbar to their respective Shevatim, and thus alleviate Moshe’s burden of handling their complaints that would follow alone. However, Ramban’s proposed rescue of the situation is in actuality only superficial, for there arises a major Stirah, contradiction, as to this Sanhedrin resultant from Moshe Rabbeinu’s status.

The Gemara (Sanhedrin 16a-b) indicates that Moshe Rabbeinu himself carried the status of the entire Sanhedrin Gedolah, whereas the Mishnah discussed earlier (ibid. 2a) derives the necessity of the Zekeinim from the episode found in this Parashah. The question now becomes: was Moshe merely the leader of the Sanhedrin or the equivalent of the entire body? Rambam (*Hilchot Avel* 1:1) writes that it was Moshe himself who instituted the Shivah period and Sheva Berachot. Yet in later Halachot (*Hilchot Melachim* 1:3), Rambam notes that a king must be appointed by the Sanhedrin, as Yehoshuah was by Moshe and his Beit Din. What was their ultimate purpose then, and in what context was Moshe sufficient to institute a practice as Halachah?

It is at this point that we revisit the suggestion of the Rav. According to the Rav (*Shiurim LeZecher Abba Mari Z”L*, Vol. II, pp. 199-200), in contradistinction to the dual roles of the general Sanhedrin Gedolah explicated previously, the Sanhedrin Gedolah of Moshe Rabbeinu served a similar yet wholly different purpose. The first was to serve as a source of Halachic rulings. In this respect, Moshe was the equivalent of the entire body and thus could make Halachically grounded legal enactments independently. If one

¹ This analysis of the Sanhedrin Gedolah is related to the later body, not the one found in this week’s Parashah as we will see later on.

argued with him on a Halachah, he would be considered liable similar to Korach and his followers. It was therefore not permitted for Moshe to argue a case as a member of the Sanhedrin since the members were precluded from disagreeing. The second function was to (much like a presidential cabinet as noted earlier) formalize certain actions. The appointment of a king requires the Sanhedrin not to issue a Halachic ruling, but to formalize the appointment. Together with Moshe as the Nasi HaSanhedrin, the president of the Sanhedrin, they were necessary in order to provide legal authority to the appointment.

And so we find that in light of the vast differences between the various Sanhedriot which are presented throughout the Tanach and early Rabbinic/Talmudic eras, that the Sanhedrin Gedolah found in our Parashah serves as the model for later bodies. It served in a dual capacity of both the ultimate arbiters of Halachic jurisprudence, and simultaneously as a subordinate yet symbolic body on the behalf of Moshe Rabbeinu. With this body, the Halachic framework and decisional process were born, and the Mesorot and history that we carry on to this very day. What we are left with however is not simply a recognition of the impressive complexity of this body in the context of Ancient Near-East history, but a sense of awe and reverence for that same body which we can only dream and hope for its restoration BeMeheira BeYameinu.

PRIORITIES IN COVID-19 VACCINE DISTRIBUTION PART III

By Rabbi Chaim Jachter

Acharonim – Four Criteria of Precedence

1. The Pri Megadim – Need Based

The Pri Megadim (Orach Chaim, Mishbetzot Zahav, 328:1) very briefly sets forth a central principle. He writes that if there are two people in need of medicine who come before a doctor, the one who is in greater danger receives the medicine. Teshuvos Tzitz Eliezer (9:17:10:5) and Rav Shlomo Zalman Auerbach (Teshuvos Minchas Shlomo 2:86) rule in accordance with the Pri Megadim. The Pri Megadim does not state the source for this important ruling. This might be since it is obvious from various passages in the Gemara that the one with the greater need enjoys priority. Examples include from the Gemara we quoted above (Sanhedrin 32b) about which ship or camel travels first and also in regard to precedence in regard to Tzedaka allocation. TABC Talmidim Yakov Abrahams, Tzvi Meister and Yossi Sherman note that Sanhedrin 32b accords priority to the boat that is in greater need. Yossi Sherman also notes that in regards to Tzedaka needs priority is extended to the one who is more vulnerable. This also fits perfectly with the Pri Megadim. Yakov Halstuch and Tzvi Meister note that Kiddushin 29b according priority to the Mitzva which is more of a pressing need, also serves as a compelling precedent for the Pri Megadim.

Yakov Halstuch adds that the Pri Megadim does not offer a source since his argument is obvious. As Yakov notes, why would the Pri Megadim's point not be true? TABC's Elan Agus notes that often a Makor is not needed since Sevara is a potent argument. Often the Gemara says, "Lamah Li Kera? Sevara Hu," which teaches that Sevara enjoys the status of a Din De'Oraita. For example, Bava Kama

(46b) states (translation from the William Davidson edition of the Talmud):

Rav Shmuel bar Nahmani said: From where is it derived that the burden of proof rests upon the claimant? As it is stated in the Torah when Moses appointed Aaron and Hur to judge the people: "Whoever has a cause, let him come near [Yiggash] to them" (Exodus 24:14). This is interpreted to mean that whoever has a claim against another should submit [Yaggish] proof to them. According to this interpretation, this verse demonstrates clearly that the claimant is responsible for supplying the proof. Rav Ashi objects to this: Why do I need a verse to derive this? It is based on logical reasoning that one who suffers from pain goes to the doctor. Just as here the individual with the problem has the responsibility to resolve it, so too, someone with a claim against another must bring a proof to corroborate his claim.

Thus, Sevara is a most important source. Indeed, Pnei Yehoshua (Berachot 35a) argues that a Berachah Rishonah constitutes a Torah obligation since the Gemara states, "Sevara Hu Assur Lo Le'Adam SheYehenen Min Ha'Olam HaZeh BeLo Berachah," "It is logical that it is forbidden for a person to benefit from this world without a blessing."

The Pri Megadim prioritizing the greater need is reflected in the Bi'ur Halacha's priorities regarding who enjoys the right to Daven for the Amud (132: Kuntress Ma'amar Kaddishin) and receive an Aliyah (136 s.v. B'Shabbos V'Yom Tov). The greater the need for the Amud and for the Aliyah the greater the priority.

A big question is to what situations does the Pri Megadim apply? Does it supersede the order set forth in the Mishna in Horiyos? In other words does the precedence of someone in greater danger apply only to people in the same category in the Mishna in Horiyos such as two men or two women, or does it transcend the order and hence a woman in greater danger enjoys priority over a man in lesser need? The answer is not clear from the Pri Megadim.

Rav Asher Weiss (Teshuvos Minchas Asher 1:115 and 2:126) and Rav Shmuel Wosner (Teshuvos Sheivet HaLevi 10:167) rule that the Pri Megadim's rule supersedes the order of the Mishna in Horiyos.

Editors-in-Chief Emeritus: Noam Barenholtz, Harry Meister, and Eitan Mermelstein

Editors-in-Chief: Ezra Lebowitz and Aidan Samet

Publishing Managers: Ezra Luber, Daniel Kroopnick, and Asher Rauzman

Publication Editors: Kivi Davis and Chanan Schreiber

Communications: Yishai Bachur

Business Manager: Ezra Ratner

Rabbinic Advisor: Rabbi Chaim Jachter

Questions, comments? Contact us at:

Kol Torah

c/o Torah Academy of Bergen County

1600 Queen Anne Road

Teaneck, NJ 07666

Phone: (201) 837-7696

koltorah@koltorah.org