

B'S'D'

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INTERNET PARSHA SHEET ON MATOS MASEI - 5761

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From: torahweb@zeus.host4u.net Sent: July 18, 2001 Subject: Special Edition: Rabbi Herschel Schachter - Making a Farce of the Halacha to subscribe, email: weekly@torahweb.org for anything else: torahweb@torahweb.org the HTML version of this dvar Torah can be found at: http://www.torahweb.org/torah/special/2001/rsch_nissuin.html
RABBI HERSCHEL SCHACHTER
MAKING A FARCE OF THE HALACHA

The Ramban writes (in the introduction to his sefer Milchamos Hashem) that the study of Talmud is not like mathematics. In Talmud study, a halachic analysis is not a geometric proof and its validity need not be contingent upon accurate application of hard logic to unassailable axioms; nor is a halachic analysis deemed invalid only upon demonstration of incontrovertible logical errors or fallacious assumptions. What is significant in halacha is the approval or disapproval of halachic experts, implying the reasonableness or unreasonableness of the argument. One must have a strong tradition in psak halacha (rendering of legal decisions) or one can float so far off as to develop the most ridiculous ideas, all in the name of halacha.

The Torah prescribes the divorce procedure such that the husband must participate voluntarily. When he refuses to participate, his wife has no other means to be free of her husband, and while she remains legally married to him she may not marry another man. This situation, though unfair and tragic for the wife, is essentially the creation of a man who has shown himself to be an evil criminal, and is abusing his wife in this contemptible way. He has made her a virtual agunah as the husband alone has the authority to free her. Over the many years of our history the rabbis have done whatever they could for any woman so trapped in this lamentable predicament. Unfortunately, no categorical or general solution to the problem emerged.

About forty years ago an Orthodox individual proposed a solution. He reasoned that the woman requires a divorce only if she is married. Although annulment is not an option, it may be possible to find cause to invalidate her marriage by finding a fatal flaw in her wedding. For example, the wedding requires that the groom give the bride an object of sufficient value, one that the groom is entitled to give, while declaring his intent to thereby marry her, without deceit in any of the particulars, all under the watchful eyes of legitimate witnesses. If any of these conditions are not met then the wedding is fatally flawed. Likewise, if the bride or groom deceives the other in a material way, the other may legitimately claim that the entire wedding was under false pretenses and thus void. Thinking along these lines, the individual referred to above argues that if the bride and groom had realized that their personalities were incompatible, they would never have agreed to get married. Hence, the marriage was effected in error, lacking the requisite da'as (awareness) for a wedding, and no Get is needed to separate them because they were never married. At the time, Rav Yosef Dov Soloveitchik declared this suggestion ridiculous. As the years went by, the ridiculous has become

the sublime.

To appreciate why this suggestion is ridiculous, we must understand the institution of hataras nedarim (annulment of vows). The mishna at the end of the first perek of Chagiga records that this institution does not really appear in the Chumash (Five Books of Moses). It is known only through the oral law. The method used by the beis din (rabbinical court) to nullify a neder (vow) is by undermining the da'as (mindset, awareness, commitment) under which the vow was taken. The individual who took the neder points out his lack of knowledge (or, more commonly, lack of foresight) of some aspect of the neder, and explains to the beis din that if he had considered the possibility that events would show the neder to be improper, he would never have accepted the neder; whereupon the beis din declares the neder as lacking da'as, and therefore a neder ta'us, which is not binding.

This special method of invalidating a neder applies only to nedarim and such cases that belong to the category of hafla'a (e.g. ϕ shavuos (oaths), hekdeishos (consecrating material goods to be the property of the beis ha'mikdosh), n'zirus (assuming the status of 'nazir'), the separating of teruma (tithes to kohanim) and challah). Thus, one who separated teruma and later regrets it may petition the beis din to reverse the act (naturally if other conditions are met). By contrast, one who regrets buying some shares in a corporation, or selling his house, for example, can not appear before a beis din and have the beis din annul the sale or the purchase based on the fact that he was unaware of all the consequences. Because mekach u'memkar (business transactions) require a higher level of da'as to create (than does hafla'a), a stronger, more obvious form of ta'us is needed to void that da'as. Consequently, one could not justify invalidating a business transaction on the grounds that it was conducted "in error" even if the error would qualify as such for a hafla'a (unless, of course, the error was sufficiently evident).

Furthermore, kiddushin (entering into a marriage) apparently requires a level of da'as even higher than mekach u'memkar (see the famous comment of the Ran to Nedarim 87a. See also Beis Yitzchak 5748, pg. 241). In order to nullify a marriage by reason of kiddushei ta'us (because of lack of da'as), one would presumably require an even more obvious ta'us than what might be sufficient to invalidate a purchase of stocks or a sale of real estate. Indeed, the Talmud (Kesubos 73b) describes certain cases that based on the general principles of ta'us would qualify as kiddushei ta'us and as such would be invalid and should not need a get. Nevertheless, the gemara declares that a get is required—either as a chumra d'rabanan (rabbinical stringency), or perhaps even because of a safek d'oraysa (legal doubt on the biblical level). It is plain from this source that we are more reluctant to invalidate a wedding on ta'us grounds than to declare a mekach taus on a business transaction.

To declare a marriage a kiddushei ta'us because the wife didn't realize that the husband would be unsuccessful in holding down a job and earning a living is simply unacceptable. To invalidate a kiddushin due to ta'us the halacha requires an extraordinary mum gadol (very significant defect), with a very obvious umdana d'muchach (compelling assumption) that no reasonable woman would agree to marry such a man (see Teshuvos Beis Halevi, vol. 3, pg. 23).

In our case of the obstinate husband, the proposed ta'us is on the part of the woman. Interestingly, the Beis Halevi (3:3) quotes poskim who were of the opinion that as difficult as it is to declare the da'as of the husband as taus, it is even more difficult to declare the da'as of the wife as such because the Talmud presumes that women are more interested in companionship than men, and therefore would agree to marry someone even if he has a mum gadol, unless he has an extremely unusual mum. The Beis Halevi himself disputes those poskim, however, arguing that this presumption is not relevant to the issue of declaring the mistaken consent of the bride a ta'us. Rather, both parties should be equal ϕ declaring as ta'us either da'as of the bride or da'as of the groom. Nevertheless, no posek ever suggested that one could declare as ta'us the

da'as of the bride in a fashion similar to heter nedarim.

Not only is it a mere impropriety on the part of any beis din to permit a woman to remarry based on such flimsy grounds; even bidieved if a beis din granted a married woman permission to marry on these grounds the ruling is ignored, and such a "heter nisuin" issued to the woman is meaningless. Only in the case of a neder do the rabbis have "power" to nullify a commitment by rendering it as a neder b'ta'us, even if it was not manifestly taken in error, as described above. However, in all other areas of halacha- particularly those of marriage and divorce- either the kiddushin falls apart by itself because there was a "mum gadol" and an umdenah demuchach that there was no da'as; or the marriage remains notwithstanding what any rabbi or any beis din says. The special halachah of "hatarat nedarim" that empowers the beis din to undo a neder retroactively by proclaiming the da'as as a taus only applies in the area of "hafla'ah".

Moreover, even in the case of a sale that was canceled because of a mum, the Rambam wrote (Mechira 15:3) that if the purchaser continued to use the item after having discovered the mum, he cannot later claim mekach taus. Continued use of the item indicates that the level of the ta'us is insufficient to warrant voiding the transaction. Likewise, it is transmitted in the name of Hagaon Rav Moshe Feinstein z"l, that even in the rare case of an unusual mum gadol, through which the wife would be able to remarry without a get because of the ta'us on her part at the time of the wedding, if the woman didn't walk away from the marriage immediately upon discovering the mum, the halacha of ta'us cannot be applied.

Rabbi Eliyahu Ben Chaim (Yeshivas Rabbeinu Yitzchak Elchanan) published an essay in the Yeshiva publication, Beis Yitzchak (5758), explaining the mistakes of these "batei din", and cautioning the agunot not to rely on such meaningless "heterim". In his essay he quotes Chacham Ovadia Yosef as having said the same.

It certainly is a great mitzva to help an aguna escape her plight, but issuing a heter nisuin (permission to get married) to a woman along the lines of heter nedarim is simply a farce. Let us not make a joke out of the Halacha.

http://www.torahweb.org/torah/2000/parsha/rsch_matos-masei.html
[From last year]

RABBI HERSHEL SCHACHTER THE BOUNDARIES OF THE LAND

The Talmud understood that the main purpose of the books of Neviim and Kesuvim is to give tochacha to Benei Yisrael. If the Jewish people would not had not sinned, they would have been given only the five books of the Torah and the book of Yehoshua (Nedarim 22b). Yehoshua would have been singled out from among all the other Kisvei Hakodesh because it contains detailed accounts of the boundaries between the various shevatim. What is the significance of these accounts?

In Parshas Pinchas we learned that Hashem commanded Moshe Rabbeinu to go up to Har Hoavarim and take a good look at Eretz Yisroel before he died. The Vilna Gaon comments that studying the geography of Eretz Yisrael is a part of the mitzvah of Talmud Torah. Moshe Rabbeinu, the Ish Hahalacha par excellence, was studying the geography of Eretz Yisroel in order to complete his Torah knowledge. Similarly, Parshas Masei has a long detailed account of the boundaries of the holy land, and learning this section and understanding it is part of limmud haTorah.

The Zohar connects the fact that Moshe Rabbeinu looked at Eretz Yisrael only from a distance, to the fact that in Parshas Chukas, when Benei Yisrael were being bitten by snakes, Moshe Rabbeinu was commanded to place a copper figure of a snake on a tall pole, and all those who were bitten looked at this and were healed. Normally, for one

to be cured by a medication, it must be applied to the body, sometimes internally, and sometimes externally. We are not familiar with a medication that heals simply by looking at it. The Zohar comments that only because Moshe Rabbeinu was such a deep thinker was it possible for him to both heal the sick simply by their looking from a distance at the Nachash Hanechoshes. Similarly, unlike the other members of Klal Yisrael, who needed to perform the agricultural mitzvos in Eretz Yisrael in order to reap the corresponding spiritual gains, he was able to do so by merely looking at the land from a distance. With respect to all other people, just as medications don't heal from a distance, Eretz Yisrael does not affect us from a distance.

The rabbis of the Talmud had a tradition that Eretz Yisrael was endowed with properties of kaparah (Kesubos 111a). Those who are buried there gain atonement, but those that live there gain an even greater degree of kaparah.

Eretz Yisroel clearly has an effect on the Jewish people, and the Jewish people have an effect on the land. In Parshas Behar, The Torah tells us that when the Yovel year comes, all avadim ivrim go free, and anyone who had sold his Sedeh Achuzah in Eretz Yisroel would get it back. The theme of Yovel is summed up in the pasuk, "...and thou shalt proclaim liberty throughout the land and to all its inhabitants." (This pasuk appears on the Liberty Bell in Philadelphia.) The Rabbis (Erchin 32b) understood, from the wording of this pasuk, that the laws of Yovel only apply when all the Jewish people are located in Eretz Yisroel ("Bizman shekol yoshveha aleha"). The presence of Klal Yisrael enhances the sanctity of the land.

Not only does the presence of the entire Klal Yisrael have an effect on Eretz Yisrael, but the presence of each and every Jew has an effect as well. Rambam (Shemitta Veyovel 10,2) quotes from Toras Kohanim that the sanctity of Eretz Yisrael did not set in until after the seven years it took to conquer the land, and the next seven years that it took to divide the entire land between the tribes and the individuals. Only when each and every individual Jew knew the exact location of his own personal plot of land was the Kedushah completed. If one steals anyone else's property anywhere in the world this is a serious violation. If one steals his neighbor's field in Eretz Yisrael, there is an additional violation involved. He has diminished the sanctity of the land! The kedushah of Eretz Yisrael is only in its complete state when each individual Jew has his plot of land that is rightfully his.

In the opening pasuk of the book of Eichah the special relationship between the Jewish people and Eretz Yisrael is compared to that of a married couple. While the Jewish people are in galus the land behaves like a faithful wife who waits for her husband to return. Rashi, in his commentary on Parshas Bechukosai (26,32), points this out as well. In the midst of the bitter tochacha, the Torah has a few soft words, stating that when the Jews go into galus the land will remain desolate, and our enemies who in Eretz Yisrael will never really be satisfied there. The land will remain forever loyal and faithful to "her husband."

From: RABBI JONATHAN SCHWARTZ jschwartz@ymail.yu.edu
To: chabura613@hotmail.com Subject: Internet Chaburah Parshas matos/Masei:Special Edition: Rabbi Herschel Schachter - Making a Farce of the Halacha (fwd)

Prologue: If you want the word to get around, speak to the privileged. Lately, the more confidential the information, the more likely it is to wind up on the internet, in the hands of the foreign governments or on the front pages of the tabloids and newspapers.

Moshe calls the Heads of the tribes together at the beginning of Parshas Matos and introduces them to the section of the Torah we call Nedarim. The commentaries struggle as to why Moshe specifically addressed Parshas Nedarim to this group if it would apply to the entire nation. What was the reason for the specificity of Parshas Nedarim to the

Roshei Hamatos?

Ramban explains that Moshe wanted to impress a point onto Bnei Yisroel. By noting the power of a Neder, and the severity which we apply to them, addressing the commandment to the leaders, the people will learn not to take Nedarim lightly. The Alshich goes one step further. He notes that most people take Nedarim when they are angry. By impressing and directing the law to the leaders, Moshe showed the people how Nedarim must be made with a cool head and not purely out of emotional anger. By stressing Roshei HaMatos, Moshe showed that the lessons presented were important.

Lessons from our leaders, especially when they concern utterances are important. Sichas Chullin Shel Talmidei Chachamim are extremely important because even from them, we can study Torah. Certainly, when our Gedolim discuss a Halachic matter of concern facing the orthodox Jewish community it is incumbent upon us to listen and understand their teaching and Psak. With this in mind we focus on this week's Chaburah, a special section written and edited by Maran HaGadol Harav Hershel Schachter Shlita.

the HTML version of this dvar Torah can be found at:
http://www.torahweb.org/torah/special/2001/rsch_nissuin.html
Rabbi Herschel Schachter
Making a Farce of the Halacha [printed above]

<http://www.artscroll.com/parashah.html> Parashah Talk
Parashas Mattos

Excerpt from Kol Dodi on the Torah, by RABBI DAVID FEINSTEIN

Take the vengeance of the Children of Israel from the Children of Israel from the Midianites (Numbers 31:2)

In this verse, Hashem refers to the vengeance of the Children of Israel. In the next verse, however, when Moshe passes Hashem's instructions on to the Jews, he speaks of HASHEM's vengeance against Midian. Indeed, since Moshe uses a different expression, the Torah does not say that Moshe was quoting Hashem's word; it says only that Moshe spoke to the people, saying, which implies that his words were his own rephrasing of the Divine command. Why did Moshe paraphrase Hashem's words and what right did he have to do so?

Rashi says that whenever someone stands up against Israel, it is as if he stood against Hashem. Thus Moshe was merely restating Hashem's words in a way that would be more compelling to the people. If Moshe had ordered the Jews to extract vengeance for transgressions against them, they might have been willing to forgive any wrongs done them and forgo taking vengeance. However, they had no right to forgive offenses against Hashem. Therefore, once Moshe said that HASHEM's honor was involved, the people had no choice but to follow his orders.

Parashas Masei

The cities that you shall give to the Levites: the six cities of refuge that you shall provide for a murderer to flee there (Bamidbar 35:6).

The Torah mandates that one who murders unintentionally must flee to one of the cities of refuge, where he is to remain until the death of the Kohen Gadol (High Priest). It is not coincidental that these were Levite cities.

Though the murderer did not act willfully, his crime could have been prevented had he exercised proper caution. As the Talmud makes clear, his act requires atonement and that is the purpose of his exile.

The Levites were teachers of their people and served in the Beis HaMikdash. Their cities were permeated with an atmosphere of Torah and heightened spirituality. Such a place would surely make an impact upon the murderer so that he would eventually leave as a better, more refined individual (based on Ozna'im L'Torah).

Excerpt from More Shabbos Stories, by RABBI SHIMON

FINKELMAN:

A distinguished talmid chacham once presented the following question to R'Yitzchak Zev Soloveitchik, the Brisker Rav, during his years in Jerusalem:

He was a member of a small Torah community in an Israeli city, whose girls attended a Bais Yaakov school in a neighboring city which had a much larger religious population. There was no pressing need to open a Bais Yaakov school in his area, since all the observant girls had a school nearby and the secular population had no interest in a Bais Yaakov. On the other hand, if this community were to open their own Bais Yaakov, perhaps a few secular families would also enroll their daughters there.

The Brisker Rav responded with a story:

In Brisk, the Bais Yaakov school was situated in a predominantly secular neighborhood. Near the school lived a secular couple who enrolled their daughter there merely as a matter of convenience. The girl was profoundly influenced by her Bais Yaakov experience.

It happened that her father and mother had to go away for the weekend. They left their daughter in charge of their hardware store and warned her that the store was to be open on Shabbos as usual. The girl was afraid to totally disobey her parents but she was determined to do everything possible to avoid engaging in any transaction on Shabbos.

Shabbos day, a gentile entered the store, pointed to a small decorative item in the store window and asked its price. "One hundred zlotas!" the girl replied confidently. The gentile stormed out of the store in fury, for he knew that the item was worth only one half-zlota.

A short while later, the gentile returned. "I really shouldn't offer you another zlota," he said, "but I'm willing to raise my offer to five zlotas." "I'm sorry," the girl replied firmly, "one hundred zlotas and not a zlota less."

Throughout the day, the gentile returned time and again, each time raising his offer a bit more, and each time he left empty-handed as the girl stood her ground. After Shabbos had ended, the gentile returned again. "Okay," he said grudgingly, "I'm willing to pay your price." He placed one hundred zlotas on the table. "Let me explain why I'm doing this: I recently redecorated my entire home. Everything looks beautiful, but I need one small item to make it complete. When I passed by your store and saw this item in the window, I knew that this was the item I need. I know that I'm overpaying by a lot, but it's worth it to me to be able to have this item displayed in my dining room."

When the girl's parents returned home, she told them the entire story. So impressed were they by their daughter's steadfastness and by the result of her refusal to desecrate Shabbos, that they began to show interest in Jewish tradition and eventually became fully observant.

"And so," concluded the Brisker Rav, "it is obvious that having a Bais Yaakov in one's city can have a very positive effect!" (Peninei HaGriz).

From: Young Israel Divrei Torah yitorah-owner@listbot.com
Subject: Parshat Matot-Masei Young Israel Divrei Torah -
<http://www.youngisrael.org> Rosh Chodesh Av 5761 July 22, 2001 Daf
Yomi: Kiddushin 75

Guest Rabbi: RABBI HARRY GREENSPAN Associate Member,
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The parsha begins: "VaYidaber Moshe Bze hadavar asher tziva HaShemB." Moshe addresses the leaders of the tribes saying "These are the words HaShem has commanded" - and Moshe proceeds to teach the leaders the detailed laws of neder u'nidava, various kinds of oaths and vows.

How significant are such laws? Chazal tell us: "Kol ha'olam nizdaza k'sheamar HaKadosh Baruch Hu lo tisa - The universe trembled upon hearing the third commandment not to take a false oath in G-d's Name!"

The reason this Commandment was so awesome, why creation itself shook in fear, is that it symbolizes the koach hadibur of man, his power of speech. Humanity is the focal point of creation, and speech is the most powerful force in man. That's why, in the verse referring to man's creation "Bvayehi ha'adam l'nefesh chayaB- And man became a living creature" which the Targum Onkelos translates as ruach mimalila, a speaking creature." In fact, our tradition tells of four levels of creation: domem - lifeless objects, tzomeach - vegetation, chai - living creatures and finally, midaber - a speaking creature, i.e., man. Mankind is defined by its power of speech. We therefore are obliged to use this power properly, as the parsha continues "Blo yachel dvaroB, one must not take his words lightly," to profane them.

The Sefat Emet teaches that words can have real kedusha. As Rabbeinu Yona explains: one who guards his tongue properly, his mouth becomes a kli sharet, a vessel as holy as one in the Beit HaMikdash. What enters a holy vessel acquires sanctity, and what exists one's mouth reflects such a kedusha. That's why one can take a mundane object or an animal, and through a neder, grant that object a level of kedusha.

We therefore understand the juxtaposition to the following section relating to the war of vengeance with Midyan. In the course of that narrative, the Torah relates "V'et Bilaam ben Beor hargu b'charev - and Bilaam . . . they (the Jewish people) killed by sword." As Rashi explains, Bilaam came greedily to receive payment for his 'final solution' to the Jewish problem. (As he had advised Balak, our special relationship with HaShem is predicated upon our morality in sexual matters. Send the women of Moav to seduce them, and that relationship will be compromised.) Rashi continues that Bilaam's death by the sword was most appropriate. He tried to use the power of the Jewish people, kol Yaakov, the power of speech, to destroy them, and they destroyed him with the power of the nations, y'dei Esav, the sword.

The Chofetz Chaim points out that Chazal refer to the mouth as the "omanut" of a Jew (his craft). Just as a skilled craftsman, given tools which are clean and well-cared for, can build beautiful vessels, human beings, with their power of speech are able to create universes. G-d tells Isaiah (51:16), the words placed in man's mouth can be used "lintoa shamayim u'liyased aretz - to implant the heavens and to establish the earth."

Therefore, in reference to the war with Midyan, the Torah relates "elef l'mateh elef l'mateh - one thousand per tribe, one thousand per tribe." Why are the words repeated? The Midrash comments, "one thousand for war, and one thousand for prayer." There were actually two groups of one thousand from each tribe. Those involved in prayer and Torah study with mesirut nefesh, self sacrifice, are as necessary and significant to the success of the Jewish army as those who fight. Similarly, during the war with Amalek, while Yehoshua led an earthly war b'derech hateva, by natural means, Moshe Rabbeinu went up the mountain to wage a heavenly war, and through his tfilot, guaranteed victory for the Jewish soldiers. These prayers reached the Heavenly Throne, guaranteeing victory for the Jewish nation.

One other point: this parsha regarding vows, has a unique distinction. It is the only place in the Torah where a command is directed specifically "el roshei hamateh - to the leaders." Why is this so?

Our Sages explain: the power of hatarat nedarim, nullification of vows, is given specifically to the leaders, to Torah scholars, usually in the form of a Beit Din.

From here the Kli Yakar learns a basic principal of Torah, namely, that even our daily activities must be supervised by the Sages of Torah. Even in shaping opinions and attitudes towards events of the day, we must be guided by Torah wisdom.

Therefore, under the chupa, at that most solemn moment, the chatan recites a formula of kiddushin that is only conditional. "Kol d'mikadesh adaata d'rabanan mikadesh - all who marry, do so with the consent of the

Rabbis." To affectuate one's marriage, the Sages of Israel must approve! This is not only true by Kiddushin. In every aspect of our lives, we must seek the guidance and approval of the Sages.

We are now beginning the Nine Days, a period of mourning over the destruction of both Temples and the ensuing exile. In Masechet Shabbat, Chazal teach "lo charva Yerushalayim elah b'shvil shebizu ba talmidei chachamim, Jerusalem was destroyed because we did not have sufficient reverence for the Chachamim."

Through our renewed commitment to properly obey and respect the chachmei Yisrael, and through greater care in how we use our powers of speech, may HaShem allow us to see Jerusalem and the Beit HaMikdash rebuilt speedily in our days.

From: RABBI LIPMAN PODOLSKY podolsky@hakotel.edu Sent: July 18, 2001 6:59 PM To: Shiur List Subject: Parshas Matos/Mas'ei 5761 Parshas Mas'ei REBUILDING

Our suffering continues. During the period in which we pay homage to the destruction of Eretz Yisrael and the Bais HaMikdash, we find ourselves in a very similar scenario. History repeats itself. We don't just commemorate the destruction; we live through it time and again. The Palestinians have made their sworn goal all too clear: Jerusalem or bust! And we -- living, breathing Jews -- stand in their way!

The situation seems hopeless. Every method has been tried. The world's most adept politicians and diplomats have brainstormed together to procure a lasting solution -- a "just and comprehensive" peace. Yet all attempts have led to a solid dead end. Not a "last minute" fiasco at Camp David as some would have us believe, but a fundamental failure, one that had no hope of succeeding from the very beginning.

Merely mulling, however, will not solve the problem. Our goal on Tisha B'av is to rebuild. "Every generation in which [the Bais HaMikdash] is not rebuilt is considered to have destroyed it (Yerushalmi Yoma 1:1)." We cannot exonerate ourselves by claiming to have inherited destruction. We ourselves are numbered among the Destroyers. Our only recourse is to build anew.

How, though, do we rebuild? How do we prevent our Land from becoming widowed yet again? Where should we focus our energy? We are overwhelmed by the drastic need for repair! Yet we are unsure as to where is a good place to start.

Parshas Mas'ei may provide a clue. We are poised to enter the Promised Land. Hashem gives last minute instructions to insure a successful settlement. "You shall drive out all the inhabitants of the Land before you; and you shall destroy all their prostration stones; all their molten images shall you destroy; and all their high places shall you demolish (Bamidbar 33:52)." Only after this does the Torah promise us, "You shall possess the Land and you shall settle in it, for to you have I given the Land to possess it (ibid. v. 53)."

Why does the Torah sound so extreme? Was it really necessary to evict all the inhabitants of the Land? Is there no room for pluralism, for tolerance? Is Eretz Yisrael seriously intended to be a strictly "Jewish State"? And what was the reason for this eviction?

The Torah itself addresses these questions: "But if you do not drive out the inhabitants of the Land before you, those of them whom you leave shall be pins in your eyes and a surrounding barrier [of thorns] in your sides, and they will harass you upon the Land in which you dwell (ibid. v. 55)." If they remain, they will affect us most adversely. Ultimately, their presence will cause us to deviate from the Path of Truth. From the Path of Immortality to destruction via immorality.

What will be the resultant effect of their influence? "And it shall be that what I had meant to do to them, I shall do to you (ibid. v. 56)." Just as Hashem had intended for the nations to be ejected completely from the Land because of their immorality, so will happen to us (Netziv). We will be exiled once again. Eretz Yisrael cannot stomach sin. As with the

ingestion of a toxic substance, the inducement of vomiting often provides the quickest and most thorough relief.

The reason for the eviction was, therefore, self-protection. There is a whole world out there in which the nations can live. We have only Eretz Yisrael. In this Land we play with fire; it is the palace of the King. We cannot afford to be infected by the "morals" and "ethics" of our neighbors. Thus, the Torah commands us to eject them.

What about nowadays? We are clearly in no position to fulfill the Torah's mandate to the letter of the law. Expelling all the non-Jews (what is colloquially called ethnic cleansing) would most likely serve as the UN's long-awaited justification to launch upon us a Kosovo-like bombardment, eventuating in the deaths of many innocent Jews and culminating in the zealous, witch-hunt style prosecution of Israel's military and political leaders for war crimes (perhaps including even the peace-loving, gun-giving Shimon Peres, as has been recently intimidated by several of his Palestinian partners. It doesn't always pay to kowtow to our enemies, Mr. Peres!). The risk to innocent Jewish lives would be far too great to sanction such reckless behavior. Consequently, the contemporary Torah sages are unanimously opposed to such a course of action.

So what can we do? This is not the first time in Jewish history that we were unable to fulfill certain mitzvos. We always seemed to manage to follow the Torah to the best of our abilities. What avenue is open to us now?

Remember: the reason for evicting them was to restrict their influence upon us. True, we cannot kick them out; but we can fulfill the spirit of the law by resisting their influence. The more intensely we focus on Authentic Torah Judaism while concomitantly defying the latest trends and fads, the more we strengthen our bond with the Land. To the extent that we commit ourselves to live for the ultimate future as opposed to the fleeting gratification of the next few minutes, we become the natural inhabitants of the Land. "And I will make peace in the Land..." (Vayikra 26:6)."

Conversely, the more we allow the non-Torah attitudes of the nations to penetrate our collective soul and conduct, the more we ourselves become as strangers in our own Land. The only outcome from such a development is exile and destruction. And it is an exile we can ill afford.

Every ounce of effort we invest to blockade our miniature sanctuaries from the bombardment of gentile influence lays another brick in the foundation of our National Sanctuary. The Bais HaMikdash is rebuilt through our Torah and mitzvos. When enough bricks are joined together, Moshiach cannot help but come. This is what he has been waiting for. But it depends on us. Each and every one of us.

May we experience his imminent arrival, soon, in our days, Amen!!

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From: Ohr Somayach[SMTP:ohr@ohr.edu] To: weekly@ohr.edu
Subject: Torah Weekly - Matot/Masei
A GOLF LESSON

"Moshe wrote their goings forth according to their journeys at the bidding of Hashem, and these were the journeys according to their goings forth." (33:2)

Life is like a game of golf. You have to keep your eye on the ball.

This world is full of distractions - and distractions to distract you from the distractions. Take that wonder of technology, the computer, for example. If the computer had a motto it would be "You can waste your life saving time."

By the time you get the thing to do what it's supposed to do, you

could have done it by hand five times over. But it's so neat to watch it disgorge all those impersonalized letters to all your closest friends!

Imagine you have just bought a new car. You climb behind the wheel. You insert the key into the ignition and with the sweetness of expectation gently turn the key preparing for the thrill of the engine purring into expensive life. Nothing happens. You try again. Again nothing. You pick up the phone. A heated conversation with the car dealer ensues. "Oh yes, sir, you need to come back to the store and buy a connecting pipe between the radiator and the crankcase!"

No one would stand for such behavior. And yet us folk who have to deal with the computer take it as par-for-the-course when we find ourselves back in the store half an hour after buying a computer, needing some piece of software/hardware just to get the machine to flicker into life.

This world is full of distractions. However, apart from those distractions that we are forced to face, we actively seek others. Why do we allow distractions to dominate our lives?

Because we don't keep our eye on the ball.

We don't keep the end and purpose of our lives in focus at all times. Most of the time, we don't think about where we are going. We just want a change of scenery. New for the sake of new. The essence of being Jewish is to know that there is Somewhere to go - and never to lose sight of how to get there. Never to mistake the ride for the road. The bow- and-arrow for the target. The means for the end.

"Moshe wrote their goings forth according to their journeys at the bidding of Hashem, and these were the journeys according to their goings forth."

The beginning of the sentence says "goings forth according to their journeys." At the end of the sentence, however, the order is reversed "...journeys according to their going forth." Why the change?

The first phrase expresses G-d's purpose for the Jewish People in their journey through the desert to their ultimate destination - Eretz Yisrael. The essence is the going forth, the target, the end-in-sight. Every step represents a step nearer to the intended goal. It is the destination that matters, not the journey.

The second part of the sentence describes the Jewish People's view of their journeying: The nature of the Human is impatience. Whenever they had been encamped for a while, the Jewish People would grow dissatisfied and restless to move on. From their perspective, the essence was to journey, to go, to get out. To seek new scenery. The end goal was less in their thoughts. Their purpose was not the destination - but the journey.

Anyone for golf?

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From: RABBI MORDECHAI KAMENETZKY rmk@torah.org To: drasha@torah.org Subject:

Drasha - Parshas Matos - Masei - Travel Experience

The second of this week's two portions is named Masei, Travels. It begins by enumerating the various stops along the Jewish nation's forty year trek through the desert. The first verse opens the narrative. "These are the journeys of the Children of Israel, who went forth from the land of Egypt according to their legions, under the hand of Moses and Aaron" (Numbers 33:1). The second verse seems to have a redundant and unclear clause. "Moshe wrote their goings on according to their journeys at the bidding of Hashem, and these were their journeys according to their goings on (ibid v.2). But the phrase seems to be juxtaposed differently at the beginning and at the end of the very same sentence. At first the Torah says "Moshe wrote their goings on (experiences) according to their journeys," and when the Torah begins listing each

stop it precedes the listings by stating "these were their journeys according to their goings on (experiences)."

What does the Torah mean "journeys according to their goings on"? The word translated as "goings on" is *motzoaihem*, which means experiences. The Torah is relating not only the geographical destinations of the Jews as they wandered, but also the historically eternal implications of each rest-stop. Thus the Torah tells us more than the journeys. It tells us the journeys according to their experiences. Were the journeys listed according to the experiences or were the experiences listed according to the journeys?

The story is told about the Toldos Ahron Rebbe. He was sitting at his table with one of his Chasidim. After a very long while, the sexton brought a bowl of beautiful fruit to the table. It was quite appealing and the Rebbe noticed the sparkle in the eye of the hungry patron. The Rebbe invited his disciple to make a blessing over the shiny crimson apple.

The guest declared that such a beautiful fruit was worthy of a beautiful blessing and he resolved to make a blessing with all his heart one truly befitting this marvelous creation. The student stood up, held the apple in both his hands, and spent a few minutes contemplating the delicious fruit that Hashem had created. His eyes sparkled in anticipation, which enthused him even more. Carefully he annunciated every word of the blessing. Swaying back and forth he began, "Boruch Atah, Blessed art Thou . . ."

After what must have been the most eloquent blessing the man ever recited, he bit excitedly into the delicious fruit, and after swallowing, he once again praised the beautiful taste and appearance.

The man seemed to revel in his act of spirituality, and the Rebbe knew he had to explain something to him.

"You made a beautiful bracha my dear disciple," he began. "Now I will teach you the difference between your blessing and the blessing of a complete tzadik."

"You saw the fruit. You wanted to eat it. But alas, one is not allowed to eat a fruit without a blessing over it. And so you made a most beautiful blessing. It is truly commendable.

"A complete tzadik, however, does not have his mind set on fruit. He wants to bless Hashem for his beautiful handiwork. But alas, one is not allowed to make that blessing without partaking in the pleasure of His handiwork. And so he looks for a fruit. When he finds the fruit, he is now ready to make the blessing he had long waited to make."

Every meaningful experience is comprised of temporal circumstances and spiritual, philosophical or ethical ramifications. In the larger picture, in view of the greater picture one may ask: Was it the circumstance that is the foremost character of the experience, or was it the experience that makes the circumstances pale in retrospect.

The Torah tells us that Moshe wrote their goings on according to their journeys. That seems to say he wrote the occurrences, the various events, traumatic and otherwise, that occurred as a result of the journeys. After all, as a result of their journeys certain events occurred. Fate brought them to certain places and thus certain events occurred. To our human eye that is what happens in life. We go places. We do things. Events occur. But the Torah itself announces these journeys with a twist. It declares the journeys in a different light. It does not precede the events saying this is what happened as a result of the journeys. Just the opposite! It tells us "These are the journeys according to the experiences." The journeys were secondary to the experiences, the journeys were listed according to the experiences! Maybe in life's journeys and the ensuing experiences, perhaps in all our actions it is worth reflecting. Do we bless to eat or do we eat to bless? Do we mark our experiences according to where we travel, or do we mark our travels according to where we have had our experiences? It is critically important to understand what has occurred and its ramifications, perhaps more than the mere geographic vehicle that brought us to our life's true destination. Good Shabbos 1 2001 Rabbi Mordechai Kamenetzky

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From: Jeffrey Gross jgross@torah.org neustadt@torah.org Subject: Weekly Halacha - Parshas Matos-Maasei-SHOPPING DURING THE NINE DAYS

By RABBI DONIEL NEUSTADT

Rav of Young Israel of Cleveland Heights

A discussion of Halachic topics. For final rulings, consult your Rav. SHOPPING DURING THE NINE DAYS

QUESTION: Is it permitted to go shopping during the Nine Days?

DISCUSSION: It is forbidden to make a major purchase, such as a car, silver items, or furniture during the Nine Days. There are two possible prohibitions involved in such a purchase: Purchasing a substantial (*chashuv*) item -- even if used -- obligates one to recite a *shehecheyanu*(1), and it is improper to recite it throughout the Three Weeks(2) and especially during the Nine Days(3). If the car or furniture is for the use and enjoyment of the entire family, in which case *ha-Tov v'ha-Meitiv* is recited instead of *shehecheyanu*(4), one would be allowed to buy it during the Three Weeks but not during the Nine Days. This is prohibited since it is similar to building or buying a *binyan shel simchah* (loosely translated as building or buying an item for pleasure or joy), which the *Shulchan Aruch*(5) clearly forbids(6).

Shopping for clothing or shoes, even if they are intended for use after the Nine Days(7), is prohibited(8). Both expensive and inexpensive items (such as socks) are included(9). [If one has no clean shirt for Shabbos, he may wear a new shirt(10).]

Shopping for items which a) do not require a *shehecheyanu*; b) are not purchases which could be classified as a *binyan shel simchah*; and c) are not apparel, is permitted. Even when shopping is prohibited, the following leniencies apply: Only actual buying is prohibited. It is permitted to shop without buying. Window or comparison shopping is permitted. Returns are permitted. Exchanges may be prohibited(11). An item which is forbidden to be bought during the Nine Days because of the *shehecheyanu* restriction may be bought during the Nine Days if it requires assembly and if the assembly will be done after the Nine Days. The same rule applies to a utensil that requires immersion. If the immersion will not take place until after the Nine Days, no *shehecheyanu* is said at the time of purchase(12). It is permitted to buy a car or furniture for business purposes. The *shehecheyanu* should be said after *Tishah b'Av*(13). People in the clothing business may purchase stock during the Nine Days(14). If delaying the purchase will cause one a substantial loss(15), or if the item will not be available after *Tishah b'Av*(16), it is permitted to buy the item during the Nine Days(17). A bachelor who is getting married after *Tishah b'Av* may buy anything he needs during the Nine Days(18). One who does not have appropriate shoes to wear on *Tishah b'Av* may buy them during the Nine Days(19). If one will run out of clothing for small children, one may either wash the clothes or buy new clothes(20).

FOOTNOTES: 1 O.C. 223:3. 2 O.C. 551:17. 3 Aruch ha -Shulchan 551:38. 4 O.C. 223:5. 5 O.C. 551:2, Mishnah Berurah 11 and Sha'ar ha -Tziyun 13. 6 Mishnah Berurah, ibid. and Aruch ha-Shulchan 20 prohibit buying silver items as binyan shel simchah. Igros Moshe O.C. 3:80 prohibits car buying for the same reason. See also Nitei Gavriel, pg. 51, who quotes the Puppa Rav as including furniture as well. 7 Mishnah Berurah 551:49. 8 Rama O.C. 551:7. See also Mishnah Berurah 45. 9 Mishnah Berurah 551:45-46. 10 Be'ur Halachah 551:6, according to the explanation of Igros Moshe O.C. 3:80. The poskim do not mention specifically if one would also be allowed to buy the shirt during the Nine Days. 11 Since the shopper is getting a new item in exchange for the old one, it may be considered as if he is buying the item anew. A rav should be consulted. If the new item requires a shehecheyanu, the exchange may definitely not take place during the Nine Days; see Moadei Yeshurun, pg. 152, note 31. 12 Mishnah Berurah 223:17 and Sha'ar ha -Tziyun 21 quoting R' Akiva Eiger. See also Ve'zos ha -Berachah, pg. 167 quoting Harav C.P. Scheinberg. 13 Igros Moshe O.C. 3:80. 14 Mishnah Berurah 551: 11. 15 See Zichron Shelomo, Hilchos Chol ha-Moed, pg. 94, who quotes Harav M. Feinstein and Harav Y. Kamenetsky who rule that when an item is offered on sale at a substantial reduction and the sale is not likely to occur again in the near future, it is considered a davar ha -aveid in regard to hilchos Chol ha-Moed. See, however, Emes le-Yaakov O.C. 551:7 who hesitates about this leniency. 16 Ben Ish Chai (Devarim 2). 17 Based on Mishnah Berurah 551:11 and 13 that permit even a binyan shel simchah in order to avoid a loss. There are other poskim who prohibit a binyan shel simchah even in a case of loss; see Kaf ha -Chayim 551:29. 18 Mishnah Berurah 551:14 and 46. Other poskim disagree with this leniency; see Kaf ha -Chayim 551:30, 33 and 101. 19 Igros Moshe O.C. 3:80. 20 O.C. 551:14 and Mishnas Yaakov (quoted in Piskei Teshuvos, pg. 83).

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From: RABBI MENACHEM LEIBTAG tsc@bezeqint.net To: parsha@tanach.org Subject: PARSHAT MATOT - [parshanut] THE TANACH STUDY CENTER [<http://www.tanach.org>] In Memory of Rabbi Abraham Leibtag PARSHAT MATOT

Why are the laws of "nedarim" [vows] directed specifically to the "rashei ha'matot" [tribal leaders]? This question is only one of many questions that arise from the opening pasuk of Parshat Matot. This week, we take a break from our thematic study of Sefer Bamidbar and dedicate a shiur to "parshanut" [Biblical commentary] on the first pasuk of the Parsha.

LOTS OF QUESTIONS Let's take a look at the first pasuk: "And MOSHE spoke to the Heads of the Tribes of Bnei Yisrael saying: THIS is the 'DAVAR' that G-d has commanded: If a man makes a vow or takes an obligation...." (see 32:2-3)

Note how many obvious questions arise from this short pasuk:

- 1) Why are these laws [concerning making (or breaking) vows] targeted specifically to the tribal leaders?
- 2) When did G-d inform Moshe about these laws? [Usually, parshiot such as these begin with "va'yadaber Hashem el Moshe lay'mor... daber el Bnei Yisrael..."]
- 3) When (and how) did the rest of Bnei Yisrael find out about these laws? [Or maybe they didn't?]
- 4) WHEN did Moshe tell over these laws, and why are they recorded specifically at this point in Sefer Bamidbar? [In other words, how do they fit into the thematic flow of the Sefer?]
- 5) What does the introductory phrase "ZEH HA'DAVAR" imply and why is it used here?

LOTS OF ANSWERS We will now show how each of the classical commentators deals with at least one of these questions. [Hopefully, the shiur will also show why it is important to ask the proper questions before studying a commentary in order to better appreciate his "pirush" (i.e. his commentary).]

As is traditionally accepted, let's begin with Rashi. RASHI - 30:2 "He [Moshe] gave honor to the princes to teach them first, then afterward he taught [these laws] to Bnei Yisrael..."

Note how Rashi, in his opening line, already relates to questions #1 and #3! He immediately assumes that everyone was supposed to learn these laws (answer to #3), yet the princes were honored by the fact that Moshe taught these laws to them first (answer to #1). However, Rashi's explanation immediately raises another question: How about when all of the other mitzvot were taught - was this a common practice to teach the "rashei ha'matot" first? Rashi immediately deals with this question, claiming that this was indeed the common practice - and proves his claim from an important pasuk in Sefer Shmot: "...And how do we know that all of the other mitzvot were taught in this manner? As the pasuk states [when Moshe descended from Har Sinai with the second luchot]: Then Aharon and all of the

PRINCES of the congregation approached him [i.e. Moshe], and Moshe spoke to them [re: the laws]. Then AFTERWARD, ALL of BNEI YISRAEL came forward and Moshe COMMANDED them concerning ALL of the laws that G-d had instructed him on Har Sinai (see Shmot 34:29-32)." [Note that I've included the entire quote of 34:32 (even though Rashi only quoted half of it). That's because Rashi takes for granted that you know the continuation (which is key to understand his pirush), while I've taken for granted that you are not familiar with the pasuk. As a rule of thumb - whenever Rashi (or any rishon) quotes another pasuk - look up that pasuk in its entirety and pay careful attention to its context. Note as well, that from the context of Shmot 29:32, Rashi's conclusion is not conclusive, as we will discuss in Ramban's approach.]

Even though Rashi has established that ALL of the mitzvot were given in this manner (first to the princes and then to the people), question #1 still remains - WHY does the Torah emphasize this point specifically in regard to the laws of "nedarim". Rashi's answer is halachik, i.e. the Torah does this intentionally in order that we infer a specific halacha: "...And is this mentioned here? To TEACH us that a vow can be annulled by a SINGLE judge - if he is an EXPERT, otherwise a group of three "hedyotot" ['non-experts] is required to annul a vow."

In other words, by informing us that Moshe first gave these laws to the "rashei ha'matot", we can infer that there is something special about their status in regard to "nedarim". From here we learn the special law that an expert judge ["yachid mumche"] can annul such vow on his own.

To strengthen his interpretation, at this point Rashi raises the possibility that his initial assumption may be wrong [sort of like playing the devil's advocate], and suggests the exact opposite answer to questions #1 and #3: "... OR - [possibly] Moshe made have told these laws ONLY to the tribal leaders [and hence not to all of Bnei Yisrael]" Rashi refutes this possibility by employing an answer to question #5 as well, i.e. why does it say "zeh ha'davar"? [Note again how Rashi takes for granted to you have already noted this peculiarity!]. "[How do we know that these laws were given not only to a specific group?] - for it states here ZEH HA'DAVAR (32:2) and it states in regard to SHCHUTEI CHUTZ [offering a sacrifice outside the Mishkan] the phrase ZEH HA'DAVAR (see Vayikra 17:2) - just like those laws were directed not only to the priests, but ALSO to the entire nation [as it states "speak to Aharon, his sons, and ALL BNEI YISRAEL" (17:2); so too these laws [of NEDARIM were given not only to the princes but ALSO to ALL Bnei Yisrael.]

Rashi then completes his pirush by adding two additional points concerning the phrase ZEH HA'DAVAR (question #5): 1) We can learn from here that Moshe was prophet of a higher level than other prophets who only said "KOH AMAR HASHEM" but never claim "ZEH HA'DAVAR..." 2) This phrase teaches us yet another Halacha concerning HOW (i.e. in what manner) the judge must pronounce the annulment of a vow.

PSHAT & DRASH As usual, Rashi's pirush anchors itself on several MIDRASHIM (see Sifri 153, and Nedarim 88a), while Ibn Ezra, Rashbam, and Ramban will begin their pirushim with observations on the PSHAT (simple meaning of the text), based on their understanding of the text itself, and only later relate to pirushim found in CHAZAL. We'll begin with Rashbam and Ramban, as they relate to the topic discussed in Rashi's pirush, as well as the relationship between "pschat" and "drash". Afterward, we will discuss Ibn Ezra, Chizkuni and Seforno.

RASHBAM As we will see, Rashbam begins his pirush by answering question #2, i.e. when did Moshe hear these laws from G-d. In his answer, he tries to follow the most simple pshat to provide answers for questions 1, 3, and 4 as well! Let's take a look: "I was asked a question in the city of Loshdon, Aniyob (somewhere in France): 'According to pshat - where else do find such a parshiya that begins in this manner, [where Moshe commands mitzvot] but does not begin with VA'YDABER HASHEM EL MOSHE... [informing us first that G-d told these laws to Moshe]?' - and this was my [Rashbam's] answer: Above [at the end of Parshat Pinchas] it states: "These [korbanot] you shall bring on your holidays in ADDITION to your VOWS [nedarim & nedavot...]" (see 29:39), i.e. you must offer all of your voluntary korbanot [that you had taken upon yourself by a vow] during one of the "shalosh regalim" [the three pilgrimage holidays] - in order that you do not transgress the commandment of "baal t'acher" [i.e. fulfilling a promise within the required time-frame/ see Mesechet Rosh Ha'shana 4a.] [After G-d told Moshe the laws of Holidays, i.e. Bamidbar chapters 28->29, that does begin with "va'yadaber Hashem..."] Moshe went to the tribal leaders - WHO are their JUDGES - to tell them to teach these laws concerning NEDARIM to ALL of Bnei Yisrael. When he did this, Moshe told them: G-d has just commanded me to tell you that everyone must offer the NEDARIM and NEDAVOT during the holidays (see 29:39), therefore should anyone make a neder... should not BE LATE in fulfilling it..."

Note first of all how beautifully Rashbam explains the phrase "LO YACHEL

DEVARO". Usually, "yachel" is translated - he should not PROFANE (or break his pledge/ JPS). Based on his interpretation, Rashbam translates "yachel" as DELAY, and brings excellent examples from Breishit 8:10 and Sho'etim 3:25. [Note also how he boldly states that according to pshat, any other translation of "yachel" here is a MISTAKE!]

In summary, Rashbam claims that chapter 30 is simply direct continuation of chapter 29, for one is obligated to fulfill his vows (chapter 30) on the holidays (chapter 29). By recognizing this point, note how Rashbam manages to answer ALL of the five questions raised in our introduction, and adds an brilliant pirush for the word "yachel" within this context. If you don't read him carefully (while paying attention to the opening questions), you won't appreciate how clever his pirush is! [Note how the division of chapters makes a 'futile' attempt to solve Rashbam's opening question (i.e. question #2 above), but starting chapter 30 with the last pasuk in Parshat Pinchas. [Did you notice this?!] Note how CHAZAL's division according to parshiyot must be correct, i.e. beginning the new topic in 30:2 - BECAUSE 30:1 forms the completion of of 28:1-2, and hence SHOULD be the LAST pasuk in chapter 29 instead of the first pasuk in chapter 30.]

RAMBAN Ramban, like Rashbam, also begins his pirush by relating to question #2, but offers a very different answer! Note also how Ramban takes for granted that you have already asked yourself this question! "The pasuk does not tell us first that G-d told these laws to Moshe... like it says by SHCHUTEI CHUTZ and most all other parshiyot, INSTEAD we are told this at the END of this parshiya! [There we find a summary:] "These are the laws that GOD COMMANDED MOSHE... (see 30:17)"

Note how clever this Ramban is! He answers the question by paying careful attention to the conclusion of this parsha. [Again, this is a classic example of the comprehensive nature of Ramban's pirush.] Note also that Ramban brings an example from SHCHUTEI CHUTZ (Vayikra 17:1-2), clearly in reaction to Rashi's pirush (which he will soon argue with), even though he doesn't quote Rashi directly! [Ramban always expects that the reader of his commentary is familiar with Rashi!] But even without this concluding pasuk (i.e. 30:17) Ramban proves that we need not be bothered by the fact that Moshe's instruction to the "rashei ha'matot" is not prefaced by "va'yadaber Hashem el Moshe...". Ramban brings two other examples where commandments by Moshe that begin with ZEH HA'DAVAR are not prefaced with a "va'yadaber Hashem el Moshe...": [Furthermore], in Parshat Shmini it states ZEH HA'DAVAR (see Vayikra 9:6 and its context) without a preface that G-d had commanded this, and in relation to keeping the manna [next to the aron] it states ZEH HA'DAVAR... (see Shmot 16:32)"

Note again how methodical and comprehensive Ramban is in his approach. Note also how he has answered not only question #2, but also question #5. Now, Ramban will argue with Rashi, and offer a different answer to our opening question (i.e. question #1 - why specifically to the tribal leaders. After explaining WHO these tribal leaders are (possibly those leaders mentioned later in Bamidbar 34:17-29), Ramban explains why these laws were given intentionally ONLY to the tribal leaders: "And the reason for Moshe saying these laws to the "rashei ha'matot" - BECAUSE there is no need to teach all of Bnei Yisrael that a father (or husband) can annul the vow of his daughter (or wife). Maybe these laws need to be kept 'hidden' so that people will not take their words lightly (should they know that their promises can be annulled). However, the judges and leaders of Israel MUST know these laws..."

Note how Ramban argues with Sifri (quoted by Rashi) and prefers the 'simple pshat' that these laws are given ONLY to the leaders, and for a good reason. [Of course one could argue that if these laws are to be 'hidden from the public' why are written in the Torah at all? (Maybe that's why they are 'hidden' in Parshat Matot, at the end of Bamidbar, so that they are never taught in school (who ever finishes the entire Sefer) and a Torah reading that falls out during summer vacation - when unfortunately no one pays attention.)

Ramban does find significance in the special style and nature of this commandment to "rashei ha'matot" and therefore finds support [b'derech ha'REMEZ] to many Halachot re: nedarim" "And this does HINT to the MIDRASH CHAZAL that tribal leaders have special privileges in relation to nedarim that a "yachid mumche" (expert) can annul a vow on his own..."

In regard to these specific laws of MIDRASH HALACHA, Ramban agrees with Rashi, and finds support in the special manner in which this pasuk is written. Ramban concludes his pirush by answering question #4, agreeing in principle with Rashbam that these laws of nedarim are thematically related to the laws of Tmidim u'Musafim based on 29:39, even though he reaches a different conclusion concerning how they were given.

IBN EZRA As we would expect, Ibn Ezra deals with question #4, i.e., why does Sefer Bamidbar record these laws at this point. Ibn Ezra prefers a thematic connection to the story of Bnei Gad and Reuven that follows in chapter 32! His

pirush is also very clever and creative, for he claims that these laws were actually given in reaction to what transpires in chapter 32! In other words, Ibn Ezra claims that first the Torah presents the laws of "nedarim", and then continues by telling us the story of how, when, and why these laws were first given. In doing so, Ibn Ezra will provide a different set of answers for most all of the above questions. Let's take a look: "In my opinion, this parshiya was given AFTER the war against MIDYAN (chapter 31), and that is why THAT story is recorded immediately afterward! [Ibn Ezra then brings an example of this style from Bamidbar chapter 12.] Then, (after that battle) the pasuk tells us that Bnei Gad and Reuven came to Moshe and Elazar and the PRINCES and requested [to keep Transjordan / see 32:1-5]. At the conclusion of their discussion, [when the deal is finalized] it states: Then Moshe gave instructions [concerning Bnei Gad] to Elazar and Yehoshua and the RASHEI AVOT HA'MATOT I'BNEI YISRAEL (see 32:28), after Moshe had just forewarned Bnei Gad u'Reuven that "whatever you PROMISE - you must keep" (see 32:24)..."

Ibn Ezra prefers both this thematic (making and keeping promises) and textual ("rashei ha'matot") parallel to chapter 30, in order to explain the location of this parshiya at this point in Sefer Bamidbar. [Note also how Ibn Ezra concludes by stating that the "rashei ha'matot" were supposed to relay these laws to Bnei Yisrael based on the LAMED in L'BNEI YISRAEL in 30:2!]

CHIZKUNI Chizkuni opens with yet another creative answer to question #1. He claims that these laws were indeed intended to be taught to EVERYONE (arguing with Ramban). However, they are emphasized to the tribal leaders to FORCE the people to follow them. It would seem that Chizkuni understands that the Torah either wants to ensure that unnecessary vows will be annulled by those who can, OR that the leaders should make sure that the people keep their promises. [It's not quite clear what he is referring to.] Afterward, Chizkuni continues by quoting from both Ibn Ezra and Rashi.

SEFORNO Finally, Seforno adds a very creative explanation for the phrase ZEH HA'DAVAR. He claims that this refers to G-d's original commandment in Parshat Kedoshim that one should not make an oath in G-d's Name and not fulfill it (see Vayikra 19:12). However, here Moshe explains that this applies only to males who are 'their own bosses' [b'rshut atzmo]. However, a wife or a daughter, because she is under the jurisdiction of her father (or husband), they can annul her vow, thus qualifying the laws of making an oath in G-d's Name. This explains both the phrase ZEH HA'DAVAR as well as why most all of the details of this parsha deal with the rights of the father and husband to annul vows.

shabbat shalom, menachem