

DARCHAI NOAM - דרכי נועם

“Its ways are ways of pleasantness”

(Mishlei 3:17)

Parashat Shoftim
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How can the Parasha 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. (Parashat 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 could 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.

When people do not like a leader's rulings, 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 Unfortunately there are many more examples of this phenomenon from our history.

Hashem gives each generation the Rabbinic leaders that are appropriate for those times. Whether or not we like our particular leaders, we cannot deviate from their words, either right or left, as it says in the pasuk quoted above⁴. In his commentary on this pasuk, Rashi⁵ explains this as meaning that even if a 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 our Rabbis seem to be ruling in a way that we believe 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 Gedolai Hador and Rabbis and submit to their greatness.

We also learn from the above pasukim that one who does not obey the judges is 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 the Sanhedrin and instructs others to act against their rulings. The Sanhedrin must not ignore such a rebellious elder because this could result in disunity. Rashi informs us that the execution of the rebellious elder was actually 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.

⁵ Quoting the Sifrai.

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 such 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 Rabbi Yehoshua had claimed was Yom Kippur, according to his calculations. Rabbi Yehoshua was understandably distressed, believing that he was 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 others 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, 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 Bet Hamikdash had recently been destroyed, meaning that the practice of bringing korbanot, which was a central pillar of Jewish worship, was discontinued. 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. It was a time of great uncertainty and insecurity amongst the Jewish people. Rabban Gamliel felt very strongly that it was critical to maintain strong and united 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 that certain individuals experience pain.

The Chofetz Chaim also understood how important it is that we respect our Rabbis¹². He was once visiting a town and was davening in shul next to the local Rabbi. After davening, people from the town took advantage of the fact that the Gadol Hador, the leader of the generation, was in their shul. They came to him to ask him various halachic 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 hometown). 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 the Rabbi should not look less pious than he.

Let's try something this week:

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

Shabbat Shalom, Rabbi Ledder

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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 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 would share the role of Nasi.

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

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

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