

# PARSHAT MATOT-MASSEI

July 18, 2020 – 26 Tammuz 5778

Annual (Numbers 30:2-36:13): Hertz p. 702

Haftarah (Jeremiah 2:4-28 and 3:4): Hertz p. 725

## Torah Portion Summary

Moshe instructs the heads of the Israelite tribes about vows and oaths. When a woman makes a vow, it can be annulled by her father or her husband on the day he learns of it. If this is not done, a woman's vow is binding and must be fulfilled completely, just like a man's vow. Twelve thousand men, one thousand from each tribe, are picked to form the force that will wage war against Midian. The Israelites kill the Midianite males and take the women and children captive. Moshe becomes angry that the women – the very ones who enticed the Israelites to sin – were spared. He orders the soldiers to kill the women and the male children, leaving only the girls alive. Moshe then tells the soldiers they must undergo a purification ritual. Elazar instructs them about the purification of objects seized as booty. The captured property is divided among the warriors and the rest of the Israelites. The tribes of R'uvein and Gad ask to be allowed to settle on the east side of the Jordan, where there is ample land for their animals. They, along with the half-tribe of Menasheh, are given permission to do so once they promise to join the rest of the Israelites in the battle for the land of Canaan, on the other side of the Jordan. Moshe records all the stages of the Israelites' journey through the wilderness, from Egypt to the steppes of Moav. God tells Moshe to instruct the people that when they enter the land, they are to destroy the Canaanites' idols and cult places. They are to remove the Canaanites from the land lest any who remain become a source of trouble in the future. God describes the borders of the Promised Land. Moshe tells the Israelites that this is the land that will be given to the nine and one-half tribes (excluding R'uvein, Gad, and half of Menasheh). God names the men who will join Yehoshua and Elazar in apportioning the land. God tells Moshe to instruct the Israelites to set aside 48 towns for the Levites. Six of these are to be designated cities of refuge, to which a person who commits unintentional manslaughter may flee and be safe from the victim's family. Intentional murder is to be punished by death. Leaders of the tribe of Menasheh express concern that when the daughters of Zelaph'chad, who were to receive their father's share of the land, married, the land they inherited would pass to their husbands' tribes. Moshe relays God's instruction that women who inherit land must marry within their own tribes to preserve the integrity of the land.

I. Anyone, however, who strikes another with an iron object so that death results is a murderer; the murderer must be put to death. If he struck him with a stone tool that could cause death, and death resulted, he is a murderer; the murderer must be put to death... You may not accept a ransom for the life of a murderer who is guilty of a capital crime; he must be put to death. (Numbers 35:16-17, 31)

1. Our rabbis taught: What is meant by [not convicting on the basis of] circumstantial evidence? The judge says to the witnesses, "Perhaps you saw the defendant running after the other fellow into a ruin, you pursued him, and found him with sword in hand and blood dripping from it, while the victim was writhing in agony. If that is what you saw, you saw nothing." (Talmud Sanhedrin 37b)
2. How were witnesses in capital cases earnestly admonished? In capital cases, they were brought in and admonished in this way: Perhaps what you say is but conjecture, or hearsay, or something heard from a man you consider trustworthy. Perhaps you do not know that we shall test you by a thoroughgoing inquiry? You should know that capital cases are not like civil cases: in civil cases, the guilty one makes restitution and is absolved; but in capital cases, the witness is held responsible for the blood of him [who is wrongfully convicted] and for the blood of his posterity [that should have been born to him] to the world's end of time... (Mishnah Sanhedrin 4:5)
3. From the day the Temple was destroyed, although the Sanhedrin was abolished, the four modes of execution were not abolished. They were not abolished, but surely they were! But the law of the four modes of execution was not abolished: He who is worthy of stoning either falls from the roof or is trampled to death by a wild beast; he who merits burning either falls into the fire or is

bitten by a serpent; he who is worthy of decapitation is either delivered to the [gentile] government or brigands attack him; he who is worthy of strangulation is either drowned in a river or dies of suffocation. (Talmud Sanhedrin 37b)

4. A Sanhedrin that issues a sentence of execution once in seven years is a murderous tribunal. Rabbi Elazar ben Azariah said: Once in seventy years. Rabbi Tarfon and Rabbi Akiva said: If we were members of the Sanhedrin, no man would ever be executed. To this, Rabban Shimon ben Gamaliel replied: Yes, and they would thus increase shedders of blood in Israel. (Talmud Makkot 7a)

### Sparks for Discussion

The Torah is adamant that the only possible punishment for deliberate murder is death. Why? The Torah law remained in place and the rabbis established rules of procedure in capital cases that made it virtually impossible to convict someone of murder. What were they concerned about? What does the story about the fate of murderers who could not be convicted in court contribute to your understanding of the rabbis' reasoning? Why not simply abolish the death penalty? Do you think any of these teachings can or should be brought to bear on the debate about capital punishment in contemporary society?

II. You shall not pollute [*tachanifu*] the land in which you live... (Numbers 35:33)

1. This is a warning against flatterers [*chanafim*]. (Sifrei B'midbar)
2. Do not flatter the murderers dwelling in the land to free them from the justice that is appropriate for them. (Chizkuni-Rabbi Chezekiah ben Manoach, mid-13th century, France)
3. Thus the rabbis have said in the Sifri: "This is a warning against flatterers." For at first (35:31-32) He warned us against taking a bribe from murderers, and then He warned us against flattering them because of their high position or their power or the honor of their family, even without taking a bribe, because if we flatter them, we will thereby cause the land to "betray" its inhabitants. (Ramban--Rabbi Moshe ben Nachman, 1194-1270, Spain)
4. This verse forbids us to flatter a wrongdoer. Flattering a wrongdoer is termed *chanifus* and is a very serious offense. Rabbeinu Yonah deals with this prohibition at length in Shaarei T'shuvah 3:187-199. Below are some essential excerpts:
  - a. The worst form of *chanifus* is when a person sees that someone has transgressed and tells him "You have not done anything wrong." This will cause the transgressor to repeat his misdeeds.
  - b. It is considered *chanifus* to say that an evil person is a good man. Even if you do not actually say that his crimes were the proper thing to do, it is nevertheless wrong to praise him. (Rabbi Zelig Pliskin, Love Your Neighbor, p. 374)
5. Rabbi Shimon ben Chalafta said: Ever since the day the grip of flattery prevailed, judicial decrees have become so twisted and human conduct so corrupt that no man can say to another, "My conduct is better than yours." (Sotah 41b)

### Sparks for Discussion

Based on a play on words, the Sifri applies this verse to flatterers and our commentators understand that it prohibits flattering murderers or wrongdoers in general. Much of what they say has a very contemporary ring. Modern American society is obsessed with celebrities. Certainly they are not all wrongdoers, but many flaunt bad behavior – from drug use to infidelity, from unbridled greed to physical abuse of family members or employees. Why do you think people continue to "flatter" – that is, admire, support, read about, and buy products endorsed by – these celebrities? Why do so many seem to believe that a person who is a talented actor, musician, or athlete, or simply gets his or her face on TV is someone whose opinions on politics, social issues, international relations, or the economy should carry particular influence? How do we teach our children (and, not incidentally, remind ourselves) to value goodness and character more than appearance, money, and fame?