

Reconciling Competing Principles

There's an old joke about two people who come to have something adjudicated before a rabbi. One presents his side of the story and the rabbi replies, "You're right." The other presents his case, completely contradicting his fellow, and the rabbi replies, "You're right." The rabbi's wife, in utter surprise, says "It's impossible for both of them to be correct," to which the rabbi replies, "You're right."

Related to this joke, we have the Baraita of Rabbi Yishmael which we read every morning at minyan.¹ The last of Rabbi Yishmael's 13 principles is שתי כתובים המכחישים זה את זה, two verses which directly contradict one another. Unlike the joke, however, there is a resolution, as the principle continues עד שיבוא הכתוב השלישי ויכריע ביניהם, a third verse will come and adjudicate between them. The third verse will generally put limitations on one or both of the other verses, saying that one or both of them only applies in a particular case or situation.

¹ Sifra 1

Enter Parshat Pinhas which at first glance appears to be a major victory for feminists. After the daughters of Zelophehad complain to Moses about their desire to inherit and he brings their case before G-d to adjudicate it, we read: “כן בנות צלפחד דוברות”-The plea of Zelophehad's daughters is just: you should give them a hereditary holding among their father's kinsmen; transfer their father's share to them. Further, speak to the Israelite people as follows: If a man dies without leaving a son, you shall transfer his property to his daughter. If he has no daughter, you shall assign his property to his brothers.”²

Next week in Parshat Masei we will read about the repercussions of that decision. Members of the tribe of Menasseh, of which Zelophehad was a member, said “G-d commanded my liege to assign the land to the Israelites as shares by lot, but G-d further commanded my liege to assign the share of our kinsman Zelophehad to his daughters. Now, if they marry persons from another Israelite tribe, their share will be cut off from our ancestral portion and be added to the portion of the tribe into which they marry; thus our allotted portion will be

²Numbers 27:7-9

diminished.”³ Beginning with the same words he used in rendering his original decision, Moses replies: “כן מטה בני-יוסף דוברים-The plea of the Josephite tribe is just. This is what G-d has commanded concerning the daughters of Zelophehad: **They may marry anyone they wish, only into a clan of their father's tribe shall they marry.**”⁴

Just like the joke about both parties being right, Moses is saying that both Zelophehad’s daughters and the members of the tribe of Menasseh are both right, even though they contradict one another. On the one hand, Moses recognizes the right of the daughters of Zelophehad to marry whomever they wish, while concurrently he obligates them to marry within their tribe. The Talmud notes this contradiction, and suggests that while in principle a daughter who inherits her father’s estate is free to marry whomever she pleases, in reality that rule did not apply to the daughters of Zelophehad and the women of their generation. After all, it only specified that the daughters could inherit, not that they

³ Numbers 36:2-3

⁴ Numbers 36:5-6

could marry whomever they wanted.⁵ This answer seems like a cop-out to me, as it puts a limitation on Zelophehad's daughters' inheritance that was not mentioned when Moses brought their case before G-d.

Nevertheless, it is the rabbis' attempt to reconcile how both Zelophehad's daughters and the tribal elders of Menasseh can both be right: that the daughters can inherit while concurrently Menasseh will not lose any of its land.

What is the lesson that we can take from this? The Torah is full of conflicting and competing principles. On one hand it wants to ensure that women have the right to inherit; on the other it needs to make sure that one tribe's land does not become reduced because of a daughter inheriting, as the land passed from father to son. The way in which this is reconciled is to require Zelophehad's daughters to marry within their tribe.

It is difficult to relate to this in an age when we want to protect all of our children. We write wills stating that our estate will be divided

⁵ Babylonian Talmud Bava Batra 120a

equally between our children, regardless of whether they are sons or daughters-and if we don't, there's often trouble after we're gone. We also try to operate our business affairs in an egalitarian way. At the same time, it is easier for us to do this now as that we are not concerned about the apportionment of the Land of Israel or in treating each tribe equally.

At times we read passages in the Bible that appear to be contradictory: in one source the daughters should inherit; in another the land will pass through their husbands. Whenever we find a contradiction we attempt to reconcile it through looking at what the rabbis have said. At times we might find a satisfactory answer, at others we might feel the answer is weak or that it does not work for us in this day and age. The important thing is that we act like the Talmudic rabbis, doing our homework and try to reconcile the contradictions rather than simplistically throwing our hands in the air and saying the Torah makes no sense. Let us take time this summer to study Torah and in the process may we reconcile some things in our learning that previously seemed contradictory or irreconcilable.