

A Weekly Byte... from Isralight

(Portion of Pinchas)

Small Tastings of Torah, Judaism and Spirituality
From Rav Binny

Nineteen hundred and forty-one years ago, this week, the end finally began. After two and half years of siege, the Roman Legions broke through the ancient walls of Jerusalem, and began their savage rampage of pillage and looting through the streets of Jerusalem. Although the walk from the city walls to the Temple mount is a short ten minute stroll, it would take the Romans three weeks to actually set fire to the Temple and end the battle for Jerusalem. Amidst the fire and destruction, Rav Yochanan Ben Zakkai smuggled himself out of the city, realizing the war was lost, preferring to begin the long and tortuous process of assuring the Jewish people's survival in the exile.

Nineteen hundred years later, the Jews of Jerusalem again faced that most awful of challenges: to stay and fight, or leave and live to fight another day.

In her book, Forever My Jerusalem, Puah Shteiner describes the awful moment as a child, when her parents decided they could no longer risk their children's lives for the sake of their own ideals. Perhaps they too saw the writing on the wall. Surrounded by tens of thousands of Arabs, the two hundred Jewish fighters, defending fourteen hundred civilians inside the Old City, were in desperate straits. Outmanned, outgunned, and completely surrounded, it no longer seemed a matter of whether; it was only a matter of when.

On the 28th of May, in 1948, just two weeks after the declaration of the State of Israel, the Jewish Quarter finally surrendered, and as the Jewish community was led out of the Old City, Rav Goetz, (who would one day return to become the rabbi of the Kotel), turned and saw the beautiful Tiferet Yisrael Synagogue in flames. Falling to the ground in agony he cried out the age-old adage: "If I forget thee Oh Jerusalem, let my right arm wither...."

And for nineteen years again, the Old City walls mourned her Jews, who could not come home.

Today, two thousand years later, Jewish children once again play and laugh amidst the walls of a rebuilt Jewish Quarter, and one wonders how it is that we have merited this miraculous return. Perhaps it is because the Jewish people's longing for Jerusalem and the land of Israel has never been about land and acquisition. Perhaps there is something much deeper at the heart of it all....

This week's Torah portion, **Pinchas**, includes a number of challenging stories. The consequence of Pinchas' zeal in killing two people, albeit with just cause, without trial or evidence, the passage of the baton of leadership from Moshe to his student, Yehoshua, without mention of his sons, Gershom and Eliezer, and of course, the story of the daughters of Tzafchad.

“And then came forward (close) the daughters of Tzlafchad, the son of Chefer, the son of Gilad, the son of Machir, the son of Menashe, of the families of Menashe, the son of Joseph. And these are the names of his (Tzlafchad’s) daughters: Machla, Noah, and Chagla, and Milka, and Tirtza.

“And they stood before Moshe and before Elazar the Kohen (Priest) and before the princes (of the tribes), and the entire congregation, at the entrance to the Tent of meeting saying:

“Our father died in the desert, and he was not amongst the congregation of Korach who rebelled against G-d, for in his iniquity he died, and had no sons.

“Why should the name of our father be lost (lessened) from amongst his family, for he has no son? Give us an inheritance amongst the brethren of our father. And Moshe brought close their case before G-d.” (Numbers 27: 1-5)

There are two major lines of inheritance in the Jewish people: the lineage of Judaism, our Jewish identity, which follows the mother (Jewish tradition teaches that only if the mother is Jewish, are the children born as Jews), and the tribal lineage, which follows the father (one’s tribal identity follows the tribe of the father).

The story of the daughters of Tzlafchad seems to be all about the laws and the principle of the individual inheritance of the land of Israel, which apparently follows the tribal lineage from son to son. Tzlafchad’s daughters are concerned with their rights to inherit a portion of the land of Israel, given that their father had no sons.

It is interesting to note that inheritance might just as easily have followed the lineage of Jewish identity, apportioning sections of the land of Israel to every Jew based on his Jewish lineage. Yet, somehow, it is important for the Jewish people to inherit the land of Israel as tribes.

This story, at first glance seems to be all about a few people wanting the opportunity to ‘get their fair share’, not exactly the stuff of inspiration. One wonders why the Torah takes the time, then, to include this vignette. It is safe to assume there were many other cases of individuals coming before the courts with claims of financial redress. One wonders, then, why this particular case was so important that it was not only included in the Torah, but the ruling comes from G-d Himself:

“And Hashem said to Moshe saying: Yes! The daughters of Tzlafchad shall be given a stake in the inheritance (of the land) amongst the brothers of their father, and you shall transfer the inheritance of their father to them.

“And to the children of Israel say (saying): If a man dies and has no sons, you shall transfer his inheritance to his daughter....” (Numbers 27:6-9)

Was this so complicated a ruling that Moshe needed Divine assistance? Why wasn’t this law included in the laws given to Moshe at Sinai? Didn’t Hashem foresee such a case?

Obviously, G-d wanted this case to be given to the Jewish people only as a result of the daughters of Tzlafchad bringing it forward, the question is why?

A closer look at the actual presentation of the case also leaves us with a number of questions:

The Torah uses the phrase:

“Va’Tikravna’ Benot Tzlafchad”

“And then came forward (close) the daughters of Tzlafchad” (27:1),

but does not finish the sentence. We do not discover whom they came close to, or why they are coming forward until after an interruption of tribal lineage. It might have been more correct to write who they were, (‘And Tzlafchad had five daughters, Machla, Noah etc. And they came forward before Moshe etc.), before saying they brought a case forward? Further, why the need to mention the entire lineage of these women all the way back to Joseph? Even if it were necessary to note what tribe they are from, would it not have been enough to say they were from the tribe of Menashe? Even stranger is the Torah’s repetition of the fact that Tzlafchad’s daughters are of the tribe of Menashe, and that they were of the families of *“Menashe, the son of Joseph”*. Why the need to mention Joseph? Not only is the question of their inheritance of the land a function of their being of the tribe of Menashe and nothing to do with Joseph (the Torah does *not* mention that Joseph was the son of Yaakov), but also, we hardly need to be reminded that Menashe was the son of Joseph!

Lastly, we have a tradition that every portion has a theme, and that somehow every story, indeed every detail within that portion, is somehow connected to that theme. So what does this story have to do with the story of Pinchas after whom our portion is named and whose action forms the basis for the theme of this week’s portion?

Perhaps, in order to arrive at an understanding of the story of Tzlafchad’s daughters we need to understand the story of Pinchas:

At the end of last week’s portion, the Jewish people sink to a new low. In the plains of Moab, fresh from their victory over Sichon and the Emorites, the Jews are enticed into an orgy of illicit sex and idolatry with the daughters of Moab. G-d, in response to this untenable situation, brings a plague, which ravages the Jewish people.

This situation reaches its nadir in the form of *Zimri*, one of the princes of the tribe of Shimon, who was apparently fornicating with *Kozbi*, a Midianite princess, at the entrance to the Tent of Meeting, before Moshe and the entire congregation of Israel.

Pinchas, apparently unable to watch this, in his zeal, grabs a spear, and literally skewers the two of them, killing them on the spot. While this act brings an end to the plague ravaging the Jewish people, we are left with a challenging situation, to say the least. Without any trial or testimony, Pinchas, all on his own, takes it upon himself to act as both judge and executioner, and in a capital case no less! What of the magnificent system of courts described so beautifully in the portion of Yitro?

What message does this dangerous precedent give to the entire Jewish people?

For this reason the Rabbis are very uneasy with the act of Pinchas. In fact, the Jerusalem Talmud expresses the possibility that but for G-d's intervention, Pinchas would have been put on trial for murder!

G-d Himself, however intervenes, at the beginning of this week's portion (25:10-14), not only declaring Pinchas' zeal to be justified, but even giving him, incredibly, a covenant of peace!

This is, to say the least, a very challenging story. What are we to make of this? Does this mean that sometimes when we see injustice or immorality, we are meant to rise to the occasion, even taking the law into our hands? Such an assumption, negated vehemently in the Talmud, would be a recipe for anarchy.

And what of G-d's blessing of peace? Why is Pinchas given the blessing of peace, considering how violent an act he has just committed?

And where is Moshe during all of this? Incredibly, Moshe, it seems, is completely at a loss as to what to do! In fact, one way of understanding the verse (25:6) is that Moshe is sitting and weeping at the entrance to the Tent of Meeting!

It is interesting to note that Pinchas (25:7) "*arises from amongst the congregation (the Eidah)*", whereas Moshe, before whom all this is taking place, is described as separate from the congregation (25:6). Pinchas' zeal is born from amongst the people. In order to have a real effect on the people, to be a leader, you have to also be a part of the people.

Moshe, who after his experience at Sinai reaches such a level that he must cover his face behind a veil, the same Moshe who separates from his wife, represents that aspect of leadership which needs to be above the people. In order to lead you have to be a little bit apart. A teacher who is always 'one of the guys' will have a hard time laying down the law. At the same time, sometimes we need leadership that knows how to sit with us, as it were, in the trenches.

Perhaps the real issue here, however, begins not with the action, but with the motivation for the action.

The Rabbis are right to question Pinchas' action, because as human beings, we cannot judge a person's motivation. Who can really know what lies in another person's heart? All we can see is a person's actions. In fact, it is precisely for this reason that Judaism places such a high value on deed, rather than creed. While we can judge a person's actions, we must never judge the person.

But G-d can. At the beginning of the portion of Pinchas, Hashem takes the time to inform us that in this instance, Pinchas' motivation was coming from the right place. Perhaps G-d gives Pinchas his covenant of peace, because here, Pinchas' violence was motivated by a love for peace and for his fellow human beings. Seeing the Jewish people in the throes of a terrible plague all around him, perhaps Pinchas understood that if the Jewish people

were meant to be some sort of an ethical light in an otherwise very dark world, the events of the day were causing the Jewish people to lose their right to be.

The case of Pinchas presents a dilemma we encounter all too often: the ethical dilemma or even the social decisions that we face when the Torah doesn't seem to give us the answer.

People make the mistake of thinking the Torah will always give me the answer, but that just isn't the case. Imagine I have to decide whether to become a doctor or a lawyer, a decision often taken at a young age, with enormous implications. The Torah (and halachah) does not tell me which the preferred profession is.

Jewish tradition has a lot to say about *how* to be a lawyer or a doctor, and how to live an ethical life as a lawyer (no small challenge!) or as a doctor, but Judaism certainly does not proscribe how to make my decision. And this challenge has been with us ever since G-d told Adam in the Garden of Eden, that he could eat from (almost) all of the trees in the garden. Adam then had to decide what he was going to eat for lunch that day: 'Hmmm... should I have apples or pears?' - And G-d wasn't giving him much help. There was no divine order of the preference of fruits! Indeed a closer look at that particular verse reveals a fascinating point.

"Va'Yeatzv Hashem Elokim Al Ha'Adaml'e'mor: Mikol Etz Hagan Achol Tochel", "And G-d commanded Adam saying: Eat from all the trees of the Garden." (Genesis 2:16)

One wonders what Hashem is *commanding* here? Is G-d simply informing Adam that he can eat of the trees of the garden? Perhaps, all the way back in Eden, we are being told that G-d wants us to struggle with our own decisions. We aren't given all the answers, because our attempts to formulate our own responses allow us to be daily partners in the creation of the word, and of ourselves as well.

In every decision there is in the end, a 'right' answer, and a 'wrong' one. Ultimately, society would be better served if a given individual becomes either a doctor or a lawyer, and one of those professions is ultimately the better answer. There is, however, a second part of any decision which is even more significant, and that is not the challenge of 'what, but rather the question of 'why'.

Not so much whether to be a doctor or a lawyer, but *why* one might choose this or any other profession. And here, too, there is a 'right' and a 'wrong'. Have I decided to become a doctor because of the enormous potential for saving people's lives, and making the world a better place? Or have I simply reached the conclusion that medicine offers me the largest paycheck?

The **Vilna Gaon**, in his *Even Sheleimah*, makes a fascinating point: if you make the right decision, but for the wrong reasons, it will end up being the wrong decision. But if you make the wrong decision for the right reasons, it will end up being the right decision. So most of all, make sure the motivations for your decisions are right, and things will always work out. Words worth living by.

Perhaps this too, is at the root of the story of the daughters of Tzafchad.

It is important to note that they are of the tribe of Menashe, half of which received land on the other side of the Jordan River. Indeed, the original motivation of the tribes of Gad and Re' uven to live on that side of the Jordan (see next week's portion Numbers 32:1-42), rather than enter the land of Israel was its rich farm and grazing land, and the prospect of economic prosperity.

And as a result of the granting of their request, Moshe ultimately splits the tribe of Menashe, with half the tribe residing on either side of the Jordan River. Generally, the rabbis view this as an assurance that the two sides of the Jordan River will remain part of one people. And the tribe of Menashe, which had no intention of living outside of the land, would also be an influence for maintaining the love of the land of Israel even on that side of the Jordan River.

Ultimately then, the daughters of Tzafchad had the opportunity to receive rich land on the other side of the Jordan, where all the technical conditions of inheritance in the land of Israel based on tribal lineage did not apply.

The **Malbim** points out that the real motivation of the daughters of Tzafchad was a burning love for the land of Israel. Indeed, this was their true tribal inheritance. Joseph, despite spending most of his life in Egypt, dies with one wish in his heart: to be buried in the land of his forefathers, the land of Israel. Perhaps this is why these women's tribal lineage is listed back to Joseph. In fact, Menashe is the first Jew born in the exile. Yet, even as a child born in Egypt he never gives up on the dream of returning home. Indeed, it is the tribe of Menashe whose members, according to the Midrash, (Rabbinic legend) miscalculate the end of the exile, and in their zeal, attempt to conquer the land of Israel too soon, a story that ends in disaster.

The daughters of Tzafchad represent then, this same theme, namely a case that has value because the motivations were pure. Perhaps for this reason it was important for this case to come as a result of their desire to see their struggle through. "*Va'Tikravna*", "*And they came close*" It was precisely because they decided that they wanted to live in the land of Israel and be close amongst the people that this story is so important. In order for them to arrive before Moshe, they had to go up through the entire system of the courts until they finally came before Moshe. Only a burning love for the land of Israel motivated them to such a high degree. And perhaps Moshe felt they had earned the right to receive a response from Hashem, because ultimately this land is and can only be a gift from G-d.

Today, thousands of years after Joseph's bones were brought home and the daughters of Tzafchad merited to build homes in the land of Israel, we are still struggling for our right to live and love in the land of Israel.

For two thousand years we wandered the face of the globe and today, ours is the generation that has merited the privilege to put our real motivations to the test. Each of us, in our own way, has to decide what this country means to us.

Who we are as a people is a function of what we do and why we do it. Where we choose to be, and why we choose to be here, will ultimately determine whether we merit to stay.

May Hashem bless us again, with His covenant of peace, and may we merit as a people to come home with all the purity, love and joy in our hearts that we so need, and have waited for, for so long.

Shabbat Shalom,
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