

Maamarei Mordechai

הסבר לפי ממש פשוט

Parshas Emor 5785

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Inheritance rights are ironed out.

וַיִּנְתְּהוּ בַּמֶּשְׁמֶר לְפָרֹשׁ לָהֶם עַל־פִּי ה':

“And the man was placed into custody, until the explanation be made to them, by the Mouth of Hashem.” (Vayikra 24:12).

This is the incident of the Egyptian fathered son who had a mother from Shevat Dan. (Ibid 24:11). His Egyptian father's name is left out, but his mother's name was Shlomit bas Divri. His and his assailant's name are not mentioned. It is important that the Torah mention her name to show that she did nothing wrong. She seemingly was not forced, as the pasuk would have said. On the other hand, she was not married as it did not say her husband. The marriage between a Gentile man and a Jewish woman is meaningless, under Torah law. Even with her consent, the Torah places no blame on her relationship, given the hardship Bnei Yisroel faced in Egypt. The names of the disputants are not mentioned because it would be unnecessary slander.

This man went out and fought with a fully Yisroel man. (Ibid 24:10). He used Hashem's name in a blasphemous manner. There were a few questions that had to be answered by Hashem as to this case. First, there was a fight and provocation. Should punishment be meted out despite that? Second, is this half Egyptian and half Jewish man responsible under the Torah law? Third, is he considered Jewish or Egyptian?

The final question was important because until then it was unclear how Bnei Yisroel passed down heritage. Avraham deserved the Land of Canaan because he was the oldest son of the oldest son, going back generations to Shem. (Bereishis 11:27). Avraham thought that he was going to give his inheritance to Yishmael, son of an Egyptian woman. (Ibid 17:18). In Avraham's mind, the status of the mother was unimportant. Hashem told him that it would be Yitzchok, through Sarah. (Ibid 17:19). This is immediately after Hashem taught Avraham about bris mila and he changed Avram and Sarei's names. (Ibid 17:15). The bris, though, is only for males. (Ibid 17:12). Avraham thought, even with the name change and with the bris, that Yishmael would inherit him. Yishmael also was getting a bris. (Ibid 17:25). Hashem taught that Sarah's son would inherit. It could be, that Sarah's son would inherit only because Hashem changed her name and made a covenant with her. (Ibid 17:16).

Then this changed. Yitzchok had to obtain a wife from Avraham's family. (Ibid 24:4). Even Yitzchok was displeased with Esav and relented to allow Yaakov to have the brochos because Esav married Canaanite wives. (Ibid 26:35). He then went to get a wife from Yishmael but it was too late. (Ibid 28:9). Yaakov also went back to the family to obtain wives. (Ibid 28:5).

The Torah had to teach, specifically, that Yaakov had twelve sons. (Ibid 35:23). One would think that Dan, Naftali, Gad, and Asher, the children of Bilha and Zilpa, were not

full sons. They were not born to women of the family line. The Torah specifically said that they were twelve sons, all equal. Even after the Torah made all twelve full sons, one could think that that is only because Rochel and Leah requested that they be built up through these women. (Ibid 30:4,9). Otherwise, they would not be considered sons.

From Yitzchok and Yaakov having to obtain wives from family it would appear that the mother's status was important. Birthright seemed to have been passed based on the wives. Yishmael and Esav's sons could not inherit because their mothers were not from the Shem family. From the Torah calling the four sons of Yaakov part of the twelve, that gave credence that patrilineal heritage was important.

This was further solidified in Yosef's sons. Yosef married an Egyptian debutante. (Ibid 41:45). Yet, Yaakov considers these two children, Menashe and Efraim, equals to his twelve sons. (Ibid 48:5). However, Yaakov put a caveat to this. "And children, however, that are born after them to you shall be with the names of their brothers, and that is how they inherit." (Ibid 48:6). While Menashe and Efraim would be tribes, any other children born to Yosef – and to the other tribes – would inherit like the next generation. Given this caveat, it would seem that special accommodation was made for four of Yaakov's sons and for these two sons of Yosef. It would surmise, still, that save the exceptions mentioned, Yisroel heritage also depends on the mother. To be a Yisroel, one would have to be born from a Yisroel father and mother, or at least a Yisroel father and a Shem mother.

Then Moshe's children enter the picture. Besides one grandson, the Torah gives no heritage for Moshe after his two children. (Divrei HaYamim I 23:24). Moshe married Tzipora. (Shmos 2:21). Tzipora's mother is not mentioned. Yisro, however, is mentioned as priest of Midyan. (Ibid 2:16). However, that does not make him Midian. Further, the name Reuel (ibid 2:18) is associated with either Yisro or his father. Reul was a son to Eisav and his Yishmaeli wife. (Bereishis 36:4). Midian was the son of Avraham and his final wife, Ketura. (Ibid 25:2). Yet, it could be Yisro was from Eisav. Yishmael's children also conquered the area. (Ibid 25:18). Also, Yishmael and Midianites are associated with each other, indicating Yishmael may have conquered the city of Midian. (See ibid 37:28). Tzipora was possibly from Eisav or Yishmael. However, she would be from non-Shem wives. Later, it mentions Tzipora was a Cushite. (Bamidbar 12:1). This criticism seems to suggest that it was wrong for Moshe to take a wife from outside the family. This makes sense because Yishmael took a wife from that area. (Bereishis 21:21).

The Torah does mention that Tzipora performed bris on her sons. (Shmos 4:25). Yet, Moshe does not ask Hashem that his children should inherit his mantle. (Bamidbar 27:15). It seems he did not think his sons fit, as they were from a non-Yisroel wife. The Torah teaches definitively, that a Yisroel father and Gentile mother produce a Gentile child. (Devarim 7:3).

Our parsha teaches that a son of a Yisroel mother is a Yisroel, fully, despite his father's status. (Vayikra 25:16). And so grave was the sin, that he was stoned despite being provoked. (Ibid 24:23). Matrilineal heritage has stood through time.