

The Weekly 'Hi All' by Rabbi Jeff Bienenfeld

Pi-N'CHAS 5785

Two important unrelated insights:

The first: As we find ourselves within the three-week period anticipating the Fast of the 9th of Av - Tish'a b'Av, the words of the B'nei Yisasschar are most welcome. In R. Tzvi Elimelech Spira's (Poland, 18-19th c.) ingenious insights into the months of Tammuz/Av, he observes that typically, the parshiyot of Pinchas and Matot/Mas'ei are read during this time. Parshat Pinchas discusses the division of the Land as well as the festival sacrifices. Parshat Matot speaks about the future conquest of Canaan, and Parshat Mas'ei delineates the borders of Israel as well as the tribal leaders who will eventually conquer and inherit the Land. That we read about these future events during the 21 days when we are enjoined to contemplate the destruction of the First and Second Temples and the exile of our people, all come to remind us that churban and galus are only impermanent historical phenomena. The eternality of the words of the Torah come to remind us that ultimately - and, BE"H, we hope soon - all that was lost will be restored. Even amidst this BEIN HAMITZARIM, during this period of national historical mourning, R. Spira

asserts that these Torah portions radiate sparks of hope signaling that a redemptive era truly awaits.

The second: Rabbeinu Bachya (Spain, 13-14th c.) raises an interesting question about the episode of the daughters of Tz'lofchod when they request that they be entitled to the inheritance of their deceased father (27:5, s.v. VAYAKREIV). Upon listening to their claim, the Torah states that "Moshe brought their case before HaShem" (27:5). Asks Rabbeinu Bachya: The question was not a difficult one, and surely given Moshe's exceptional wisdom, he should have been able to answer the question without referring the issue to Gd? After all, was he not constantly judging the people throughout their sojourn in the desert?

His first answer suggests that while Moshe certainly knew the answer, he refrained from trying the case, because once the daughters mentioned that their father refused to join in Korach's rebellion (27:3), Moshe felt he could no longer remain objective and would be accused of being prejudiced in their [the daughters'] favor. Therefore, he recused himself and turned to HaShem to render His verdict on the matter. Rabbeinu Bachya is not pleased with this first answer arguing that if Moshe felt his bias disqualified

him from judging, he could have assigned the case to a tribunal among the people to adjudicate the claim.

Rabbeinu Bachya then offers another answer, one based upon the Midrash (Tanchuma, Pinchas 9). "The daughters of Tz'lofchod did not approach Moshe, the Kohen Gadol and the elders in the first instance, but had first approached judges of lesser stature in order to give them due respect and not make them feel that they had been bypassed. The various levels of judges, i.e., chiefs of fifty, chiefs of a hundred, etc., also displayed their respect for the higher levels by passing the case on, progressively, through the judiciary system. When Moshe observed how each layer of the judiciary preserved the honor of the next higher level of their colleagues, he in turn decided to do the same and he paid his respects to the Law Maker by presenting the case of the daughters of Tz'lofchod to Gd Himself for a ruling. This is the only reason we find the Torah reporting that 'Moshe presented their litigation before the Lord.' Our sages in the Talmud (Bava Batra 119a) state that although ordinarily this halacha should have been recorded as "written" by Moshe, the fact that the daughters of Tz'lofchod were careful to preserve the dignity of all the people possibly concerned with this legislation is presented as if it had been "written" by them.

Similarly, Rabbeinu Bachya adds: "The reason the final letter NUN is written especially large in the word MISHPATAN, is a hint to a [large/great] Torah sage who [notwithstanding the fact that he] is an outstanding scholar and has studied not only Torah, but also other disciplines, [nevertheless, it is to caution and forewarn him] not to preside over a case in the presence of a scholar who outranks him in wisdom. Rather, if he is asked to preside over a case, he is to [defer and] present this case to the greater authority on the subject. We learn this from Moshe who did not sit in judgment of a case when he was not certain of the law, but presented the case to the Expert, i.e., to HaShem."

In reflecting upon Rabbeinu Bachya's fascinating interpretation, we would do well, especially prior to Tish'a b'Av, to heed the Talmudic passage (Shabbat 119b) which enumerates the various reasons for the destruction of the Temple. Two of them were: "R. Yitzchak said: Jerusalem was destroyed only because its small and the great citizens were equated. [They did not properly value the prominent leaders of their generation]", and "R. Yehuda said: Jerusalem was destroyed only because they disparaged the Torah scholars therein." Indeed, there is something to be said about showing proper respect and reverence to the great

Torah scholars in every generation. Of course, we are referring to those rabbinic greats who, by dint of their sterling ethical attributes and enormous Torah knowledge and depth, have genuinely earned their reputation as being among the GEDOLEI HADOR of their time.

The Talmud (Yoma 78a) relates that there was an established custom in the Talmudic era for Torah scholars who, although quite competent to decide the halacha, were, in certain circumstances, still obliged to seek permission from the Nasi (the recognized rabbinic leader) so as to accord him the honor due. This was not a matter of ego, but underscored the importance of recognizing both the exalted status of his leadership as well as his authority. In our halachic literature, we often find Chazal concerned that because a given ruling was rabbinic in nature, people would take it lightly. Therefore, they invoked the principle of "The words of the sages require chizuk." (E.g., *ibid*, Tos'fot Yesheinim, s.v. V'AMINA). No wonder Chazal stated (Avos 4:12) that the reverence for your teacher [should be] as the awe of Heaven." To honor and heed our finest rabbinic lights was a foundational principle in our entire religious weltanschauung. To do so, reflected in no small measure, our great reverence for HaShem! Thus, Moshe's spotlighting the case of the

daughters of Tz'lofchod was meant to underscore and teach this fundamental lesson to all future generations.

It would appear that such honor and deference were tragically absent in the period leading up to the Churban. When there is a leveling, a dilution and blurring, of the critical distinctions between the erudite and the uneducated, between the wise, experienced elderly and the unripened, immature young, the eventual breakdown of enlightened authority will soon follow with devastating consequences - Churban! This, according to Rav Soloveitchik, was the populist argument of Korach when he sought to undermine the authority of Moshe by declaring that all of the Jewish people were equally holy, and how dare Moshe lord himself above the Congregation (Bamidbar 16:3).

Today, it is not at all difficult to identify the many ills that account for our present sorry state of affairs, all of which appear to be extending our painful and depressingly woeful exilic existence. Perhaps, if we recognized and sought out the great ones among us - those pious religious souls who humbly never seek center-stage - and treat them and their wisdom with the appropriate reverence, we could begin the path back to a more noble and virtuous life and thus merit our Geula sh'leima! 🙌