
פרשת פנחס

פרק כז פסוק ה-ו

וַיִּקְרַב מֹשֶׁה אֶת־מִשְׁפָּטָן לִפְנֵי יְהוָה: כִּן בָּנוֹת צְלֹפְחָד דְּבָרָתָן נָתַן תַּתֵּן לָהֶם אֲחֻזַּת נַחֲלָה
בְּתוֹךְ אֶחָי אֲבֵיהֶם וְהִעֲבַרְתָּ אֶת־נַחֲלַת אֲבֵיהֶן לָהֶן:
חז"ל

ראויה פרשת נחלות שתכתב על ידי משה רבינו, אלא שזכו בנות צלפחד ונכתב על ידן...
ללמדך שמגלגלין חובה על ידי סייב, וזכות על ידי זפאי (סנהדרין ח.)

מושג

ללמדך שמגלגלין חובה על ידי סייב, וזכות על ידי זפאי

Translation: This teaches us that bad is brought about through those who are evil and good is brought about through those who are virtuous.

Explanation:

Moshe was confronted by the daughters of Tzlofchad who proposed a novel Halachik argument to counter the claim that they should not receive a portion of the Land.

Moshe was unsure whether they were correct and brought their argument before

Hashem who then validated their claim. This was a rather humbling experience for

Moshe leading Chazal to wonder why Moshe had to undergo this experience and

why he did not himself know the law. Chazal answer that Moshe had once made a

declaration that could be mistaken as arrogant, seemingly bragging about his

intellectual abilities which would allow him to solve even the most difficult of cases.

While this clearly was not Moshe's intent, and would indeed be the very opposite of

the extreme humility that Moshe had modeled to the people, Hashem orchestrated the

episode with Tzlofchad's daughters in order to correct this misunderstanding.

Tzlofchad's daughters who were not learned scholars were able to understand

Hashem's will, even when Moshe could not. This demonstrated to all that

understanding the secrets of Torah is a gift from Above, given to those who merit

Divine favor. The love that Tzlofchad's daughters showed for the Land earned them

this favor, resulting in this novel law being taught through them.

Looking in the Pasuk: While this is not the only Pasuk in which we read of Moshe

not knowing how do decide a case brought before him, it is the only instance in

which the litigant knew a law - משפטן - that Moshe did not.

NOTES

The question that arises in this episode is the peculiar fashion in which the law regarding a daughter's inheritance is taught. Moshe is stumped by the challenge presented by Tzlofchad's daughters and is forced to ask Hashem for clarification. Why, wonder Chazal, was Moshe put through such an ordeal?

Rashi offers two very different answers:

נתעלמה הלכה ממנו. וכאן נפרע על שנטל עטרה לומר "והדבר אשר יקשה מכם תקרבו אלי" (דברים א:יז). דבר אחר, ראוייה היתה פרשה זו להכתב על ידי משה, אלא שזכו בנות צלפחד ונכתבה על ידן.

Rashi's first explanation is that Moshe was being punished for his haughty statement in which he requested that all difficult cases be brought to him. Moshe was thus forced to undergo this humbling experience in order to correct this fault. Rashi then brings a second answer which does not seek to place the blame on Moshe but rather to credit the daughters of Tzlofchad.

Both the Midrash Rabba and the Midrash Tanchuma mention Rashi's first answer but do not mention his second answer of מגלגלים זכות¹. The one source that does bring both of Rashi's answers is the גמרא in (ח.) which teaches:

והדבר אשר יקשה מכם תקרבו אלי, אמר רבי חנינא ואיתימא רבי יאשיה: על דבר זה נענש משה, שנאמר ויקרב משה את משפטן לפני ה'. מתקיף לה רב נחמן בר יצחק: מי כתיב ואשמיעכם? (דברים א') ושמעתי כתיב, אי גמירנא, גמירנא (אם למדתי, למדתי), ואי לא, אזלינא וגמירנא (ואם לא, אלך ואלמד)! אלא כדתניא: ראוייה פרשת נחלות שתיכתב על ידי משה רבינו, אלא שזכו בנות צלפחד ונכתב על ידן, ראוייה היתה פרשת מקושש שתיכתב על ידי משה רבינו, אלא שנתחייב מקושש ונכתבה על ידו. ללמדך שמגלגלין חובה על ידי חייב, וזכות על ידי זכאי.

While the גמרא does mention both answers, and thus seems clearly to be Rashi's source, there is a significant difference between the גמרא and Rashi. The גמרא refutes the first answer, proving from the wording of the Pasuk that Moshe was not acting arrogantly but was simply stating that things that might prove too difficult for the other judges he might be able to either answer immediately or go and learn. Why would Rashi, who is using the גמרא as a source for his second answer, ignore the fact that the very same גמרא rejected the first answer being that it was not warranted by the wording of the text?

One possibility is that Rashi noticed that both the Rabba and Tanchuma do not mention any textual difficulty with the first answer. Therefore, he leaves the first answer unchallenged and simply adds the second answer as a דבר אחר. However, that would beg the question: Why did Rashi follow the Midrashim and not the גמרא?

Rashi here was bothered by an additional question. The Midrashim as well as the גמרא seem intent on finding fault with Moshe. The need to find fault seems to be connected to the fact that Moshe did not know this law, which is inexplicable if not for the fact that Moshe is somehow being punished and being made to forget – נתעלמה הלכה ממנו. And yet we find other instances in which Moshe did not know the law and no such fault is mentioned. A perfect example is the episode of the (פרק ט פסוק ז) who could not bring the פסח. Here too we find Moshe left unsure of what to do and forced to ask God directly. Rashi comments:

¹ Both of the Midrashim mention that Moshe did not answer the daughters of Tzlofchad out of honor to Hashem:

יודע היה משה רבינו את הדין הזה, אלא באו לפני שרי עשרות תחלה. אמרו להן, דין של נחלה הוא ואין זה שלנו אלא של גדולים ממנו. באו אצל שרי חמשים. ראו שכבדו אותם שרי עשרות, אמרו שרי חמשים, אף אנו יש גדולים ממנו. וכן לשרי מאות, וכן לשרי אלפים, וכן לנשיאים, השיבו כולן כענין הזה, שלא רצו לפתוח פה לפני מי שגדול מהם. הלכו לפני אלעזר. אמר להם, הרי משה רבינו. באו אלו ואלו לפני משה. ראה משה שכל אחד ואחד כבד את מי שגדול ממנו. אמר משה, אומר להם את הדין ואטול את גדולתם. אמר להם, אף אני יש גדול ממני. לפיכך, ויקרב משה.

וְרֵאוּהָהֵיחִתָּהּ פְּרִשָׁה זֹאת לְהֶאֱמַר עַל יְדֵי מֹשֶׁה כְּשֶׁאָר כָּל הַתּוֹרָה כְּלָהּ, אֲלֵא שֶׁזָּכוּ אֵלָיו שְׁתַּאֲמַר עַל יְדֵיהֶן, שֶׁמִּגְלִיגְלִין זְכוּת עַל יְדֵי זַכָּאִי.

Rashi's words very much parallel his explanation here in his ד"א, but do not include any blame placed on Moshe! In the Midrashim as well we find no mention of any wrongdoing on Moshe's part which led to him not knowing the law of פסח שני. Rather, Hashem left this law to be taught through the challenge of the נפש because טמאים because מגלגלין זכות על ידי זכאי. The same holds true by the מקלל and the מקושש, where the only reason provided for Moshe's lack of knowledge is the fact that Hashem wanted to have the law taught through others (albeit in the case of the מקלל and the מקושש it was to their detriment that the law was taught through them). Why here is it different?

I believe the answer is that there is a major difference between all the other episodes and בנות צלפחד. For in the other instances no one knew the law, but here the daughters of צלפחד knew the law and suggested it to Moshe. Moshe brings their suggestion before Hashem – where ייקרב משה את משפטן² – their understanding is validated – כן בנות צלפחד דוברות – Moshe is left a bit embarrassed by the fact that they would know the law and he would not. In order to explain why Moshe deserved this humbling experience the Midrashim trace the fault to Moshe's haughty statement of והדבר אשר יקשה. מכך תקריבון אלי משל brought by the Midrash Rabba describes the embarrassment Moshe endured:

וכתיב ויקרב משה את משפטן יש אומרים שהפליא מן משה שיש צדיקים שנתגאו בדבר מצוה והתיש הקב"ה את כחן... וכן משה מפני שאמר והדבר אשר יקשה מכך תקריבון אלי ושמעתיו התיש כחו, משל לשלחני שאמר לתלמידו אם יבוא לך סלעים לפרוט פרוט ואם תבאו מרגליות הביאם אלי. באת אצלו חוליא אחת של זכוכיות הוליכה אצל רבו הלך רבו להראותה לאחר. אף כך משה אמר הדבר אשר יקשה מכך וגו' באו בנות צלפחד והפליא ממנו ויקרב משה את משפטן לפני ה', כן בנות צפחד דוברות, כך הוא הדין! א"ל הקב"ה ולא אמרת הדבר אשר יקשה מכך וגו' הדין שאין אתה יודע הנשים דנין אותו!

We may therefore propose that this is why Rashi followed the Midrashim and not the גמרא. Unlike the גמרא Rashi does not wish to reject the idea that Moshe is being punished, as this was the only way to explain the need for Moshe to endure this humbling episode.

While we can well appreciate how the words of the Midrash answer this perplexing question, we are left with another difficulty. We must wonder, how is it possible that Moshe, the humblest of men, should utter such an arrogant statement? Can we even entertain for a moment the possibility that Moshe required a lesson in humility? To be sure, we are not of the opinion that our great leaders cannot err, but it is highly improbable that they would err in the very trait in which they excel!

However, we might argue that this was not Moshe's intent. Moshe actually acted with complete humility in that he realized that he was the vessel through which Hashem had chosen to relay the law to the Jewish people. He did not think for a moment that his knowledge of the law was a result of his intellectual acumen, but simply as a result of Hashem using him – שכינה מדברת מתוך גרונו של משה. This is the point made by the גמרא which states that if were to carefully analyze Moshe's words – ושמעתיו, and not ואשמיעכם - we would come to this very same conclusion and realize that Moshe's words were in line with his humble nature. However, one who did not carefully analyze his words might come to the opposite conclusion, and read arrogance into his statement. This would be devastating to Moshe who had dedicated himself to modeling a life of humility and teaching that all human achievement is to be credited to Hashem and not to man. In order to ensure that Moshe's life lesson was not in any way misunderstood, Hashem had Moshe 'forget', or fail to grasp, this fairly obvious Halacha, allowing even the unlearned to teach it, thus reinforcing Moshe's mantra that true wisdom is a gift from God³. This episode did not humble Moshe, but rather reinforced the model of humility which he both espoused and lived.

² The פסוק does not say המשפט but rather משפטן taken to mean their understanding of the law.

³ This understanding is based on the commentary of the (פנחס שנת תרל"ז ד"ה בפסוק) שפת אמת.

According to this, we may propose that when the גמרא rejected the opinion that Moshe was being

This idea is, in itself, reinforced by our Musag. Our Musag teaches that in truth the daughters of Tzlofchad had somehow understood the Divine intent. Were they learned? Did they spend hours poring over Halacha texts in order to deduce this law of inheritance? No, teaches our Musag, they did not use their *intellect* to *understand* this law, but rather they had used their *heart* to *merit* teaching this law to כלל ישראל. It was not their intellectual greatness but their passionate love for the Land which allowed them to become the vessel which Hashem chose to convey this law.

Ultimately, this is the deeper message taught here by the words מגלגלין זכות על ידי זכאי. Knowledge of the Divine will is not something that is learned, for man's intellect is very different from God's – כי לא מחשבותי מחשבותיכם. Rather, we must merit the understanding of God's will. There are many Divine gifts – the most precious being a glimpse into the Divine wisdom – that await those who merit such inspiration from Above.

Questions for Further Thought:

- a. The daughters of צלפחד merited to have this law of inheritance taught through them. Does the wording of their request provide insight as to the nature of their merit?
- b. Can you think of other instances where it was the person's merit that earned them favor from Hashem even though they might not have been the most skilled?

punished by proving that his words were not necessarily arrogant, they were only rejecting the idea of this episode being a punishment. However, we could argue, the גמרא still agrees that the words might easily be misunderstood as an arrogant statement, thereby requiring a 'correction' through the daughters of צלפחד. Interestingly, the Midrashim never say that Moshe was punished, only that he was weakened (תשש כוחר). This leaves open the possibility that the Midrash and גמרא (after rejecting the notion that Moshe was punished) actually agree. Moshe asking that all difficult cases be brought before him might be understood as arrogant, thus requiring a correction, which Tzlofchad's daughters merited to have come through them. This would allow us to say that Rashi understood thus as well, making Rashi's commentary consistent with the גמרא. This would help explain why Rashi toned down the word נענש mentioned in the גמרא to the word נפרע, which may be understood as a correction and not as a punishment.