

Meshech Chochmah Parshas Matos

The Meaning of *Zeh Hadavar*

וַיְדַבֵּר מֹשֶׁה אֶל רֹאשֵׁי הַמַּטּוֹת לְבְנֵי יִשְׂרָאֵל לֵאמֹר זֶה הַדְּבָר אֲשֶׁר צִוָּה ה'. אִישׁ כִּי יָדַר נָדָר וּגְוִי.

Moshe spoke to the heads of the tribes of Bnei Yisrael, saying, "This is the matter that Hashem has commanded, saying. If a man shall make a vow..." (30:2-3)

The Meshech Chochmah notes that the phrase "זֶה הַדְּבָר," as used throughout the Torah, generally denotes a matter which applied only for a specific time or generation, but not for all future generations. Examples of this usage are:

1. Shemos 16:32 – Regarding placing some of the *manna* next to the Aron in the Mishkan.
2. Shemos 35:4 – Regarding donating toward the construction of the Mishkan.
3. Vayikra 9:6 – Regarding the special korbanos which were offered on the inaugural day of the Mishkan.

Indeed, we find that the Gemara,¹ based on the connotation of these words, deduces that the prohibition mentioned in the end of Chumash Bamidbar of "*hasavas nachalah*" (a woman who inherited her father marrying someone from a different tribe), applied only to that generation. In the Gemara's words:

"זֶה הַדְּבָר – this is the matter": [This teaches us that] this matter will apply only to this generation.

Two Exceptions

In light of the above principle, we need to consider two cases where the phrase "זֶה הַדְּבָר" is used by the Torah, and yet, the mitzvah applies for all generations:

¹ Bava Basra 120a.

1. *Shechutei Chutz* (slaughtering a korban outside the Mishkan or Beis Hamikdash)²
2. The parsha of Nedarim (vows), as discussed in the beginning of our parsha.

In fact, the Gemara itself³ raises this question and explains why those two cases are different.

1. *Shechutei Chutz*: That case is different since the Torah concludes that section with the words “חוקת עולם לדורותיכם – an everlasting statute for your generations.”
2. Nedarim: That case, too is, different, as its laws are halachically derived from *Shechutei Chutz* (via a *gezeirah shavah*).

Enter the Meshech Chochmah

We have before us a somewhat unusual situation. Given the non-permanent connotation of the words “זֶה הַדְּבָר,” what are we to make of the fact that the Torah uses them regarding two mitzvos which we then conclude – based on other factors – actually apply for all generations?

The Meshech Chochmah explains that even regarding these two mitzvos, specific connotation of “זֶה הַדְּבָר” remains; for even though those mitzvos *in general* apply on a permanent basis, they each have a *particular aspect* which applied only at that time. How so?

Shechutei Chutz: This prohibition states that any animal that has been sanctified as a korban may not be slaughtered outside the Mikdash. According to R' Yishmael, during the forty years in the wilderness, Bnei Yisrael were not allowed to consume “*basar taavah*” – meat that was not a korban.⁴ The Ramban⁵ notes that according to this opinion, there’*re* was a standing prohibition against slaughtering any animal outside of the Mishkan during those years, even one which had not been sanctified as a korban. The Meshech Chochmah explains that it is with regards to this aspect of the prohibition which applied only to that generation the transient term “זֶה הַדְּבָר” is used.

² Vayikra 17:1.

³ Bava Basra ibid.

⁴ See Chullin 16b.

⁵ Commentary to Vayikra 17:2.

Nedarim: although a neder to abstain from something can be taken at any time, there are certain times which warrant such a measure. Such a time was this stage in the Bnei Yisrael's history, in light of events which had recently occurred. The Gemara⁶ recounts how episode with the daughters of Moav was facilitated by them offering wine to the Bnei Yisrael. As the Gemara notes, the Sages had not yet issued a ban on the wine of gentiles. As we know, the culminating point of that crisis was when Zimri, the *nasi* of Shimon, consorted with the Midianite princess, Cozbi. Since that tragic episode involved one of the leaders of the people, part of the response was for the other leaders to vow not to partake of such wine, even though it was still permitted.

This is a truly fascinating idea. The response of the other leaders to Zimri's fall was not allowed to be one of merely distancing themselves from him. Rather, it also had to involve them all taking measures to ensure that they would never find themselves in his situation. This, says the Meshech Chochmah, is why the heads of the tribes are mentioned on the introduction to our parsha, to indicate that although the concept of vows applies to the Jewish people generally, it had a specific application to those leaders at that time. Reflecting this timely requirement to invoke the concept of vows, the term "זָה הַדְּבָר" is used there as well.

Taryag Mitzvos and the Art of War

וַיִּצְבְּאוּ עַל מִדְיָן כְּאֲשֶׁר צִוָּה ה' אֶת מֹשֶׁה

They warred against Midian, as Hashem command Moshe (31:7)

A "Forgotten" Mitzvah

At the end of his commentary on the Rambam's Sefer Hamitzvos, the Ramban lists what he calls the "forgotten mitzvos," mitzvos which the Rambam did not include in his listing of *taryag* (the 613 mitzvos of the Torah), but which he, the Ramban, feels should have been included.

⁶ Sanhedrin 106a.

One of those “forgotten” mitzvos relates to our Parsha. Commenting on the words “כִּאֲשֶׁר צִוָּה ה' אֶת מֹשֶׁה” – As Hashem commanded Moshe,” Rabbi Nossou states in the Sifrei that they only besieged the cities on three sides, leaving the fourth side open for the Midianites to flee should they see that they were facing certain defeat. The Ramban (mitzvah 5) writes that this requirement pertained not only to that particular war, but for all such wars, noting that the Rambam himself codifies it in the Mishneh Torah in Hilchos Melachim.⁷ Therefore, concludes the Ramban, as a mitzvah which applies to all times, this requirement should be included in the *taryag* mitzvos.

Explaining the Dispute

In order to understand the dispute between the Rambam and the Ramban as to whether leaving the fourth side open should be listed as a mitzvah, even though they both recognize it as a requirement, the Meshech Chochmah explains that they differ fundamentally with regards to the nature of this requirement.

The Ramban understands that this is a moral requirement, i.e., it relates to the way in which Hashem wishes us to act, to act with compassion even toward our enemies. In this regard, it is similar to the command of the Torah mentioned later on,⁸ that when approaching a city to wage war against it, we are first to make a bid for peace, offering those inside a chance to surrender. Likewise, the Torah commands that we show them compassion in giving them a chance to escape if they see their city is lost.

The Rambam, however, understands that the requirement to leave the fourth side open is not a command in the classic mitzvah sense. Rather, it is issued as a matter of military strategy in order to prevent unnecessary losses on our side. If the enemy sees that defeat is certain and they have no possibility escape, this may galvanize them to resist at all costs, leading them to acts of total recklessness, for they have nothing to lose. As the Meshech Chochmah notes, in his words: “History has shown that many of the greatest victories were born of desperation.” In order to prevent such a situation, which would make conquering the city significantly harder and more dangerous, the Torah requires us to leave the fourth side open, making it easier for the enemy to abandon the city and for

⁷ 6:7.

⁸ See Devarim 20:10.

us to enter it. Since the nature of this requirement is purely one of tactics, the Rambam did not feel that it belonged in the list of *taryag*.