

Kindly take a moment to study MISHNAS CHAYIM in the merit of
Yehudah *ben* Eliyohu HaLevi *a”h*
a fellow Jew who passed away with no relatives to arrange Torah study on behalf of his *neshamah*

Siblings After Sinai

PARSHAS BEHA'ALOSCHA 5777

(The following is based on an exposition in the sefer K'motzei Shalal Rav, parshas Beha'alosecha, p.169-170.)

Tzara'as, as we know, is the skin-condition with which a person is afflicted on account of speaking *lashon hara* (forbidden gossip). The *parshiyos* of Tazria and Metzora (in Sefer Vayikra) deal with the numerous laws and details associated with this institution – the procedure for its identification, the state of ritual defilement it engenders, etc. But this week's *parshah* features an actual instance of its contraction.

Difficulty “Seeing”

At the end of the *parshah*, Miriam contracts *tzara'as* for speaking to Aharon about her other brother, Moshe. The laws governing this institution thus applied to her, and she had to reside outside the camp as a result of her condition's defilement. But here, there arose somewhat of a complication in administering her particular case.

The specific issue relates to the preliminary step of “seeing” the affliction. Before an individual is officially rendered to be afflicted with *tzara'as* (thus subject to the associated ramifications, such as ritual defilement), the condition must be “viewed” and ruled on by an expert. There are certain qualifications to this “seer,” such as the fact that he must be a Kohein; as the *passuk* states: ...וְרֹאֵה הַכֹּהֵן אֶת־הַנֶּגַע, וְהוֹבִיֵא אֶל־אֶהְרֹן הַכֹּהֵן אוֹ אֶל־אֶחָד מִבְּנָיו הַכֹּהֲנִים, וְרֹאֵה הַכֹּהֵן אֶת־הַנֶּגַע. – “And he shall be brought to Aharon the Kohein, or one of his priestly sons, and the Kohein shall view the affliction...” (*Vayikra 13:2,3*). Another restriction is laid out in the Mishnah (*Nega'im 2:5*), which states:

כָּל הַנֶּגְעִים אָדָם רוֹאֶה, חוּץ מִנֶּגְעֵי ... קְרוֹבָיו.

“A (qualified officer) can view any afflictions, except for... those of his relatives.”

It was these specifications that left Miriam in a quandary – who would view and rule on her affliction? The Gemara (*Zevachim 101b*) outlines the problem and reveals the solution:

מֵרִגְמָה מִי הַסְּגִירָה, אִם תֹּאמַר מֹשֶׁה הַסְּגִירָה, מֹשֶׁה זֶר הוּא וְאִין זֶר רוֹאֶה אֶת הַנֶּגְעִים, וְאִם תֹּאמַר אֶהְרֹן הַסְּגִירָה, אֶהְרֹן קְרוֹב הוּא וְאִין קְרוֹב רוֹאֶה אֶת הַנֶּגְעִים, אֲלֵא כְּבוֹד גְּדוֹל חֵלֶק לָהּ הַקְּבִי"ה לְמִרְיָם ... אֲנִי פָּהוּ וְאֲנִי מִסְּגִירָה.

“Who was (qualified) to render Miriam ‘closed up’ (i.e., officially afflicted with *tzara'as*, thereby ritually impure and required to reside outside the camp)? If you say Moshe officiated – Moshe was a non-Kohein, and a non-Kohein cannot view afflictions; if you say Aharon officiated – Aharon was a relative (sibling), and a relative cannot view afflictions. Rather, Hashem accorded Miriam with a great honor (by presiding Himself over her case... He declared:) ‘I shall serve as Kohein, and I will conduct the proceedings.’”

Now, the Gemara's calculation seems somewhat puzzling. It disqualified Aharon on the grounds that he was a relative of Miriam; but it also disqualified Moshe on different grounds, namely that he was a non-Kohein. But Moshe, like Aharon, was also Miriam's brother; why, then, didn't the Gemara simply employ a uniform reason, stating that both Aharon and Moshe were disqualified on the same grounds: they were both Miriam's brothers!

In clarifying this matter, R' Meir Yechiel Halevi of Ostrovtza goes “all the way back to Sinai” to uncover the resolution.

Starting Over

R' Meir Yechiel explains that, actually, the disqualification of “relations” was no simple matter in this case; something happened at Mount Sinai that really might have rendered this issue a moot point. That is, at the time of the receiving of the Torah, the entire nation underwent a communal conversion in order to become full-fledged members of the nation of Yisrael (*cf. Yevamos 46a*). Now, there is an operative principle that applies to a conversion, as the Gemara states: “*Ger she'nisgayeir k'katan she'nolad dami* – Someone who converts is likened to a newborn baby” (*Ibid. 22a*). A convert, in essence, “starts over from the beginning”; in a technical, halachic sense, as he is considered “reborn,” he does not retain the status of being related to any of his former relations. And since the giving of the Torah entailed a mass conversion, it would seem that all who were previously siblings now lost that status. Thus, as it relates to Miriam, neither of her “brothers” should have been disqualified due to familial relationship; technically, they were no longer her siblings.

There is a caveat, however. The Maharal (*Gur Aryeh*) teaches that the principle of “*Ger she'nisgayer...*” only applies in an instance of *willful conversion*. But, as R' Meir Yechiel explains, the conversion at Mount Sinai was one of *coercion*. For as stated in the familiar teaching of Chazal, Hashem held the mountain up over their heads, threatening to bury the nation if they would refuse to accept the Torah (*Shabbos 88a*). That being the case, the converted people at Mount Sinai did not attain the status of “newborns.” As a result, they retained all of their former relations; siblings were still siblings, with all the ramifications that entails.

But there was one exception. Whereas the entire people were coerced, there was one individual who did submit willingly – and that was Moshe Rabbeinu. While everyone else stood *under* the uplifted mountain, subjected to the looming threat – Moshe resided *atop* the mountain. Since his conversion was not of the forced type, but done willingly, he in fact was a legitimate “newborn,” losing his former familial relationships.

This, explains R' Meir Yechiel, accounts for the variation in the Gemara. We wondered why the Gemara didn't disqualify Moshe from officiating for the same reason as Aharon: whereas Aharon was disqualified as a relative, Moshe was disqualified for being a non-Kohein. But based on the above we learn that, indeed, *only Aharon was considered a bonafide “brother” at this juncture*. Since the time of the giving of the Torah, Moshe had lost this status – as his conversion was done willingly, he was a genuine “newborn.” Thus, the Gemara had to search for a different reason to render him disqualified to officiate for his “sister,” settling on his status as a non-Kohein. But Aharon, like the rest of Klal Yisrael, underwent a forced conversion. As such, he retained his sibling status, which is the reason the Gemara provides for his disqualification.

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