

בס"ד

# THE RASHI OF THE WEEK

Week of

# Parshas Pinchos

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Compiled from the works of  
**Rabbi Menachem Mendel Schneerson**  
**The Lubavitcher Rebbe**

by  
Rabbi Shmuel Mendelsohn  
North Miami Beach, FL

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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 משפטן לפני יהוה:

רש"י ד"ה ויקרב משה את משפטן: 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:** So Moshe brought their case (Mishpat - משפט - judgment) before Hashem.

**Rashi Heading: So Moshe brought their case:** The law eluded him. Here he was punished for crowning himself by saying<sup>1</sup>, “and the matter that is too difficult for you, bring to me.” Another interpretation is, that this passage ought to have been written through Moshe, but Tzelophchod’s daughters were meritorious, so it was written through them.

#### Synopsis

This week we read the Torah portion of Pinchos. The Parshah tells us that there was a man named Tzelophchod who had four daughters; but he had no sons. He died, and the laws of inheritance were not known. All of the men that entered Israel would divide their father’s portion in the land. Could a daughter with no brothers inherit? They approached Moshe to ask why their father’s portion in the land should be lost. Why should they not inherit it?

Rather than answering them, Moshe presented their case to Hashem, Who said that their claim was correct. Hashem then taught the laws of inheritance. Rashi writes that “the law eluded him. Here he was punished for crowning himself by saying<sup>1</sup> ‘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 Tzelophchod’s daughters were meritorious, so it was written through them.”

Rashi seems to be bothered by the fact that it was already the fortieth year in the wilderness. How could it be possible that Moshe would not know the answer to this question? Rashi gives two answers. The first answer was that Moshe knew these laws, but forgot them as a punishment. His second answer was that Moshe knew these laws already, but Tzelophchod’s daughters deserved to have the laws written through them.

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1. Devorim 1:17.

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The problem is that we find other instances in the Torah where Moshe does not know the law. Yet there Rashi makes no comment whatsoever. In other words according to Peshat there is no difficulty in saying that Moshe had not *yet* heard a particular law. Why does Rashi find a need to explain it here?

The explanation is that there are other instances in the Torah where Moshe did not know a law. In all of the other instances Rashi does question why it was that Moshe did not know the law. There were laws which Moshe was given during the fortieth year. Rashi's question here is the fact that the Torah says that Moshe brought their *case* before Hashem. The word case (Mishpat - משפט - judgment) is unusual. It is more common to use the word matter. A case means that there is already a verdict; a decision has been reached. Yet it sounds as if Moshe did not know the law. How can he present a verdict if he did not know the law? This Rashi explains by saying that Moshe did know the law but he forgot it.

### Rashi's Explanation

This week's Torah portion, Pinchos, tells us of the drama of Tzelophchod's four daughters. They came before Moshe with a serious claim. Their father had passed away without any sons, i.e. they had no brothers. All Jewish men who entered Israel would inherit their father's portion of land. However, it was not known whether daughters would receive any inheritance. It seemed that anyone without sons would not receive a portion in the land. They asked why their father's portion should be lost. They claimed that they should receive his portion.

Rather than answer them, Moshe presented their case to Hashem. As the Torah tells us<sup>2</sup>, "So Moshe brought their case before Hashem." In response to this question G-d said that the daughters of Tzelophchod were correct. They would indeed divide their father's portion. Hashem proceeded to tell Moshe the laws of inheritance<sup>3</sup>.

Rashi cites the words "so Moshe brought their case" and explains as follows. "The law eluded him. Here he was punished for crowning himself by saying<sup>1</sup> 'and the matter that is too difficult for you bring to me.' Another interpretation is, that this passage ought to have been written through Moshe, but Tzelophchod's daughters were meritorious, so it was written through them."

In other words Rashi is bothered that Moshe did seemingly not know the laws of inheritance. It was already near the end of the 40 years in the desert and approaching the Jews entrance to Israel. Rashi gives two answers to this question. The first is that Moshe did indeed know these laws. However Hashem caused him to forget them as a punishment. The second is that Moshe was not yet taught these laws.

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2. Bamidbar 27:5.

3. Bamidbar 27:8-11.

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Tzelophchod's daughters had a great merit; the fact that they wanted a portion in the land so much was considered extremely meritorious. Hence they deserved that the laws of inheritance should be written in the Torah through them.

### Difficulties in Understanding Rashi

There are four instances in the Torah where we find that that the law eluded Moshe<sup>4</sup>. Yet Rashi does not comment on the other three instances. Clearly the fact that Moshe did not hear a particular law *yet* is no problem according to Peshat; therefore it does not bother Rashi. This being the case, what compels Rashi to say here that that Moshe knew the law but it eluded him?

We can ask a similar question about Rashi's second answer. Here Rashi says that the law of inheritance was not taught to Moshe because Tzelophchod's daughters were deserving that it should be given through them. Why does Rashi only see fit to explain why Moshe was not taught a particular law here? What did he not offer an explanation for the three earlier instances?

Furthermore we know why Rashi sometimes gives two answers to a particular question. Neither answer provides a perfect explanation according to Peshat. There is a difficulty with the first answer which doesn't apply to the second. Yet the second is not as close to Peshat as the first. We need to understand what the problem is with each of the two explanations, and how the first is better than the second.

### The Explanation

There is absolutely no problem whatsoever with saying that Moshe had not *yet* heard a particular law from Hashem. This is true even at the end of the 40 years in the wilderness, as in our instance. That is not what Rashi finds difficult here. Rashi is troubled by the use of an unusual word here, the Torah says that "Moshe brought their case (Mishpat - משפט - judgment)" before Hashem. Generally the word matter (Davar - דבר - thing) would be used. In fact the verse which Rashi quotes uses the word matter.

What is the difference between the two expressions? Matter refers to every aspect of what is being discussed. Case, or judgment refers to the verdict. It can mean the verdict between two litigants. It can also mean the verdict between two opinions; it is the clarification of what the actual law is. Rashi is bothered by the use of the word case here. The fact that the Torah says that Moshe brought their "case" before Hashem seems to imply that Moshe did not know what the law was. That being so why does the

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4. See Targum Yonoson ben Uziel here, who lists the instances. One instance is here. Another is the case of the one who blasphemed (see Vayikroh beginning with 24:10 and Rashi's comments there). The third is the commandment of the Second Pesach (see Bamidbar beginning with 9:6). The fourth is the one who was gathering wood on Shabbos (see Bamidbar beginning with 15:32 and Rashi's comments there).

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Torah refer to this as a “case.” Moshe could not have been bring a verdict before Hashem. He did not know the law!

That is why Rashi explains that indeed it was a verdict, for Moshe did know the law. The Halachah was perfectly clear to him. That being the case, why did he need to present it before the Holy One blessed be He? Because at that moment “the law eluded him.” He forgot what the law was. He was the only one who knew the law. Hence he was the only one for whom the term “verdict” would have been applicable.

However that is also difficult to understand. How is it possible to say that Moshe Rabbeinu, the teacher of all Israel, the one who merited to receive the entire Torah from Hashem for all generations forgot a law? That is why Rashi goes on to say that his forgetting this law was a punishment. Moshe said<sup>1</sup> “and the matter that is too difficult for you bring to me.” Hashem’s punishments are measure for measure. Moshe said that he can answer all of the difficult questions. Therefore Hashem punished him by causing him to forget a law.

However this too has a difficulty. Moshe said “and the matter that is too difficult for you bring to me” during the first year that the Jews were in the wilderness<sup>5</sup>. The story of Tzelophchod’s daughters happened in the fortieth year<sup>6</sup>. The purpose of all punishments decreed by the Torah is in order to rectify the sin (or the failing) of which the individual was guilty. Why would Hashem cause Moshe to wait so many years to have his imperfection rectified?

In order to answer this question Rashi continues that “another interpretation is, that this passage ought to have been written through Moshe, but Tzelophchod’s daughters were meritorious, so it was written through them.” This is not another interpretation of why Moshe did not know the laws of inheritance. As we explained earlier, according to Peshat there is no problem with saying that Moshe heard a particular law earlier or later. There were many laws which he heard in the fortieth year. Rashi is explaining why Hashem waited so long to rectify Moshe Rabbeinu’s earlier statement. Hashem would have punished him earlier. The only reason that He waited all those years was because “Tzelophchod’s daughters were meritorious, so it was written through them.” Note that it does not say that the law was written through them; it does not say that it was given through them. According to this explanation as well Moshe was already given the laws of inheritance earlier, but they eluded him. Hashem was waiting for the laws to be written through the daughters of Tzelophchod.

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5. See Rashi’s comments to Shemos 18:13.

6. See Rashi’s comments to Bamidbar 27:2.

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### A Deeper Explanation of Rashi

A rabbi cannot render a decision in a particular case if he has a vested interest in it. Here with Tzelophchod's daughters we find that Moshe did have a vested interest. When they approached Moshe, they told him that their father died for his own sin. He was not involved in Korach's band<sup>7</sup>. Korach led a massive rebellion against Moshe and Aharon. The fact that they told him that their father was not involved in that rebellion could have disqualified Moshe from ruling on their issue. Therefore we see that the Jewish people could not have received these laws from Moshe. Hence Hashem, the cause of everything that happens, brought about that these particular laws would elude Moshe.

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

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7. Bamidbar 27:3.

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