

Maamarei Mordechai

הסבר לפי ממש פשוט

Matos-Masei 5785

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One of the last questions of the law is asked to Moshe.

וַיִּקְרְבוּ רָאשֵׁי הָאֲבוֹת לְמִשְׁפַּחַת בְּנֵי-גִלָּד בֶּן-מָכִיר בֶּן-מְנַשֶּׁה מִמִּשְׁפַּחַת בְּנֵי יוֹסֵף
וַיִּדְבְּרוּ לִפְנֵי מֹשֶׁה וּלְפָנֵי הַנְּשָׂאִים רָאשֵׁי אֲבוֹת לְבְנֵי יִשְׂרָאֵל:

“And the heads of their fathers’ families, of the sons of Gilad son of Machir, from the Menahe line, which is from the families of the sons of Yosef, came close. And they spoke before Moshe and before the important men—heads of the fathers for Bnei Yisroel.” (Bamidbar 36:1).

The important legal question that arose is stated in the following verses. Hashem gave out lots to the land and a portion was given to Tzelofchad. (Ibid 36:2). His lot was given to his daughters. (Ibid 27:6). The problem being that they were all unmarried. Should they marry outside of the tribe then their husbands and children will inherit their land. That would reduce land that belongs to Menashe.

The Torah stated earlier, just after the generation was sentenced to pass away in the wilderness, that the daughters of Tzelofchad asked about their father’s portion. (Ibid 27:1). While the two are next to each other—the sentence and the inheritance question—it merely means they are related. It does not mean they happened chronologically next to each other. This question posed by the daughters of Tzelofchod could have taken place then. It seems most likely this question was posed thirty-eight years later.

The question was what would happen to their father’s share. That share was not divvied out until thirty-eight years later as Bnei Yisroel’s wandering came to an end and they approached the Transjordan opposite Yericho. Further, they said their father died in the wilderness but he was not part of Korach’s faction; instead, he died for his own sins. (Ibid 27:3). This can mean that he died for his own sins, but he was part of the general sentence that the generation had to pass away in the wilderness. Clearly, Hashem does not end the life of innocent people. Therefore, he must have had a sin, but that sin was not treason. Accordingly, he was fit to receive a portion in the land, had he had sons.

The representative of Menashe, told Moshe that these daughters were all unmarried. If this would have occurred at the beginning of the wandering, it would be unlikely that they would have remained unmarried for forty years. If they had remained unmarried for forty years it would be unlikely that there should be a concern that all five would marry. Therefore, their father likely passed away toward the end of the forty years and the question they posed to Moshe was at the end of the forty years.

Tzelofchod was from the family of Gilad son of Machir. (Ibid 27:1). That is why the heads of the households of that family came now to approach Moshe. When the daughters approached Moshe the Torah says, וַתִּקְרְבוּ “And they came close.” (Ibid). It does not say “approached” like when Yehuda challenged the viceroy in Egypt (Bereishis

44:18) or “came upon” like the Korach rebellion did (Bamidbar 16:3). Instead, they came close like a korban is brought close. They came with respect and honesty. This was not a challenge or a complaint. This was coming to Moshe in respect asking what should be done with their lot. Most likely they went to the man who was in charge of ten and then in charge of a hundred and then in charge of five hundred. When the lower judges could not give a ruling, they approached Moshe. This is hinted at in the pasuk, “and they stood before Moshe and before Elazar the Kohen, and before the princes and the entire congregation, at the entrance to the Ohel Moed.” (Ibid 27:2). They stood with respect and they had also exhausted their efforts with the congregation, the princes, and even Elazar.

Moshe could not provide them with a ruling, either. Moshe brought their case before Hashem. (Ibid 27:5). It says, Moshe brought their case. That wording implies it went through the proper channels. Also, unlike the three other cases where Moshe brought questions before Hashem (the blasphemer, the carrier of sticks on Shabbos, and those that were tamei on Pesach) this time Moshe went directly to Hashem himself. The response may not have been given right away – there is a break in the Torah before Hashem responded – but Moshe gave the question all the consideration it deserved.

Then the heads of their fathers’ household had a follow up question. How would they be able to protect themselves from other tribes taking their land through marriages? This was not a question solely for the tribe of Menashe. This was a question that concerned everyone. Others could be in the same situation in the future and before anyone knew it, one tribe’s land could be swallowed up by another’s if all their daughters married men from other tribes.

These heads of the Gilad family also “came close” to Moshe. (Ibid 36:1). They also approached with respect and deference. They also brought this matter first to the other princes before bringing before Moshe. They spoke to Moshe, but they first brought their query to the other princes of Bnei Yisroel because they stood before them, as well. This can be taken to mean, no one knew the solution, or had authority to pose a solution, so they all were joined with the representatives of the Gilad household. They also pointed out that they delved through the law. “Even if the Yovel will come, the land will not revert back.” (Ibid 36:4). This is because the new tribe will have swallowed up all rights to these lands and the property would not revert to anyone else.

The Torah uses the rare “command” next. Moshe said that Hashem commanded Bnei Yisroel that they can only marry within their own tribe, to keep the inherited land within the same tribe. This command is like a decree. While Moshe said “Hashem commanded” this may be the first Rabbinic decree. The Torah does not write that Moshe asked Hashem. It could be Hashem commanded Moshe about this earlier, when the entire issue came up, initially. It could also be that Moshe was using the term “Hashem commanded” because Hashem gave Moshe – and the subsequent leaders of Bnei Yisroel (Yehoshua, the Elders, the Judges, the Men of the Great Assembly) the authority to enact laws to protect the Torah. This could be the first one.

The Torah is all encompassing. Even so, questions keep coming up as our lives change and the world around us modifies. Questions should be brought before our leaders with deference and respect. An honest question will receive an honest answer.