

לעילוי נשמת
מרת עקא עדנה
צפורה ע"ה וסורטל
בת משה מנחם הלוי ז"ל



על דשא

AL E DESHE

Weekly Torah Insights and inspiration on the Parsha from the Rosh Yeshiva Shlit"a of Gur

The Place of Sanhedrin

כי יפלא ממך דבר למשפט ... וקמת ועלית
אל המקום אשר יבחר ד' אלקיך בו.

If a matter of judgment will be hidden from you... you shall rise and ascend to the place that Hashem your G-d shall choose (Devarim 17:8).

The Torah teaches that the Sanhedrin is the final authority in determining questions of halachah. We are obligated to follow its rulings, and

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someone who rebels against its decision is put to death as a *zaken mamre*.

The Gemara in *Sanhedrin* (14b, 87a) derives from the phrase אל המקום אשר יבחר that the law of *zaken mamre* applies only while the Sanhedrin sits in its proper place, the *Lishkas Hagazis*, adjacent to the Beis Hamikdash.

The *Sifri*¹ teaches that the words include Beis Din in Yavneh. Simply this means to say that the halachah of *zaken mamre* applied even when Sanhedrin was in Yavneh. This however is problematic, as it seems to contradict the Gemara which says that the law of *zaken mamre* applies only when Sanhedrin is in its proper place in the *Lishkas Hagazis*.

The *Netziv* (*Eimek HaNetziv*) understands the *Sifri* to be saying that even Beis Din in Yavneh when confronted with a difficult halachic question, must ascend to the Sanhedrin in Yerushalayim and seek its ruling. This is difficult to understand, because when Beis Din was in Yavneh, there was no Sanhedrin in Yerushalayim. We must say that according to this interpretation the *Sifri* is not referring to the time when the leading *beis din* was in Yavneh, but is using Yavneh as an example of a *beis din* made up of outstanding sages.

Most *mefarshim*,² however, understand the *Sifri* in its straightforward sense. They explain that there remains an obligation to obey the rulings of the Sanhedrin even when it is sitting in Yavneh. The Gemara limited this only with respect

Proximity vs. Majority

ויצאו זקניך ושפטיך ומדדו אל הערים אשר סביבת
החלל. והיה העיר הקרובה אל החלל...

Your elders and your judges shall go out and they shall measure to the cities that are around the corpse. It shall be that the city nearest the corpse... (Devarim 21:3-4).

The Torah teaches that if a murdered person is found in the field and the identity of the murderer is unknown, the city from which the murderer came must bring an *eglah arufah*. To determine which city bears this responsibility, *beis din* measures the distance to the surrounding cities and identifies the nearest one. The assumption is that the murderer most likely came from the closest city.

From this parshah we derive a general principle that applies throughout the Torah for resolving doubts. For example, the Gemara (*Bava Basra* 23a) teaches that if a fledgling dove, which is able to hop but cannot yet fly, is found between two dove-cotes belonging to different owners, it is given to the owner of the closer dove-cote. Since the bird could only have come from one of these two dove-cotes, we assume it came from the nearest dove-cote. This principle is known as *חולקין אחר הקרוב*. However, the Gemara limits this rule to cases where there is no majority (*rov*) opposing the *karov*. For example, if both dove-cotes contain the same number of birds, we follow the closer one—but if one dove-cote contains more birds than the other, the fledgling is given to the owner of the larger dove-cote, even if the smaller

¹ Devarim 17:9.

² *Rabbeinu Hillel, Sifri Devarim 17:8. Shut Chazon Ish 289.*

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to the punishment of a *zaken mamre*. The death penalty applies only when the Sanhedrin is sitting in the *Lishkas Hagazis*. The obligation to obey the rulings of the Sanhedrin, however, continues even after it has moved to Yavneh.

A *baraisa* in *Sanhedrin* (88b) states:

The disputes between the talmidim of Shammai and Hillel took place while the Sanhedrin was still functioning. Why, then, were these disputes not resolved by the Sanhedrin

would first ask the *beis din* in their city. If that *beis din* had not received a tradition regarding the matter, they would refer the question to a higher *beis din*. If they likewise had not heard the halachah, the question would be brought to the *beis din* at the entrance of the Beis Hamikdash. If they too had no tradition, it was brought before the Sanhedrin in the *Lishkas Hagazis*. If the Sanhedrin had received a tradition, they would state it. If not, they would deliberate and take a vote, and the majority ruling became the accepted halachah.

The *baraisa* concludes: From the time that the disciples of Shammai and Hillel, who did not sufficiently serve their teachers, increased, *machlokes* increased in Yisrael, and the Torah became like two Torahs.

The Acharonim ask: The disputes between the talmidim of Shammai and Hillel took place during the era of the Second Beis Hamikdash, while the Sanhedrin was still functioning. Why, then, were these disputes not resolved by the Sanhedrin, just like all other halachic disputes until that time?

The *Chasdei Dovid*³ answers that these disputes arose after the Sanhedrin had been forced to leave the *Lishkas Hagazis*. Since we learn from the phrase *the place that Hashem your G-d shall choose* that the authority of the Sanhedrin depends upon its sitting in the *Lishkas Hagazis*—it no longer possessed the authority to issue binding rulings that would settle these disputes.

This answer is difficult to understand. The *Chasdei Dovid* himself previously explained that the requirement for the Sanhedrin to sit in the *Lishkas Hagazis* applies only to the law of the *zaken mamre*. The death penalty for a sage who rebels against the Sanhedrin applies only while the Sanhedrin sits in its designated place. The obligation to obey the rulings of the Sanhedrin, however, continued even after it relocated to Yavneh. Accordingly, even after the Sanhedrin left the *Lishkas Hagazis*, it still had the authority to issue binding halachic rulings. If so, why did the disputes of the talmidim of Shammai and Hillel remain unresolved?

בנאות דשא תשפ"ה

Initially, *machlokes* did not proliferate in Yisrael. If a halachic question arose, they

3 On *Tosefta*, *Sanhedrin* 6:1.

Parshah Medley

רק לא ירבה לו סוסים ולא ישיב את העם מצרימה למען הרבות סוס.

Only he shall not have too many horses, and he shall not return the people to Mitzrayim in order to acquire 'more horse' (Devarim 17:16).

The *mefarshim* ask why the Torah uses the singular form סוס to mean horses, rather than the plural סוסים. Surely no king would return to Mitzrayim merely to acquire a single horse.

We may explain this in light of the teaching of Chazal (*Chagigah* 16a) that in three respects man resembles an animal: he eats and drinks like an animal, reproduces like an animal, and excretes like an animal.

Although Hashem decreed that man should share certain physical characteristics with animals, He did not decree the degree to which a person should identify with his physical nature. The singular סוס alludes not merely to horses as possessions, but to the quality of being horse-like. The Torah warns the king not to increase his resemblance to the horse. Mitzrayim symbolizes immersion in physicality and the pursuit of worldly pleasure. Hashem redeemed Klal Yisrael from that environment so that they could live a life directed toward spiritual greatness. The Torah therefore warns the king not to pursue wealth, power, and prestige to such an extent that they increase his attachment to physicality and lead him back, in spirit, to the environment of Mitzrayim.

סעודה שלישית תשפ"ג מאמר ב

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one is closer. This principle is known as **רוב** וקרוב הולכין אחר הרוב.

The Gemara asks from the parshah of *eglah arufah*. The Torah instructs *beis din* to determine the nearest city, implying that *karov* is decisive even if one of the surrounding cities has a larger population. The Gemara answers that the Torah's instruction applies only when all of the cities from which it is reasonable that the murderer came have equal populations. Had one city had a larger population than the others, there would have been no need to measure, because the principle of *rov* would determine the source of the murderer rather than *karov*.

The Ramban⁴ introduces a remarkable *chiddush* regarding this principle. The Gemara states that grapes found hidden in a vineyard of *orlah* are presumed to have grown in that vineyard and are therefore forbidden as *orlah*. The Ramban adds that this is true even if most of the surrounding vineyards are not *orlah*. Since the grapes were found inside the vineyard, we assume they originated there; we do not follow the *rov*.

4 Bava Basra 24a.

The Ramban explains that this case is stronger than *karov*. *Karov* means that the presumed source is merely nearby, but these grapes are found within the vineyard itself. The presumption that an object originated in the very place where it is found is stronger than ordinary proximity, and is even powerful enough to override *rov*.

We may apply the *chiddush* of the Ramban to express an important principle in *avodas Hashem*. The majority of a person's life revolves around physical pursuits which distance him from the service of Hashem. The pasuk says (Tehillim 90:10), *The days of our years are seventy, and if with strength, eighty years. ורהבם עמל ואון*—yet their greatest part is toil and trouble. The word **ורהבם** means the *rov*. The majority of a person's life is taken up by material pursuits: making a living, growing one's wealth, and enjoying life in this world. Engagement in material pursuits distances a person from closeness to Hashem. We express this in *tefillah*, **כי רוב מעשיהם הבל**—for most of [a man's] deeds are vanity. The majority of man's activities are devoted to temporary, worldly concerns.

The problem thus arises, how are we to remain on the path of spiritual growth? It is true that Hashem is close to us, as it says: *For which is a great nation that has a G-d Who is close to it as is Hashem our G-d* (Devarim 4:7). But the *rov* of our life involves material pursuits, and *rov* is more powerful than *karov*.

The solution is based on the Ramban's *chiddush*. *Karov* refers to something that is merely nearby. But when something is found within its place of origin, that is stronger than *rov*. So too, our task is not merely to be close to Hashem, but to make Him a dwelling place within our hearts. When Hashem is not only near us but present within us, our relationship with Him is no longer one of *karov*; it is like the Ramban's case of an object found in its very place. Such a connection is stronger than the *rov* of worldly pursuits, and enables a person to remain firmly on the path of *avodas Hashem*.

סעודה שלישית תשפ"ד מאמר א

From the Desk of the Rosh Yeshivah

Lichvod Rabbeinu Rosh HaYeshivah shlita,

I am currently studying *Perek HaMocher es HaSefinah* in depth in yeshivah. In addition, I am reviewing the *masechtos* that the yeshivah learned over the past few years—*Bava Kamma*, *Bava Metzia*, and the other *perakim* of *Bava Basra*—in depth. *Iy"H*, my wedding will be taking place soon, and I wonder whether I should interrupt these studies to learn *Kiddushin* in depth, or continue with my current program and learn *Kiddushin* only on a more basic level.

I particularly enjoy studying Yerushalmi, Nach, and various works of halachah. How much time should I devote to these subjects?

Is it appropriate for a bachur to study Shir HaShirim?

When one feels too weak to learn in depth, should he switch to a lighter subject, or should he push himself to continue learning as usual?

I request a blessing and guidance as I approach my wedding.

Rabbeinu shlita responded:

It is preferable to continue your study of the three *Bavas* rather than interrupt it to learn *Kiddushin*.

It would seem that you should divide your time, half for this and half for that. (I do not mean that you should devote half a day to one subject and half a day to the other. Rather, it is preferable to spread the more enjoyable subjects throughout the hours devoted to Torah study.) The study of Nach should be approached with the awareness that we do not possess a true understanding of the deeds of its great personalities. What we perceive is only a faint reflection of their greatness.

Since your wedding is approaching, the study of Shir HaShirim can wait until then.

Sometimes one approach is appropriate, and at other times the other. However, one must not abandon his fixed learning schedule prematurely.

May Hashem help you prepare your heart properly to become, so to speak, a partner with the Creator. May it be His will that all your preparations, both physical and spiritual, be carried out in the best possible manner, and may you merit to establish a faithful Jewish home with Hashem's help.

With blessings,

Shaul

Elul

Shoftim	Candle Lighting	Motzei Shabbos
Brooklyn	7:37	8:44
Lakewood	7:37	8:44
Baltimore	7:45	8:45
Chicago	7:31	8:36
North Miami	7:39	8:33
Los Angeles	7:22	8:20

At the beginning of Elul, Rav Beirush Einhorn, the Rav of Amstov, once asked the Sefas Emes, “Now that the season has arrived to awaken our hearts to *teshuvah* and *yiras Shamayim*, which *mussar sefer* is best for me to study?”

The Sefas Emes replied, “Listen to me, Beirishel. All *sifrei mussar* are precious and valuable, but through immersing oneself in the *sugya* of **מנה לי בידך והלה אומר אין** *לך בידי כלום*, one can attain the highest levels of all the qualities and *madreigos* of *mussar* and *yiras Shamayim*.”

Simply understood, the intention of the Sefas Emes was that through *ameilus baTorah* a person acquires every good *middah* and spiritual level.

The pasuk says **סור מרע ועשה טוב**—*Turn away from evil and do good* (Tehillim 34:15). A person must first distance himself from evil before he can engage in the positive pursuit of Torah. However, it is related in the name of the Chiddushei HaRim that in these generations it is very difficult to begin with the *avodah* of **סור מרע** before

pursuing **עשה טוב**. If a person first focuses on digging into his faults and working to uproot all of his negative traits, he is liable to become consumed by involvement in negativity. Rather, one should begin with **עשה טוב** and through positive engagement in Torah and *avodas Hashem*, he will naturally become distanced from evil. Nevertheless, it is difficult to engage in Torah and *avodas Hashem* while the mind has not been purified from negative thoughts. Torah learning, however, accomplishes both forms of *avodah* simultaneously. *Ameilus baTorah* purifies the mind, removes harmful thoughts, and cleanses the soul. At the same time Torah study elevates a person and brings him closer to Hashem. This is the straightforward meaning of the Sefas Emes’ words.

Beyond this, the *sugya* itself can serve as a source of *mussar* for one who reflects upon it. Every *sugya* contains hidden lessons about the ways of Hashem that a thoughtful person can ponder while

he is engaged in learning the revealed Torah. For example, while studying the *sugya* of a lender who claims repayment of a loan and a borrower who denies the debt, one can reflect on the importance of repaying one’s obligations. He can also contemplate that everything he possesses was entrusted to him by his Creator so that he might serve Him. When a person wastes his time, talents, or resources on pursuits that are not the will of Hashem, he is, in a sense, withholding what rightfully belongs to Hashem. Every *sugya* contains ideas that, on a deeper level, relate to a person’s mission in life. Reflecting on these lessons awakens *teshuvah* and *yiras Shamayim*. When one’s heart is inspired by the *sugya* itself, Torah study becomes the highest form of *mussar*.

פתיחת הזמן ישיבה גדולה פני מנחם ר”ח אלול תשפ”ה

What Are We Seeking?

אחת שאלתי מאת ד’ אותה אבקש שבתי בבית ד’ כל ימי חיי לחזות בנעם ד’ ולבקר בהיכלו. *One thing have I asked of Hashem— that I seek: that I may dwell in the house of Hashem all the days of my life to behold the delight of Hashem and to visit in his sanctuary* (Tehillim 27:4).

The pasuk opens with a term of **שאלה**—*I have asked*—and concludes with **בקשה**—*I seek*. What is the difference between these two terms?

The Malbim explains that **שאלה** refers to asking for something as a means to an end, whereas **בקשה** refers to seeking something as an end in itself. For example, a person who wishes to buy a home must first obtain the money to purchase it. He may ask others to help him raise the necessary funds. What he is asking for is money, but what he is really seeking is a home. The money is merely

the means by which he hopes to attain his true objective. His *she’eilah* is money; his *bakashah* is a home.

David Hamelech is saying, “I ask to dwell in the house of Hashem, but not as a means to achieve some other goal. Dwelling in the house of Hashem is itself my ultimate desire.”

In spiritual matters, a person must honestly examine what it is that he is seeking. It is easy to say **שבתי בבית ה’**, but saying the words is not enough. They must express the deepest longing of one’s heart. Only when *dwelling in the house of Hashem* is the one thing we truly seek, can we sincerely say, **אותה אבקש**. This is a question that every person should ask himself during these days of Elul: What is my heart’s deepest desire?

The Yehudi HaKadosh taught that even one who does not yet genuinely desire

to cling to Hashem, but sincerely desires to have such a desire, already possesses a desire for closeness to Hashem. And even if a person only *desires to desire to desire* to cling to Hashem, this too is considered part of the yearning for Hashem. For in truth, the deepest desire of every Jew is to be close to Hashem.

At the same time, a person must be honest with himself. He must know where he stands spiritually and not deceive himself. It is not enough to *shukel* and wave our hands while we say, **אחת שאלתי מאת ה’ אותה אבקש שבתי בבית ה’ כל ימי חיי**. The essential question is not what our lips are saying, but what our heart truly desires. What is it that we are really seeking?

ב אלול תשפ”ה א בכולל מדרש אליהו באלעד