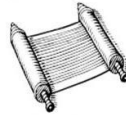


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## OMNIMERCIFUL REJECTIONS, OR: HOW TO TURN DOWN REQUESTS FOR UNVIABLE HALAKHIC REFORM

Rabbi Shlomo Zuckier

*\*This week's dvar torah is by Summer Beit Midrash alum Rabbi Shlomo Zuckier*

Our *Parsha* features two different stories of struggles by those who are committed to G-d and to Torah, and who make significant requests to change the status quo. Moshe asks to enter the land of Israel and is rebuffed, while *Benos Tzelofchad* (the daughters of Tzelofchad) request and are granted a share in the Land of Israel.

These two stories are juxtaposed in *Perek 27* of *Bemidbar* (and its *Sifrei* commentary): *Benos Tzelofchad*, pursuant to their request, are offered to inherit their father's plot of land in Israel, the general laws of inheritance are established, and Moshe is told that he will die before entering the Land, despite his requisitions that he be granted entry. In reading and considering these two stories, similar but divergent in their structure, we can examine phenomenologically the process of requesting a change the Halachic status quo – both the stakes involved and the appropriate response. Let us analyze the two cases.

The request of *Benos Tzelofchad* to receive a portion in the Land is positively received, and part of this may be due to the stakes that they saw tied up in this issue. Let us consider the *Sifrei's* insightful presentation of the story (133):

כיון ששמעו בנות צלפחד שהארץ מתחלקת לשבטים לזכרים ולא לנקבות נתקבצו כולן זו על זו ליטול עצה אמרו לא כרחמי בשר ודם רחמי המקום בשר ודם רחמיו על הזכרים יותר מן הנקבות אבל מי שאמר והיה העולם אינו כן אלא רחמיו על הזכרים ועל הנקבות רחמיו על הכל שנאמר [נותן לחם לכל בשר וגו'] (תהלים קלו כה) נותן לבהמה לחמה וגו' (שם/תהלים/קמז ט) ואומר [טוב ה' לכל ורחמיו על כל מעשיו (שם/תהלים/קמה ט).

*When the daughters of Tzelofchad heard that the Land was being divided into tribes to men and not to women, they all gathered together to consult. They said: Not like the mercy of flesh and blood is the mercy of G-d. Flesh and blood have greater mercy for men than for women, but the One Who Spoke and the World Was is not so; rather His mercy is on men and on women. His mercy is on everything, as it says "He gives bread to all flesh..." (Ps. 136:25); "He gives to an animal its bread..." (Ps 147:9); and "The Lord is good to all, and His mercy is on all His creations" (Ps. 145:9).*

*Benos Tzelofchad* object to what seems to be unfair treatment stemming from insufficient concern for women. They reject the prospect of a G-d Who is merciful to men more than to women, which they know to be inconsistent with G-d's true nature, and thus assume that the current state of affairs must be a human rather than a divine construction. Moshe conveys their concerns to G-d, who rules that *Benos Tzelofchad* can inherit the Land, proving their presumption right.

It certainly was convenient that G-d deemed this arrangement viable and incorporated it into the laws of inheritance. Otherwise, formulating a response to *Benos Tzelofchad* that both held firmly to the *Halacha* and offered a degree of mercy befitting G-d and G-d's Torah would have been extremely difficult. Happily, in clarifying this law, G-d once again emerges as the Omnimericiful, and the Torah is properly interpreted.

If we consider Moshe's situation, the picture is quite different. Moshe is famously denied the possibility of entering the Land of Israel, which is discussed in multiple *Midrashim* elsewhere, especially at the outset

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of *Parshas V'a'eschannan*. In our *Parsha* and its *Sifrei* commentary, although the rejection itself is not discussed, we find a discussion of what comes after the rejection. In the *Midrash*, G-d offers a dual mitigation of the rejection that Moshe experiences.

First, Moshe is shown the entire Land to which he was denied entry (*Num. 27:12-13*). The *Midrash* presents this as a sort of consolation prize, or maybe even a coping mechanism, as Moshe is shown not just the entire geographic landscape of Israel (or the entire world, as R. Eliezer argues in *Sifrei Num. 136*), but is given temporal perspective as well, viewing all future generations (see *Sifrei Deut. 357*). This satiates Moshe's curiosity to understand G-d's ways (as depicted in *Ex. 33*), and gives him a virtual presence in Israel's future in the Land.

Second, Moshe is told about the continuity of leadership, which he is deeply committed to knowing, out of concern that the people should have sufficient governance in place after his passing. Moshe uncharacteristically initiates a conversation with G-d, with the inverted **וידבר משה אל ה' לאמר**, "and Moses spoke to G-d" (*Num. 27:15*), indicating a sense of urgency on his part. Moshe insists on appointing a leader over the community, in order that "G-d's congregation not be like shepherd-less sheep." As *Sifrei Num 138* explains (possibly drawing on the strong opening), after Moshe's personal request to enter the Land is rebuffed, he is assertive in saying to G-d "tell me if you are appointing leaders or not." This is the genesis of our section about appointing Yehoshua, for the *Midrash*.

Thus, despite being spurned in his great wish to enter the Land, G-d still supports Moshe by showing him the Land of

Israel throughout history, and by ensuring that the people have future leadership in place for after his passing.

Any Orthodox Halakhist knows that there is not always a "Halakhic Way," even in extremely difficult cases. But there remains the vitally important, but often overlooked question of how to conduct the process of relaying the unfortunate news of a "no" answer while remaining faithful to G-d and Divine values of mercy, love, and support.

In a scenario where the request for change is answered with a "no," responsibilities are incumbent on each of the involved parties. First, and more trivially, the *Halacha-abiding* requester (*Shoel*) has an obligation to follow the clarified *Halacha*, as difficult as that may be.

Simultaneously, the responder (*Posek*) is faced with a dual obligation, as we learn from Moshe and *Benos Tz'elofchad*:

1. The *Posek* must make it clear that the "no" answer is due not to a deficiency of mercy inherent in Torah, but to moral or structural constraints imposed by the Omnimerciful G-d which cannot be averted.

2. The *Posek* needs to make clear what the road forward is, what alternate routes might be appropriate for the Shoel.

If we are to follow G-d and G-d's ways, we are obliged both to be loyal to the Torah and to emulate G-d's omnimercy. *Moshe Rabbenu* and *Benos Tz'elofchad* deserve no less.

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**Shabbat Shalom!**

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