

Devar Torah : Mattot-Masseh.

1. On Yom Kippur at Mincha we read the parashat Arayot in Mitzot detailing the illicit and incestuous unions (see Megila 31b). This reading puzzled already the rabbis of the Middle age. Tossefot suggested two explanations in a little tassafoth.

במנחה קורין בעריות: לפי שהנשים מקושטות בשביל כבוד היום, לפיכך צריך להזכירם שלא יכשלו בהן ובמדרש יש שלכך קורין בעריות לפי שישראל עושין רמז להקב"ה שכשם שהזהיר אותם שלא לגלות ערוה כך לא תגלה ערותם בעבונותם.

"First justification: women are well dressed in honor of the day, therefore men must be remembered in order not to be tempted. Second explanation: we make an allusion to G d: you ordered us not to reveal nakedness (illicite unions), don't reveal our nudity by revealing our mistakes"

According to this first explanation, we should read Arayot rather on Purim or Simhat Torah or especially at Simhat beit ha Shoheva, when it tells in Gemara Sukkah the special measures taken by the Hakhamin with the construction of the Bimah in order to avoid mixing of men and women and laxity of morals. We would like to try finding a better explanation.

2. The last Mishnah of Massekhet Ta'anit is the following:

אמר רבן שמעון בן גמליאל: לא היו ימים טובים לישראל כחמשה עשר באב וכיום הכפורים שבהן בנות ישראל יוצאות בכלי לבן שאולין שלא לבייש את מי שאין לו. כל הכלים טעונין טבילה, ובנות ירושלים יוצאות וחולות בכרמים....

"There were not festivities in Israel like on 15 Av and Kippour. On these days the daughters of Israel went out with borrowed dresses in order that those who haven't should not be ashamed. They were going and dancing in the vineyards.."

The Gemara discusses the Mishnah and examines why there were such rejoicings on these two days. Strangely the Gemara is not surprised that such festivities, which in fact do not fit this solemn day, occur on Yom Kippur. The Gemara explains and accepts that Yom Kippur was the day of forgiveness.

Rashi explains that on this day, Tishri 10th, Moses went down from the mountain of Sinai, after the third stay of 40 days, and brought the definitive forgiveness and the second tables of the law. This day would become the Day of Atonement. The Gemara is satisfied with this short answer

בשלמא יום הכפורים, משום דאית ביה סליחה ומחילה, יום שניתנו בו לוחות האחרונות

and it dwell longer on hamisha assar be av. It explains that on 15 Av the tribes were authorized to intermarry:

אלא ט"ו באב מאי היא ? אמר רב יהודה אמר שמואל יום שהותרו שבטים לבוא זה בזה

3. In order to understand the meaning of this decision, we must refer to the last sentences of our sidra, devoted to the daughters of Tselofrad. We have seen in Pinhas that they argued before Moshe and Elazar that they should receive the share of their father in the land of Israel. According to Rashi, for the second time in Parashat Pinhas Moshe had forgotten the law ממנו הלכה נעלמה The 5 sisters had the favor that the law of inheritance was taught in answer to their query. Here we see that the Elders of the tribe of Manashe appeal against the divine decision. They were afraid that these heritages would be lost at the next generation by the tribe. They won their case and the five sisters must, or according to Bava Batra 120a they were advised to marry in their tribe.

4. Hakhamim decided that this situation obliging inheriting girls to marry in their tribe should be a provisory rule and decided to abrogate it on the first Yoveel celebrated in Israel after kibbush and nahalah, conquest and division of the land and בזה להחזיר לשבטים לבוא זה בזה. The decision was taken on 15 Av preceding the beginning of the jubilee year. The execution must correspond to the beginning of the jubilee year when slaves are freed and when fields return to their owners. Now we learn in Gemara Rosh ha Shannah 8a according to Rabbi Ismael the son of R. Yokhanan ben Beroka that the effective beginning of the jubilee year was at the end of Yom Kippur. Rambam rules

מראש השנה עד יום הכפורים לא היו עבדים נפטרים לבתיהם ולא משתעבדין לאדוניהן, ולא השדות חוזרות לבעליהן, אלא עבדים אוכלין ושותים ומשחים ועטרותיהם בראשיהם. כיוון שהגיע יום הכפורים תקעו בית דין בשופר, נפטרו עבדים לבתיהן וחזרו שדות לבעליהן.

5. Thus the effective authorization of mixing between the tribes began at the end of Yom Kippur. We can understand that popular festivities were organized that year on 15 Av and then on Yom Kippur

just before the enforcement of the new law and then each year on the same days in commemoration. We can also imagine that these popular festivities were accepted with much reserve by the Hakhamim, who made all their possible to eradicate these popular festivities, especially on Yom Kippur. The first measure was certainly to institute the reading of Arayot in Vaykra 18 (Aharei Mot) in order to cool the people down and remember them the solemnity of the day. Apparently the Hakhamim succeeded suppressing these disturbing festivities on Yom Kippur but the reading of Arayot remained and still testifies until today the existence of these ancient festivities. This explanation seems to me most likely.