

From the Ohr HaChayim

by Jacob Solomon

Sefer Bamidbar includes two situations where Moshe Rabbeinu felt unable to advise, and therefore turned to Head Office for Directions.

The first is in this week's Parsha (9:6-14). Two individuals became tamei through contact with a human corpse. Their status of tumat meit, the Gemara (Sukka 25a) emphasizes, was unavoidable. Either they had been the bearers of the bones of Yosef (Sh'mot 13:19), or they had to take care of a meit mitzva, the burial of an unattended and unidentified corpse. They turned to Moshe, as they did not want this to prevent their participating in the full Pesach procedures and festivities with the community. Their implied claim was that a mitzva should not shut the door to another mitzva, but open it to another mitzva (S'forno).

The Ohr HaChayim explains that that the two men felt that an exception should be made for them. What happened was not their fault; it was required of them. Their situation was not of their making.

The second event occurs later on, with the five orphan daughters of Tzelofchad (27:1-11). They had been no party to the cause of their father's death. They turned to Moshe and the elders as they did not want to be deprived of the portion of Eretz

Yisrael that would have been in their father's name had he had sons. Why, they claimed, should the family name be wiped out because of something outside their father's control: that his five children were all daughters, and that he had no sons to succeed him? (27:3-4) Why should they lose their family-based landed status in the community for something that was not their fault? Like the two t'mei'im, their position was not their own making.

The Ohr HaChayim's explanation may well also apply here. Though daughters did not normally inherit land, they claimed that an exception should be made as their named family line should not be wiped out. The Midrash states that it was their genuine love for Eretz Yisrael that pushed them to approach Moshe and the elders (Tanchuma 7, Sifri, 133).

Both cases were exceptional. Both cases involved genuine people with genuine motivations. Both cases expressed the concerns of people who wanted to do the right thing and fit in even under adverse circumstances. And Moshe, without a ready solution, passed the situation up to G-d who in each case issued guidelines to accommodate those and similar situations.

Ed. note: Both of these mitzvot - Pesach Sheni and Dinei N'chalot (the laws of inheritance) - are part of original Torah MiSinai, and should not be

viewed as a spontaneous response to the individuals who stepped forward to complain. However, each of these mitzvot was presented to the People as a response to the T'mei'im and B'not Tzelofchad. In addition to the details of the mitzvot themselves, we do derive other lessons and messages from the contexts - as Jacob Solomon has presented.

Implied in the Ohr HaChayim's explanation is the reality that exceptional situations for individuals and communities do occur, and continue to occur. Those people should not passively resign themselves to what they think is inevitable, but approach those capable for advice and guidance. They should be given a sympathetic and serious hearing, not just dismissed with a casual "That's how it is. It's going to be tough, but that's how it is." With Moshe, G-d responded with creative solutions. This can indicate the importance of halachically-compatible creativity.

One example. Some years ago, a Bar Mitzva boy from Chutz Laaretz arrived here in Jerusalem, all ready to layn his parsha. On opening the aron kodesh at vayhi binso'a, it transpired that he had mistakenly been directed to prepare Parshat Korach while the parsha of the week was Chukat, one ahead. The mistake occurred due to parsha reading differences arising from second day of Shavuot in the Golah falling on Shabbat. I witnessed the shul's Rav stand up, and calmly and authoritatively inform the congregation: "This

week we will extend the first aliya by 95 p'sukim. Please turn to the beginning of Korach." Whereupon the kohen received a record portion of 112 p'sukim, 95 from the from the Bar Mitzva boy, with the regular baal korei seamlessly taking over at the beginning of Chukat.

And as far as I could see, there were no grumbles, but smiles all round and a good story to take home! 🏠