

לעילוי נשמת
מרת עקא עדנה
צפורה ע"ה וסרטל
בת משה מנחם הלוי ז"ל



על דשא

AL E I DESHE

Weekly Torah Insights and inspiration on the Parsha from the Rosh Yeshiva Shlit"a of Gur

Secret of the Times

וידבר ה' אל משה במדבר סיני בשנה השנית לצאתם
מארץ מצרים בחדש הראשון לאמר.

Hashem spoke to Moshe, in the wilderness of Sinai, in the second year from Yetzias Mitzrayim, in the first

in the Torah there is no chronological order. It is possible to predate our teshuvah, and make it as if we never sinned.

month, saying (Bamidbar 9:1).

Sefer Bamidbar opens with the census of Bnei Yisrael which took place in the second month of the second year from Yetzias Mitzrayim. *Pesach Sheini*, in *Parshas Beha'aloscha*, goes back in time to the first month of that year, and the Gemara (*Pesachim* 6b) proves by this that chronological order cannot be assumed in the Torah—אין מוקדם ומאוחר בתורה. The Maharshal questions this proof, pointing out that in this case the timing of the *parshios* is specifically stated. How can we make a general rule and say that any *parshah* at all may be out of order?

At times it is hard to do *teshuvah* because we see the past as reality, and we see no way to correct it. In the physical world it is true, there is no way to turn back the clock; yet in the Torah there is no chronological order. It is possible to predate our *teshuvah*, and make it as if we never sinned. The principle of אין מוקדם ומאוחר can aid us in *teshuvah*.

After the census of *Parshas Bamidbar*, a person may feel that having sinned, he is no longer included in the census. The Torah corrects this notion by showing that through *teshuvah*, we are able to go back in time: אין מוקדם ומאוחר. It is fitting that this lesson is taught through *Pesach Sheini*, which is all about making up missed opportunities.

Furthermore, *Pesach Sheini* is related to the concept of a leap year. The *Chachamim* have the authority to add a month to the year, moving the calendar up one month. It is through this channel that *Pesach Sheini* is possible. Even if we're already in the month of Iyar, it is still the proper time to bring the *korban Pesach*.

Chazal in various places speak of the *sod ha'ibur*—literally, the secret of the leap year. Rav Dovid Moshe of Chortkov explained that, at times, when there are decrees against Klal Yisrael, Hashem reveals the secret to the *Chachamim*. They are able to circumvent the decree by changing the timing—by adding

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Balanced Judgment

לא כן עבדי משה בכל ביתי נאמן הוא.

Not so is My servant Moshe; in My entire house, he is the trusted one (12:7).

Chazal explain (*Zevachim* 101b) that Moshe Rabbeinu was not able to render Miriam's *tzaraas tamei* because he was not a *kohen*. Notably, Moshe was also her brother; even a *kohen* cannot pass judgment on a family member. Why didn't Chazal mention that disqualification?¹

While normally, a relative may not serve as a judge, in monetary matters, the litigants may agree to have a relative adjudicate their case (*Sanhedrin* 24a). This only applies to monetary cases. In cases pertaining to punishments (*onshim*), there are no litigants; it is Hashem's authority to punish, and He does not trust relatives.² Accordingly, as Miriam's brother, Moshe Rabbeinu should not have been able to *pasken* on her *tzaraas*.

Yet the *Yehudi Hakadosh* suggests³ that Moshe Rabbeinu was different. The problem with relatives deciding punishments is that Hashem does not trust them (and He is the authority for all punishments). Since Hashem Himself testified about Moshe Rabbeinu that he was trustworthy, Moshe could be trusted even for punishments.

¹ See Maharsha.

² *Radvaz, Hilchos Sanhedrin*, 18:6; *Shulchan Aruch Harav, Hilchos Nizkei Guf V'Nefesh* 4.

³ *Ma'areches HaRebbe R' Bunim Zy"u* 46. In *Ohel Torah* this insight is attributed to the Kotzker.

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Penetrating the Facade

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time to the month or the year. This is the *sod ha'ibur*. *Pesach Sheini*, which relates to the *sod ha'ibur*, also has this power. When the *yetzer hara* seizes hold of us and seems to have us in his trap—we have sinned, and there is no way out—we can harness the power of מוקדם אין to break free and do *teshuvah*.

The Baal Haturim points out that the word וְחָדַל appears two times in Tanach: once in connection to *Pesach Sheini* (9:13), which is brought by one who neglected to bring the first *Korban Pesach*—וְחָדַל לַעֲשׂוֹת הַפֶּסַח, and once in the *kapitel* that we recite in a *beis avel*, וְחָדַל לַעֲשׂוֹת הַפֶּסַח—*withheld forever* (Tehillim 49:9). We may suggest that this alludes to our ability to do *teshuvah*. In a *beis avel*, וְחָדַל לַעֲשׂוֹת הַפֶּסַח—*teshuvah* after death is unattainable—but

as long as we live, we have לַעֲשׂוֹת הַפֶּסַח. We may have failed, but we are still able to do *teshuvah*.

Regarding the mitzvah of *teshuvah*, the pasuk states, וְהִתְדוּ אֶת חַטֹּאתֵיכֶם אֲשֶׁר עָשׂוּ – *they shall confess their sin that they have committed* (Bamidbar 5:7). Although the pasuk is speaking of an individual who stole and wishes to repent, it is written as if the *tzibbur* is repenting. When Klal Yisrael comes together with the common goal of doing *teshuvah*, each individual is awakened to do *teshuvah* on his own personal failings.

When the *Chachamim* would decree a public fast because of a drought, the morning began with *kinufia*, coming together (*Taanis* 12b, *Megillah* 30b). Rashi explains that all the

townspeople would gather and inspect their business dealings to see if anything was amiss. We may suggest that *kinufia* does not mean merely the physical gathering which enabled them to inspect everyone's accounts; *kinufia* refers to the meeting of minds. They all gathered with the common purpose of doing *teshuvah*, and this is what arouses people to *teshuvah*.

Sefer Bamidbar is called *Chumash HaPekudim*. פְּקִידָה can mean counting, but it can also mean missing, as in וַיִּפְקֹד מִקּוֹם דָּוִד – *Dovid's place was empty* (Shmuel I 20:27). Even when we fail (פְּקִידָה)—we are able to rise and rejoin the census of the פְּקִידָה.

(סעודה שלישית פרשת בהעלותך תשפ"ד מאמר א)

In the Desert

ולפי העלות הענו מעל האהל ואחרי כן יסעו בני ישראל.

Whenever the cloud was lifted from the tent, afterwards Bnei Yisrael would travel (9:17).

The Baal Haturim notes that there are only two places where the word העלות appears: Here in the context of Bnei Yisrael's travels, and in Ezra (1:11) referring to Klal Yisrael's exodus from Bavel together with Daniel. The Baal Haturim quotes the Gemara (*Berachos* 4a) saying that if not for the sins of Klal Yisrael, the exodus from Bavel would have been like the Exodus from Egypt. The exodus from

Bavel could have had the *Ananei Hakavod* as well.

On a deeper level, we can suggest that although Klal Yisrael wandered in the *midbar*, their every move was guided by Moshe Rabbeinu. Klal Yisrael knew the road to take and the purpose of their travels. And everything was by the mouth of Hashem (9:20-23). Yet when Klal Yisrael left Bavel, they were still in *galus*. It was a time of *hester panim*, and things were not clear. As muddled as things may be in *galus*, we must remember that everything is guided by Hashem. Just as we saw at Yetzias Mitzrayim, so it is always.

The pasuk in Ezra refers to Daniel as שְׁבַצַּר. The Midrash explains¹² that this name hints at all the *tzaros* of his time—both Daniel's personal troubles and those that occurred to Klal Yisrael. Daniel brought all these trials and travails up from Bavel. He showed the Yidden that all that they endured was governed by Hashem.

Rav Shmuel Vosner related that when he escaped Europe during the war, he endured much hardship; as he disembarked in Eretz Yisrael, the British made more trouble; and settling in Eretz Yisrael came with further suffering. But throughout it all, his constant refrain was, "We read the *parshah* of the *masa'os* with a special nigun!" As a Yid

Balanced Judgment

The *Hafla'ah* writes⁴ that a judge who is disqualified may only adjudicate if both parties agree to have him rule. If only one party agrees, the judge only gains the ability to find the agreeable party liable. The other party, having not accepted this invalid judge, would have no obligation to accept a verdict from him. One-sided judgment does not qualify as judgment; thus, to allow this judge to rule, both parties

In galus we cannot see it, but whatever we are going through is orchestrated by Hashem.

would have to accept the judge.⁵

The *Chiddushei HaRim*⁶ lays out some cases where this discussion would arise:

A good friend or an enemy of one litigant is disqualified from serving as a judge. If such a scenario took place, and the judge indicted his enemy, or acquitted his friend, the judgment would certainly be invalid. Yet what if a judge indicts his good friend, or acquits an enemy? This would depend on our question. If a one-sided judgment is invalid, the judgment of this case would certainly be invalid; yet if we could accept a one-sided judgment, this adjudication would be valid.

A similar question arises where a judge is partial to one side of the dispute. If he judges against his bias, would such a judgment be valid?

Yet we may differentiate between the cases of the *Chiddushei HaRim* and that of the *Hafla'ah*. In the case presented by the *Hafla'ah* there is nothing inherently wrong with the perspective of the judge. Although disqualified as a judge, there is nothing wrong with his judgment against the party that has agreed to accept his ruling, and his judgment should be acceptable. In the cases suggested by the *Chiddushei HaRim*, the judgment is skewed. Even if the judge rules against his personal bias, perhaps this resulted from pushing himself too far in the opposite direction to avoid his bias. Such judgment is inherently unbalanced, and should be discarded.

On the other hand, we could make the argument that a biased judge is perfectly valid as a judge. He cannot adjudicate this specific case, because of his bias. Therefore, if he were to rule against his bias, the judgment may be perfectly valid. In the case of the *Hafla'ah* the judge himself is invalidated. If both sides were to accept this judge, we could accept his judgment. But if only one party accepts him, his judgment would not qualify as a judgment.

The *Shaar Hamishpat*⁷ seeks to prove that even a one-sided judgment works. The *Rishonim* write⁸ that a custodian of orphans may have their case adjudicated as long as the

outcome is in their favor. Clearly, a one-sided judgment is valid.

Yet, we can counter that in the case of orphans the judgment is balanced. The judges are unbiased, and if they decide in favor of the orphans, there is nothing wrong with their judgment. The only reason they can't indict the orphans is because the orphans have no proper representation for their defense. We have to assume that if the orphans were older, they would have their own claims; if their custodian couldn't put together a good defense, we cannot indict them.⁹

The *Pis'chei Teshuvah*¹⁰ discusses a case of a lottery where one member erroneously had two entries. If that member is drawn, the lottery would certainly be disqualified. But what if another member is drawn? The *Pis'chei Teshuvah* says that the lottery would be disqualified nevertheless, because it did not give all parties equal chances.¹¹

If a lottery, which is not dependent on human decision, becomes disqualified if it is unbalanced, certainly an unbalanced adjudication should be disqualified. Yet we could argue the reverse as well: Since a lottery is decided in *shamayim*, it requires all sides to be equally represented. But *beis din's* decision is based on their discretion. If they decide in favor of a certain party, and their decision has no bias, it is perfectly valid. There may not be a requirement for the ability of a balanced judgment.

(ילקוט שיעורים סוגיות סימן ד, בנאות)

דשא פרשת בהעלותך תשפ"ד

⁴ C.M. 22:2 c.v. v'da.

⁵ A litigant may allow an invalid witness to testify against him even if the other party does not agree. Testimony is only recounting what occurred; it does not have to be two-sided. Yet judgment, by definition, must weigh the two sides, and cannot be one-sided.

⁶ C.M. 22 s.v. ulam; *Chiddushei Sugyos* C.M. 22; In new printings this appears in *chiddushei Sanhedrin* p. 245.

⁷ 7:2.

⁸ *Gittin* 52a.

⁹ See *Even HaAzel*, *Hilchos Nachalos*, 11.

¹⁰ C.M. 175:1.

¹¹ See *Maharil Diskin Al HaTorah Miketz* 42:19, and *kuntres Over Orach* of the Aderes, 1 dor 21.

In the Desert

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travels to Eretz Yisrael, there may be many trials along the way, but they must constantly sing. They are on their way to Eretz Yisrael!

The *sefarim hakedoshim* write that the forty-two travels of Klal Yisrael in *Parshas Masei* are not specific to that generation. Klal Yisrael has *masaos* in every generation, whether they be new exiles or any other hardship. In *galus* we cannot see it, but whatever we are going through is orchestrated by Hashem. We must recognize this, and we must constantly sing!

(סעודה שלישית פרשת בהעלותך תשפ"ד מאמר ב)



והאספסוף אשר בקרבם התאוה ותאוה.

The rabble that was amongst them cultivated a craving (11:4).

One year after Shavuot, the Chiddushei HaRim met Rav Yaakov Aryeh of Radzymin. Noticing that he was crestfallen, he inquired after his welfare. R' Yaakov Aryeh replied that every year he became despondent at the beginning of *Sefer Bamidbar*. It was difficult for him to read the *parshios* describing how the Yidden of the *dor de'ah* continuously angered Hashem. The Chiddushei HaRim replied, "The sins of the *dor de'ah* became Torah, but our *mitzvos*—who knows what will become of them?"¹³ The Chiddushei HaRim didn't mean that we should be imitating the *dor de'ah* or that we should be correcting their mistakes. Rather, by studying these *parshios*, we can

better understand ourselves and see what we need to fix.

Klal Yisrael of that time were not *baalei taavah*, *chas v'shalom*. When the pasuk writes התאוה it refers to the *eirev rav*.¹⁴ Although Klal Yisrael did request meat—מי יאכלנו—it was for the purpose of performing *mitzvos*. They did not want only *mann*, which didn't come along with any *avodas Hashem*; they wanted meat, which requires *mitzvos* such as *shechitah* and *melichah*.¹⁵

In Kotzk they offered an alternate explanation: Rav Elazar of Bialystok said that each person thinks וְהָאֲסָפְסָף אֲשֶׁר בְּקִרְבּוֹ (*the evil among us*) refers to his fellow, but in reality, it refers to the evil inside each one of us. Each of us has his own אֲסָפְסָף אֲשֶׁר בְּקִרְבּוֹ. On the outside we look like *yere'im u'shleimim*, but we all have an evil side. These *parshios* are intended to help us recognize our own shortcomings so we can improve.

הָאֲנָכִי הִרִיתִי אֶת כָּל הָעָם הַזֶּה אִם אֲנִי יִלְדֵיתִיהוּ – *Did I conceive this entire nation or did I give birth to it, that You say to me, 'Carry them in your bosom?'* (11:12). Moshe Rabbeinu seems to say that Hashem told him to carry Klal Yisrael in his bosom. Where do we find such a command? All Hashem said was to give them meat!

But Moshe Rabbeinu was alluding to our אֲסָפְסָף אֲשֶׁר בְּקִרְבּוֹ. Moshe Rabbeinu had an insatiable thirst for *mitzvos*;¹⁶ when Klal Yisrael

was busy gathering the spoils of Mitzrayim, Moshe was collecting Yosef's *aron*. The Yidden wanted to bond with Moshe Rabbeinu, they wanted to connect with him.¹⁷ Moshe asked, "How could you be בחיכי? How could we connect if you have an אֲסָפְסָף אֲשֶׁר בְּקִרְבּוֹ?"

Further in the *parshah* (11:35) we find how to overcome our אֲסָפְסָף.

מִקְבְּרוֹת הַתְּאוֹה נִסְעוּ הָעָם הַצְרוֹת וַיְהִיו בְּחִצְרוֹת.

it is the mesiras nefesh of Yitzchak, his steadfast ability to serve Hashem under any condition, which stands by us now.

- From *Kivros-Hataavah* the people journeyed to *Chatzeros*, and they remained in *Chatzeros*.

The Gemara (Shabbos 31b) refers to *yiras Shamayim* as a *chatzer* (courtyard),¹⁸ and the *sefarim* explain¹⁹ that *Chatzeros* here alludes to *yiras Shamayim*. The way to bury the *taavah* (קְבִירוֹת הַתְּאוֹה) is to be in *Chatzeros*. By learning *mussar* every day and becoming full of *yiras Shamayim*, we will bury our *taavah*—the אֲסָפְסָף אֲשֶׁר בְּקִרְבּוֹ.

(סעודה שלישית פרשת בהעלותך תשפ"ג מאמר ב)

¹³ *Likutei HaRim, Beha'alos'cha*.

¹⁴ *Rashi*.

¹⁵ See *Kedushas Levi*.

¹⁶ *Vayikra Rabbah* 22:2; *Koheles Rabbah* 5:8.

¹⁷ See *Rashi*, *Devarim* 13:7 that תִּקְחָם בְּחִיכָם וְנִסְעוּ בְּחִצְרוֹת.

¹⁸ See *Maharshal*.

¹⁹ See *Ezor Eliyahu*.