

The Torah Portions They Never Told Us About  
The Gifts of the Chieftains and Pesach Shaney – The Human Within the Torah  
Melton Gesher at the JCC, November 19, 2012  
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A) The Book of Numbers, chapter 7, verses 1 – 9

1) Commentary of the Ramban, Nachmanides

Here, the princes thought that it did not make sense for the Levi'im to carry the boards and planks of the *Mishkan* on their shoulders, since they were very heavy, so they brought wagons, of their own accord, for it is the practice of all who bear royal dwellings and their tent abodes to carry them on wagons.

a) "Of their own accord"

b) Note the double motivation that the Ramban points out: To make life a bit easier for the Levites on the one hand, and to honor God as one would honor royalty on the other hand.

2) The carts and oxen were obviously brought from the outset for the purpose to which God afterward said to devote them, but how did the chieftains know that their idea would be accepted?

a) Chapter 1, verse 50; chapter 4, verse 15; chapter 4, verse 24 – 26; chapter 4, verses 29 – 32 – God had already set and announced how the dismantled Tabernacle was to be transported, and the straightforward impression one gets is that the dismantled Tabernacle was to be carried by the Levites.

b) There was no divine command to use cart and oxen, and there was no divine command for the chieftains to bring these as gifts to the Tabernacle.

3) Verses 4 – 5 would seem to be superfluous

a) Might be that Moshe was very unsure what to do with the unsolicited gifts, seeing as their intention could appear to be at odds with the divine command.

b) Therefore the command to accept the gifts is necessary!

4) Midrash Shir Ha-shirim Rabba [Vilna], parasha 6 (1,4,2)

'You are beautiful, my love, as Tirtza' [כתרצה] (Song of Songs 6:4) – [this means], when you so wish, you need not ask anything or request anything.

Who told them to bring wagons and oxen to transport the Mishkan? Did they not bring them on their own, as it is written (Bamidbar 7), 'They brought their sacrifice before God; six covered wagons'.

'And God said to Moshe, saying' – what is the meaning of the word 'saying'? God said to him, Go out and say to them words of praise and comfort.

Rabbi Hoshaya said: The Holy One, blessed be He, said – I consider it as though I had to bear the [weight of the] world, and now you have brought Me [wagons]!

At that moment Moshe was fearful. He said to himself: Perhaps the spirit of Divine inspiration has left me and settled upon the princes, or perhaps some prophet has arisen and taught this law. The Holy One, blessed be He, said to him: Moshe, had it been me that told them that they should bring, I would have said to you that you should tell them. Rather, 'Take it from them and it shall be...' (Bamidbar 7:5). What is the meaning of, 'Take it from them' – that it was their own initiative, 'from them'..."

- a) Although the midrash goes beyond the simple meaning of the verses, it deals with issues that arise in the text itself, and suggest answers that very plausibly fit in the straightforward meaning of the text.
  - b) Had the chieftains not offered the oxen and the carts, the whole dismantled Tabernacle would have been carried on the shoulders of the Levites. Not only is the Torah sh'b'al Peh, the Oral Law, a matter of human interpretation and creativity, but even the Torah sh'bichtav, the Written Law, has within it an element of the human. There is no such thing as a purely divine document or a purely divine way of doing things, and there is no ideal that there be such a thing.
  - c) The principle that the midrash wants to teach: Torah is not only about divine commands and human obedience. We need not always submit but must also give expression to what appears to us to be right. God wants, and perhaps is even in need of human initiative. He wants us to bear the burden with Him; He wants partnership.
- 5) Mei haShiloach by Rabbi Mordechai Leiner, Parshat Naso

'They brought their offering before God; six covered wagons and twelve oxen, a wagon for every two princes, and an ox for each of them, and they brought them before the *Mishkan*' – for truly they had great mercy on the Levi'im who had to carry this heavy burden, and did not know what to do, for no matter [of lightening the burden] was given by God's word to Moshe. [The princes] feared that perhaps the Levi'im were supposed to exert their bodies with the toil of the burden in order to purify their hearts because sometimes a person's heart cannot be softened until he serves God bodily. And therefore perhaps this mercy was not in accord with God, but rather originated in their own feelings. And in a place where God does not desire it, [such desire] it is said that the mercy of the wicked is cruel.

Therefore it was proper that every two princes would bring one wagon, for if two people do something then [there is a greater chance that] God agrees with them, as it is written, 'Through knowledge the righteous will be saved' – in other words, when two Torah scholars agree on the same opinion. ('And an ox for each one of them' – for 'if you grasp only a little, you will retain it in your grasp.') For no prince wanted to rely on his own

opinion, but when he saw that his companion was in agreement, then they understood that the matter was from God. As it is written in Yirmiyahu (32:8), when Chanamel came and said to him, 'Buy [the field] for yourself,' then he said: 'I knew that it was from God,' as explained on the verse, 'And molten gods.'

So when Moshe saw this [initiative on the part of the princes] he was quite astonished, and thought that God's word had been revealed to them without his knowledge, until God said to him, 'Take it from them' – in other words, it was completely of their own initiative, and nevertheless 'Take it from them' – for their intention is an authentic reflection of My will. For it was My will that they would each offer one ox, and a wagon for every two princes.

- B) The Book of Numbers, chapter 9, verses 1 – 13
- 1) Chronology – this passage appears exactly where it should be as far as the date of Pesach Shaney. Verse 1 is a flashback, to be understood as “The Lord had spoken to Moses ...”
  - 2) Pesach Shaney seems to be based on the same underlying principle as the gifts of the chieftains
    - a) The law was apparently clear that the impure are to be disqualified from the Passover ceremony. There would be no violation and no disgrace in not being part of the Passover ceremony.
    - b) But because it is such an integral part of Israelite identity, the individuals involved feel unfairly excluded and express their desire to be included.
    - c) The answer of Moses and of God could have been expected to have been: Just follow the rules and do what you are told. But instead their initiative is accepted and the law is amended based on their feelings and needs!
- C) Book of Numbers, chapter 27, verses 1 – 11
- 1) Striking similarities to the case of Pesach Shaney
    - a) Each of the two units gives voice to personal distress arising from a halakhic problem.
    - b) In both cases, the appeal is not for some personal benefit, but rather a moral aspiration.
    - c) In both instances, those who come to appeal demonstrate a desire to be part of the nation and not to be pushed to the sidelines. They use the same Hebrew phrase – למה /למה נגרע – יגרע (“Why must we be debarred”; “Let not be lost”) that appears in the Torah only in these two places.
    - d) In both cases, Moshe could simply have rejected the appeal on the grounds of lack of any basis in the law. If God has not proposed any solution, then there is no solution. Moreover, Moshe could even have wondered at the very audacity of the demand.
    - e) In both cases there is another person with Moshe.
    - f) In both cases, God acquiesces to the request.
  - 2) The striking connection between the two units demonstrates that their theme is one and the same: the Torah looks kindly upon initiative with positive intentions, even where it would appear to be seeking to act with no law guiding it – or even in opposition to an existing law, on condition that the appeal is made through the right channels.
- D) Why didn't God just give the full law to Moshe at the outset?
- 1) Rashi - This matter was worthy of being uttered by Moshe, like all the rest of the Torah, but [the daughters of Tzelofchad] merited having it revealed through them, for merit is brought about through one who is meritorious.

- 2) But from the midrash we learned earlier seems to suggest a different answer. There is a deep message here that human initiative is proper and praiseworthy, and performed for the sake of heaven and affected through the proper channels, may literally turn into Torah. Contrary to Moshe's initial view that Divine inspiration or prophecy are needed to reveal the Divine will, God tells him that the matter is theirs, it comes from them. People have the ability to reveal new insights in Torah in the most concrete sense.
  - a) It could very well be that without the human initiative, these laws would not have appeared in the Torah. So much depends on human beings.
  - b) There is not a clear delineation between the Written Law and the Oral Law. There is an "oral law" that is part of Moshe's Written Law; there is a "Torah originating from the people" that is part of the Torah from God! God's word is never complete and sealed. God's Torah is endless and infinite, therefore it can be renewed at any time.
- E) What we have learned here is part of a larger theme that according to Dr. Yoram Hazony is a major message of the whole Torah (The Philosophy of the Hebrew Bible)
  - 1) Abel as opposed to Cain
  - 2) Avraham at Sedom
  - 3) Ya'acov struggling against the angel of God
  - 4) The midwives, Yocheved and Miriam, the daughter of Pharaoh
  - 5) Moshe killing the taskmaster
  - 6) Moshe at the Golden Calf and after the Sin of the Spies
  - 7) Aaron not eating the sacrifice