

Parsha Ponders

Shelach | June 27, 2024 | 22 Sivan 5784

*Mitzvah journey complications*¹

שלח-לך אנשים ויתרו את-ארץ כנען אשר-אני נתן לבני ישראל איש אחד איש אחד למטה אבתיו תשלחו כל נשיא בהם

Send for yourselves men who shall scout out the land of Canaan, which I am giving to the Jewish people. You shall send one person per ancestral tribe, the prince [of that tribe]²

As the Jews were about to enter the land of Israel, they got the idea to send out spies to scout out the land. They wanted to see the quality of the land, and of the people. Hashem told Moshe that this isn't the Divine will, but if the people insist, it's up to Moshe³. Unfortunately, the mission ended in disaster. The spies came back and gave a slanderous report about the land, causing them to be punished with death, along with that entire generation. The Jews were sentenced to wander the wilderness for forty years. Their children were the ones who merited to finally enter the land.

Our Sages imply⁴ that the spies went out on their journey on a Wednesday, three days before Shabbos. However, this is difficult, for we have a law that it is prohibited to set out on a dangerous journey within three days of Shabbos⁵. What then gave them the right to start their scouting mission, so close to Shabbos?

We are taught⁶ that there's an exception to this prohibition: Someone setting out for a *mitzvah* purpose. In truth, the reason isn't because we say that this *mitzvah* overrides any Shabbos concerns⁷. Instead, it has to do with the reason why such a journey so close to Shabbos is prohibited. When it's so close, and nevertheless someone starts their journey, it's as if they are explicitly leaving with the intent or plan to eventually break Shabbos. We know that these types of journeys are usually dangerous, and a Shabbos violation (albeit permitted to save one's life) will inevitably occur⁸.

We have a rule that someone setting out for a *mitzvah* purpose won't be harmed⁹. Even though this principle doesn't apply in a situation of definite danger, nevertheless, the *mitzvah* protects them.

¹ Based on Chasam Sofer Al HaTorah to Numbers 13:2 [#8]

² Numbers loc. cit.

³ Rashi ad. loc.

⁴ Bamidbar Rabbah 16:1 brings the law that one isn't allowed to travel within three days of Shabbos (see below) at the beginning of this week's *parsha*. Why would it do so? Must be to teach us that they left within three days of Shabbos. But who says it wasn't a Thursday or a Friday? Our Sages tell us that the spies set out on the 29th of Sivan (Ta'anis 29a). We also know that Rosh Chodesh Nissan of that year was on Shabbos (Shabbos 87b). If so, Rosh Chodesh Iyar was on a Tuesday and Rosh Chodesh Sivan on a Wednesday. That means the 29th of Sivan was also on a Wednesday (Panim Yafos ad. loc. by the Hafla'ah, a teacher of the Chasam Sofer; Chasam Sofer ad. loc. s.v. עוד (שלח)). The Panim Yafos points out that Miriam's *tzara'as* quarantine ended on the 28th of Sivan, so that's why they started their mission right afterwards. See more on this below. The Panim Yafos brings the same inference from Chazal from Yalkut Shimoni parshas Shelach § 742, which is quoting Midrash Tanchuma Shelach § 1. It's basically the same as Bamidbar Rabbah

⁵ Shulchan Aruch Orach Chaim 248:4. Shabbos 14a says this regarding setting sail on a boat, but the Ba'al Ha'Meor ad. loc. (7a in the pagination of the Rif) expands this to any journey which will eventually require breaking Shabbos

⁶ Shabbos loc. cit.

⁷ Although, the language of Bamidbar Rabbah and Midrash Tanchuma loc. cit. is שלח מצוה דוחה את השבת

⁸ This is the logic of the Ba'al Ha'Meor

⁹ Pesachim 8a; Yoma 11a; Kiddushin 39b

They're still unlikely to encounter danger¹⁰. If so, someone setting out on a *mitzvah* journey is no longer regarded as explicitly going out with the intent to break Shabbos. It's less likely they'll encounter danger, so their journey is permitted.

There's a valid assumption that this would only apply to Biblical *mitzvos*. Who says that a Rabbinic *mitzvah* would also provide heavenly protection from danger? Therefore, Hashem told Moshe that this journey of the spies isn't from Him. It's not on the level of a Biblical *mitzvah*. You, Moshe, if you want to send them, go right ahead. This would then have the status of a Rabbinic *mitzvah*¹¹. We see from here that since they set out on their journey within three days of Shabbos, it must be that even a Rabbinic *mitzvah* protects from danger¹². This is the reason it was permitted to set out on that day.

Good Shabbos

¹⁰ This is the Chasam Sofer's innovation

¹¹ Cf. Bach to Tur Orach Chaim 685:1, Beis Hillel Yoreh Deah 398:1, and Keli Chemdah Devarim § 5, who write that anything Moshe enacted has the status of a Biblical *mitzvah*. Rambam in Mishneh Torah Hilchos Aveilus 1:1 clearly disagrees (based on Yerushalmi Kesubos 1:1)

¹² The Panim Yafos *loc. cit.* is also bothered by the Chasam Sofer's question. He actually sees Hashem's message to Moshe as an indication that it wasn't a *mitzvah* at all to send the spies. As such, he suggests that they actually left at the end of the 28th of Sivan (after Miriam's quarantine ended), right before dark, when the prohibition kicked in. Although, though the Jews were punished with a year of wandering the wilderness for every day of their journey. Why wasn't this time on the 28th included in the punishment? The reason is because at that moment they were still righteous. Rashi to v. 3 says when they were selected they were still righteous. Although, we see that Moshe still renamed Yehoshua due to concerns about the spies' evil plots (Rashi to v. 16). As well, Rashi to v. 26 says when they actually left for their journey they were already wicked. This doesn't seem to fit with the Panim Yafos