

5780 – Numbers 30-36 – Mattot ([the] Tribes) – Massei (Stages [of the journey])

Parashat Matot begins with an account of how Moses instructed the leaders of the tribes about vows and oaths—how they should be kept and how they may be annulled. The Israelites are commanded to wage war against the Midianites because of their hostility. There is an account of what is to be done with the spoils of war.

Two tribes, Reuben and Gad, together with half the tribe of Menashe, ask permission to stay east of the Jordan where the land is ideal pasture for their cattle. Moses is initially angered, but eventually agrees on condition that they first join and lead in the battles for the land west of the Jordan.

The first essay in this section looks at the laws of vows and oaths, asking why this section appears here rather than elsewhere. The second focuses on a detail of the negotiation between Moses and the leaders of Reuben and Gad that throws light on a fundamental principle of Judaism. The third is about the negotiation itself as an example of what later became known in Game Theory as non-zero, that is, an agreement from which both sides gain. The fourth is about a phrase in the course of those negotiations that became the basis for a principle of Jewish law—that one should be “above suspicion.”

Parashat Masei begins with an itinerary of the forty-two stopping points of the Israelites on their forty-year journey through the wilderness, culminating in their encampment on the plains of Moab, where they will stay until the death of Moses.

Their destination already close, the *parasha* sets out the boundaries of the Promised Land, as well as specifying certain places that will become cities of refuge where people guilty of manslaughter are to be protected against possible vengeance on the part of a relative of the person who died.

The *parasha* ends with a claim on the part of the leaders of the tribe of Menashe that the ruling in favour of the daughters of Tzlofhad that they were entitled to inherit their late father's share in the land could mean that the land was lost to the tribe if any of them married members of another tribe. A divine ruling resolves the conflict: the daughters have a right to inherit the land but must marry only within the tribe. With this, the book of Numbers ends.

The first of the essays explains why the Torah finds it necessary to detail at length the various stages of the Israelites' journey. The second asks why those exiled to a city of refuge were allowed home on the death of the high priest. The third looks at one detail of the laws of the cities of refuge that sets the life of an individual above the good of the community as a

whole. The fourth, by contrast, shows how the second half of the story of the daughters of Tzlofhad emphasises group rights alongside the rights of individuals. The fifth is about the religious significance of the land and State of Israel. The sixth is about the prophetic voice in Judaism, as exemplified by the *haftarot* read during the three weeks between *Shiva Asar BeTammuz* and *Tisha B'Av*, which always coincide with the end of Numbers and the beginning of Deuteronomy.

*The Complexity of Human Rights*¹

The book of Numbers ends in a way that is very strange indeed. In *Parashat Pinhas* we read of how the five daughters of Tzlofhad came to Moses with a claim based on justice and human rights.⁽¹⁾ Their father had died without sons. Inheritance—in this case, a share in the land—passes through the male line, but here there was no male heir. Surely their father was entitled to his share, and they were his only heirs. By rights, that share should come to them: “**Why should our father's name be disadvantaged in his family merely because he did not have a son?** Give us a portion of land along with our father's brothers” (Num. 27:4).

(1) The word “rights” is, of course, an anachronism here. The concept was not born until the seventeenth century. Nonetheless it is not absurd to suggest that this is what is implied in the daughter's claim, “Why should our father's name be disadvantaged?” (Num. 27:4)

Moses had received no instruction about such an eventuality, so he asked God directly. God answered in favour of the women: “The daughters of Tzlofhad are right. You shall give them possession of an inheritance among their father's brothers and transfer the inheritance of their father to them” (Num. 27:7). He gave Moses further instructions about the disposition of inheritance, and the narrative then passes on to other matters.

1. Psalm 85:8

I will listen to what God the LORD says; he promises peace to his people, his faithful servants but let them not turn to folly.

a. Matthew 6:7-15

⁸Do not be like them, for **your Father knows what you need before you ask him** ... ¹⁰your kingdom come, **your will be done**, on earth as it is in heaven ...

Only now, right at the end of the book, does the Torah report on an event that arose directly from that case. Leaders of Tzlofhad's tribe, Menashe son of Joseph, came and made the following complaint. If the land were to pass to Tzlofhad's daughters and they married men from another tribe, the land would eventually pass to their husbands, and thus to their husbands' tribes.

¹ Rabbi Jonathan Sacks, *Covenant & Conversation: Numbers*, (Maggid Books & The Orthodox Union), pp. 413-417.

Thus land that had initially been granted to the tribe of Menashe might be lost to it in perpetuity.

Again, Moses took the case to God, who offered a simple solution. **The daughters of Tzlofhad were entitled to the land, but so too was the tribe.** Therefore, if they wished to take possession of the land, they must marry men from within their own tribe. That way **both claims could be honoured.** The daughters did not lose their right to the land but they did lose some freedom in choosing a marriage partner.

The two passages are intimately related. They use the same terminology. Both Tzlofhad's daughters and the leaders of the clan "draw near." They use the same verb to describe their potential loss: *yigara*, "disadvantaged," "diminished." God replies in both cases with the same locution (i.e., a particular form of expression or a peculiarity of phrasing), "*ken ... dovro-rot/dovrim*," **rightly do they speak.**⁽²⁾ Why then are the two episodes separated in the text? Why does the book of Numbers end on this seemingly anti-climactic note? And does it have any relevance today?

(2) These two passages may well be the source of the story of the rabbi who hears both sides of a marital dispute, and says to both husband and wife, "You are right." The rabbi's disciples asks, "How can they both be right?" to which the rabbi replies, "You too are right."

Numbers as a book is about individuals. It begins with a census, whose purpose is less to tell us the actual number of Israelites than to "lift" their "heads," the unusual locution the Torah uses to convey the idea that **when God orders a census it is to tell the people that they each count.** The book also focuses on the psychology of individuals.

2. Matthew 6:25-30

²⁶Look at the birds of the air; they do not sow or reap or store away in barns, and yet your heavenly Father feeds them. **Are you not much more valuable than they?**

a. 1Peter 1:23-25

²³For you have been born again, **not of perishable seed, but of imperishable, through the living and enduring word of God.** ²⁴For, "All people are like grass, and all their glory is like the flowers of the field; the grass withers and the flowers fall, ²⁵but the word of the Lord endures forever" (Isa 40:6-9) ...

1) Isaiah 40:1-11

¹Comfort, comfort my people, says your God. ²Speak tenderly to Jerusalem, and proclaim to her that her hard service has been completed, that her sin has been paid for, that she has received from the LORD's hand double for all her sins. ³A voice of one calling: "In the wilderness prepare the way for the LORD; make straight in the desert a highway for our God. ⁴Every valley shall be raised up, every mountain and hill made low; the rough ground

shall become level, the rugged places a plain. ⁵And the glory of the LORD will be revealed, and all people will see it together. For the mouth of the LORD has spoken." ⁶A voice says, "Cry out." And I said, "What shall I cry?" "All people are like grass, and all their faithfulness is like the flowers of the field. ⁷The grass withers and the flowers fall, because the breath of the LORD blows on them. Surely the people are grass. ⁸The grass withers and the flowers fall, but the word of our God endures forever." ⁹You who bring good news to Zion, go up on a high mountain. You who bring good news to Jerusalem, lift up your voice with a shout, lift it up, do not be afraid; say to the towns of Judah, "Here is your God!" ¹⁰See, the Sovereign LORD comes with power, and he rules with a mighty arm. See, his reward is with him, and his recompense accompanies him. ¹¹**He tends his flock like a shepherd: He gathers the lambs in his arms and carries them close to his heart;** he gently leads those that have young.

We read of Moses' despair, of Aaron and Miriam's criticism of him, of the spies who lacked the courage to come back with a positive report, and of the malcontents, led by Korah, who challenged Moses' leadership. We read of Joshua and Caleb, Eldad and Medad, Datan and Aviram, Zimri and Pinhas, Balak and Balaam, and others. When Moses asked God to appoint a successor, he used an unusual locution: "God of the spirits of all flesh"—understood by the sages and Rashi to mean: appoint a leader who will deal with each individual as an individual, who will relate to people in their uniqueness and singularity. And as we saw in the previous essay, the laws of the city of refuge were understood by the sages and Maimonides to prioritise the rights of the individual over the claims of the community.

It is against this backdrop that we can understand the claim of Tzlofhad's daughters. They were invoking their rights as individuals. Justly so. As many of the commentators pointed out, the behaviour of the women throughout the wilderness years was exemplary while that of the men was the opposite. The men, not the women, gave gold for the Golden Calf. The spies were men; a famous comment by the Kli Yakar (Rabbi Shlomo Ephraim Luntschitz; Eastern Europe, 1550—1619) suggests that **had Moses sent women instead, they would have come back with a positive report** (commentary to Num. 13:2). Recognising the justice of the women's cause, God affirmed their rights as individuals.

3. Women are more soulful than men. While men may excel in physical prowess, women are far ahead when it comes to spiritual strength. Women are more sensitive to matters of the soul, more receptive to ideas of faith, more drawn to the divine than men. The feminine soul has an openness to the abstract and a grasp of the intangible that a male soul can only yearn for. This is why G-d told Abraham, the first

Jewish man, "Whatever Sarah your wife tells you, listen to her voice." She was the greater prophet, her soul more intuitive than his.²

When I first heard this idea, it suddenly all made sense. There is indeed a balance between men and women. Men have stronger bodies, women have stronger souls.

But society is not built on individuals alone. As the book of Judges points out, individualism is another name for chaos: "In those days there was no king in Israel; everyone did what was right in his own eyes" (Jud 17:6; 21:25). Hence the insistence, throughout Numbers, on the central role of the tribes as the organising principle of Jewish life. The Israelites were numbered tribe by tribe. The Torah sets out their precise encampment around the Tabernacle and the order in which they were to journey. **In *Parashat Naso*, at inordinate length, the Torah repeats the gift's of each tribe at the inauguration of the Tabernacle, despite the fact that they each gave exactly the same.** The tribes were not accidental to the structure of Israel as a society. Like the United States of America, whose basic political structure is that of a federation of (originally thirteen, now fifty) states, so Israel was (until the appointment of a king) a federation of tribes.

4. Numbers 7:1-89

²**Then the leaders of Israel, the heads of families who were the tribal leaders in charge of those who were counted, made offerings ...**¹¹For the LORD had said to Moses, "**Each day one leader is to bring his offering for the dedication of the altar.**"

¹²The one who brought his offering on the first day was Nahshon son of Amminadab of the tribe of Judah. ¹³**His offering was one silver plate weighing a hundred and thirty shekels and one silver sprinkling bowl weighing seventy shekels, both according to the sanctuary shekel, each filled with the finest flour mixed with olive oil as a grain offering;** ¹⁴**one gold dish weighing ten shekels, filled with incense;** ¹⁵**one young bull, one ram and one male lamb a year old for a burnt offering;** ¹⁶**one male goat for a sin offering;** ¹⁷**and two oxen, five rams, five male goats and five male lambs a year old to be sacrificed as a fellowship offering.** This was the offering of Nahshon son of Amminadab.

¹⁸On the second day Nethanel son of Zuar, the leader of Issachar, brought his offering. ¹⁹The offering he brought was ... This was the offering of Nethanel son of Zuar.

²⁴On the third day, Eliab son of Helon, the leader of the people of Zebulun, brought his offering. ²⁵His offering was ... This was the offering of Eliab son of Helon.

³⁰On the fourth day Elizur son of Shedeur, the leader of the people of Reuben, brought his offering. ³¹His offering was ... This was the offering of Elizur son of Shedeur.

³⁶On the fifth day Shelumiel son of Zurishaddai, the leader of the people of Simeon, brought his offering. ³⁷His offering was ... This was the offering of Shelumiel son of Zurishaddai.

⁴²On the sixth day Eliasaph son of Deuel, the leader of the people of Gad, brought his offering. ⁴³His offering was ... This was the offering of Eliasaph son of Deuel.

⁴⁸On the seventh day Elishama son of Ammihud, the leader of the people of Ephraim, brought his offering. ⁴⁹His offering was ... This was the offering of Elishama son of Ammihud.

⁵⁴On the eighth day Gamaliel son of Pedahzur, the leader of the people of Manasseh, brought his offering. ⁵⁵His offering was ... This was the offering of Gamaliel son of Pedahzur.

⁶⁰On the ninth day Abidan son of Gideoni, the leader of the people of Benjamin, brought his offering. ⁶¹His offering was ... This was the offering of Abidan son of Gideoni.

⁶⁶On the tenth day Ahiezer son of Ammishaddai, the leader of the people of Dan, brought his offering. ⁶⁷His offering was ... This was the offering of Ahiezer son of Ammishaddai.

⁷²On the eleventh day Pagiel son of Okran, the leader of the people of Asher, brought his offering. ⁷³His offering was ... This was the offering of Pagiel son of Okran.

⁷⁸On the twelfth day Ahira son of Enan, the leader of the people of Naphtali, brought his offering. ⁷⁹His offering was ... This was the offering of Ahira son of Enan.

⁸⁴These were the offerings of the Israelite leaders for the dedication of the altar when it was anointed: twelve silver plates, twelve silver sprinkling bowls and twelve gold dishes ...

⁸⁷The total number of animals **for the burnt offering** came to twelve young bulls (**one each**), twelve rams (**one each**) and twelve male lambs (**one each**) a year old, together with their grain offering ... ⁸⁸The total number of animals **for the sacrifice of the fellowship offering** came to twenty-four oxen (**two each**), sixty rams (**five each**), sixty male goats (**five each**) and sixty male lambs (five each) a year old. These were the offerings for the dedication of the altar after it was anointed.

⁸⁹When Moses entered the tent of meeting to speak with the LORD, he heard the voice speaking to him from between the two cherubim above the atonement cover on the ark of the covenant law. In this way the LORD spoke to him.

a. **"The Torah does not usually devote an entire chapter to straight repetition. Yet here it describes the offerings brought by the twelve leaders in detail, although all are absolutely identical. One**

2 https://www.chabad.org/library/article_cdo/aid/2576222/jewish/The-Gender-Gap.htm

of the explanations given by the Midrash ... (is that it is) a sign that each (offering) was individually appreciated by HaShem³
(Numbers Rabbah 14:16).

The existence of something like tribes is fundamental to a free society.⁽³⁾ The modern state of Israel is built on a vast panoply of ethnicities—Ashkenazi and Sephardi; Jews from Eastern, Central, and Western Europe, Spain and Portugal, Arab lands, Russia and Ethiopia, America, South Africa, Australia, and other places; some hasidic, some yeshivish, others “modern,” others “traditional,” yet others secular and cultural.

We each have a series of identities, based partly on family background, partly on occupation, partly on locality and community. These “mediating structures,” larger than the individual but smaller than the state, are where we develop our complex, vivid, face to face interactions and identities. They are the domain of family, friends, neighbours, and colleagues, and they make up what is collectively known as civil society. A strong civil society is essential to freedom.⁽⁴⁾

That is why, alongside individual rights, **a society must make space for group identities**. The classic instance of the opposite came in the wake of the French Revolution. In the course of the debate in the French Revolutionary Assembly in 1789, the Count of Clermont-Tonnerre made his famous declaration, **“To the Jews as individuals, everything. To the Jews as a nation, nothing.”** If they insisted on defining themselves as a nation, that is, as a distinct subgroup within the republic, said the Count, “we shall be compelled to expel them.”

Initially, this sounded reasonable. **Jews were being offered civil rights in the new secular nation-state. However, it was anything but.** It meant that Jews would have to give up their identity as Jews in the public domain. Nothing—not religious or ethnic identity—should stand between the individual and the state. It was no accident that a century later, France became one of the epicentres of European anti-Semitism, beginning with Edouard Drumont’s vicious *La France Juive* (1886), and culminating in the Dreyfus trial. Hearing the Parisian crowd shout “Mort aux Juifs” (“Death to Jews”), Theodor Herzl realised that Jews had still not been accepted as citizens of Europe, despite all the protestations to the contrary. Jews found themselves regarded as a tribe in a Europe that claimed to have abolished tribes. **European emancipation recognised individual rights but not collective ones.**

5. *La France Juive* (“Jewish France”), subtitled *Essay on Contemporary History*, is an antisemitic tract published by Édouard Drumont in 1886.

A work of 1,200 pages, released in two volumes, it ran to 140 printings during the two years following its initial publication. In 1888 an

abridged version of one volume was published. The book was reissued by the publisher Flammarion in 1938, then by Éditions du Trident in 1986. In 2012, it was reissued by the publishing house KontreKulture, run by the nationalist Equality and Reconciliation political group. *La France Juive* became a major success and achieved great fame. Its success was due in part to the inclusion of a list of names of famous people against whom the author made accusations in the book. Many buyers were inspired by curiosity to see if anyone they knew appeared on the list.⁴

La France Juive developed three strands of antisemitism. **One** was racial, proposing an opposition between non-Jewish “Aryans” and Jewish “Semites”. **Another** was financial. The author argued that finance and capitalism were controlled by the Jews. A **third** was religious, referring to the Jews supposed complicity in the death of (Yeshua).⁵

6. The Dreyfus Trial.

- a. In the fall, 1894, a secret military document sent by a French officer to the military attaché of the German embassy in Paris fell into the hands of the French Intelligence Service. Alfred Dreyfus (1859-1935), an assimilated Jew and officer in the French Army was falsely accused of the betrayal. He was brought to trial, found guilty, deprived of his rank and sentenced to life imprisonment on Devil’s Island. **Evidence proving his innocence was suppressed.** On January 5, 1895, Dreyfus was publicly demoted in a degrading ceremony. **During the trial there were manifestations of anti-Semitism, including a demand to abrogate the civil rights of all of the Jews of France.**
- b. Theodore Herzl (1860-1904), a Viennese Jewish journalist assigned to cover the trial, was astounded by the Anti-Semitic outburst.
- c. First Zionist Congress (1897) in Basle, Switzerland.

The First Zionist Congress was to have taken place in Munich, Germany. However, due to considerable opposition by the local community leadership, both Orthodox and Reform, it was decided to transfer the proceedings to Basel, Switzerland. Theodore Herzl acted as chairperson of the Congress which was attended by some 200 participants. The major achievements of the Congress were its formulation of the Zionist platform, known as the Basel program and the foundation of the World Zionist Organization. The program stated,

“Zionism seeks for the Jewish people a publicly recognized legally secured homeland in Palestine.”

3 Rabbi Elie Munk, *The Call of the Torah, BaMidbar*, (Mesorah Publications, Ltd.), p. 77.

4 https://en.wikipedia.org/wiki/La_France_juive

5 <https://www.pinterest.co.uk/pin/555420566536637009/>

This gave clear expression to Herzl's political Zionism ... In his diary Herzl wrote,

“Were I to sum up the Basle Congress in a word—which I shall guard against pronouncing publicly—it would be this: At Basel I founded the Jewish State.”⁶

The primatologist Frans de Waal makes the point powerfully. Almost the whole of modern Western culture, he says, was built on the idea of autonomous, choosing individuals. But that is not who we are. We are people with strong attachments to family, friends, neighbours, allies, coreligionists, and people of the same ethnicity. He continues:

A morality exclusively concerned with individual rights tends to ignore the ties, needs, and interdependencies that have marked our existence from the very beginning. It is a cold morality that puts space between people, assigning each person to his or her own little corner of the universe. How this caricature of a society arose in the minds of eminent thinkers is a mystery.⁽⁵⁾

That is precisely the point the Torah is making when it divides the story of the daughters of Tzlofhad into two. The first part, in *Parashat Pinhas*, is about individual rights, the rights of Tzlofhad's daughters to a share in the land. The second, at the end of the book, is about group rights, in this case the right of the tribe of Menashe to its territory. In the case of life, the most fundamental value of all, the Torah sets the individual above the group. But in the case of property—as here, the inheritance of land—the Torah affirms both, because both are necessary to a free society.

Many of the most seemingly intractable issues in contemporary Jewish life have appeared because Jews, especially in the West, are used to a culture in which individual rights are held to override all others. We should be free to live as we choose, worship as we choose, and identify as we choose. But a culture based solely on individual rights will undermine families, communities, traditions, loyalties, and shared codes of reverence and restraint.

Despite its enormous emphasis on the value of the individual, Judaism also insists on the value of those institutions that preserve and protect our identities **as members of groups** that make them up. **We have rights as individuals but identities only as members of tribes. Honouring both is delicate, difficult, and necessary. Numbers ends by showing us how.**

(3) See most recently Sebastian Junger, *Tribe: On Homecoming and Belonging* (London: Fourth Estate, 2016)

(4) This is the argument made most powerfully by Edmund Burke and Alexis de Tocqueville.

(5) Frans de Waal, *Good Natured* (Cambridge, MA: Harvard University Press, 1996), 167.

⁶ <http://www.jewishvirtuallibrary.org/jsourc/Zionism/firstcong.html>, David Mendelsson, *From the First Zionist Congress (1897) to the Twelfth (1921)*, The Jewish Virtual Library.