

PARASHOT MATOT-MAS'EI

Divine Command and Human Initiative

or

Why Does Matot Begin with the Laws of Women's Vows?

By Dr. Jonathan Grossman

Our parasha opens with the laws of vows: "If a man should make a vow to God... he shall not break his word; all that his mouth has uttered he shall do" (30:3). The obvious question is, why does the Torah introduce this law specifically here? The question becomes even more of a puzzle in light of Ibn Ezra's assertions that "this parasha was uttered after the war against Midian" (commentary on 30:2). In his view, the Torah deviates from the chronological sequence of events and presents the section of laws about vows prior to the story of the war against Midian, even though in fact the real order was the reverse. Why is this so? In fact, this question is only part of a broader question that arises in light of the mitzvot leading up to and contained in our parasha.

The location of the narratives and mitzvot in Bamidbar 26-30 has disturbed many commentators. To the reader of these consecutive sections, it is clear that Pinchas's act (at the beginning of chapter 25) concludes with a Divine directive: "Trouble the Midianites and smite them" (25:17). The direct continuation of this command is without doubt to be found in chapter 31, in our parasha: "God spoke to Moshe, saying: Avenge the vengeance of Bnei Yisrael upon the Midianites; thereafter you will be gathered to your people" (31:1). So why is the continuity broken by a group of laws which, at least at first glance, seem to have no connection to the central subject – the war against Midian? Six sections interrupt the continuity of the text:

1. The census of Bnei Yisrael on the plains of Moav (26:1-65)
2. The claim by the daughters of Tzelofchad (27:1-11)
3. God's command to Moshe to ascend Har ha-Avarim (27:12-14)
4. Appointment of Yehoshua (27:15-23)

5. Public sacrifices: daily sacrifice and additional sacrifices (28:1-30, 29)
6. Vows taken by a woman or a girl (30:2-17) [1]

The commentators are generally very puzzled by this sequence. Licht, for example, says:

"Thus that section, at the end of chapter 25, serves as the introduction to our parasha. We must then ask, why do chapters 26-30 interrupt between the opening of our parasha and its content... In the chapters separating between the halves of the story (i.e., 26-30), I have found nothing that justifies their location here." [2]

For some of the interceding parashiot we can find associative links, and some commentators propose that these connections are the basis for the appearance of these mitzvot in their place. Thus, for example, Rashbam explains the connection between women's vows and the sacrifices that precede them in the text:

"First it is written, 'These you shall make for God at their appointed times, aside from your vows and your free-will offerings' – which must be brought on one of the three pilgrim festivals, in keeping with the rule 'you shall not withhold,' as explained in tractate Rosh Ha-Shana. So Moshe went and spoke to the heads of the tribes – i.e., the judges – to instruct Israel as to the laws of vows." [3]

However, although this explanation – or others along the same lines – certainly applies to some of the mitzvot, it does not comprehensively explain the entire unit.

I would like to examine the matter from a structural perspective – i.e., to seek out the "deep structure" that underlies the order of the parashiot as we have it.

My basic assumption is that a profound tension arises in the story of Ba'al Pe'or and Pinchas's act – a tension that is addressed, even if not explicitly, in all of the mitzvot that comprise our troubling unit. In other words, between the act of the daughters of Midian (chapter 25) and its military response on the part of Bnei Yisrael (chapter 31), we have a number of mitzvot, each of which illuminates and clarifies one of the fundamental elements arising from Pinchas's deed.

Let us once again turn our attention to the way in which the Torah describes the sin of Ba'al Pe'or and Pinchas's zeal. After "Israel joined themselves to Ba'al Pe'or" (25:3), God asks of Moshe: "Take all the heads of the nation and hang them up before God

against the sun, that God's burning anger may be turned away from Israel" (25:4). There is some ambiguity as to the identity of the people to whom the Torah refers in the word "them." A simple reading of the text would appear to indicate that it is the chiefs of the nation who must be hanged – i.e., the leaders of the nation must be publicly executed.[4] Thus, for example, Abarbanel understands the verse:

"It seems to me that God, upon seeing this great sin being performed in Israel in public, and with the princes and officers of the people not protesting, not rebuking and punishing the sinners with death, said to Moshe: 'It is proper that a great judgment be made concerning this, not only for those who joined themselves to Ba'al Pe'or, but for all the officers of Israel, amongst whom and before whom it was done, and no one did anything about it.' And then, in the manner of advice, God tells Moshe: 'If you want to save Israel from complete destruction, take the heads of the nation and hang them before God, against the sun... And when you do this, God's burning anger will be turned from Israel, and He will not punish and destroy the entire congregation.'"[5]

However, it is possible to understand the direct object, "them," as referring not to "the heads of the nation," but rather to the sinners (who, admittedly, are not mentioned explicitly in the verse). According to this view, God's command is to take the heads of the nation and, with their help, to hang the sinners.[6]

This second reading is less intuitive than the first, but nevertheless it is this scenario that immediately comes to pass. Moshe gathers the "judges of the nation" (who, apparently, constitute the "heads of the nation" referred to in God's command) and instructs them: "Let each one kill his men who joined themselves to Ba'al Pe'or" (25:5).

The ambiguity in God's instruction plays an important role in the development of the story. Even if one reading is realized in Moshe's action immediately following the command, the other (simpler) reading of God's command (to execute the chiefs of the nation) is also fulfilled - in the form of Pinchas's act. Pinchas slays the prince of the tribe of Shimon together with the daughter of the chief of a tribe of Midian (25:14-15), thereby "turning God's burning anger from Bnei Yisrael."

Thus we deduce that Moshe "interpreted" God's command in its narrow sense (putting to death the sinners with the help of the chiefs of the nation), while Pinchas, acting with no explicit command, acts in accordance with the simpler meaning of the command (putting the heads of the nation to death). In this context, it should be emphasized that the text does not present Pinchas as someone who hears God's

command and gives it a different interpretation than Moshe. On the contrary, the ambiguity of God's command plays a role in the story unbeknownst to these characters, and its purpose is to emphasize the identification of Pinchas's voluntary act with God's original command. In other words, the person who acted on his own initiative, without hearing the Divine command (Pinchas), fulfilled God's will, and in fact acted in accordance with the wording of the command.

The veiled criticism of Moshe (the "narrow interpretation") fits in with the connection of this story to the sin of the golden calf, which we discussed in the shiur two weeks ago.[6] There, too, we saw that while in the episode of the golden calf Moshe acted as a leader zealous for God, here it is Pinchas who steps into his shoes and displays the trait of zeal for God.

Pinchas's act gives rise to the question of the relationship between Divine command and human initiative. I believe that this tension is one of the most fundamental elements of the story, part of its "deep structure," such that it extends outward to the mitzvot that appear right after the story of Pinchas, severing it from its continuation – the story of the war against Midian.

We must emphasize here that not every individual sub-section necessarily expresses the tension between Divine command and human initiative, but the general relationship between the mitzvot listed in this unit represents an extension of the concept, even if only covertly.

The six short sections may be divided into three pairs:

1-2: census of Bnei Yisrael + daughters of Tzelofchad

3-4: Moshe's vision of the land + appointment of Yehoshua

5-6: Sacrifices for the festivals + vow offerings

We may propose that every Divine command that appears in this section has an "appendix":

1-2: Following the command to Bnei Yisrael concerning the division of the land (section 1), the question arises: what happens to the inheritance of a man who has no sons? What about inheritance by daughters? (Appendix = section 2.) Clearly, the request by the daughters of Tzelofchad to receive their father's portion in the inheritance of the land is profoundly connected to the purpose of the census, which concerns the division of the land among the families ("To these shall the land be divided as an inheritance" – 26:53). Already in the census itself we find a hinted

anticipation of the appeal by Tzelofchad's daughters. In the genealogy of the families of the tribe of Menashe we are told, "Tzelofchad the son of Chefer had no sons, only daughters. And the names of Tzelofchad's daughters were Machla and No'a, Chogla, Milka and Tirtza" (26:33). There is no indication in the text of why this piece of information is included, and what the significance of the daughters' names is. It is reasonable to assume, therefore, that this seemingly parenthetical note comes to help us understand the "appendix" – their approaching Moshe and presenting their claim.

3-4: Obviously, the appointment of Yehoshua arises here in connection with the noting of Moshe's imminent passing. When Moshe hears that he is going to be "gathered to his people" (section 3), he asks that another leader be established in his place (appendix = section 4).[8] As Rashi comments, "This teaches us the praise of the righteous who, before they die, set aside their own business and take care of communal business" (commentary on 27:15).

5-6: The relationship between the festive sacrifices (section 5) and the section on women's vows (appendix: section 6) was discussed above, and Rashbam and Ramban both address it. But aside from the linguistic connection between "in addition to your VOWS (i.e., vow offerings) and free-will offerings" (29:39) and "If a person shall MAKE A VOW to God" (30:3), it should be noted that these two sections are also linked in terms of content. One of the most elementary senses of the word "neder" (vow) is the consecration of sacrifices for the Mishkan.[9] While chapter 29 deals with public sacrifices that have a set time, chapter 30 discusses – at least in terms of its general subject – the sacrifices that an individual consecrates voluntarily to the Mishkan, and thus this section may also be seen as an "appendix" to the broader public command.

If we examine the relationship between section 1 and the section that represents its "appendix," the tension between Divine command and human initiative arises over and over. I do not mean by this that the reader may apply the tension to the text, but rather that the sections themselves are set out in a way that encourages such a reading.

1-2: CENSUS OF BNEI YISRAEL + DAUGHTERS OF TZELOFCHAD

God's command to conduct a census of the people is given explicitly in the text (26:1-2). Immediately afterwards we find a "legal story" – i.e., the law of inheritance by daughters (which is legislated here) arises out of the story of the claim by Tzelofchad's daughters. This pattern exists in a few other places, such as the law of Pesach Sheni (Bamidbar 9:6-14); the law of a blasphemer (Vayikra 24:13); as well as the continuation of the story of Tzelofchad's daughters, concerning the limitation of eligible marriage partners for daughters who inherit (Bamidbar 36). The fact that a certain law arises from the midst of a narrative has literary value – i.e., the story

surrounding the law contributes to its formation and the way in which we understand it.

Both the law of Pesach Sheni and the law concerning inheritance by daughters are anchored in instances of individuals seeking to be part of the community. "Why SHALL WE BE PREVENTED (nigara) from offering God's sacrifice at its appointed time AMONG (mi-tokh) Bnei Yisrael?" (Bamidbar 9:7), ask those people who are ritually impure and will therefore be unable to offer the Pesach sacrifice at its proper time. Similarly, the daughters of Tzelofchad ask, "Why shall our father's name be OMITTED (yigara) from AMONG (mi-tokh) his family?" (Bamidbar 27:4). This emphasizes the human initiative that brought about an "amendment in the law" with certain accommodations made in light of their claim (it should be emphasized: only after Divine revelation to confirm the law).

It is not only the plot that demonstrates the connection between the initiative of Tzelofchad's daughters and the amendment to the law, but also the linguistic presentation, which highlights the connection between the individual situation of these women and the general law:

Tzelofchad's daughters (3-4):

"Our father died in the desert

and he had no sons..."

"You shall transfer the inheritance of their father

to them."

General law (8):

"If a man dies

and he has no son –

you shall transfer his inheritance

to his daughter."

Through this parallel formulation, the Torah is emphasizing that the new law established by God is based upon the initiative of Tzelofchad's daughters and their demand for an inheritance.

The very formulation of the law as a Divine response to an individual situation creates a contrast between the census of the heirs to the land, conducted by Divine command, and the "amendment to the law of inheritance" which comes in the wake of human initiative.

It would seem that the Torah's desire to emphasize the women's initiative also finds expression in the mention of their names (verse 1). Tzafirira ben Barak writes in this regard:

"The opening verse already presents the daughters of Tzelofchad as the primary characters of the story; they are the subject, and – what is principally emphasized – they initiate. The continuation of the verse – the presentation of their genealogy and a list of their names – places all the weight on their uniqueness and their importance in this story." [10]

In fact, the use of the same verb in the women's approach to Moshe ("The daughters of Tzelofchad DREW CLOSE... and stood before Moshe" – verses 1-2) and in Moshe's appeal to God ("Moshe BROUGHT CLOSE their case before God" – verse 5) creates a sense that Moshe is merely the go-between. He merely continues the direction of Tzelofchad's daughters, and is a secondary character in relation to the women.

Is there any textual support for our hypothesis that the women's initiative here is somehow connected to the initiative of Pinchas faced with the sin of Ba'al Pe'or? I believe that the answer is affirmative, although the connection is veiled rather than explicit.

As mentioned, the verb k-r-v ("coming close" or "bringing close") plays an important role in the story of Tzelofchad's daughters, insofar as it introduces the story (they "came close") and concludes the narrative section (Moshe "brings close"). This verb is associated with the act of Zimri, described as "BRINGING CLOSE before his brethren the Midianite woman..." (25:6). This associative reading rests not only upon the verb which is common to both stories, but also upon the social platform described in both cases. Zimri "brings close" the Midianite woman before his brethren, "before the eyes of MOSHE and before the eyes of ALL THE CONGREGATION of Bnei Yisrael" (25:6). The daughters of Tzelofchad act before a similar audience: "They stood BEFORE MOSHE... and before the princes AND ALL OF THE CONGREGATION" (27:2). In addition to these two elements, the geographical

background to the two stories is identical. Pinchas arises from amongst the congregation against the background of "they were weeping at the entrance to the Ohel Mo'ed" (25:6), while the daughters of Tzelofchad head for the same address: "the entrance to the Ohel Mo'ed" (27:2).[11]

The fact that both scenarios take place publicly and openly, in the precincts of the Ohel Mo'ed, is significant in both cases. The text's description of Zimri's act as a public one changes it from an individual's submission to his desires to a deliberate act of rebellion. Correspondingly, in his own act of zeal Pinchas slays the sinner "against the sun" – i.e., in the open. And the claim by the daughters of Tzelofchad must also be presented openly and publicly – if only for the sake of avoiding complaints in the future by those whose personal and family interests may be harmed by the "amendment to the law."

In any event, in the context of our discussion, there are linguistic and thematic elements that are common to both parashot, which lead us to read one against the background of the other and within the general context of human endeavor coming to the fore alongside Divine command.

3&4: MOSHE'S ASCENT TO HAR HA-AVARIM + APPOINTMENT OF YEHOSHUA

Here, again, it seems that the text leads us, in several different ways, to pay attention to the tension between Divine command and human initiative. Here, again, the human initiative is greeted with approbation, even if tinged with a hint of reservation.

The element of command concerns, obviously, God's instruction to Moshe to ascend the mountain and view the land, and to die "as Aharon your brother was gathered" (27:13). This overt connection to the story of the death of Aharon joins a collection of linguistic links which also serve to connect to Aharon ascent to Hor ha-Har, by God's command, in order that "Aharon may be gathered to his people" (20:24). In both stories, the reason for the death of these primary characters is emphasized, using the same language: "Because you rebelled against My word at Mei Meriva..." (20:24); "For you rebelled against My word in the wilderness of Tzin, when the congregation quarreled... at Mei Meriva of Kadesh" (27:14).[12]

The highlighting of Aharon's death as background to the death of Moshe gives rise to the obvious difference between the two deaths described in the text. When Aharon is to die, Moshe is commanded to take him to the mountain, along with Elazar – Aharon's son – and to dress the latter in the priestly clothes of his father, thereby signifying the changeover of priestly leadership. But when God commands Moshe to ascend the mountain to die, there is no mention of any successor. Is there to be a

successor to lead the people? Who is he? How is he to be appointed? All of these questions, whose answers were so clear when Aharon died, are left open in the command to Moshe.

Although we immediately read that it is Yehoshua who is destined to succeed Moshe, and the process of the changeover is then set forth ("You shall place your hands... and give of your glory upon him"), this information emerges only in the wake of Moshe's request: "Let God, the Lord of the spirits of all flesh, appoint a man over the congregation, who will go out before them and come in before them, and who will take them out and bring them back, so that God's congregation will not be like sheep that have no shepherd" (16-17). Some commentators have even suggested that Yehoshua's appointment actually deviated from the original Divine plan, and that had Moshe not requested it, no mortal leader would have taken his place. According to this reading, our parasha should be viewed as an anti-royalty statement: the ideal is for "God's congregation" to rely upon the King of kings rather than upon a mortal king.[13]

Even if we maintain that Yehoshua's appointment accords with the original plan for the leadership of Israel, we must nevertheless admit that the presentation of this parasha demands some explanation: Yehoshua ascends the literary stage only because of Moshe's request for a successor. From the perspective of the subject of our discussion, this fact is of great significance, because again it demonstrates an instance of human initiative coming to the fore to "correct" (amend, expand upon) the Divine command.

Here, again, it seems that the text itself hints at the tension. First, we note the introductory formulation of Moshe's request, which initially sounds very familiar, but upon closer examination turns out differently than what we expected: "Moshe spoke to God, saying: 'Let God... appoint...'" (27:15). Needless to say, this echoes the usual pattern that is repeated over and over in the Torah – "God spoke to Moshe, saying,"[14] but here the situation is reversed: it is Moshe who is speaking to God. This formulation appears nowhere else,[15] and in this sense the introduction to this narrative represents a sharp exception to the usual presentation.

This change leads the reader to pay attention to the "reversals" in the story: it is not God Who commands Moshe here, but rather Moshe who is "commanding" God – or, more accurately, requesting of Him – to appoint a new leader for Am Yisrael. In the words of Rabbeinu Bachya:

"[The text presents it thus] because of Moshe's greatness; in order to compare the student to his Teacher. As we learn in the Midrash: I spoke with you using the expressions 'speech' (dibbur) and 'saying' (amira): 'And God spoke to

Moshe saying; 'you, too, will speak before Me with the expressions 'speech' and 'saying' – 'Moshe spoke to God saying...' [16]

Aside from the two aspects mentioned – plot (appointment of Yehoshua presented as a result of Moshe's request) and language ("Moshe spoke to God saying") - I believe that the tension between Divine command and human initiative is emphasized in the text in yet another way, which introduces a reservation and limitation on the power of human initiative.

In Moshe's words to God, he asks for a leader "who will go out before them and who will come in before them; who will take them out and bring them in" (27:17). These expressions refer first and foremost to the military function of the king (going out to war), as we read, for example, concerning David:

"Shaul removed him from his presence and appointed him a captain over a thousand, AND HE WENT OUT AND CAME IN BEFORE THE NATION... And all of Israel and Yehuda loved David, because he would GO OUT AND COME IN BEFORE THEM." (I Shemuel 18:13-16)

When God accedes to Moshe's request and describes the procedure for Yehoshua's appointment, the same expression appears once again:

"He shall stand before Elazar the Kohen and shall ask him for judgment by the urim before God; BY HIS WORD THEY SHALL GO OUT AND BY HIS WORD THEY SHALL COME IN, he and all of Bnei Yisrael with him, and all the congregation." (27:21)

Because of Moshe's appeal, which is the background to this verse, it appears at first that "by his word" – i.e., by Yehoshua's word – "they shall go out" and that "by his word they shall come in." But this merely serves to emphasize the discrepancy between the reader's expectation (that it would be Yehoshua who decides when they are to go out) and the actual content of the verse, which refers, of course, to Elazar, who consults with the urim for a judgment. In other words, it is by the word of God – transmitted by Elazar the Kohen – that Bnei Yisrael are to go out and come in.

This is no mere esthetic play on words. What we see here is a profound difference between what Moshe asks for and what God provides in response. God does establish a leader to replace Moshe, but not in the way that he intended it: the limitations on his leadership authority are apparent in the very procedure of his appointment.[17]

From our perspective, it should be noted that this phenomenon continues to represent the relationship between Divine will and human initiative, similar to the way in which the same tension was presented in the previous pair of parashot. There, too, God agreed to the initiative of Tzelofchad's daughters, but limited their marriage possibilities (chapter 36). Here, too, He agrees to Moshe's request, but in a way that entails certain reservations and limitations.

This tension is hinted at in a Midrash in Bamidbar Rabba:

"To what can this be compared? To a king who married a woman, and he had an attendant. Whenever the king would become angry at his wife, the attendant would appease him, and the king was reconciled with his wife.

When the time came for the attendant to die, he asked of the king: 'Please, pay favorable attention to your wife.'

The king said to him: 'If you're telling me to consider my wife, you should tell her the same thing concerning myself – that she should be careful concerning my honor.'

This, as it were, is what God told Moshe: 'Since you're asking me, "Let God appoint..." command them that they should take care concerning My honor.' Thus it is written, 'Command Bnei Yisrael: My sacrifices, the bread of My offering...' In other words, He first set forth the sacrifices that they are to offer." [18]

5&6: DAILY AND ADDITIONAL SACRIFICES + VOW OFFERINGS

The first component of this pair – the command – is clear in the introduction: "Command Bnei Yisrael and say to them: My sacrifices, the bread of My offerings for a sweet savor to Me, shall you observe to offer to Me at their appointed time" (28:2). Ramban, addressing the location of this parasha, writes:

"The reason for, 'Command Bnei Yisrael and say to them, My sacrifices, the bread of My offerings...' is because after He said, 'To these shall the land be divided,' He commanded that the teaching concerning the sacrifices be completed, that they may perform it in the land, for the additional sacrifices were not offered in the desert... And although it is not stated here explicitly, 'When you come to the land,' it was already mentioned in the parasha of the libation offerings, and it is hinted at in the first section of the festivals." [19]

According to Ramban's view, this command is intended for the period after the nation enters the land, and therefore it is appropriate that it appear in the section devoted to the census of those who are to inherit the land, with its appendices. However, this approach – while adopted by many other commentators – is difficult to reconcile with the literal text. The crux of his explanation (the fact that these sacrifices are to be offered only after entering the land) is mentioned nowhere at all in our parasha. Ramban addresses this difficulty and claims that the connection is clear based upon previous mention of the performance of festive sacrifices, from which we deduce that this mitzva is to be performed specifically in the land, and not in the desert. But even if he is correct, we would still expect that this fact would be stated explicitly – since it represents the entire reason for the sacrifices being listed here.

In any event, the principle of Divine command is clear here from the very beginning of the section, to the extent that we may call this section "the OBLIGATORY public sacrifices that have a set time."

Corresponding to this list of sacrifices is another system – the sacrifices brought voluntarily by an individual. The conclusion of the parasha hints at the existence of the alternative system: "These you shall perform for God at their appointed times, **ASIDE FROM YOUR VOW OFFERINGS AND FREE-WILL OFFERINGS**, your burnt offerings, your meal offerings, your drink offerings and your peace offerings" (29:39). Indeed, immediately after this conclusion the text moves on to address vows taken by a person of his own free initiative: "If a person makes a vow to God... he shall not break his word; he shall do as everything that proceeded from his mouth" (30:3).

In contrast to the previous pairs, where the personal initiative finds expression in human action making its way, as it were, into the Divine command, with the intention of influencing it, here the human initiative is part of the law itself. The Divine law stipulates that there is room for voluntary initiative in the realm of sanctity and Divine service; a person may establish his relationship with that realm with adjustments for his free will. Here, the system of fixed sacrifices does not stand in contradiction to human initiative; on the contrary, these two elements complement one another.

Does the text encourage such a reading? Does the way in which the section on women's vows is written raise the subject of voluntarism (as contrasted with the sacrifices that are brought by command)? I believe that the answer to this question is in the affirmative.

Here, too, the introduction to the section is somewhat surprising: "Moshe spoke to the heads of the tribes of Bnei Yisrael, saying: This is what God commands..." (30:2). Several commentators note that this introduction is somewhat convoluted, and differs

from the regular format: "God spoke to Moshe saying...." Rashbam, for example, asks:

"I was asked ... concerning the literal text, where we find any other parasha that begins thus, without our first being told 'God spoke to Moshe, saying: If a man makes a vow....' How is it that this parasha begins as though it is Moshe who is saying this, without any explicit instruction from God?"[20]

As Rashbam emphasizes, in contrast to the usual and expected formulation, our parasha opens with Moshe's words to the heads of the tribes,[21] and only in the midst of what he tells them does it turn out that, in fact, he is transmitting a Divine command ("This is the thing that God commands"). This fact is mentioned once again in the concluding verse of the discussion: "These are the statutes that God commanded Moshe between man and wife, between a father and daughter in her youth, in her father's house" (30:17). What is the meaning of the change in the usual style? Why does the text at first "pretend," as it were, that Moshe is giving this instruction "with no explicit instruction from God," as Rashbam puts it?

It would seem that here, too, the basis for the difference is an attempt to create an atmosphere of human initiative within Divine command. In other words, since the entire basis for making vows or oaths is man's free will, the Torah opens the laws of this mitzva with a "concealment" – at least at the beginning – of the Divine command. Obviously, the limitations of religious motivation and human initiative are mentioned immediately, and these are included in God's words, but the heading of the unit softens this limitation somewhat.

OVERALL STRUCTURE

If we summarize the introductions to the sections that we have discussed thus far, we emerge with an orderly structure that emphasizes at every stage the tension between Divine command and human intervention that comes to influence it. But after every such "intervention" there comes a new Divine command that regulates the human initiative within an orderly procedure:

1&2:

- a. Divine Command: census of Bnei Yisrael - "God said to Moshe and to Elazar the son of Aharon the Kohen, saying" (26:1)
- b. Human Intervention: the daughters of Tzelofchad – "The daughters of Tzelofchad came close... and stood before Moshe" (27:1)

c. Divine Acceptance: "God spoke to Moshe saying: The daughters of Tzelofchad have spoken correctly" (27:6-7).

3&4:

a. Divine Command: Moshe's ascent to Har ha-Avarim – "God spoke to Moshe" (27:12)

b. Human Intervention: appointment of Yehoshua – "Moshe spoke to God, saying" (27:15)

c. Divine Acceptance: "God said to Moshe: Take Yehoshua the son of Nun" (27:17)

5&6:

a. Divine Command: Time-bound sacrifices – "God spoke to Moshe saying: Command Bnei Yisrael" (28:1)

b. Human Intervention: Vows and oaths – "Moshe spoke to the heads of the tribes of Bnei Yisrael, saying" (30:2)

c. Divine Acceptance: "This is the thing that God has commanded" (30:2)

We must still determine why specifically these sections were chosen to express the religious tension between obeying a given command and the attempt to introduce a new dimension into it. I believe that here, too, we must go back to the sin of Ba'al Pe'or and the act of Pinchas, and in light of that episode examine the choice of these particular parashot.

Since after this there are no more stories of complaints by Bnei Yisrael in the desert, nor stories of sins punished by God's anger, it is most appropriate that immediately after the last "story," the Torah deals with those who are to inherit the land. In other words, all the Israelites who survived the last plague at Ba'al Pe'or will merit to be among those who inherit the land, and therefore it is fitting that the census of the heirs to the land be conducted here.[22]

Moreover, the sin of Ba'al Pe'or and Pinchas's act rest upon three central motifs:

1. The involvement of the women of Moav (and perhaps also Midian) is perhaps the most striking. They are presented as being active in tempting the Israelite men: "THEY CALLED the nation to the sacrifices of their gods, and the nation ate and bowed down to THEIR GODS" (25:2). Aside from the verb "to call," which certainly creates the impression of active incitement on the part of the Moabite women, the god that Bnei Yisrael are called to serve is also referred to at first in the text in relation to the Moabite women – "their gods," and only afterwards do we read its full name: "And Israel joined itself to Ba'al Pe'or." Through this description, too, the text highlights the role of the women of Moav in the sin.[23]

2. Aside from prostitution, the chief characteristic of the pagan worship described is the offering of sacrifices to Ba'al, and a sacrificial feast: "They called the nation TO THE SACRIFICES OF THEIR GODS AND THE PEOPLE ATE and they bowed down to their gods" (25:2).

3. Pinchas's act introduces a third motif into the story: veiled criticism of Moshe's conduct as leader.

These three themes are interwoven in the three pairs of parashot that we discussed. THE WOMEN play a role in the two sections describing human initiative: at the beginning (daughters of Tzelofchad) and at the end (women's vows). "THE OFFERINGS OF THEIR GODS" are obviously echoed in the section of festive sacrifices, while MOSHE'S FAILURE OF LEADERSHIP is mentioned explicitly in the section where he views the land and in the subsequent section dealing with the appointment of Yehoshua. Here the elements are so closely connected that it seems that God's statement of the reason for Moshe not entering the land – "You rebelled against My word... to sanctify Me through the water before their eyes" (27:14) hints – in addition to its obvious reference to Mei Meriva – also at Moshe's failure to sanctify God when faced with Zimri's sin. There it was Pinchas who sanctified God before the eyes of all of Israel; he does merit to enter the land and, in a certain sense, he will also be part of the Israelite leadership that is destined to arise.

THE WAR AGAINST MIDIAN

Since the section of mitzvot separating the command to "Trouble the Midianites" from the actual war is set out in light of the tension between Divine command and human initiative, it is no surprise that the same tension exists also in the story of the war against Midian.

Following a very detailed account of the distribution of the booty among Bnei Yisrael, and following God's command ("God spoke to Moshe saying" – 31:25), regulating the portion that the fighters must contribute from their takings to the Kohanim and the

portion that the nation must give from their booty to the Leviim, we suddenly find the senior military personnel ("those over thousands in the army") presenting themselves before Moshe with a request to donate from the spoils to the Mishkan, as a thanksgiving offering for the fact that not a single Israelite fighter was killed in battle. Moshe accedes to their request, accepts their donation and places it in the Ohel Mo'ed, "a memorial to Bnei Yisrael before God" (31:48-54).

The text emphasizes this voluntary contribution coming after the donation anchored in Divine command through its description of Moshe in the two different situations using the same verb. At first:

"MOSHE TOOK from the half of Bnei Yisrael one portion out of fifty, of both man and beast, and gave them to the Leviim who kept the charge of God's Mishkan, AS GOD HAD COMMANDED MOSHE." (31:47)

And then, following the donation by the officers:

"MOSHE and Elazar TOOK the gold from the officers of the thousands and the hundreds and brought it to the Ohel Mo'ed as a memorial to Bnei Yisrael before God." (31:54)

Moshe "took" the contribution from the booty twice, but while the first time this happened by God's command, the second time it is a voluntary offering by the officers. And – perhaps this also hints at a moral lesson – while the contribution that is given by command is given to the Leviim, the donation given voluntarily is brought into the Ohel Mo'ed, where it remains as a memorial before God.

The text's presentation of the officers' initiative is reminiscent of the first human initiative that we encountered in the section of the mitzvot – that of the daughters of Tzelofchad. The same expressions are used in both cases:

DAUGHTERS OF TZELOFCHAD:

"The daughters of Tzelofchad CAME CLOSE and stood before MOSHE...

Why shall our father's name be missing from amongst his family...

Moshe BROUGHT their case NEAR BEFORE GOD."

OFFICERS OF THE ARMY:

"The officers of thousands of the army CAME CLOSE before MOSHE...

Not one man is missing from amongst us...

WE HAVE BROUGHT an offering to God... to atone for our souls BEFORE GOD."

There is certainly room to discuss the fundamental differences between the two human initiatives presented in these two narratives, but my point here concerns that which is common to them: following God's command regulating the distribution of property (inheritance of the land or spoils of war), both groups "come close before Moshe," asking to effect some change in the law of distribution.[24] Both initiatives are greeted in a positive way, and the original law is adjusted slightly in light of the human request.

CONCLUSION

Any textual discussion that focuses on juxtaposition of parashot by definition walks a fine line. Sometimes the juxtaposition in and of itself does not convey any sort of message, and the text simply brings them in their chronological order. (In our context, for example, it is possible that God's command concerning women's vows was given to Moshe – historically – at this point, and therefore all these laws appear right here.)

But there are times when the order of the parashot is most surprising, and their position alongside one another has no obvious explanation. In such instances, there is sometimes a general approach that serves to illuminate all the parashot concerned, and it explains why one appears adjacent to the next.

In our example above, the mitzvot are arranged in such a way as to express the profound tension that exists in the consciousness of a servant of God, between full compliance with God's command – whatever the command may be – and human involvement, based upon personal voluntarism and a person's wish to express himself before the King of kings.

In some of the pairs that we discussed, the tension between these two ideas is obvious, while in others the ideas seem to complement one another. The contribution by the officers of the army is remembered for all generations in the Ohel Mo'ed, while the mandatory contributions are awarded no such special status.

NOTES:

[1] Most commentators perceive the intention of this section as limiting the woman's power to make a vow (rather than a discussion of the vows and oaths themselves). This is clear in the references to this unit: Milgrom, for example, calls this section "The Annulment of Vows and Oaths Made by Women" (J. Milgrom, JPS Commentary on Numbers, p. 250); others have called it "A Woman's Vows" (Budd) or "The Vows and Oaths of Women" (Levine). It would seem that the conclusion of the section – "These are the statutes that God commanded Moshe between man and his wife, between father and daughter in her youth, in her father's house" (30:17) indeed confirms that this is the central subject of the section.

[2] Y. Licht, Commentary on Sefer Bamidbar (26-36), Jerusalem 5755, pp. 112-13.

[3] Rashbam on 30:2, and Ramban ad loc. Many others adopt the same approach; see, for example, Milgrom (note 1 above), p. 250.

[4] It seems reasonable that this relates to the fact that the heads of the nation were among the sinners, and – as we discover in the continuation of the story – at least some of them were among the principal initiators (Zimri was the prince of the tribe of Shimon). Alternatively, it is possible that there is a basic responsibility that rests upon the leadership (as Rashi explains, in a different context in our parasha): "All the corruption of the generation falls upon the leadership, who have the power to protest" (commenting on Bamidbar 31:4). Compare II Shemuel 21, also dealing with the royal family (house of Shaul).

[5] Abarbanel on Bamidbar 25.

[6] In a similar vein, see also Rashi, Rashbam, Ibn Ezra and Ramban (who base their view on Moshe's action described later on).

[7] In the shiur on parashat Balak, this year.

[8] The connection between these two parashiot is so tight that some commentators make no distinction between them and treat them as a single unit. See, for example, Moskowitz, who calls the entire parasha (12-23), "the appointment of Yehoshua" (Y. Z. Moskowitz, Bamidbar, Da'at Mikra, Jerusalem 5748). According to this approach,

God's command to Moshe to ascend Har ha-Avarim and to view the land are brought here only as a preface to the crux of the story – the appointment of Yehoshua.

[9] See especially Vayikra 7:16.

[10] T. ben-Barak, *The Inheritance of Women in Israel and in the Ancient East*, Jerusalem 5764, p. 36.

[11] As to the fact that the sin of Ba'al Pe'or was also profoundly connected to women, and that the narrative concerns women, see below.

[12] This emphasis leads Rashi to praise Aharon and Moshe: "'They are the waters of Merivat Kadesh' – only they; they have no other sin" (Rashi on 27:14).

[13] See in this regard E. Assis, "Divine Versus Human Leadership: An Examination of Joshua's Succession," in *Saints and Role Models in Judaism and Christianity*, Boston 2004, pp. 25-42.

[14] Appearing about a hundred times in the Torah!

[15] Similar mention in Shemot 6:12 ("Moshe spoke before God saying") and again in the parallel section in verse 30 ("Moshe said before God").

[16] Rabbeinu Bachya on Bamidbar 27:15.

[17] Margalioth comments on the expression "a man of spirit:" "One may have thought – 'God's spirit,' but that is not the case; 'a man of spirit' (lit.: with spirit in him) – specifically NOT God's spirit! For concerning Yehoshua we have not been told even once that God's spirit was upon him... Likewise in Sefer Yehoshua there is no hint that God's spirit ever rested upon him, and God never calls him a 'prophet'" (M. Margalioth, "Bamidbar 26-27 – Juxtaposition of Units: Moshe's Legacy," *Sefer Gevaryahu*, part II, Jerusalem 5751, p. 115.

[18] *Bamidbar Rabba*, parasha 21, 2.

[19] Ramban on 28:2. His opinion is accepted among modern commentators, such as Milgrom (see note 1 above), p. 237.

[20] Commenting on Bamidbar 30:2-3.

[21] This, apparently, is a shortened form whose meaning is "the heads of the fathers of the tribes."

[22] As proposed, in this forum, by Rav M. Leibtag; shiur archived at <http://www.tanach.org/bamidbar/pin/pins1.htm>.

[23] Although verse 1 seeks to place the responsibility upon the shoulders of the sinful Israelites: "Israel dwelled by their tribes, and the nation began to stray after the daughters of Moav."

[24] The difference is equally striking: the daughters of Tzelofchad want to RECEIVE an inheritance, so that the place of their father will not be missing from amongst his family, while the officers of the army want to GIVE of their spoils, in thanks for the Divine protection of their forces during battle. Thus in the story of the women, Moshe "brings close their case," while after the war against Midian Moshe "brings near their sacrifice."

(Translated by Kaeren Fish)

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