

MESHECH CHOCHMAH

Parshas Shoftim

Lo Tasur – Heeding the Sanhedrin

לֹא תִסּוּר מִן הַדָּבָר אֲשֶׁר יִגִּידוּ לְךָ יְמִין וּשְׂמאל

Do not swerve from the word that they will tell you, to the right or to the left (17:11)

THE SCOPE OF THE MITZVAH

The position of the Rambam¹ regarding the mitzvah of “*Lo Tasur*” – not swerving from the words of the Sanhedrin – is that it applies not only to rulings they give in interpretation of Torah law, but also to mitzvos and prohibitions which are themselves Derabbanan. The Ramban² raises a number of questions on this approach. Among them, he asks that if indeed there is a Torah mitzvah to heed the Rabbanan regarding their mitzvos, then every mitzvah Derabbanan is ultimately a mitzvah of the Torah. If so, why, for example, do we find that we must be stringent in a doubt concerning a Torah matter, but may be lenient if the doubt concerns a Derabbanan matter? According to the Rambam, every Derabbanan matter is itself a Torah matter!

UNDERSTANDING RAMBAM’S POSITION

The Meshech Chochmah explains that even if there is Torah mitzvah to heed the words of the Rabbanan, the nature of this mitzvah is not like things the Torah itself has commanded or prohibited. In the case where the Torah forbids something, that item itself is categorized as objectionable. As such, even though the Torah did not directly address a situation of doubt, the fact that the item in that case might be prohibited is sufficient to require one to avoid it. In contrast to this, even when the Torah commands that we avoid what the Rabbanan prohibited, that does not necessarily mean to say that the Torah considers that item objectionable. Rather, the command focuses not on the relationship between the Jewish people and that item, but on their relationship with the Sanhedrin. A helpful analogy in this respect is the mitzvah to listen to the king. There, too, we will appreciate that the Torah is not underwriting the veracity of every instruction issued by the king, yet still it commands that we heed those instructions, due to the value of the

1 Sefer Hamitzvos Shores 1, Mishneh Torah beginning of Hilchos Mamrim.

2 Hasagos to Sefer Hamitzvos ibid.

institution of kingship within the Jewish people. Indeed, it is most interesting to consider that, our parsha, the two sections of the Sanhedrin and the king are placed next to each other, indicating that both these mitzvos share the same basic nature.

Now we can understand why, according to the Rambam, even though heeding the Rabbanan is actually a Torah mitzvah, we may nevertheless be lenient in a case of doubt. Since the mitzvah to heed the Rabbanan's words is about one's relationship with their instructions, and not with the item or action itself, then in a situation concerning which no instruction was issued – such as a case of doubt – one may be lenient, since one is definitely *not* transgressing the Torah requirement to heed their instructions.

The Mitzvos of the King and their Reasons

לְבַלְתִּי רוּם לָבוֹ מֵאַחֵיו וּלְבַלְתִּי סוּר מִן הַמִּצְוָה יְמִין וּשְׂמֹאל

So that his heart not become haughty over his brothers, and that he not turn from the commandment right or left (17:20)

A MYSTIFYING COMMENT IN THE SIFREI

As our pasuk indicates, the Torah insists that the king, while entrusted to lead the people, not allow this to make him haughty. Commenting on the word “מאחיו – (haughty over) his brothers,” the Sifrei³ draws an inference, stating: “מאחיו ולא משל הקדש” – This applies to his brothers, but not to *hekdesh* (property belonging to the Beis Hamikdash).”

Needless to say, this statement is very difficult to understand; for it seems to be saying that while a king is prohibited to be arrogant over his brothers, he is permitted to do so over *hekdesh*! How are we explain this comment?

FOUR MITZVOS – AND THREE REASONS?

The Torah commands four mitzvos that apply specifically to the king:

- ▶ He may not amass too many horses (pasuk 16)
- ▶ He may not have too many wives (pasuk 17)
- ▶ He may not amass too much money (pasuk 17)
- ▶ He must write a second sefer Torah for himself (pasuk 18)

Interestingly, of these four mitzvos, the Torah appears to provide a reason for only three of them.

- ▶ Regarding not amassing too many horses (mitzvah 1) – so that he not lead the people back to Mitzrayim.
- ▶ Regarding not having too many wives (mitzvah 2) – so that his heart not turn

3 Sec. 162.

- ▶ astray.
- ▶ Regarding the mitzvah to write an additional sefer Torah (mitzvah 4) – so that he learn to fear Hashem, not become haughty and not depart from the mitzvos.
- ▶ In contrast, when stating the prohibition against amassing too much money (mitzvah 3), the pasuk does not accompany it with a reason.

How are we to understand this situation?

PARSHANUT – BROADENING PERSPECTIVE

In truth, however, the Meshech Chochmah explains that the Torah *does* provide a reason for the third mitzvah as well; the only difference is that it does not present the reason in the same pasuk as the mitzvah itself, but rather, later on. Here is how he explains the flow of the pesukim:

Our pasuk, which is the concluding pasuk of this section, states:

- ▶ “So that his heart not become haughty over his brothers,” and
- ▶ “that he not turn from the commandment right or left”

These two negative outcomes that the Torah wishes to avoid represent the reason for *two separate mitzvos*. The two mitzvos that precede this pasuk are

- ▶ The prohibition against him a amassing too much money and
- ▶ The mitzvah for him to write a second sefer Torah.

Our pasuk then provides the reasons for both of these mitzvos, respectively, as follows:

- ▶ With regards to the first mitzvah, of not amassing too much money, the Torah provides the first reason – so that his heart not become haughty over his brothers.
- ▶ With regards to the second mitzvah, of writing an additional sefer Torah, the Torah provides the second reason – so that he not swerve from its commandments.

The Meshech Chochmah refers to the Targum Yonasan ben Uziel on this pasuk who also appears to have understood the pesukim in this way, for he writes:⁴

And he shall not amass great amounts of gold and silver for himself, so that his heart not become haughty.

We see that he has attached the first reason provided in pasuk 20 to the prohibition mentioned in pasuk 17, as per the explanation of the Meshech Chochmah.

4 Pasuk 17.

EXPLAINING THE SIFREI

With this understanding of the pesukim, we can now return to the Sifrei, quoted in the beginning of our discussion, which states that the prohibition against haughtiness excludes *hekdesh*. Once we appreciate that the words “that he not become haughty” express the reason for the prohibition against the king amassing a large amount of money, the Sifrei adds that “this does not apply to *hekdesh*.” The meaning is that if the king is gathering money for *hekdesh*, this is permitted as it will not lead him to haughtiness, seeing as he is not developing his own personal assets. Indeed, the Rambam⁵ rules that for him to amass money for *hekdesh* and related items is a mitzvah!

5 Hilchos Melachim 3:4.