

PSHUTO SHEL MIKRA

From the Teachings of Rav Yehuda Copperman zt"l

PARSHAT DEVARIM

Moshe and the Question of Tzelaḥad's Daughters

וְהִדְבַר אֲשֶׁר יִקְשֶׁה מִכֶּם תִּקְרְבוּן אֵלַי וְשִׁמְעֵתִיו

*And the matter that is too difficult for you, you shall bring to me and I shall hear it
(Devarim 1:17)*

Commenting on these words, said by Moshe Rabbeinu to the judges among B'nei Yisrael, **Rashi** writes:

על דבר זה נסתלק ממנו משפט בנות צלפחד. וכן שמואל אמר "אנכי הרואה", אמר לו הקדוש ברוך הוא, חייך שאני מודיעך שאין אתה רואה, ואימתי הודיעו, כשבא למשוח את דוד, וירא את אליאב ויאמר "אך נגד ה' משיחו", אמר לו הקדוש ברוך הוא ולא אמרת אנכי הרואה, "אל תבט אל מראהו"

Because of this matter the ruling in the case of Tzelaḥad's daughters was removed from him. And similarly, Shmuel said to Shaul "I am the Seer" (Shmuel I, 9:19). HaKadosh Baruch Hu said to him, "By your life, I will let you know that you do not see!" And when did He let him know? When he (Shmuel) came to anoint David, (it says) "He saw Eliav and he said, 'Certainly, Hashem's anointed one stands before Him'" (ibid. 16:6). Said HaKadosh Baruch Hu to him, "Did you not say 'I am the Seer'?" "Do not look at his (Eliav's) appearance." (ibid. pasuk 7).

Two Sources in Chazal

In order to fully appreciate this comment of Rashi, we must first consult the two primary sources in Chazal which discuss this matter, and from which Rashi draws upon.

Source A

The *Sifrei* to our pasuk:

והדבר אשר יקשה מכם: אמר לו הקדוש ברוך הוא למשה, אתה דן דין קשה? חייך שאני מודיעך שאין אתה רואה דין קשה, שאני מביא עליך דין קשה שתלמיד תלמידך יכול לשמוע ואין אתה יכול לשמעו. איזה זה? זה דינן של בנות צלפחד. וכן הוא אומר "ויקרב משה את משפטן לפני ה'". וכן הוא אומר "ויען שמואל אל שאול ויאמר אנכי הרואה ..."

And the matter which is too difficult for you: Said HaKadosh Baruch Hu to Moshe, "You adjudicate 'difficult' cases? By your life, I will let you know that you do not grasp difficult cases, for I will bring to you a 'difficult' case which your student's student would be able to adjudicate, yet you will not be able to adjudicate it." Which case was this? The case of Tzelafchad's daughters. And thus it says (Bamidbar 27:5) "Moshe brought their case before Hashem." And similarly it says (Shmuel I, 9:19), "Shmuel answered Shaul and said 'I am the seer'"

Source B

The Gemara in *Masechet Sanhedrin* 8a:

והדבר אשר יקשה מכם: אמר ר' חנינא, על דבר זה נענש משה. מתקיף לה רב נחמן בר יצחק, מי כתיב "ואשמיעכם?" "ושמעתי" כתיב! אי גמירנא גמירנא, ואי לא אזילנא גמירנא. אלא כדתניא, ראוייה פרשת נחלות שתכתב על ידי משה רבינו אלא שזכו בנות צלפחד ונכתבה על ידן ... שמגלגלין זכות על ידי זכאי

And the matter which is too difficult for you: Said R' Chanina, because of this matter Moshe was punished.¹ Rav Nachman bar Yitzchak objected, does it say "And I will tell you?" It says "And I will hear it!"² (The meaning is): If I have learned it, then I have learned it, and if not, then I will go and learn it! Rather,³ it is as was taught in a braita: The parsha concerning inheritance would have been fitting to be written by

1 That the *halachot* of inheritance were not told to him before an episode concerning them came before him and he did not know what to respond (Rashi, *Sanhedrin* ibid).

2 [Rav Nachman is pointing out that Moshe never claimed that he would know the answer to any difficult question. Rather, he said that such a question should be brought to him so that he could hear it. In the event that he did not know the answer, he would inquire of Hashem.].

3 [Having established that the withholding of the ruling in the case of Tzelafchad's daughters was not done as a punishment for Moshe, Rav Nachman proceeds to explain why it was withheld.].

Moshe, except Tzelafchad's daughters merited that it be written through them ... for positive events are brought about through the agency of worthy people.

To summarize the approaches of these two sources in Chazal:

The *Sifrei* considers Moshe's statement that "difficult questions" be brought to him to adjudicate to have been improper, with the result being that a relatively simple case was brought to him which he could not answer.

The *Gemara* mentions this opinion but then questions whether there was in fact anything wrong with Moshe saying that he would "hear" the difficult cases, since he never claimed that he would definitely know the answer. The *Gemara* concludes that Moshe not knowing the ruling in the inheritance case is not meant to reflect negatively on Moshe, but rather to reflect positively on Tzelafchad's daughters.

Questions on Rashi's Peirush

In terms of the two statements of Chazal quoted above, Rashi on our *pasuk* clearly seems to have adopted the critical position of the *Sifrei*. Yet there are still some questions which need to be asked concerning Rashi's words:

1. Rashi's *dibbur hamatchil* (the words from the *pasuk* which he quotes as his headline, and upon which he comments) is the phrase "תִּקְרַבְנוּ אֵלַי — *Bring it to me.*" In what way does Rashi see these words as being deserving of critical comment? Surely the objectionable words are the ones which describe **what it is** they should bring to Moshe — "הַדָּבָר אֲשֶׁר יִקְשֶׁה — *any difficult matter,*" as pointed out by the *Sifrei*!
2. Why did Rashi feel it was relevant to quote the *Sifrei's* ensuing discussion involving Shmuel saying "I am the Seer etc." in full? Between quoting the relevant *pesukim* as well as the words of Chazal about that episode, Rashi ends up devoting much more space to this second case of Shmuel than he does to our actual case concerning Moshe Rabbeinu! Bearing in mind that Rashi involves himself specifically in matters that pertain to *pshuto shel mikra*, why did he not content himself with a comment relating to the case at hand?

Middah Keneged Middah

In order to answer the above questions, let us first ask a general question relating to the approach of the *Sifrei*. The case of Tzelafchad's daughters was not the only time Moshe was presented with a question to which he did not know the answer. We find a similar situation, for example, in the episode of *Pesach Sheini*,⁴ as well as others. If so, then what is the basis for Chazal stating that out of all of those cases it was the specifically the case of Tzelafchad's daughters which came as a punishment for Moshe saying that the difficult questions should

4 [See *Bamidbar* 9:8].

be brought to him?

Indeed, this final question is discussed by **Rabbeinu Bachye** (*Bamidbar* 27:5, s.v. *vayakreiv*), who responds as follows:

Since this ruling⁵ is not particularly deep or difficult, rather, it is quite straightforward and reasonable, to the extent that non-Jewish nations whose systems are based on human reasoning alone, rule in this manner, therefore, this was understood as the punishment (for Moshe). For the fact that this ruling eluded him was not at all due to its depth, but rather as a punishment for his saying “and any matter that is too difficult for you bring to me,” therefore Moshe had to bring their case before Hashem.

In other words, one cannot compare the idea of the halachah eluding Moshe in a question of inheritance to it eluding him in the case of *Pesach Sheini*. There is no way Moshe could have reasonably known or intuited that there is a concept called *Pesach Sheini* for one who is unable to bring the *korban* on *Pesach* itself. There is no precedent for such an idea anywhere else in the Torah. Generally, if a person is unable to fulfill a Torah obligation, we invoke the idea that in such a case he is exempt — **אוֹנֵס רַחֲמָנָא פְּטְרִיהּ**! There is no reason to even suspect that the situation with regards to *korban Pesach* should be any different.⁶ Therefore, it was specifically the more straightforward question of inheritance which served as a rebuke to Moshe regarding his statement that difficult questions should be brought to him.

Understanding Rashi’s Approach

It appears that in response to the question of how we see *middah keneged middah* in this situation, Rashi would give a different answer to that of Rabbeinu Bachye.

Before we begin a discussion regarding our understanding of a mistake made by Moshe Rabbeinu, it is important to emphasize that we are talking about something that was a mistake for him on his exalted level, not on the level of those who presume to see themselves as his equals and cannot conceive of the idea that he was on a higher level than them. Such an approach is degrading primarily for those individuals themselves, as they are thereby demonstrating that they have no appreciation whatsoever of the quality of the great personalities of the *Chumash* and Tanach. Nevertheless, having said that, appreciating the elevated level of Moshe Rabbeinu does not absolve us from trying to understand what his mistake was, and to apply it from his level to ours.

We would like to suggest that all three questions we have raised essentially “answer each

5 [I.e., that a daughter should be able to inherit.]

6 Indeed, even when Moshe told those who could not bring the *korban Pesach* that he would ask Hashem regarding their situation, it is possible that he did not consider that the response would be a new mitzvah known as *Pesach Sheini*, but rather perhaps a *hora’at sha’ah* — a contingency ruling for those individuals alone. Therefore, he said to them (*Bamidbar* 9:8) **עֲמְדוּ לְכֶם וְאַשְׁמְעָה מִה יִצְוֶה ה' לְכֶם** — *Wait and I will hear what Hashem will command you*,” as if to say, there may be a specific ruling for you, even if it does not reflect the general halachah in this case.

other,” i.e. the full understanding of Rashi’s comment will emerge from taking all these questions into account. In choosing the words “תקרבון אלי” as his *dibbur hamatchil*, Rashi is indicating that he does not see any problem with **what** Moshe said, but rather with **the way in which he said it**. In truth, it was correct for Moshe to say that the difficult questions should be brought to him, for he was indeed the greatest authority in matters of halachah. This is certainly true when we note (as per the Gemara in *Sanhedrin*) that he never claimed that he would necessarily know the answers to the difficult questions brought to him. It is specifically the choice of the word “תקריבו” which Rashi sees as problematic. A more appropriate term for “bringing” the question to Moshe would have been “תביאו.” This is the term we find, for example, when Yitro expresses this very idea to Moshe (*Shemot*, 18:22), “וְהָיָה כָּל הַדָּבָר הַגָּדֹל יָבִיאוּ אֵלֶיךָ” — *And it shall be, every great matter they shall bring to you.*” In contrast, the word “תקריבו” has an association with offering a *korban* to Hashem, and hence was considered an unacceptable term for Moshe to use when discussing B’nei Yisrael bringing their questions to him.

This is what Rashi is indicating by choosing the words “תקרבון אלי” as the ones to which he attaches his comment, “and **over this matter**,” i.e. the usage of the word תקריבו, “the ruling in the case of Tzelafchad’s daughters was removed from him.”

This also allows us to understand how we know that it was specifically the ruling in the case of Tzelafchad’s daughters which came as a response to Moshe’s words here. Of all the five cases where knowledge of the halachah eluded Moshe,⁷ it is only with regards to Tzelafchad’s daughters that the Torah describes Moshe asking Hashem with the words “וַיִּקְרַב מֹשֶׁה אֶת מִשְׁפָּטוֹן לִפְנֵי ה’” — *Moshe offered their case before Hashem.*” Here we are being told that not only did Moshe refer the question to Hashem, but he also “restored” the term “ויקרב” to the only context where it is acceptable — the relationship between a person and Hashem. That is how Rashi knows that it was specifically this case among the five which served as the setting for correcting Moshe’s mistake.⁸

Shmuel and Shaul

With the above idea in mind, we can also understand why Rashi saw it as pertinent to quote the parallel case of Shmuel and Shaul. As the Navi describes in that perek, Shaul approached Shmuel and asked if he could direct him toward “בית הרואה — *the Seer’s house*,” not knowing that he was actually talking to “the Seer” himself. In this case, too, Shmuel is not criticized for identifying himself. No one is saying that he should have hidden his identity and wasted Shaul’s time by directing him to his house, where he would have gone and found no one there, only to return to the person to whom he was talking in the first place! Rather, here too, the criticism is about the way Shmuel expressed himself. On the level

7 The Mekalel, Pesach Sheini, the Mekoshesh, Zimri and Cozbi, Tzelafchad’s daughters.

8 The Torah introduces the episode with Tzelafchad’s daughters with the words “וַתִּקְרַבְנָה בָּנוֹת צִלְפַּחַד” — Tzelafchad’s daughters drew near.” (*Bamidbar* 27:1) The use of the word “וַתִּקְרַבְנָה” as opposed to for example, “וַתִּגְשָׁנָה,” is perhaps also a tacit allusion to the way this verb should be used between people. Although they drew near (קרבו) to ask their question, they did not offer (הקריבו) anything.

demanded of him, upon being asked where the Seer's house is, it would have sufficient to say “אנכי הוא — I am he.” By stating “אנכי הרואה — I am the Seer,” he was judged as laying undo emphasis on his status and ability as a Navi. For this reason, Rashi proceeds quote the pasuk where Shmuel's judgment fell short, for the words indicate where the original problem lay: “וַיֵּרָא אֶת אֱלִיָּאב — *He saw Eliav,*” Shmuel was convinced based on what he saw, but was then told by Hashem “אַל תִּבְטֹ אֶל מְרֵאָהוּ — *Do not look at his appearance,*” indicating that on this occasion Shmuel had not seen deeply enough.

Moshe Rabbeinu and Precision of Speech

If our understanding of Chazal's criticism of Moshe here is correct, i.e., that the fault lay specifically in the way that he phrased his words, this ties in with the way Rabbeinu Chananel explains Moshe's sin at Mei Merivah. According to Rabbeinu Chananel (cited by the Ramban, who concurs with this explanation), the mistake was that Moshe said (*Bamidbar* 20:10), “הֲמִן הַסֵּלַע הַזֶּה נוֹצִיא לָכֶם מַיִם — *Shall we take out water from this rock?*” referring to Aharon and himself, when he should have said “יוֹצִיא לָכֶם מַיִם — *He will take out water,*” referring to Hashem. Even though Moshe's intent with these words was that he would be taking out water as Hashem's emissary, nonetheless, as a result of this incorrectly phrased sentence, he was barred from entering Eretz Yisrael.

The fact that Hashem is so exacting with Moshe over even the slightest deviation from the way things should be said, may be better appreciated when we remember that Moshe is the one through whom Hashem communicates the Torah. As such, B'nei Yisrael's commitment to the Torah as heard from Moshe is dependent on their reliance on the precision with which he speaks. Should the people ever entertain the notion that Moshe is not transmitting the contents of the mitzvot exactly as he heard them, they themselves may not be so particular in their fulfillment of those mitzvot. Therefore, on those rare occasions when Moshe spoke in a way that was even the slightest bit improper, Hashem was very exacting with him, so that all might know that on this occasion he departed from the standards of absolute precision with which he normally spoke.