



Parshas Shoftim

שמע קולנו

Marsha Stern Talmudical Academy

“יתגבר כארי לעמוד בבוקר לעבודת בוראו”



פרשת שופטים

A Perspective From the Shem Mishmuel on Entering Chodesh Elul

Chaim Davidowitz (21)

The second half of this week's *parsha* discusses the procedures which *Klal Yisrael* were told to implement when going to war with their enemies. One such procedure is that a *Kohen Mashiach* (an anointed priest) is appointed to provide a message of *chizuk* and spirituality to the army of *Klal Yisrael* prior to battle. The *Torah* provides the *Kohen Mashiach* with the script for what he is supposed to say to the troops before they go to war. The *possuk* instructs him to say “*Shema Yisroel* (hear *Yisroel*)! You are drawing near today to battle against your enemies. Do not let your hearts soften, do not fear, do not tremble, do not be terrified before them.” (*Devarim* 20:3). Rashi comments that the term *Shema Yisroel* is teaching a subtle lesson; the *Kohen Mashiach* is telling *Klal Yisroel* that even if they only have the merit of saying *Shema* every day, they are worthy of *Hashem's* protection.

What is it about *Klal Yisroel* reciting the *Shema* that makes them worthy of *Hashem's* protection? The *Shem Mishmuel* states that reciting the *Shema* is often referred to as *kabalas ol malchus shamayim* – “accepting the yoke of the Kingdom of Heaven”. This seems strange, since a “yoke” implies something burdensome or unpleasant. However, *Shema* is all about declaring and demonstrating one's love for *Hashem*; what could be more pleasurable? The *Shem Mishmuel* explains that even so, the declarations of *Shema* are compared to a yoke, because even when one desires to perform a *mitzvah*, one should perform the *mitzvah* not because he wants to, but because it is *Hashem's ratzon*. Performing a *mitzvah* purely because it is *Hashem's* will is the highest level of *avodas Hashem*. Therefore, when *Klal Yisroel* recite *Shema* with the proper *kavanah*, it means that they are pledging to serve *Hashem* not because of the pleasure or the reward they will receive, but

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simply because it is *Hashem's* will. This is the highest level of service to *Hashem*, and it therefore merits *Hashem's* special protection at a time of war.

Parshas Shoftim always falls out at the start of *Elul*. The *Shem Mishmuel* comments that this is no coincidence. The primary goal of *Elul* is to concentrate on one's *avodah*; to come to the realization that we are performing *mitzvos* not for ourselves, but strictly because it is *Hashem's* will. This in turn is the proper *kavanah* we should have in preparation for *Rosh Hashana* and *Yom Kippur*, when we work so hard to make all our *tefilos* for the sake of *Hashem*. As we say in the *Shemoneh Esrei* for the *Yamim Naoraim* – write us in the book of life, for your sake Living God . We ask for continued existence for *Hashem's* sake, not for ourselves, so that we may serve Him and make His name great.

After what seemed like an interminable hiatus, we are God willing about to head back into our beloved hallways at MTA. It will feel great to once again see our friends on a daily basis; to sit in on live *shiurim* again, to *daven* together again, to laugh and sing together again. While this is undoubtedly what makes our experience at MTA so special, we should not lose sight of what in fact our goal is as we enter the *Yamim Naoraim*, to become stronger *ovdei Hashem* and to perform His will without reservation.

How To Be a Leader

Donny Book ('22)

One year, the holy Rav Levi Yitzchak of Berditchev went up to *shamayim* on *Yom Kippur* in order to plead on behalf of the Jewish people. When he got there, he noticed many, enormous bags full of *Am Yisroel's mitzvos* sitting on the ground, and many bags of *aveiros* which were still sitting on a train. Without hesitation, Rav Levi Yitzchak took control of the train and drove away, in order so that *Hashem* would not judge the people negatively. The "Shamayim Police" chased after Rav Levi Yitzchak, and eventually caught up to him, since he was admittedly a better *Rebbe* than he was a train conductor. They brought him to the Heavenly *Beis Din*, judged the case, and found him guilty. Rav Levi Yitzchak was told that, per the *halacha's* dictate, he was required to pay back double what he stole. But Rav Levi Yitzchak, being a holy *tzaddik*, did not have enough *aveiros* to pay with! Since he couldn't pay back the debt, the *halacha* required that he be sold as a slave, in order to work to pay back the debt. So, the *Beis Din* began to ask "who would like to buy Rav Levi Yitzchak as a slave?" Since it was *shamayim*, nobody needed a slave, so nobody offered to buy Rav Levi Yitzchak. Finally, a hand went up in the back of the room. The members of the *beis din* turned in shock as they saw that the hand belonged to *Hakadosh Boruch Hu* Himself, offering to buy Rav Levi Yitzchak from the *beis din*. "From that day forth," Rav Levi Yitzchak used to say, "I became an *eved Hashem* - a servant of *Hashem*!"

One would imagine that once a person is anointed king, they can do whatever they want without any consequences. You can get away with anything, since you are the king, and you make the rules. And yet, the commandments *Hashem* gives for a

Jewish king are primarily *issurim*, prohibitions which apply specifically to a king. These include being unable to take on too many wives, buying too many horses, and amassing too much wealth. The only active commandment that the king is commanded to uphold is stated at the end of the section dealing with his laws, where the *possuk* (*Devarim* 17:18) commands him to carry a *sefer Torah* on his person at all times. The *possuk* tells us that this is "so that he may read from it, and learn to fear *Hashem* and listen to all of the things and laws written in the *Torah*", in order to be able to use them in practice. How and why is it that a person who is supposed to be exalted over everyone else is actually more restricted? And, why is the king's only positive commandment to carry around a *sefer Torah*?

Before we can answer these questions, we need to understand how the king is selected. Earlier, the *possuk* (*Devarim* 19:15) tells us that the king will be "chosen from amongst his brothers by *Hashem*." The king starts from fairly humble beginnings, being from among the people, and consequently has an appreciation for what the "regular people" go through. He therefore understands that he was chosen by *Hashem* to improve the lives of his fellows. But once the king is in power, it is very easy to lose sight of that. Therefore, *Hashem* sets a limit for the king, so that he doesn't become power hungry with an insatiable need for more; more wives, more horses, more money, more of a need to flaunt the power that he has inherited. The king has these *issurim* so that he remembers that he is not in his position to serve himself, but to serve the *Hashem* and, by extension, the people. Then, the king is told to write a *sefer Torah*, and to keep it with him in order to learn from it. Why? The *possuk* (19:20) states that this is done "so that his heart doesn't become haughty, so that he doesn't stray from the *mitzvos*, and will ultimately prolong the

A Short Vort

Akiva Kra ('21)

In this week's *parsha*, the *possuk* says: "וַיֵּצְאוּ זְקֵנֵיךָ וְשֹׁפְטֶיךָ וּמִדְדוּ אֶל-הָעָרִים אֲשֶׁר סְבִיבֹת הַחֵלֶל:" - "Your elders and judges shall go out and measure the distances from the corpse to the nearby towns."

This *possuk* refers to a dead body found between two towns, where the closest town must bring a special *korban* to atone for the death. The *mishnah* (*Sotah* 45b) relates different opinions regarding which part of the body one should measure from when determining the corpse's distance from each town. One opinion is brought from Rabbi Eliezer, who says that we measure from the dead person's stomach. Reb Tzaddok *Hakohen* explained that there are people who keep everything "bottled up" in their stomachs, giving no external sign at all that they are going through hard times. This dead body is measured from the stomach because the fact that a person died on the people's watch represents a lack of care for another individual and what they may be going through. Therefore, explains Rav Tzadok, we should strive to bring happiness to everyone, because we can never know how their life is at that moment. One smile or compliment can literally change someone's day, week, year, or life. This lesson is also taught in *Pirkei Avos* (3:12): "be the first to greet every person", since you never know who may need it the most. May we all be able to enhance the lives of those around us!

Reaching Our Own Potential

Rabbi Baruch Pesach Mendelson

years over his kingdom.” But perhaps there is more to this. Rabbi Jonathan Sacks points out that in Yehoshua’s inauguration as leader of the Jewish people, he too is commanded to keep the *Torah* on his lips, to be careful to follow everything within it and that will allow him to be successful. Rabbi Sacks continues that from here we see that leaders need to learn. Those who hold the destiny of a nation upon their shoulders cannot simply have someone else think, read, study, and remember things for them. In order for them to succeed as leaders, they are required to be knowledgeable and run things on their own. Although he may be able to delegate to judges or prophets, he must be capable of stepping up to the plate when it falls on him to do so.

But is it enough to just be knowledgeable? Perhaps the reason why *Hakadosh Baruch Hu* demands that the king carry around a *Torah* is more than an intellectual mandate, but a spiritual one. In other words, the king must carry the *Torah* around not just because of the knowledge which he gains from it, but because of the values that the *Torah* imbues within us when we learn it. The *Torah* isn’t just a list of laws that we are required to uphold; it includes stories and subliminal messages which we can learn from to help develop our character and moral code as well. Thus, the *Torah* caps off the negative commandments given to the king with one positive commandment, intended to ensure that the king doesn’t remain sedentary, content to merely stay away from what is explicitly forbidden to him. This is not a sustainable situation; eventually, the rope holding him back from these desires will begin to fray. This positive commandment gives the king a drive, a need to improve his nation, to understand the influence that he can have, so that if the rope ever does snap, he will have the strength to shove those temptations off and continue to serve *Hashem* properly.

Let’s take another look at the story of Rav Levi Yitzchak. Despite the impending punishment that he knew awaited him by stealing the train car of *aveiros*, Rav Levi Yitzchak put the needs of the people ahead of his own. The way to become an *eved Hashem* is to set yourself aside in order to serve *Am Yisroel*. When you are invested in other people more than you are in yourself, *Hashem* invests in you. That is the model that the king is supposed to meet. He is picked from amongst the nation, fortified against distraction, and amasses the knowledge and values of the *Torah* in order to be a servant of the people. This is a model that can serve not only for a king, not only for those stepping into the role of leader, but for anyone who is willing to take it on.

A well known *Rosh Yeshiva* from *Eretz Yisroel* once commented that growing up, he had three role models: From Rav Hutner *zatzal*, he learned *machshava* (Jewish thought), from Rav Yoshe Ber Soloveitchik *zatzal* (“The Rav”) he learned *lomdus*, and from my *rebbe*, Rav Aharon Soloveitchik *zatzal*, he learned what he could become. Some family members were upset that this individual believed that he could reach the level of someone twenty years his senior, and they roundly rebuked him. This response was fair; while this person may have thought that in his youth, as he got older, he began to realize that he would likely never reach Rav Aharon’s level. As much as people want to become their role models, they must be careful and realize that they shouldn’t aim too high.

The *Gemara* (*Chullin* 105a) reports that Mar Ukva only waited from one meal to the next between meat and milk, while his father would wait a full day. He praised his father by saying that “he is to his father like vinegar is to wine”. In other words, his father was much greater than him, because he had this particular *chumrah* (stringency). Rav Yisroel Salanter asked, if this is the only difference between the father and the son, why doesn’t the son just take upon himself his father’s *chumrah*? If it was such a source of pain for Mar Ukva that he wasn’t at his father’s level, why couldn’t he just take on this one *chumrah* and bridge the gap? Rav Yisroel answered that nothing is gained by being a “faker.” It would only be appropriate for Mar Ukva to take this *chumrah* upon himself if he was at the same *madreigah* (level) as his father. If not, the *chumrah* would not work for him. Rav Yeruchum Levovitz once tried taking some of Rav Itzele Petersburg’s *chumros* upon himself, such as not speaking during the entire month of *Elul*, but was unable to keep it up for this very reason. Afterwards, he reflected that there was no way to know how much his *talmidim* had lost out from the conversations he could’ve had with them during that time. When a person tries to take on a *chumrah* they are not yet ready for, they can end up doing more harm than good.

The *darshanim* point out that the *possuk* in this week’s *parsha* (*Devarim* 16:18) states *shoftim vishotrim titen lecha* - judges and officers you shall place for yourself - in the singular, to obligate each of us to be our own judge and disciplinarian. Furthermore, one should only judge himself according to his own capabilities and God-given gifts. When a person decides that he should be more like someone else, he has to be very careful that his

role model is truly within his reach. Otherwise, there can be disastrous results. Rav Chaim Zaitchik explained this concept with a *mashal*. The master's horse was quite jealous of the family dog, who enjoyed taking walks and playing with the master. The dog even got to place his paws all over the master, lay with him in bed, and lick his face! At the next opportunity, the 2,000 pound horse lay down on top of the master while he was resting, almost crushing him, and began to lick and "paw" him with his hooves. The master's screaming alerted a servant, who came in and shot the horse dead. A person must strive to be what *Hashem* wants him to be, not to try and fill the purpose of someone else.

The Rebbe Reb Zushe lay on his deathbed, crying. When his *talmidim* asked him why he was so emotional, he responded "when I reach *shamayim*, and they ask me, 'why didn't you become Rabbi Akiva?', I will be able to tell them that I was not granted the brains of *hasmodah* to be Rabbi Akiva. When they ask me 'why didn't you become the holy Arizal, I will respond that I was not granted the ability to reach such high levels of kedusha. But, when they ask why I didn't become the Rebbe, Reb Zushe, what will I answer them?!"

We all have an obligation to achieve our personal potential, our "*lecha*." We can learn many good *middos* and *hislahavus* (passion) in *mitzvos* from others, but we must simultaneously be sure not to overstep and reach for a *madreigah* that isn't meant to be ours.

The Fruits of Our Labor

Fitzchak Eagler (22)

"If we internalize the following idea and make it the foundation and root behind how we choose to live our life, then we will achieve the highest level of serving *Hashem*." Thus begins Rav Moshe Chaim Luzzatto's *Mesillas Yesharim*, one of the most influential *mussar* (ethics) *seforim* of all time. What is this concept that is so vital for us to understand? The *Mesillas Yesharim* goes on to explain, very simply, that a) our purpose in life is to get as close as possible to *Hashem*, b) this closeness can only be achieved in the Next World, and c) we can only be admitted into the next world if we perform the *mitzvos* in this world. This echoes the words of the *mishna* in *Avos* (4:16), which says that "this world is like a hallway before the next world; prepare your-

5 Minute Lomdus

Shimi Kaufman (21)

Q. The general rule is that any violation which can be rectified after the fact does not incur *malkos* (lashes). For example, if a person stole something, he simply pays back what he stole (plus double the amount, as a fine), rather than incurring *malkos*. However, if he stole something which was worth less than a *shaveh prutah*, the minimum monetary value deemed important by the *Torah*, he cannot rectify this by paying back the value of what he stole, since it is not considered a significant value. Therefore, he receives *malkos*. This principle is called *nitten liheishavon*, meaning "given to restitution." The *Minchas Chinuch* (83) asks that based on this, it would seem that someone who gives a bribe of less than a *shaveh prutah* would get *malkos*, since while a person can ordinarily rectify a bribe by taking the money back, in this instance, there is not a significant amount of money to take back, similar to one who stole something worth less than a *shaveh prutah*. However, the Rambam (*Hilchos Sanhedrin* 19) does not count bribery among the violations which one can potentially receive *malkos* for. It therefore emerges that a bribe can apparently be rectified even if the amount given was less than a *shaveh prutah*, since if this was not the case, then one who gave a bribe of this amount would need to receive lashes to rectify his sin. This begs the question: why, regarding theft, is a *shaveh prutah* too small to rectify with payment, whereas by bribery it is not?

A. Regarding theft, the thief is obligated to pay back what he stole as a monetary obligation, to pay back the loss which he caused. Since no monetary obligations exist for a value less than a *shaveh prutah*, since we assume that everyone would automatically forgive such an insignificant debt, the thief is therefore unable to rectify his sin by paying a monetary penalty, and must receive lashes instead. However, returning a bribe is not a monetary obligation at all, but rather an obligation which comes about due to the forbidden status of money used for bribery. To put it another way, the *halachos* of bribery are not so much relevant to *Choshen Mishpat*, which deals with monetary and legal disputes, as they are to *Yoreh De'ah*, which deals with *issur viheter* (prohibited and permitted objects). Thus, the bribe can be returned even if its value was less than a *shaveh prutah*, since while that amount of money may be automatically forgiven regarding a monetary debt, its status as forbidden money is still relevant. As a result, the bribe must be returned, and *malkos* are not given.

- Source: *Mishmeres Chaim Chelek I*, "Dayanim" 3

self in the hallway so you will be able to enter the banquet hall.” From these sources, one thing is made very clear: the sole reason behind man’s existence in this world is to eventually get us into the Next World. Therefore, it seems logical that we should be instructed to spend every second of our lives performing *mitzvos*, in order to constantly be increasing the closeness to *Hashem* we will achieve in *Olam Haba*. And yet, we know this is not the case. In many, many instances throughout *Torah* and *halacha*, we are told not to neglect the physical, more worldly part of us, even if doing so would allow us to focus more on our spirituality. One example of this comes from the *Gemara* in *Pesachim* (68b), which states that a person should not spend all of *Shabbos* focused on *Hashem*, but rather, that we should spend some part of it for our own pleasure, specifically with eating and drinking. How can we reconcile these two ideas? Why does the *Torah* in many places seem to preach a dual focus on both physicality and the mundane in addition to spirituality and the sacred, while the *Mesillas Yesharim* and *mishna* seem to argue for an exclusively spiritual approach to life?

Let’s put that question on hold for a second, and examine a seemingly very strange *possuk* in *Parshas Shoftim*. One of the topics discussed in this *parsha* is the laws *Bnei Yisroel* must adhere to when they are at war. One of these rules is that when *Bnei Yisroel* are besieging a city, they can’t cut down the fruit trees they come across, because, as the *possuk* puts it, “man is a tree of the field.” In what way is “man a tree of the field”? Ramban answers that because the trees sustain us with the fruit they give us to eat, we owe our entire existence to the trees, to the point where man can actually be referred to as a tree! (Ramban, quoting Ibn Ezra, as well as his own explanation of *Bava Kamma* 91b. See Rashi though, who perceives this line as a rhetorical question- ‘is man a tree of the field?’). To me, this Ramban is puzzling. Just because we get food from the tree, does that mean we actually are like trees? Is our whole being defined simply by what we eat? Didn’t we say earlier that our life is defined by how close we become with *Hashem* in the Next World?

To answer this I want to dig a little bit deeper (pun intended) into the role of trees in another place in *Tanach*. The *possuk* in the first *perek* of *Tehillim* (1:3) compares a certain type of man, whom Rav Eliyahu Dessler, based on the *pesukim* and *meforshim* there, describes as praiseworthy, excelling in all virtues, and multidimensionally happy; a man who has made *Torah* into

his entire existence, to a tree. As opposed to Ramban’s focus on the physical aspects of man’s benefit from and comparison to the tree, these *pesukim* seem to be comparing man to the tree regarding the high level of spirituality man can accomplish. So, how do we reconcile all of this? Is man’s comparison to the tree a spiritual one, because, after all, we are only defined by our spiritual success? But then what of the mundane, everyday activities, like eating a fruit; are those actions meaningless regarding our goal in life? If so, why does Ramban say that man is defined by the fruit he eats?

To answer these questions, I think it is very important to look at the *Gemara* in *Taanis* (7a). The *Gemara* views our *pesukim*, which command us to eat from the fruit trees and cut down the barren non-fruit tree, as an analogy to a *talmid chacham*. The *pesukim* therefore are to be understood as follows: if there is a *talmid chacham* who is fit to teach *Torah* (meaning he has good *middos* in addition to his *Torah* knowledge), then you should ‘eat from his fruit’, i.e you should learn from him. If, however, the *talmid chacham* is not also a worthy person, you should ‘chop him down’ and not listen to his teachings. It seems that the *Gemara* has taken Ramban’s view, which interprets the analogy to the tree as being based completely on the physical nature of its fruits, and reversed it to the extent that they view the analogy as being based specifically on the spiritual fruits the analogous tree gives off. I think that one important comment of the *Ben Yehoyada*, though, can help us make sense of this topic. The *Ben Yehoyada* (basing himself on *Sukkah* 21b) explains that the reason why it is so important to only ‘eat from the fruits’ of a *talmid chacham* who is fit to teach *Torah* is because then, not only will you learn from his words of *Torah*, but even from his *sichas chillin*, his temporal, non-sacred words and conversations which he involved himself in as a part of day-to-day life. It is not unlikely that the *Ben Yehoyada* here is not just referring to the speech of the *talmid chacham*, but even to his actions and decisions over the course of his life. Therefore, the *Gemara*’s comparison of the *talmid chacham* to a fruit tree is not a reference to his vast *Torah* knowledge, which can be found by any scholar, but to their mundane, everyday routines. Ramban therefore does not contradict the *Gemara* in saying that the comparison to a fruit tree defines man by his approach to non-spiritual, earthly activities.

This idea can also be seen from the commentary of Rav Dessler on the abovementioned comparison (found in *Tehillim* 1:3) of the flawless *eved*

Hashem to a tree. The *possuk* there says that this *eved Hashem* is compared to a tree planted next to multiple streams of water. Rav Dessler comments that these two streams of water represent the sacred and the profane, the physical and the spiritual. The praise of this man is that he uses both of these streams to nourish him in drawing closer to *Hashem*, so that if one stream dries up, he will not dehydrate, but will instead draw water from the other stream. Rav Dessler here is saying that even if one is not ‘feeling it’ in when he is performing *mitzvos* and learning *Torah*, if he is at a high enough level, he will draw nourishment and become closer to *Hashem* through his approach to his ordinary, day to day pursuits. We can glean from here the notion that there are actually two important factors to achieving our heavenly closeness to *Hashem*, which the *Mesillas Yesharim* defined as the purpose of our entire lives. On the one hand, we must perfect our performance of the *mitzvos*. But equally as important is for us to achieve a lifestyle where our non-spiritual efforts act as that second stream, which provides the supplemental nourishment for us to reach *Olam Haba*.

But how can we attain this level? How can we turn our earthly deeds into a rung on the ladder to the next world? I think the answer to this lies in the attitude we have when performing these everyday activities. When we are enjoying ourselves, when we are eating, playing ball, hanging out with friends, or spending time with family, do we view this as a more relaxed, uncontrolled service of *Hashem*, or do we fall into the trap of viewing our leisurely pursuits as a break from our constant obligation to be serving *Hashem*? As Rav Avigdor Miller famously said, the way to eat an apple is to observe its beauty, its color, its texture, and its taste and see through this apple “the hand of *Hashem*, the *chochmas Hashem*, the wisdom of *Hashem*... [and] the *chesed Hashem*, the kindness of *Hashem*”. This is the lesson of the fruit tree- the obligation of taking our physical activities, our eating of the tree’s apples, and, through our attitude, turning them into a stream of water which can nourish our growth in reaching our ultimate goal, the Next World, and the closeness to *Hashem* which comes with it.

The Power Of Dirabbanans

Josef Flammenbaum (21)

This week’s *parsha*, *Parshas Shoftim*, contains many practical *halachos* that we use on a daily basis. One *halacha*, found in the beginning of

the *parsha*, is rather peculiar. The *possuk* states:

על־פי התורה אָשֶׁר יִרְוֶה וְעַל־הַמִּשְׁפָּט אֲשֶׁר־יֵאמְרוּ לָךְ
תַּעֲשֶׂה לֹא תִסּוֹר מִן־הַדְּבָר אֲשֶׁר־יְגִידוּ לָךְ יְמִין וּשְׂמָאל

“According to the law they instruct you and according to the judgment they say to you, you shall do; you shall not divert from the word they tell you, either right or left.” (*Devarim 17:11*)

Rashi explains this *possuk* to mean that we must listen to Chazal even if they say that right is left and left is right. The idea behind this is that a person must listen to the Rabbis of the *beis din* even when he knows they are ruling against what the *Torah* says, or even against what is common knowledge. This statement of Rashi raises an obvious question: How can a *beis din* of man have the ability to overrule a commandment from *Hashem*? The purpose of *beis din* is to decide how the *Torah* wants us to act in certain scenarios. If this is the case, then, how can *beis din* say something which directly contradicts the *Torah* law?

Due to this difficulty, many other commentators, such as the *Abarbanel* and the *Sifri*, explain this commandment differently: that one must listen to the *beis din* even when it appears that they are going against the *Torah*, not when they are certainly incorrect. This opinion appears to have a source in the *Yerushalmi* (*Horiyos 1:1*), which states that the *Torah* states “right and left” in order to tell us that one only must listen to *beis din* when they tell you right is right and left is left. In other words, according to this *Yerushalmi*, we are only required to listen to *beis din* if they are ruling in accordance with the *Torah*. This *Gemara* raises an additional question on Rashi’s understanding, namely, how would Rashi understand this *Yerushalmi*?

The *Taz* tries to reconcile Rashi with the *Yerushalmi* in *Horayos* by explaining that the case in the *Gemara* refers to a case when one can avoid listening to the *chachomim* by being passive. For example, if the *chachomim* say something is allowed and you don’t think it is, you can passively avoid doing that thing. However, in a case where one can’t passively go against the *chachomim*, such as if they rule you are required to do something and you think you are not, then even the *Yerushalmi* would agree that you must follow *beis din*.

There is a famous *machlokes* between the *Rambam* and the *Ramban* regarding *mitzvos dirabbanan*, rabbinical commandments, that we can use to answer our first question. The *Ram-*

bam's opinion is that when one transgresses a *mitzvah dirabbanan*, they are not only violating the actual rabbinical command, but also the *Torah* violation of not following the *rabbanan*. The Ramban asks a question on the Rambam based on the *Gemara* in *Maseches Avodah Zara*, which states that when we have an uncertainty (*safek*) regarding a rabbinical decree, we are lenient, but when we are unsure about a *Torah* decree, we are strict. If when violating *mitzvos dirabbanan*, we are really violating two commandments, why would we be more lenient than with *Torah* commandments, which only cause one violation?

The *Meshech Chochmah* answers this question by clarifying the opinion of the Rambam. He explains that the *Torah* needed to ensure that arguments about rabbinical decrees would not lead to splits in the religion, and ultimately, separate religions, *chas vishalom*. Therefore, *Hashem* made the Biblical transgression of "lo sasur", in order to ensure that everyone would listen to the *rabbanan*, and no defections would occur. However, this does not mean that a *mitzvah dirabbanan* is on the same level as a *Torah* commandment. When the *rabbanan* say something, we have a Biblical negative commandment to not disobey them, but that does not mean the *halacha* they say is exactly what *Hashem* wants. When we follow what the *chachomim* say even when they are incorrect, we are not fulfilling the Biblical commandment that the *chachomim* made their decree about, but rather, we are fulfilling the Biblical commandment of listening to the *rabbanan*. Therefore, we say that when we are uncertain about a Rabbinic commandment, we are lenient, since the only real *mitzvah* involved is listening to the *rabbanan*, and if we do not know exactly what the *rabbanan* are saying, then there is no *mitzvah* at all.

Using the opinion of the Rambam, we can answer our first question on Rashi. Since listening to *beis din* is in and of itself a commandment from *Hashem*, it would make sense that we are allowed to overrule another commandment in order to fulfill their word. However, we then have the question of how to resolve this issue according to the Ramban. Rav Yehuda Nachshoni offers an interesting answer to this question. The *possuk* in *Tehillim* (119:126) states that "*there is a time to do the will of Hashem, even when they have made void your Torah*". It could be that the Ramban is relying on this *possuk* to explain that sometimes, a person is permitted to violate the *Torah* in order to listen to *beis din* and keep *Klal Yisroel* together- even though *beis din*'s ruling is incorrect.

Im yirtzeh Hashem, we should always be able to follow all *mitzvos*, be they *min haTorah* or *midirabbanan*, and in this *zechus*, we should be *zoché* to see the coming of *Moshiach*, *bimheirah biyameinu amen*.

We Won The War!

Shimi Kaufman ('21)

In the 1800's, as the *Haskolah* (Enlightenment) movement was sweeping across Europe, members of the movement would often mock traditional Judaism in public, in an attempt to persuade young Jews to abandon their tradition in favor of a more modern philosophy. On one occasion, some *Haskolah* members put on a puppet show in the town of Brisk, with the title "How The Jews Go To War." The show depicted a Jewish army in the times of *moshiach*, ready to fight to reclaim their land. As per the dictate of the *possuk*, the general announced "anyone who has recently planted a vineyard, should leave and go home!" A few of the puppets turned and left. The general continued "anyone who has recently built a house, should leave and go home!" Once again, a few of the puppets turned and left. The general then announced "anyone who has recently married and is scared to lose his wife, should leave and go home!" This time, a few more puppets left. At this point, about a third of the original army had been instructed to return home. Finally, the general declared "anyone who has sinned, and is scared that their sins will cause them to lose *Hashem*'s protection on the battlefield, should leave and go home!" One by one, each of the puppets turned around and left the army, until there were only two puppets left: the *Chofetz Chaim*, and Rav Chaim Soloveitchik, the Rav of Brisk. The play ended with the two elderly Rabbis going off to fight the war themselves. The purpose of the play, of course, was to mock a system in which anyone who sinned is deemed invalid to fight in a war. After all, who else could claim to have never sinned besides for the holiest Rabbis of the generation?

Furious at this blatant mockery of the *Torah*, a few of Rav Chaim's students ran to ask him how they should respond. Rav Chaim listened carefully as they related how the *Haskolah* had mocked the Jewish tradition. After thinking for a moment, Rav Chaim looked up and said "you know, everything they said is one hundred percent true. They just forgot to mention one thing."

“What did they forget to mention, Rabbi?” the students asked eagerly.

Rav Chaim looked up and stared at them with his penetrating eyes. “What they forgot to mention, is that *we won the war.*”

Parshas Shoftim contains the *halachos* pertaining to Jewish wars. As previously mentioned, the person leading the war would ask a series of questions to the assembled soldiers, telling them to go home if they fell into certain categories. The last question asked by the officer was (*Devarim* 20:8) “*who here is fearful and faint of heart? Let him leave, and return to his house.*” Rashi quotes the *tanna* Rabbi Yosi Hagelili as explaining this *possuk* to mean that anyone who was concerned about their past sins causing them to lose *Hashem’s* protection on the battlefield should leave, rather than endanger the war effort due to their demerits. This is strange, in light of an earlier *possuk* (20:3), which relates that the *Kohen Mashiach* (the *kohen* appointed to the war) would give a speech to the soldiers before they went to fight, which began with the words “*shema Yisroel*”. Rashi comments that this is intended as a hint to the soldiers that even if they only have the *zechus* of saying *krias shema* every day, *Hashem* will still protect them. If this is true, however, why did those people who felt they had sinned need to leave? The two statements of Rashi seem to be in direct contradiction to one another!

The *mishna* (*Rosh Hashana* 29a) quotes the *possuk* (*Shemos* 17:11) which states that during the war with *Amalek*, Moshe raised his hands to the sky. When his hands were raised, the Jews would start to gain the upper hand, and when they were lowered, the Jews would start to lose. The *mishna* asks “did Moshe’s hands fight the war for the people? Rather, the *possuk* comes to teach us that as long as the Jewish people di-

rected their eyes and hearts upwards, subjugating their will to that of Heaven, they were victorious, but if they did not, they would begin to lose.” This *mishna* is the key to understanding the Jewish approach to war. Of course, we do not rely on our own physical strength and prowess to win wars. As the *possuk* tells us (*Tehillim* 20:7) “they come with their chariots and horses, while we call out in the name of *Hashem*, our God.” However, there is something we can do in order to influence the outcome of the war. When the people fully trusted *Hashem* and were willing to do whatever he demanded of them, they were victorious. And, when they lost some of that faith, they would begin to lose. The amount of *emunah* the Jews had in *Hashem* directly influenced how successful they were in fighting their wars.

The essence of *krias shema* is *kabalas ol malchus Shamayim*, the acceptance of the yoke of Heaven. It is interesting to note that, when Rashi speaks about the merit of *krias shema* protecting the Jews at war, he does not say that it will protect any individual Jew. Rather, he specifically says that if the Jewish people as a whole have the merit of *krias shema* behind them, they will be successful in their endeavor. In other words, as long as the Jews trusted fully in *Hashem* and were willing to ignore their thoughts and inclinations in the face of what God demanded, they did not have to fear war. This does not preclude individual Jews leaving due to their own demerits; in fact, it only strengthens the idea, since the fact that the Jews were willing to send home able-bodied soldiers based on *Hashem’s* command just proves how devoted they were to following *Hashem’s* word. It did not matter if only the *Chofetz Chaim* and Rav Chaim Soloveitchik were left to fight the war, because the military strength of the army did not matter in the slightest. As long as the army was comprised of complete *yarei Shamayim*, the Jews would be victorious every time.

Parsha Puzzlers

Submit your answers to shemakoleinu@yuhsb.org along with your name and cell phone number to be entered into a raffle at the end of the summer!

1 answer = 1 entry!

(Hint: Use the commentaries in the Mekraos Gedolos Chumashim, along with the Toldos Aharon on the side to find relevant Gemaras and Midrashim)

1. In which *halacha* in this week’s *parsha* does the number “three” appear five times?
2. Why are the *halachos* of *beis din* placed right next to the *halachos* of the *Shalosh Regalim* at the end of last week’s *parsha*?
3. In this week’s *haftorah*, the *navi* tells us (*Yeshayahu* 52:1) tells us that *Yerushalayim* will be protected from the *areil* (uncircumcised) and *tamei* (impure). To whom do these two phrases refer?

Gedolim Glimpse: Rav Elchonon Wasserman

Meir Morell (22)



Rabbi Elchonon Bunim Wasserman (1874-1941) was born in Biržai (Birz), Lithuania (the same town my family comes from). His parents were Naftali Beinisch, a shopkeeper, and Sheina Rachel. In 1890, the family moved to Bauska (Boisk) in present-day Latvia, and Reb Elchonon, then 15 years old, studied in the *Telshé Yeshiva* in Telšiai (Telz), under Rabbi Eliezer Gordon and Rabbi Shimon Shkop. When Reb Elchonon returned home during vacation, he participated in *shiurim* given by Rabbi Avraham Yitzchak Hakohen Kook, who was appointed rabbi of Bauska in 1895. In the summer of 1897, Reb Elchonon met Rabbi Chaim Soloveitchik at a health resort, and became deeply attached to him and his way of learning. He left Telz and traveled to Brest-Litovsk (Brisk) in present-day Belarus, where he studied under Reb Chaim for two years.

Reb Elchonon was married in 1899 to Michla, the daughter of Rabbi Meir Atlas, rabbi of Salantai (Salant). Reb Elchonon lived in his father-in-law's house for many years, and rejected offers of rabbinical posts (including a prestigious rabbinate in Moscow) in favor of being afforded the opportunity to learn *Torah* at home. He did decide to teach, however, and together with Rabbi Yoel Baranchik, he started a *mesivta* (high school) in Mstislavl (known to Jews as Amtchislav) in 1903. He soon earned himself a reputation as an outstanding teacher. Prior to 1907, Reb Elchonon heard that another local rabbi wanted to head the *mesivta* in Amtshilov, and he left to avoid an argument, returning to learn in his father-in-law's house. From 1907 to 1910, he studied in the *Kollel Kodshim* in the Radin *Yeshiva*, headed by Rabbi Yisrael Meir Kagan, the *Chofetz Chaim*. While at the *kollel*, Rav Wasserman studied for eighteen hours a day with Rabbi Yosef Shlomo Kahaneman, who would later become the *rosh yeshiva* of the *Ponevezh Yeshiva*.

In 1910, with the encouragement of the *Chofetz Chaim*, Reb Elchonon was appointed *rosh yeshiva* of the *mesivta* in Brisk, leading its expansion until it was disbanded in 1914 with the outbreak of World War I. With its closing, Rabbi Wasserman returned to the *Chofetz Chaim* in Radin. When the Eastern Front reached Radin, however, the *yeshiva* there was closed, and Rav Wasserman fled to Russia with the *Chofetz Chaim*.

In 1914, the *yeshiva* was exiled to Smilavichy (Smilovichi near Minsk), and Rabbi Wasserman was appointed its *rosh yeshiva* one year later, when the *Chofetz Chaim* decided to relocate to Siemiatycze (Semiatitch). Together with Rabbi Yitzchok Hirshowitz (son-in-law of Eliezer Gordon, from the *Telz Yeshiva*), Rabbi Wasserman was asked to help keep *Torah* alive in Smilavichy.

In 1921, after the war, the Soviet government began permitting *rabbonim* to leave Russia. Rabbi Wasserman moved to Baranovich, Second Polish Republic (now in Belarus), where he took the lead of *Yeshiva Ohel Torah-Baranovich*. The *yeshiva* grew under Rabbi Wasserman's supervision, and soon had close to 300 students. Copies of notes taken from Reb Elchonon's *Torah* lectures were passed around many of the *yeshivos* in Europe, increasing his influence and fame over most of the *Torah* world. He was one of the leaders of the Agudath Israel movement, and was widely regarded as the spiritual successor of the *Chofetz Chaim*.

When there was not enough money to buy food for the *yeshiva* students, Rabbi Wasserman traveled to the United States to raise money for the *yeshiva*. He made an impression on many young Jews that he met while he was there. He returned to Poland, although he knew his life was in danger by doing so. This was partly because he did not want to abandon his students, and partly because he took a dim view of American Jewry. In 1939, just before the Nazi invasion, he even forbade his students from accepting visas to the United States to study at fledgling *Torah* institutions there, due to what he perceived as a spiritually dangerous atmosphere in the culture of American Jewry.

When World War II broke out, Rabbi Wasserman fled to Vilna. In 1941, while on a visit to Kovno, he was arrested by Lithuanian Nazi sympathizers with twelve other rabbis, and sent to his death. Reb Elchonon was taken and murdered by Lithuanian collaborators on the 12th of *Tammuz*, 1941, in the Seventh Fort of Kaunas Fortress. Before he was taken he gave this statement:

"In Heaven it appears that they deem us to be righteous, because our bodies have been chosen to atone for the Jewish people. Therefore, we must repent now, immediately. There is not much time. We must keep in mind that we will be better offerings if we repent. In this way we will save the lives of our brethren overseas. Let no thought enter our minds, God forbid, which is abominable and which renders an offering unfit. We are now fulfilling the greatest mitzvah. With fire she [Yerushalayim] was destroyed, and with fire she will be rebuilt. The very fire which consumes our bodies will one day rebuild the Jewish people".

There was no monument to his death, just a marker to the pit where, along with others, he was shot. Rabbi Wasserman had several sons. Rabbi Simcha Elazar, his oldest, served as dean of *Yeshiva Beth Yehudah* in Detroit in the 1940s, founded *Yeshiva Ohr Elchonon* in Los Angeles, California, in the 1950s, and later founded *Yeshiva Ohr Elchonon* in *Yerushalayim*. Rabbi Wasserman's son David survived the Holocaust, remarried, and relocated to Brooklyn. Rabbi Wasserman's other son Naftoli died in the Holocaust.

Rabbi Wasserman was famous for his clear and penetrating Talmudic analysis. His popular works, essential material in *yeshivos* around the world, are unique in their approach. He would often quote his rebbe, Reb Chaim, saying "Producing *chiddushim* (novel insights) is not for us. That was only in the power of the *Rishonim*. Our task is to understand what it says." This approach is evident in his works, which include: *Kovetz Ha'aros*, *Kovetz Shiurim*, *Kovetz Biyurim*, *Kovetz Shemuos*, *Kovetz Inyanim*, *Kovetz Ma'amarim*, and *Ikvasa Demeshicha*. Reb Elchonon also published the responsa of the Rashba with annotations in 1932. His Talmudic responsa appeared in the rabbinic journal *Sha'arei Tzion* (1929–1934), as well as in other publications. *Hashem yikom damo*.

Parsha Summary

Moshe continues his final speech to *Klal Yisroel* by speaking about the structures of Jewish leadership, namely our courts and monarchy. Moshe describes the characteristics of a judge, someone who is both wise in *Torah* and morally upright enough to preserve the integrity of the *halacha*. Since the judges are chosen based on their merit as links to the Divine will, we are instructed to follow their advice and counsel, even when doing so would go against our natural interpretation of the law. Moshe also speaks about a Jewish king, who is given various commandments and restrictions to prevent him from becoming too haughty in his position. Moshe then moves on to describe another part of the Jewish power structure, the *levi'im*, who, in addition to their service in the *Beis Hamikdash*, are meant to serve as teachers and moral examples for the rest of the nation. Moshe then goes on to describe the role of the *navi* as a direct link to *Hashem's* will, and the consequences for a false prophet who distorts that link. Moshe then discusses various laws which have to do with *beis din*, such as the laws of an unintentional murderer, the laws of witnesses, and the *halachos* of the *eglah arufah*, the sacrificial cow offered by the *beis din* of a city in which an unknown dead body is found, as atonement for the death.

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