

פרשת מסעי

It is a remarkable statement, I think, that uses such terminology to discuss Torah, but that is what we read in the Yerushalmi to Masseches Rosh Hashanah (Perek 3/Halachah 5):

דברי תורה עניים במקום אחד ועשירים במקום אחר

The words of the Torah are poor in one place and rich in another place.

That is, there are times when the Torah mentions the same Halachah or the same episode multiple times and it is necessary to have the subject mentioned all of those times because the Torah may be sparse with its words in one instance and abundant with them in another instance.

This does not mean that every time the same subject is repeated we can call its other instances poor. Sometimes each instance is 'rich' but there is information that the Torah did not give me the first time that the subject was mentioned and now it gives me additional information the other time that it was mentioned.

One such example of multiple writings without 'impoverished' words are the lists of fowl that are *tomei* – impure that are given twice, in Parshas Sh'mini in Sefer Vayikro¹ and in Parshas R'eh in Sefer D'vorim². Full lists of forbidden birds are given in both instances but there is a clarification that exists in the second list that is absent in the first³.

On the other hand when I come to the beginning of this week's Parshas Mas'ei and read the 42 locations in which our ancestors encamped in the various wildernesses, I come across places that I barely knew, if at all. And if I knew them, I may have treated those locations as a side point, seemingly insignificant, because I was more interested in what happened there than in where the happening occurred.

And now, the Torah chooses to bring all of those instances before us, a summation of the travels of B'nei Yisroel.

¹ Perek 11/P'sukim 13-19.

² Perek 11/P'sukim 11-20.

³ See Rashi *ibid.* Posuk 13.

And, as Rashi teaches us, I must rid myself of the thought that these locations are taught as a side point. He writes regarding the first verse of our Parsha (B'midbar Perek 33/Posuk 1) which reads:

אלה מסעי בני ישראל אשר יצאו מארץ מצרים לצבאתם ביד משה ואהרן:

These are the travels of B'nei Yisroel who went out of the Land of Egypt by their armies, in the hand of Moshe and Aharon.

Rashi:

אלה מסעי - למה נכתבו המסעות הללו...ורבי תנחומא דרש בו...משל למלך שהיה בנו חולה והוליכו למקום רחוק לרפאותו, כיון שהיו חוזרין התחיל אביו מונה כל המסעות. אמר לו כאן ישננו, כאן הוקרנו, כאן חששת את ראשך וכו':

These are the travels – Why were all of these travels written? Rabi Tanchuma interpreted it as a parable of the king whose son was ill and he took him to a distant place to be healed. When they were returning home the father began enumerating all of their travels. He said to his son, 'Here we slept and here we became cold and here your head hurt, etc.'

That is each of these locations should remind us of an important event that occurred to B'nei Yisroel and we are to remember the kindnesses that Hashem did for us.

One very clear repetition that is found in the details of the travels of B'nei Yisroel reads (B'midbar Perek 33/P'sukim 38-40):

ויעל אהרן הכהן אל הר ההר על פי ה' וימת שם בשנת הארבעים לצאת בני ישראל מארץ מצרים בחדש החמישי באחד לחדש: ואהרן בן שלש ועשרים ומאת שנה במתו בהר ההר: וישמע הכנעני מלך ערד והוא ישב בנגב בארץ כנען בבא בני ישראל:

Aharon the Kohen ascended to *Hor HaHar* according to the mouth of G-d and he died there in the fortieth year of the Exodus of B'nei Yisroel from the Land of Egypt in the fifth month, on the first of the month. Aharon was 123 years old at his death on *Hor HaHar*. The Canaanite King of Arad heard, and he dwelled in the south of the Land of Canaan, when B'nei Yisroel were coming.

The repetition here is quite evident when we compare this section with that which we learned a few weeks ago in Parshas Chukkas. We read (B'midbar Perek 20/P'sukim 23-29; Perek 21/Posuk 1):

וַיֹּאמֶר ה' אֶל מֹשֶׁה וְאֶל אַהֲרֹן בְּהַר הָהָר עַל גְּבוּל אֶרֶץ אֲדוֹם לֵאמֹר: יֹאסֹף אַהֲרֹן אֶל עַמּוּי כִּי לֹא יָבֹא אֶל הָאָרֶץ אֲשֶׁר נָתַתִּי לְבְנֵי יִשְׂרָאֵל עַל אֲשֶׁר מָרִיתֶם אֶת פִּי לִמִּי מְרִיבָה: קַח אֶת אַהֲרֹן וְאֶת אֶלְעָזָר בְּנוֹ וְהַעֵל אֹתָם הַר הָהָר: וְהַפֹּשֵׁט אֶת אַהֲרֹן אֶת בְּגָדָיו וְהַלְבַּשְׁתֶּם אֶת אֶלְעָזָר בְּנוֹ וְאַהֲרֹן יֹאסֹף וּמֵת שָׁם: וַיַּעַשׂ מֹשֶׁה כַּאֲשֶׁר צִוָּה ה' וַיַּעֲלוּ אֶל הַר הָהָר לְעֵינֵי כָל הָעֵדָה: וַיִּפְשֹׁט מֹשֶׁה אֶת אַהֲרֹן אֶת בְּגָדָיו וַיַּלְבִּשׁ אֹתָם אֶת אֶלְעָזָר בְּנוֹ וַיִּמַּת אַהֲרֹן שָׁם בְּרֹאשׁ הָהָר וַיֵּרַד מֹשֶׁה וְאֶלְעָזָר מִן הָהָר: וַיֵּרְאוּ כָל הָעֵדָה כִּי גִוַע אַהֲרֹן וַיִּבְכוּ אֶת אַהֲרֹן שְׁלֹשִׁים יוֹם כָּל בֵּית יִשְׂרָאֵל: וַיִּשְׁמַע הַכְּנַעֲנִי מֶלֶךְ עַרְדַּי יָשָׁב הַנִּגָּב כִּי בָא יִשְׂרָאֵל דֶּרֶךְ הָאֲתָרִים וַיִּלְחַם בְּיִשְׂרָאֵל וַיִּשְׁבּוּ מִמֶּנּוּ שְׁבִי:

Hashem said to Moshe and to Aharon at *Hor HaHar* at the border of the Land of Edom saying. Aharon should be gathered to his people because he will not come to the land that I gave to B'nei Yisroel because you both countered My mouth at *Mei Meriva*. Take Aharon and Elazar his son and take them up to *Har HaHor*. Remove Aharon's clothes and dress them upon Elazar his son and Aharon will be gathered and die there. Moshe did as Hashem commanded and they ascended *Hor HaHar* before the eyes of the entire congregation. Moshe removed Aharon's clothes and he dressed them upon Elazar his son and Aharon died there at the top of *Hor HaHar* and Moshe and Elazar descended from the mountain. All the congregation saw that Aharon died and they cried for Aharon for thirty days – the entire House of Israel.

The Canaanite the King of Arad who dwells in the south heard that B'nei Yisroel were coming by the Way of *Atarim* and they fought against Israel and took from them a captive.

Rashi to our Parsha (Posuk 40) explains the *chiddush* that the verses in Parshas Mas'ei add:

וישמע הכנעני - כאן למדך שמיתת אהרן היא השמועה, שנסתלקו ענני הכבוד וכסבור שנתנה רשות להלחם בישראל, לפיכך חזר וכתבה:

The Canaanite heard – Here the Torah teaches that it was regarding the death of Aharon that the Canaanite heard – that the *Ananei HaKavod* – the protective Clouds of Glory departed [from Israel] and the Canaanites thought

they were allowed to make war against Israel. That is why the Torah repeated this section and wrote it.

Sifsei Chachamim here elaborates:

רוצה לומר לעיל בפרשת חקת גם כן כתיב אחר מיתת אהרן וישמע הכנעני וגו' אבל לא מוכח שם ששמע מיתת אהרן דאיכא למימר ששמע מה שאמר הקרא אחריו כי בא ישראל דרך האתרים אבל כאן לא מפרש אחריו מידי לכך מוכיח כאן שמיתת אהרן וכו'.

Rashi means to say that above in Parshas Chukkas where it also speaks about the death of Aharon and that the 'Canaanite heard, etc.' it is not clear that what they heard was the death of Aharon since it could be said that the Canaanite heard what it says in the following verse that 'Israel was traveling to the Way of Atarim. But here in Parshas Mas'ei nothing else is explained following the narration of the death of Aharon and therefore it can be proven from here that they heard of the death of Aharon, etc⁴.

However, there is an assumption in the above sources – that we already know that there is a connection between Aharon HaKohen and the Clouds of Glory. Where is the source of that understanding?

⁴ See however the rendition of Targum Yonoson Ben Uziel in Parshas Chukkas there who writes:

וּשְׁמַע עַמְלִיק דְּהָוָה שְׂרִי בְּאַרְע דְּרוּמָא וְאַתָּא וְאַשְׁתַּנִּי וּמְלָךְ בְּעַרְד אַרוּם נַח נְפֻשִׁיה דְּאַהֲרֹן וְאַסְתַּלֵּק עֲמוּדָא דְּעִנָּא דְּהָוָה מִדְּבַר בְּזִכּוּתֵיהָ קִדְּם עֲמָא בֵּית דִּישְׂרָאֵל...

Amalek, who was dwelling in the south part of the land heard and came and changed and ruled in Arad, heard that Aharon died and the Cloud of Glory departed which led Israel by the merit of Aharon before B'nei Yisroel.

It could be that the Targum (and the Targum Yerushalmi uses almost the same words) holds that it is clear from Parshas Chukkas that the Canaanite heard of the departure of the Clouds of Glory.

However Tosfos d.h. *vayishma* to Masseches Rosh Hashanah 3 a which will be cited immediately agrees with Rashi and says that it is the verse in our Parshas Mas'ei that informs us that what the Canaanite 'heard' was the departure of the *Ananei HaKovod*.

We learn in Masseches Rosh Hashanah (3 a):

וישמע הכנעני מלך ערד, מה שמועה שמע - שמע שמת אהרן, ונסתלקו ענני כבוד,
וכסבור ניתנה רשות להלחם בישראל. והיינו דכתיב ויראו כל העדה כי גוע אהרן,
ואמר רבי אבהו: אל תקרי ויראו אלא וייראו:

The Canaanite King of Arad heard – What hearing did he hear? He heard that Aharon died and that the Clouds of Glory departed. He assumed that he was permitted to make war against Israel.

This is what we learn from that which is written, ‘All the congregation saw that Aharon died’. About this verse Rabbi Avahu said, ‘Do not read it as ‘*vayir’u*-they saw’ but as ‘*va’yei’ro’u*-they were seen’⁵.

Rashi explains there how to read the variant vocalizations from a Gemara that is non-vocalized:

אלא וייראו - נתגלו.

*But ‘they were seen’ – they were revealed*⁶.

⁵ Rashi clearly explains that the reading of Rabi Avahu is that ‘they were revealed’ – the translation of וייראו.

However, see Torah Temima to our verse who reads the word וייראו as ‘they were afraid’, a reading that is certainly appropriate for the way וייראו could be read in certain contexts.

⁶ *Maharsha* there in Masseches Rosh Hashanah justifies this *drasha* that has us read the word in opposition to the *Masorah*. The word is *vayir’u* – they saw, not ‘they were seen.

He explains that since Aharon died at the top of *Hor HaHar* the *p’shat* cannot be that they saw him dead. Israel did not see him dead; it was impossible. Thus, Rabi Avahu was ‘forced’ to read the word ויראו in light of inconsistency of writing ‘they saw’ with what they could not see.

However, see Midrash B’midbar Rabba (Parshata 20/20) to our verse that writes:
ויראו כל העדה כי גוע אהרן, כיון שירדו משה ואלעזר מן ההר נתקבצו כל הקהל עליהם ואמרו להם
היכן אהרן אמרו להם מת אמרו היאך מלאך המות יכול לפגוע בו אדם שעמד במלאך המות ועצרו
דכתיב (במדבר יז/יג) ויעמד בין המתים ובין החיים אם אתם מביאין אותו מוטב אם לאו נסקל
אתכם, באותה שעה עמד משה בתפלה ואמר רבונו של עולם הוציאנו מן החשד מיד פתח הקדוש
ברוך הוא את המערה והראהו להם שנאמר ויראו כל העדה כי גוע אהרן:

That is, the ענני הכבוד blocked Israel from the vision of its enemies and would-be attackers. If they could not be seen, they could not be attacked. The ענני הכבוד were truly a Divine cloud-cover.

The Gemara in Rosh Hashanah there is related to the Gemara in Masseches Taanis (9 a) that reads:

רבי יוסי ברבי יהודה אומר: שלשה פרנסים טובים עמדו לישראל, אלו הן: משה, ואהרן, ומרים. ושלש מתנות טובות ניתנו על ידם, ואלו הן: באר, וענן, ומן...עמוד ענן - בזכות אהרן...

Rabi Yose ben Rabi Yehuda says: There were three good leaders of Israel – Moshe, Aharon and Miriam and three good gifts were given to Israel through them – the well, the cloud and *manna*. The cloud was through the merit of Aharon⁷.

All the congregation saw that Aharon died – When Moshe and Elazar descended from the mountain the entire congregation gathered against them and said, ‘Where is Aharon?’ They said, ‘Aharon died.’ The people said, ‘How could the Angel of Death be capable of harming the person who stood against the Angel of Death and stopped him as it says, “Aharon stood between the dead and the alive”?’

If you bring Aharon, fine; if not, we will stone you.’

At that moment, Moshe stood in prayer and said, ‘Master of the Universe, please remove us from being under suspicion.’

Immediately G-d opened the burial cave and showed his body to the people, as it says, The people *saw* that Aharon died.

⁷ The Gemara there continues:

מת אהרן - נסתלקו ענני כבוד...חזרו שניהם בזכות משה:

When Aharon died, they were restored with the merit of Moshe.

Radak in his commentary to Tehillim gives expression to this role of Moshe Rabbenu, in addition to Aharon, in preserving the *Ananei HaKavod* for Israel.

Radak is commenting on the Posuk (Perek 99/Posuk 7):

בְּעֶמּוּד עֲנַן יְדַבֵּר אֲלֵיהֶם שְׁמְרוּ עֲדוּתֵי וְחֻקֵי נִתֵן לְמוֹ:

Hashem spoke to them in the Pillar of the Cloud; they guarded His testimonies and He gave a statute to him.

There are two questions that we wish to raise. The first question wants to understand why the Torah could not have clarified that which the Canaanite King of Arad saw in Parshas Chukkas. Why did the Torah leave out the transparency of the event for another few Parshos?

If the Torah decided that the circumstances of the attack of the Canaanite should be ambiguous, then it would be understandable why we don't know exactly what the mind-set of the enemy was. But since the connection is eventually told to us, it could have already been thought of in Parshas Chukkas, because immediately after the death of Aharon HaKohen we are told of the attack, why leave us in suspense these past weeks?

Additionally, and perhaps more significantly, why was it that these Divine Clouds of Glory were given to Israel because of Aharon's merit?

We have no question that the merits of Aharon were plentiful. What we don't know is the specific connection between his merits and the gift of the עֲנֵנֵי כְבוֹד.

It would seem reasonable to assume that the prayers of the Kohen Godol for expiation of Israel's sins on Yom HaKippurim, in particular, and through the *Avoda* in the Beis HaMikdosh, i.e. the *kaparah* that the Kohen Godol performs for Israel served as a 'cover' for Israel. That is what Rashi writes clearly in his commentary to Sefer Yechezkel (Perek 39/Posuk 26) when he associates *kaparah* with the verse in Tehillim (Perek 32/Posuk 1):

לְדָוִד מִשְׁכִּיל אֲשֶׁרִי נָשׂוּי פָּשַׁע כָּסוּי חֲטָאָה:

Radak writes:

בעמוד ענן ידבר אליהם - טעמו על משה ואהרן.

In a Pillar of Cloud He spoke to them – This refers to Moshe and Aharon.

In any case, the origination of the Pillar of Cloud was in the merit of Aharon.

For Dovid, a Maskil – Happy is the one whose iniquity is raised from him, his sin covered.

Thus, the merit of Aharon found its fulfillment in this Divine Cloud that was similar, *as it were*, to that which that first Kohen Godol did.

To understand the answer to the second question and to gain more insight into the response to the first, let us proceed to a later part of our Parsha and a very different subject.

We read (Perek 35/P'sukim 22-25, 28):

וְאִם בְּפֶתַע בְּלֹא אֵיבָה הִדְפּוֹ אוֹ הִשְׁלִיךְ עָלָיו כָּל כְּלִי בְּלֹא צְדִיָּה: אוֹ בְּכָל אֶבֶן אֲשֶׁר יָמוּת בָּהּ בְּלֹא רְאוּת וַיִּפֹּל עָלָיו וַיָּמָת וְהוּא לֹא אוֹיֵב לוֹ וְלֹא מִבְּקִשׁ רָעָתוֹ: וְשִׁפְטוּ הָעֵדָה בֵּין הַמָּכָה וּבֵין גֹּאֵל הַדָּם עַל הַמִּשְׁפָּטִים הָאֵלֶּה: וְהִצִּילוּ הָעֵדָה אֶת הַרֹצֵחַ מִיַּד גֹּאֵל הַדָּם וְהִשִּׁיבוּ אֹתוֹ הָעֵדָה אֶל עִיר מִקְלָטוֹ אֲשֶׁר נָס שָׁמָּה: וַיָּשָׁב בָּהּ עַד מוֹת הַכֹּהֵן הַגָּדֹל אֲשֶׁר מָשַׁח אֹתוֹ בְּשֶׁמֶן הַקֹּדֶשׁ: כִּי בְעִיר מִקְלָטוֹ יֵשֵׁב עַד מוֹת הַכֹּהֵן הַגָּדֹל וְאַחֲרֵי מוֹת הַכֹּהֵן הַגָּדֹל יָשׁוּב הַרֹצֵחַ אֶל אֶרֶץ אֲחֻזָּתוֹ:

If suddenly, without pre-meditation and without hatred, a person pushes someone or throws an object upon him without ambushing him. Or with a stone that is big enough to kill, and he does it because he didn't see him, and it falls upon him and the person dies – and he wasn't his enemy and he wasn't seeking ill for him. The congregation shall judge between the one who hit and the *goel ha'dam*-the family member who wishes to take revenge according to these laws. The congregation shall save the murderer from the hand of the blood avenger and the congregation shall return the murderer to his city of refuge to which he fled there. He shall live there until the Kohen Godol upon whom he anointed him with the holy oil shall die.

Because in his city of refuge he shall live until the death of the Kohen Godol and after the death of the Kohen Godol⁸ the murderer can return to the land of his inheritance-holding.

⁸ Baal HaTurim writes:

עד מות הכהן הגדול. שלש פעמים כהן גדול בפרשה. לומר אחד כהן גדול שנמשח ואחד מרובה בגדים ואחד כהן גדול שעבר, כולם משיבים את הרוצח במיתתן (מכות יא א):

The Torah writes 'Kohen Godol' three times in this section to say to you that whether it was the Kohen Godol who was anointed to become the Kohen Godol

What is the connection between a murderer and the holy Kohen Godol that would place the continuing life of the Kohen Godol as the impediment for the freedom of the one who was an unintentional murderer?

Our commentators offer a variety of explanations and we will see a small selection. In my perusal of the commentaries I identified two major themes that are found in the commentaries: 'Hashem's Justice' and 'The Kohen Godol's Responsibility and Accountability'.

Seforno and *Ksav VKabbalah* exemplify the first theme - Divine Justice. Although there are significant differences between their commentaries, the commonality is clear: the absence of a fixed length of confinement in the *Ir Miklat* allows Divine judgment to place each person who murdered unintentionally for the exact amount of time that is appropriate for him or her to be in the *Ir Miklat*.

Seforno writes:

עד מות הכהן הגדול. כבר באר שהגלות היא על השוגג ובהיות מיני השגגות בלתי שוות כי מהם קרובות לאונס ומהן קרובות אל המזיד נתן לגלות זמן בלתי שווה בכל השוגגים כי מהם שתהיה שגגתו מעט קודם מיתת הכהן ומהן שימות הרוצח בגלות קודם שימות הכהן וזה במשפט הא... ל יתברך היודע ועד שיענוש את השוגג כפי מדרגת שגגתו כאמרו והא... ל'קים אנה לידו (שמות כא/יג⁹):

or whether he became the Kohen Godol when there was no longer the holy oil – but by wearing the clothes of the Kohen Godol in his service in the Beis HaMikdosh or a former Kohen Godol – with the death of any of them the murderer can leave the City of Refuge. We learn that all of these three are considered to be a Kohen Godol for the purpose of releasing the murderer in Masseches Makkos.

Every time that we will refer to the death of the Kohen Godol as the event that frees the individual confined to the City of Refuge we will be referring to any of these three individuals.

When we will discuss the Kohen Godol *per se* we will be speaking only about the person currently holding that position.

⁹ This verse and its preceding one read in full:

מִכֹּה אִישׁ וְיָמַת מוֹת יוֹמָת: וְאִשֶּׁר לֹא צָדָה וְהָא... ל'קים אנה לידו וְשָׁמְתִי לְךָ מְקוֹם אֲשֶׁר יָנוּס שָׁמָּה:

One who hits a person and the person dies – the one who hit him shall surely die. If he did not ambush him and it was G-d Who forced his hand, I will put a place for you that he will flee there.

Until the death of the Kohen Godol – The Torah has already explained that exile [to the City of Refuge] is for an unintentional murder. Since there are different types of ‘unintentional’ murders that are not all equivalent – some are nearly accidental and some are nearly intentional¹⁰, G-d gave an unspecified time for the various unintentional murderers so that their time in the City of Refuge will not be the same. For those whose ‘unintentional’ is less severe, the accidental murder came closer to the death of the Kohen Godol and in other cases the unintentional killer [will never leave the City of Refuge] because he will die prior to the death of the Kohen Godol. That is the justice of Hashem Who knows and is The Witness to punish the unintentional killer according to the level of his unintentional act, as the verse says, ‘G-d forced his hand’.

Ksav V’Kabbolah writes in a similar vein:

עד מות הכהן הגדול. דלפי שענינו חיובי הגלות אין ספק שיהיו המקריים משתנים מזה לזה, שכל אחד לפי הכוונה ולפי המקרה יתחייב הגלות, ואפילו בדת הנמוסית יחייבו לאחד גלות שנה אחת, לשני שלשה, ולשלישי עשר שנים כפי הענין, ... והיודע הנסתרות ברוך הוא יודע כמה שנים זה חייב גלות, והוא ברוך הוא יודע חיי הכהן הגדול עד כמה, באופן שלא יאונה לזה להיות הורג וגולה טרם מות הכהן רק כפי השנים שהוא חייב גלות, ואם היתה התורה קובעת זמן קבוע לגולה שוה לכולם היה

¹⁰ It is most difficult to read this passage literally which indicates that both a שוגג הקרוב לאונס and a שוגג הקרוב למזיד, an unintentional murder which is close to being intentional and an unintentional murder which is close to being accidental, respectively, would send the perpetrator to the *Ir Miklat*. It is clear from Masseches Makkos and Rambam that such is not the Halachah.

Rambam writes in Hilchos Rotzeach and Shmiras Hanefesh (Perek 6/Halachos 3-4):

ויש הורג בשגגה ותהיה השגגה קרובה לאונס... ודינו שהוא פטור מן הגלות...
ויש הורג בשגגה ותהיה השגגה קרובה לזדון... ודינו שאינו גולה...

There is an instance when one kills unintentionally and that lack of intent approximates an accident and the law of such a person is that he is not exiled. There is an instance when one kills unintentionally and that lack of intent approximates intent and his law is that he is not exiled.

See the commentary of Rav Yehuda Copperman to this passage and his proposed answer to this question.

משפט מעוקל, כי יש מי שחייב גלות שנים הרבה ויש שאינו חייב רק מעט (רא"ש),
ונכון הוא.

Until the death of the Kohen Godol – regarding the subject of punishments of exile to the Cities of Refuge there is no doubt that the each situation is different from the other – each situation is judged according to the intent and the specific incident that obligates the punishment of exile.

Even in civil law there will be judgments of one year or three or ten years of exile – each judgment according to the situation.

G-d, Who knows that which is hidden, knows how many years the specific individual should be obligated to be in exile. Hashem knows the life span of the Kohen Godol so that a person who killed unintentionally will be forced to be in exile prior to the death of the Kohen Godol only the amount of years that he deserves.

If the Torah would have given a fixed amount of time to be in the City of Refuge, the same amount for all, the judgment would be warped because there are some who deserve many years in exile and others who deserve only a few. This is what the *Rosh* wrote and it is correct.

That is, according to this approach, the choice of the Kohen Godol's death to be the decisive factor in the freeing of the unintentional murderer from the City of Refuge is a means to allow appropriate flexibility for justice to be applied in its fullest extent. According to this approach, the Kohen Godol is a means to the end of righteousness.

The second approach, The Responsibility and Accountability of the Kohen Godol has that esteemed personage as its focus. Davka this particular Kohen Godol was chosen to have his death be in the balance. As it were, the Kohen Godol is on the 'firing line'.

Da'as Zekeinim Baalei Tosfos (and other *Rishonim* express the same idea) writes:

כי בעיר מקלטו ישב עד מות הכהן הגדול. פשט כדי שלא יהיו העולם מרננין על הכהן הגדול כשיראו הרוצח יוצא חוץ לעיר מקלטו ואומרים ראו זה שהרג הנפש ואין כהן

גדול עושה בו נקמה ועליו הדבר חל כדכתיב (דברים יז/ט¹¹) ובאת אל הכהן אשר יהיה בימים ההם...

He shall dwell in his city of refuge until the death of the Kohen Godol – the p'shat is so that the people shall not jeer the Kohen Godol [who would still be living] when the murderer would be released from the City of Refuge. People would say, 'Look at that murderer and the Kohen Godol is not taking revenge'¹² and it is the Kohen Godol's responsibility as it is written, 'you shall come to the Kohen who will be in those days'.

If one is familiar with Mishnayos in Masseches Sanhedrin, this explanation of the *Daas Zekeinim* will certainly appear to be astonishing.

הבא על...הבהמה והאשה המביאה את הבהמה אם אדם חטא בהמה מה חטאת...שלא תהא בהמה עוברת בשוק ויאמרו זו היא שנסקל פלוני על ידה:

The Mishna discusses the Halachos when an animal is killed when it was involved in a transgression and gives us cases when a person had relations with it. The translation of the Mishnah's continuing section is:

If a person sinned, what sin did the animal do? The animal is killed so that people will not see it walking and say, 'this is the animal for which *ploni* was stoned'.

Undoubtedly, *Daas Zekeinim* adapted the language that he was using to explain the culpability of the Kohen Godol from the Mishnah in Masseches Sanhedrin that deals with sins that are considered תועבה – abominations! This is a most powerful accusation against the Kohen Godol when there is an unintentional murder.

¹¹ The entire verse reads:

וּבָאתָ אֶל הַכֹּהֲנִים הַלְוִיִּים וְאֶל הַשֹּׁפֵט אֲשֶׁר יִהְיֶה בַיָּמִים הָהֵם וְדַרְשֶׁתָּ וְהִגִּידוּ לְךָ אֶת דְּבַר הַמִּשְׁפָּט:
You will come to the Kohanim of the Levi'im and to the judge who will be in those days and you will seek and they will tell you the word of the judgment.

This Posuk in Parshas Shoftim deals with a Halachic dispute that was not settled in the lower courts and reaches the Beis Din HaGodol, the Sanhedrin, for a final decision.

It is not clear to me why the *Daas Zekeinim* is using this verse as his proof-text.

¹² ER questions the nature of this 'revenge' that is expected of the Kohen Godol.

Rashi also says that the death of the Kohen Godol is a prerequisite for the freedom of the unintentional murderer because that distinguished personage failed in his responsibilities and he was held accountable for his malfeasance.

What were the responsibilities of the Kohen Godol that he could have fulfilled in order to prevent this unintended murder? Rashi (and others based on Masseches Makkos ibid.) writes:

לפי שהיה לו לכהן גדול להתפלל שלא תארע תקלה זו לישראל בחייו:

The Kohen Godol should have prayed that such an obstacle¹³ should not have occurred in his lifetime.

It was that absence of prayer that allowed Divine intervention with such unfortunate consequences for all involved. The Kohen Godol was responsible to prevent such occurrences and when those occurrences happened he was held accountable.¹⁴

¹³ This criticism would not apply in cases of intentional murder. In such cases, the murderer exercised his free-will and committed an act of his own volition. Since Hashem allows people to exercise their free-will, the prayer of the Kohen Godol to the Ribbono Shel Olom that intentional murder should not occur was unlikely to be ineffective.

On the other hand, the unintentional murder about which the Torah writes:

והא...לקים אנה לידו

G-d forced his hand

is a proper subject for prayer. Hashem caused the event and the Kohen Godol must beseech Him to not let such an event occur.

¹⁴ We wish to examine two sources, a Mishnah and an explanation of Meshech Chochmoh, in light of the two approaches that we have just learned – the approach of Divine Justice and the approach of the Kohen Godol's Responsibility and Accountability and to test if they favor one of these approaches.

The Mishnah in Masseches Makkos (11 a) teaches regarding the freedom of the exilee that is dependent upon the death of the Kohen Godol and writes:

לפיכך, אימותיהן של כהנים מספקות להן מחיה וכסות, כדי שלא יתפללו על בניהם שימותו.

Therefore the mothers of the Kohanim Gedolim supply the exilees with food and clothing in order that those exilees should not pray that their sons, the *Kohanim Gedolim*, should die.

Now, it does follow that those who were in exile who were aware that their continued confinement was dependent on the continued life of the Kohen Godol would perhaps hope or pray for Kohen Godol's rapid demise.

However, just because that is what they might hope and pray, it does not necessarily follow at all that Hashem should attend to their prayers for the death of the Kohen Godol if those prayers are unjust.

[However see Masseches Megillah (15 a) where we read:

אל תהי קללת הדיוט קלה בעיניך:

Do not take lightly the curse of a non-respectable person.

See as well Mishlei (Perek 26/Posuk 2):

כַּצְפוֹר לְנוֹד כְּדָרוֹר לְעוֹף כֵּן קִלְלַת הַנֶּמֶס לֹא לוֹ תָבֵא:

As the bird can move and the free-spirited fowl can fly, so will a curse that is made for naught not come.]

According to the approach of Divine Justice, such a prayer would be unworthy and less likely to be effective to bringing about an early death to the Kohen Godol. According to the approach of Responsibility and Accountability such a prayer may be more valid.

The second part of our examination focuses on an answer to a question that Rashi raises and does not exactly answer.

We read that the Kohen Godol is introduced to us in the Torah as

וַיֵּשֶׁב בָּהּ עַד מוֹת הַכֹּהֵן הַגָּדֹל אֲשֶׁר מָשַׁח אֹתוֹ בְּשֶׁמֶן הַקֹּדֶשׁ:

He shall live there until the Kohen Godol upon whom he anointed him with the holy oil shall die.

“He anointed him.” Rashi finds this phrase problematic. Here is how he explains the difficulty (ibid. Posuk 25):

אשר משח אותו בשמן הקדש - לפי פשוטו מן המקראות הקצרים הוא, שלא פירש מי משחו, אלא כמו אשר משחו המושח אותו בשמן הקדש.

He anointed him with the holy oil – According to the *p'shat*, this is an example of an abbreviated verse since it does not tell us who anointed the Kohen Godol. But understand it as if it says ‘that the anointer anointed him with the holy oil’.

That is, the Posuk could have been written אשר נמשח-he *was* anointed, expressing the idea in the passive, not in the active sense. And that would have been fine because it seems that the Torah does not care about the identity of the one who anoints. And if it was written in the passive, the word אותו could have been omitted and the Torah would have saved some of its valuable letters.

Why would we think that it is within the power of the Kohen Godol to offer prayers that would avert the disasters of unintentional murders within Israel?

That is what we learned earlier. That is, the lesson that the Torah chose to introduce to us in Parshas Mas'ei rather than teaching it to us earlier when it had such an opportunity in Parshas Chukkas is one that is relevant to our Parshas Ma'asei.

The lesson was that the protective Divine Clouds of Glory that covered Israel were there because of the merit of Aharon HaKohen HaGodol.

Aharon HaKohen HaGodol set the example of all who would follow him and rise to his unique position. Aharon brought expiation for all of Israel. Aharon HaKohen HaGodol who worked to cover Israel from sin caused the Ribbono Shel Olom to bring His Clouds of Glory to cover Israel from its enemies. And so we read in Parshas Acharei Mos (Vayikro Perek 16/Posuk 17), which is also the Torah reading for the morning of Yom HaKippurim:

Meshech Chochmoh writes:

אשר משח אותו בשמן הקודש. וכי הוא מושחו?!...ויתכן, דהורה לנו הכתוב אופני הנהגת השגחה, שיתכן בחיק הנהגתה אשר בשביל סיבת איש פרטי יועמד זה לכהן גדול, והוא בשביל שצריך הרצח להמתין על מיתתו של כהן גדול. ואם יועמד אחר, אולי אין לו חיים ארוכים, והועמד זה אשר יחיה חיים ארוכים למען יהיה גולה זה חבוש במקלטו ימים כבירים עד מות כהן גדול זה. וכן איפכא, כי מזלו גרם...לזה אמר "אשר משח אותו" - שהוא הסבה למשיחתו, כמו שביארתי.

That he anointed him with holy oil – Who was it who anointed him?

It is possible that the Torah is teaching us here regarding the various ways of Divine Providence. Sometimes it may be embedded in that Providence that for this specific murderer *this* Kohen Godol was appointed. The reason would be because this murderer has to wait for the death of *this* Kohen Godol. If another Kohen Godol had been appointed person he would not have had a long life and so *this* Kohen Godol who would have a long life was appointed in order that *this* exilee would be imprisoned in his City of Refuge for many, many days until *this* Kohen Godol would die.

And, it could be the reverse as well.

It is for this reason that he says *he* anointed him. He, the unintentional murderer, was the cause for the appointment of *this* specific Kohen Godol.

This approach of Meshech Chochmoh certainly falls within the purview of the Divine Justice approach.

וְכָל אָדָם לֹא יִהְיֶה בְּאֹהֶל מוֹעֵד בְּבָאוּ לְכַפֵּר בַּקֹּדֶשׁ עַד צֵאתוֹ וְכִפֹּר בְּעַדוֹ וּבְעַד בֵּיתוֹ
וּבְעַד כָּל קְהַל יִשְׂרָאֵל:

No person shall be in the *Ohel Moed* when Aharon enters to bring atonement in the Holy Place until he leaves and he shall atone for himself and for his household and for all of the Congregation of Israel.

How was Aharon successful in his endeavors? The Mishna teaches us (Masseches Ovos Perek 1/Mishnah 12):

הלל אומר הוי מתלמידיו של אהרן אוהב שלום ורודף שלום אוהב את הבריות ומקרבן לתורה:

Hillel says, 'Be one of the disciples of Aharon: He loves peace, he pursues peace, he loves people and he brings them close to Torah.

And this Mishnah provides us with the basis for understanding what our Parsha is attempting to teach us regarding our own personal behavior.

This Mishnah is not describing Aharon only. It is not eulogizing his death. This Mishnah is empowering us to continue the work of Aharon, to be his disciples and to emulate his attitude and his behavior.

We can all be an Aharon? How can that occur?

We learn in Masseches Bava Kamma (92 a):

כל המבקש רחמים על חבירו והוא צריך לאותו דבר, הוא נענה תחילה:

Whoever seeks mercy for someone else and he needs that same mercy personally - he is answered first.

No one should think that Chazal are teaching us manipulative tricks against HaKodosh Boruch Hu! No one should think that one who is ill can play a game and pretend to beseech Hashem on someone else's behalf and not really mean it.

What this means is that if I truly care about someone else, I will seek Divine mercy for that person – and ignore, for the time being, my own needs. It is precisely because I have the same condition as the other that I am able to offer prayer that is uniquely sincere because I am understanding and empathetic.

If I can be genuinely interested in the welfare of the other despite my own pressing needs, Hashem will recognize the 'cover' that I wish to give the other and provide me and the other with His Divine protection.

And Chazal teach in Masseches Sh'vuos (39 a):

כתיב: (ויקרא כו/לז¹⁵) וכשלו איש באחיו - איש בעון אחיו, מלמד שכל ישראל ערבים זה בזה!

It is written: 'A person will stumble because of another person' – this means that a person will stumble in sin because of the sin of another. This teaches that all of Israel are responsible for one another.

We should not think that our prayers for the other, our efforts on their behalf are selfless and altruistic. We are our own beneficiaries because we are all in existence together.

During these Three Weeks, בין המצרים, when we are to feel the straits, the tightness and the narrowness of our predicament and plight, we need to know what we can be the disciples of the Kohen Godol. We can, with our prayers and actions, seek to provide security for Klal Yisroel – to live in Cities of Freedom, not in Cities of Refuge.

If we are successful we are truly fulfilling the maxim of Hillel, emulating the Kohen Godol who set the pattern for all of the Kohanim Gedolim who followed him. We are emulating the pattern that all can fulfil by being the disciples of that first Kohen Godol.

If *chas v'Shalom* we are unsuccessful, the stain will be upon us, no one else.

Let us follow the wise advice of Shlomo HaMelech (Koheles Perek 9/Posuk 8):

בְּכֹל יַעַת יִהְיוּ בְּגָדֶיךָ לְבָנִים וְשֶׁמֶן עַל רִאשְׁךָ אַל יִחְסֹר:

Always let your garments be white, as they reflect the purity of that which is inside you, and let the oil that anoints you upon your head never be lacking.

B'vircas Nechemas Tziyon

¹⁵ The entire verse, taken from the *tochecha* in Parshas Bechukosai, reads:

וְכָשְׁלוּ אִישׁ בְּאָחָיו כְּמִפְּנֵי חֶרֶב וְרִדְף אֵין וְלֹא תִהְיֶה לָכֶם תְּקוּמָה לְפָנַי אֲבִיבִים:

A person will stumble because of another person as if from before the sword but there is no pursuer; you will not be able to arise before your enemies.

Shabbat Shalom

Rabbi Pollock