

בס"ד

THE RASHI OF THE WEEK

Week of

Parshas Pinchos

23 Tammuz, 5781 – July 3, 2021

Compiled from the works of
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**An Outline of the Rebbe's Explanation of Rashi
Parshas Pinchos**

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Rashi in His Own Words

במדבר כ"ז, ה': ויקרב משה את משפּטן לפני ה':

רש"י ד"ה ויקרב משה את משפּטן: נתעלמה הלכה ממנו וכאן נפרע על שנטל עטרה לומר (דברים א', י"ז) והדבר אשר יקשה מכם תקריבון אלי. דבר אחר ראוייה היתה פרשה זו להכתב על ידי משה, אלא שזכו בנות צלפחד ונכתבה על ידן:

Bamidbar 27:5: And Moshe brought their (Tzelofchod's daughters) case before the Lord.

Rashi Heading - So Moshe brought their case: The law eluded him. Here he was punished for crowning himself (with authority) by saying¹, “and the case that is too difficult for you, bring to me.” Another interpretation is that this passage ought to have been written through Moshe, but Tzelofchod’s daughters were worthy, so it was written through them.

Synopsis

In this week's Torah portion, Pinchos, we read of the five daughters of Tzelofchod of the tribe of Menashe. Their father, who had no sons, passed away. We only knew that sons were to inherit a portion of the land. This being the case, they approached Moshe, Elozor, the High Priest, the leaders of the tribes, and the entire congregation with a question. "Why should our father's name be lost from among his family just because he had no sons? Give us a portion in the land." Moshe brought their case or their judgment before Hashem.

Rashi seems bothered that this incident occurred during the fortieth year of the Jews wandering in the wilderness. Nevertheless, it appears as if Moshe had not yet learned the laws of inheritance. Why did Hashem wait forty years to teach him these laws? Rashi offers two explanations. The first is that Moshe did know the law, but as a punishment, he forgot them. The penalty was for crowning himself (with authority) by saying, 'and the case that is too difficult for you, bring to me.' The second answer Rashi gives is that because of the great merit of Tzelofchod's daughters, who wanted a portion in the land so badly, Hashem gave us these laws through them rather than through Moshe.

However, this poses several questions. There are earlier instances of laws that Moshe did not hear until the fortieth year in the wilderness. Rashi does not comment on this at all. This tells us that according

1. Parshas Devorim, Devorim 1:17.

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to Peshat, the fact that Hashem did not teach Moshe a law until the fortieth year is not problematic. Why does this bother Rashi here, even though earlier he did not question it? Additionally, why does Rashi need to give two answers to his question?

The explanation is that Rashi is not bothered by the fact that Moshe did not yet learn this law. Hashem taught him other laws even later. The difficulty which Rashi is pointing out is in understanding the words the Torah uses, "so Moshe brought their case." Why does it refer to this as a case? If it was simply a matter of Moshe not knowing the law. The Torah could have said "their matter," which would include any question. The fact that it uses the word "case" implies that something required a verdict, a halachic decision. If Hashem had not yet taught Moshe this law, he would be seeking an answer, not a judgment. Because of this, Rashi states that Moshe did know this law but forgot it. For Moshe forgetting this, it became a "case." How is it possible that Moshe, who was the first link in the chain of the transmission of the Torah, forgot a part of the law? Rashi continues and explains that Hashem punished him for having said, "and the case that is too difficult for you, bring to me." However, based upon this, we have yet another difficulty.

The incident with Tzelofchod's daughters happened thirty-nine years after Moshe made that statement. Why would Hashem delay his punishment and hence his rectification for such a long time? Therefore, Rashi finds this answer insufficient and writes a second answer. However, the second answer is even more difficult. Why would Hashem cause Moshe to forget a part of the Torah due to the merit of Tzelofchod's daughters? Moshe was the original link in the transmission of the Torah! This is why Rashi presents both answers. The first answer is more straightforward than the second.

Rashi's Explanation

This week's Torah portion, Pinchos, tells us of the daughters of Tzelofchod of the tribe of Menashe; Machloh, Noah, Chogloh, Milkoh, and Tirtzoh. Their father, who had no sons, had passed away. We understood that only sons were to inherit a portion of the land. This being the case, they approached Moshe, Elozor, the High Priest, the leaders of the tribes, and the entire congregation with a question. "Why should our father's name be lost from among his family just because he had no sons? Give us a portion in the land." Moshe brought their case or their judgment before Hashem.

Rashi cites the words from the verse, "And Moshe brought their case," and explains that "The law eluded him (meaning Moshe). Here he was punished for crowning himself (with authority) by saying, 'and the case that is too difficult for you, bring to me.' Another interpretation is that Moshe should have taught

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us this passage, but Tzelofchod's daughters were worthy, so Hashem taught it to us through them."

What they were asking for was for the specific laws of inheritance. What happens when one has no sons? Rashi is answering a question. At the end of the fortieth year, it was near the conclusion of our travels through the wilderness. Yet Moshe did not learn the laws of inheritance! To this, Rashi gives us two answers. The first is that Moshe *did* know the laws, but Hashem punished him. He forgot the laws. The second answer Rashi gives is that it was because of the great merit of Tzelofchod's daughters for their burning desire to have a portion in the land. Therefore, Hashem taught us these laws through them rather than Moshe.

Difficulties in Understanding Rashi

We find several other times in the Torah that Moshe was unsure about a particular law before the fortieth year in the wilderness², yet Rashi does not mention that those laws eluded him. From this, we understand that according to Rashi, the fact that Moshe was not taught law until the fortieth year is not a question, according to Peshat. This being the case, why does Rashi find it necessary to state here that the law eluded Moshe?

Similarly, we can ask regarding Rashi's second explanation. When Rashi says that "this passage ought to have been written through Moshe...", he implies that Moshe did not yet hear it. Rashi explains that the reason that Moshe did not listen to it, however, was because "Tzelofchod's daughters were meritorious." Why is it that Rashi needs to supply an explanation for Moshe not having heard the law up until that point, as opposed to the other instances where he did not know the law?

We know that Rashi is precise regarding the words of his comments and the terms that form his commentary's heading. If Rashi intends to explain why Moshe had not heard this law, why does he cite the words "their case?" Seemingly quoting the words "and Moshe brought" would suffice. Rashi is not explaining the words "their case."

When the Torah teaches us the law of the Second Pesach, Rashi gives an explanation, which is very similar to his second explanation here. He states, "This portion should have been said through Moshe, like the rest of the Torah. However, these people merited that it be said through them, for merit is brought about through the exemplary." The significant difference between these two explanations is that there it says that "it should have been *said* through Moshe ... these people merited that it be *said* through them."

2. The case of the one who blasphemed Hashem (beginning with Parshas Emor, Vayikroh 24:10, also see Rashi there), the law of the Second Pesach (beginning with Parshas Beha'aloscho, Bamidbar 9:6) and the law of the man gathering wood on Shabbos (Parshas Shelach, beginning with Bamidbar 15:32, see also Rashi there).

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Whereas here, Rashi says that "this passage ought to have been *written* through Moshe ... it was *written* through them." Why did Rashi change his expression here and say that "it ought to have been *written*."

Finally, there is a rule in the Rebbe's understanding of Rashi, that when he offers two different explanations, it is because neither explains Peshat thoroughly. There is a difficulty with each answer. However, the first explanation he offers is closer to Peshat. What are the problems with each explanation?

The Explanation

As mentioned above, there is absolutely no difficulty in Hashem waiting till near the end of the Jews' sojourn in the wilderness to teach Moshe a particular law. Rashi's question is why the Torah uses the phrase that Moshe brought "*their case*" before Hashem. Seemingly, it should have said that he brought "their matter" before Hashem, a far more common expression. The Hebrew word for matter, דבר, includes any question. The Hebrew word for case, משפט, also means verdict or judgment; in other words, Moshe was seeking a decision, a clarification. Since apparently, Moshe's question came from *not knowing* the law, how can we say that he was seeking a verdict, the resolution of a question? I would think that it would be more appropriate to say that Moshe "brought their case before the Lord" to find out what the law was!

Therefore, Rashi explains (in his first answer) that Moshe was well aware of the law. However, at this moment, "it eluded him;" it escaped him. The Torah is telling us that this is what the "case" was about. Moshe knew the proper verdict of the case. However, he temporarily forgot it. Therefore Rashi includes in his heading the words "and Moshe (brought their case)" because it could only be called a "case" for *Moshe*. For anyone other than Moshe, it would have been called a matter and not a case.

However, a question remains. How is it possible that Moshe, the teacher of the Jewish Nation, the one that received the Torah for all Jews in all generations, forgot a law? Therefore, Rashi continues and says that there was a good reason for Moshe forgetting this law; it was a punishment for having said that "the case that is too difficult for you, bring to me." That presents us with another difficulty. Moshe said that during the first year in the wilderness. Why did Hashem wait 39 years to punish him? When Hashem punishes someone, it is not merely for the sake of punishment. Instead, it cleanses, "fixes" the damage caused by the offense. It is hard to understand that G-d would wait that long to rectify something for Moshe. This is especially true because the nation would have thought that he behaved adequately for all of those years!

That is why Rashi also offers a second answer. It was due to the merit of Tzelofchod's daughters. Rashi is saying that Moshe did not forget the law. Instead, he is explaining why Hashem taught this law now.

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That is also why Rashi is particular to say that this law was *written* and not *said* in the merit of the daughters of Tzelofchod. Hashem taught Moshe the laws of inheritance earlier. However, it was in their merit that it was written in the Torah. However, this presents us with a powerful question. Can we say that due to their merit, Moshe should forget Torah laws? That's the reason that Rashi writes the other explanation first. That explanation which Rashi writes first, is the primary explanation, according to Peshat. It is challenging to say that Moshe, who was the first link in Torah's transmission to all generations, would forget a law due to the merit of others.

(Adapted from a talk given on Shabbos Parshas Pinchos 5726)

I hope that you gained as much by reading this as I did by translating and adapting it.

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the Lubavitcher Rebbe**

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