

DARCHAI NOAM - דרכי נועם

“Its ways are ways of pleasantness”

(Mishlei 3:17)

Shoftim
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How can the Parsha help us grow this week?

Shoftim – following the leader

In this week's Parsha of Shoftim, we learn about how to resolve disputes – both disputes between people and disputes relating to ritual law (between man and Hashem).

*“[If you have a matter of dispute], then you shall rise and go up to the place that Hashem your G-d shall choose. And you shall come to the Kohanim, the Leviim and to the judge **who will be in those days**. You will inquire and they will tell you the words of judgement. And you shall do according to the word they tell you...you shall not deviate from the word they tell you, **either right or left**. And the man who acts intentionally, not obeying the Kohen...or the judge, **that man shall die**, and you shall abolish evil from Israel. And all the nation shall listen and fear, and they shall no longer act wantonly. (Parshat Shoftim, Sefer Devarim 17:8-13)*

The pasuk tells us that we need to go to the judge “who will be in those days”. The Gemara¹ asks rhetorically, whether someone go to a judge who is **not** alive in their days? These words seem redundant, since of course we have to go to the judge in our days! The Gemara explains that the pasuk is teaching us that the judges and teachers that we have in each generation are the ones that are authorised to judge and decide matters for us. The Gemara support this idea by citing examples which illustrate the uniqueness and subjectivity of each generation. For instance, it teaches that Gideon² in his generation was like Moshe in his generation, Shimshon in his generation was like Aaron in his generation. We are cautioned not to look back and wish that we had leaders like in previous generations. We should rather accept our current leadership as being appropriate for us.

Unfortunately, when people do not like the rulings they receive, they may tend to say “if only we had a leader like [fill in the blank] in the good old days. If someone of that calibre told me what to do, then for sure I would accept it!” However, even the great Rabbinic leaders of previous generations had more than their fair share of problems with rebellious congregants! For example, Rabbi Yechezkel Landau, the famous Noda B'Yehuda, was driven out of town for daring to stand up to a powerful congregant who was acting inappropriately.³ There are many more examples of this phenomenon from our history.

Hashem gives each generation the leaders that they deserve. Whether or not we like our particular leaders, we cannot deviate from their words, either right or left⁴. In his commentary on this pasuk, Rashi⁵ explains this as meaning that even if this judge tells us that right is left and that left is right, we have to obey. How much more so if he tells us that right is right and left is left! In other words, even if it seems clear to us that what our leaders are saying is completely wrong, we still need to obey them. Of course, there is a system of appeals and cross-checks, but at the end of the day we need to rely on our leaders and Rabbis and submit to their greatness.

We also learn from these pasukim that one who does not obey the judges is to be put to death. However, the death penalty only applies in limited circumstances. The perpetrator must be a sage who is qualified to sit on the Sanhedrin, but who rules against them and instructs others to act against their rulings. The Sanhedrin must not ignore this rebellious elder because it could result in disunity. Rashi informs us that the execution of the rebellious elder was delayed until the next Chag, so that the maximum number of people would be in Jerusalem to witness the execution and learn the importance of following the Sanhedrin.

¹ Rosh Hashana 25b.

² The 5th of the Judges, his story appears in Chapters 6-8 of the book of Judges.

³ Weingarten, “The Noda B'Yehuda – the story of Rabbi Yechezkel Landau”, CIS Publishers 1991, p29.

⁴ Devarim 17:11, see the pasukim quoted above.

⁵ Quoting the Sifrei.

The Gemara records a number of incidents about Rabban Gamliel, the Nasi (head of the Sanhedrin) acting in a very strict manner against Sages who disagreed with his approach. In one case⁶, Rabbi Yehoshua disagreed with Rabban Gamliel as to the calculation of the correct day of Rosh Hashanah. Rabban Gamliel forced Rabbi Yehoshua to appear before him with his staff and money on the day which would be Yom Kippur according to Rabbi Yehoshua's calculations. Rabbi Yehoshua was understandably distressed, believing that he would be desecrating Yom Kippur. Another incident⁷ involved a dispute as to whether the Maariv prayer was mandatory or voluntary.⁸ Rabban Gamliel held that Maariv was obligatory but Rabbi Yehoshua had instructed other people that it was voluntary. As a punishment, Rabban Gamliel forced the elder Rabbi Yehoshua to stand throughout his lecture. The people were upset at this seemingly harsh treatment of the respected Rabbi Yehoshua. The people therefore decided to depose Rabban Gamliel as Nasi and appoint Rabbi Elazar ben Azariah in his place. To his credit, throughout the time Rabban Gamliel was deposed, in his great humility, he still continued to attend the meetings of the Sages and participate in their halachic discussions. Eventually, he made peace with Rabbi Yehoshua and was re-instated as Nasi⁹.

What was the underlying issue in these disputes?¹⁰ Historically, this was a time of great upheaval and continuing persecution in Israel. The Roman Emperor had temporarily broken up the assembly of Sages in Yavneh, and it was becoming harder for the Sages to meet and establish clear halacha. The Bet Hamikdash had been destroyed and the practice of bringing korbanot, the central pillar of Jewish worship was discontinued. It was a time of great uncertainty and insecurity. Rabban Gamliel felt very strongly that it was critical to maintain strong leadership to avoid the Jewish people becoming fragmented. Whether or not Rabban Gamliel acted overly harshly (and only Hashem knows the true answer to that question) it is clear that he was acting with the purest of intentions.

We can see proof for Rabban Gamliel's pure intentions from another incident which took place during his leadership. In this incident, Rabbi Eliezer was placed into excommunication for refusing to back down from his position against the majority of the Sages.¹¹ Rabban Gamliel was on a ship at the exact time that Rabbi Eliezer heard the news of this decision. A terrible storm broke out and a huge wave threatened to destroy the ship. Rabban Gamliel understood this as being a Divine punishment for the pain he had caused to the great Rabbi Eliezer. Rabban Gamliel stood up and said "Master of the Universe, it is revealed and known before You that I was not acting for the honour of me or the honour of my father's house but for Your honour, so that controversies do not multiply amongst Israel". At that, the sea returned to calm. Rabban Gamliel understood the importance of central leadership and a strong, unifying influence, especially at this time in Jewish history. Unfortunately, sometimes the greater good of the klal requires individuals to be made an example of and experience pain.

The Chofetz Chaim also understood how important it is that we respect our Rabbis¹². He was once visiting a town and was sitting next to the local Rabbi. After davening people from the town came to him to ask him questions. The Chofetz Chaim thought for a moment and then replied "That's a difficult question. I don't know the answer right now. Why don't you ask your Rabbi? I am sure that he can answer it." The people were surprised at first but then they realised that the Chofetz Chaim wanted to show his confidence in the local Rabbi and preserve the people's respect for him. On another occasion the Chofetz Chaim was praying in a shul outside of Radin (his home town). The people noticed that he finished the Shemoneh Esreh quite quickly. He later explained that he wanted to make sure to finish before the local Rabbi so that he shouldn't look more pious.

Let's try something this week:

1. Remember to turn to, and accept, the advice and rulings of our current Rabbis and leaders.
2. Remember that each generation has precisely the leaders that Hashem knows they need and deserve. Our current leaders deserve the same measure of respect as the great leaders of the past.

Shabbat shalom, Rabbi Ledder

⁶ Rosh Hashanah 25a.

⁷ Brachot 27b.

⁸ At first Maariv was a voluntary prayer. However, it has since been accepted as mandatory and that is the halacha today.

⁹ Note that the people were reluctant to depose Rabbi Elazar ben Azariah because in matters of holiness one should only go up and not down. Thus, it was decided that Rabban Gamliel and Rabbi Elazar ben Azariah shared the role of Nasi.

¹⁰ I heard this idea in a shiur delivered by Rabbi Riskin in Melbourne in 2012.

¹¹ This matter related to the ritual purity of a certain type of oven. See Baba Metziah 59a-b.

¹² The following stories were sourced from "The Story of the Chofetz Chaim", Artcroll, 1983 pp110-111.

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About Darchai Noam

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The pasuk in Mishlei (3:17) describes the Torah as follows: "Its ways are ways of pleasantness (Darchai Noam) and all its paths are peace". The Torah is our guidebook for life. It is packed full of good advice as to how we should live our lives.

The aim of the Darchai Noam weekly email is to examine an idea from the weekly parashah, usually relating to good middot (character traits). It will focus particularly on treating each other with respect and how to interact with each other in a more peaceful and pleasant manner. It will also suggest some practical tips for implementing these ideas in our daily lives.

By learning together each week, and making an effort to regularly put the ideas into practice, with Hashem's help we can all gradually improve our character traits and our observance of 'v'ahavta l're'echa kamocho' – loving one's fellow as oneself.

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