

# AND IT SHALL BE WHEN HE SITS (K'SHIVTO)

by Rabbi Yissocher Frand

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## And It Shall Be When He Sits (K'Shivto)

In Parshas Shoftim, the Torah introduces us to the concept of a Jewish Monarchy. "When you come to the land that Hashem your G-d gives you, and possess it and settle in it, and you will say 'I will set a king over myself, like all the nations that are around me.'" [Devorim 17:14]. The Torah says, "Yes you are allowed to establish a monarchy. It is a mitzvah to have a king." However, there are restrictions: He may not have an excessive number of wives. He may not have too many horses. He should not take too much silver and gold for himself. And there are also positive commandments: "And it shall be when he sits on the throne of his kingdom, he shall write for himself two copies of this Torah in a scroll from before the Kohanim, the Levites" [Devorim 17:18]. Every Jew must write a Sefer Torah. The king needs to write a second Sefer Torah which he keeps with himself at all times.

The Torah introduces the *mitzvah* to write this (second) Sefer Torah with the expression "And it shall be when he sits (*k'Shivto*) on the throne of his kingdom." The Medrash in Esther Rabbah makes a very interesting comment. There are two ways of saying "And when he will sit on his throne." It could say "*v'haya k'Shivto*" or it could say "*v'haya b'Shivto*." The Medrash makes a distinction regarding the implications of each term. By the nations of the world, the *pasuk* says, "*k'sheves haMelech Achashverosh al kisei malchuso...*" [Esther 1:2] using a letter "*Chaf*" as the prefix. However, when we speak about Jewish kings in the Book of Shoftim [11:26], the *pasuk* says "*b'sheves Yisrael...*" using the letter "*Beis*" as the prefix. The Gemara explains the distinction: By the nations of the world, the "*Chaf*" is used because their monarchies are not permanent. By kings of the Jewish nation, as long as there was a *Klal Yisrael*, the monarchy remained. Therefore, the prefix "*Beis*" is used, which has a connotation of a permanent monarchy.

If that is the case, this *pasuk* in our parsha presents a problem. It is speaking about a Jewish king and yet it uses the prefix "*Chof*" – *v'haya k'Shivto al kisei mamlachto*! This seems to violate the rule mentioned in Esther Rabbah.

I saw a thought in the name of the Gerer Rebbe, the Chidushei HaRi"m, and I saw a similar thought in the name of the Techeiles Mordechai from Rav Sholom Mordechai haKohen Schwadron (the

Brizhaner Rav). The reason the Torah uses the expression "And it will be *k'shivto*..." here is because the Torah is speaking about the initial ascension of the Jewish king onto his throne. Normally, when a king first assumes his throne, he is all inspired and "pumped" to do good for the people. He wants to make sure the people are taken care of. He wants to make sure to improve the economy. He wants to make sure that human rights are preserved in his country. All the sincere and idealistic ideas of good government are always present when one starts something. Every president starts his administration with these grand ideas and grand plans to provide "a chicken in every pot and two cars in every garage and universal health care" etc., etc., etc.

Those plans are made "*v'haya k'shivto*..." (when he first ascends the throne). But we all know that with the passage of time, it rapidly becomes "same old, same old." People become jaded; they become turned off; they get cynical. People sort of devolve into a run of the mill, go-through-the-motions type of administration.

The challenge always is for a king to maintain throughout his monarchy that same feeling of freshness, enthusiasm, and humility that he had the day he sat on the throne for the first time. This is what the Torah wants to hint at here, says the Brizhaner Rav. All the plans and good intentions that a king has when he assumes the throne (*k'shivto al kisei malchuso*) should remain with him for the rest of his reign.

This idea is a very beautiful vort to say at a *Sheva Brochos*. At a *Sheva Brochos*, the *Chassan* and *Kallah* are in their first week of marriage. They are so sensitive and so caring and so loving towards each other. They each have the greatest of intentions to make this a perfect marriage. But unfortunately, as we know, like with everything else in life – things do not remain the way they were at the start of an endeavor. Honeymoons are called honeymoons because they only last for a certain amount of time, unfortunately.

A groom is compared to a king. This is a wonderful homiletic lesson from the *pasuk* in our parsha. That enthusiasm and that idealism and that commitment to be a good husband and to take care of the spouse and to respect and honor her should remain constant throughout the marriage as it was "*k'shivto*..." when he first ascended to the role of a groom (who is compared to a king)."

Rav Pam once offered a beautiful thought. We say "*V'Erastich lee l'olam*" [Hoshea 2:21] (And I will betroth you to me forever). *Erusin* [betrothal] is a temporary stage. It is the period between *Kiddushin* [halachic engagement] and *Nisuin* [halachic marriage]. In Talmudic times, it lasted for 6 to 12 months, but it was always meant to be a temporary situation. So what then, asked Rav Pam, does the *pasuk* mean when it says, "I will **betroth** you to me **forever**"? If it is forever it is not *Eirusin* and if it is *Eirusin* it is not forever?

Rav Pam said the same type of concept. When someone goes ahead and makes *Eirusin*, he has all the good intentions and the love and compassion in the world, but it is only "*Eirusin*" – a temporary stage. However, that type of "I will betroth you to me" should really be forever.

Even if someone is not planning to speak at a *Sheva Brochos* this week, this *vort* still has relevance. If your son is starting in a new Yeshiva or it is the first zman of a new year in his old Yeshiva, this insight still has relevance. I am always amazed. I have been teaching now for over 40 years. The final *zman* [semester] of the previous school year ended four or five weeks ago. By then, not everybody was taking notes; people were dozing off in shiur, etc. A scant five weeks later, everybody has their new notebooks, everybody is taking notes and everybody is sitting at the edge of their chairs to hear my pearls of wisdom. Everybody is enthused. But with the passage of time, we know what happens.

That is the trick. It should be "*v'haya k'shivto*". Every day they should be in your eyes as if it were a new experience. It is a challenge. But if we had that enthusiasm, if we were able to channel it into our learning, into our marriages, and into our lives, then in fact, we would be much more successful in all areas of life.

### **The Torah Provides "Cover" To Protect From Embarrassment**

The Torah talks about going to battle, spelling out the laws of war. "When you go out to battle against your enemy, and you see horse and chariot – a people more numerous than you – you shall not fear them, for Hashem, your G-d is with you... It shall be that when you draw near to the war, the Kohen shall approach and he shall speak to the people." [Devarim 20:1-2].

There was a Kohen who had the special title "The Priest Anointed for Battle" (*Kohen Mashuach Milchama*). Before the people went out to war, he gave them a spiritual pep talk. He also gave them instructions. He announced that anyone who built a new house but had not yet made a "*Chanukas HaBayis*" [inaugurating the new home] was exempt from battle. Likewise, a person who planted a new vineyard but had not yet had the opportunity to consume the wine therefrom (restricted by the Torah's agricultural laws) was exempt from battle. Similarly, a person who was betrothed to a woman but had not yet married her was given a deferment from going to war.

Finally, the *Kohen Mashuach Milchama* added that anyone who was fearful and faint of heart was allowed to return home so that he not "melt the hearts of his brethren" in the heat of battle (by running away from the scene of the fighting).

There is a Talmudic dispute [Sotah 44a] as to the true meaning of the one who was "fearful and faint of heart". Rabbi Akiva interprets the phrase literally – a person who would panic as a result of hearing and seeing the sounds and sights of war. Just seeing a drawn sword would scare him and make him incapable of fighting. Rabbi Yossi of Galilee interprets the phrase to refer to someone who is afraid of his own spiritual shortcomings (literally -- afraid of the sins that are in his hands). They fear not the sights and sounds of battle; they fear that they are undeserving of the Divine Protection that a soldier requires in battle because of previous spiritual lapses on their part.

Battles were won based on *zechusim* [merits]. Therefore, generals needed and wanted to have righteous soldiers on their side. If a soldier lacked merit, and even deserved perhaps punishment, it would be better for the army to have such a soldier leave the site of battle before the fighting

begins.

Rabbi Yossi explains that getting these unworthy soldiers off the battle field was the Torah's primary concern and that the entire issuance of deferments for people with new houses, vineyards, or brides was merely a "cover" to allow those people who recognized themselves as being spiritually undeserving to leave the ranks of the other soldiers without suffering public embarrassment.

The Tolner Rebbe once spoke out the following idea in the name of Reb Yechezkel Kuzmir (1755-1856), founder of the Moditz Chassidic dynasty): Come and see how particular the Torah is to protect another person from embarrassment. The Torah is willing to exempt all these people (the new homeowner, the new vineyard owner, the new husband) who are most likely young and would be prime candidates for being good soldiers, just in order to not embarrass that poor soul who feels faint of heart because of sins he has committed. He uses this idea to explain a Talmudic passage in a totally different context.

There is a famous dispute in a Mishna in Tractate Gittin [90a] in terms of permissible halachic grounds for divorcing one's wife. Beis Shammai's opinion is that the only ground for divorcing one's wife is promiscuity on her part. Unless one's wife is unfaithful, one is not allowed to divorce her. Beis Hillel allows one to divorce his wife "even if she burns his supper."

This seems to be an anomalous position for the School of Hillel to take. Normally Beis Hillel is seen as being more tolerant and perhaps more supportive of attempts to strengthen the bonds of marriage. Here it seems that they allow any husband to get rid of his wife on a whim, even for a minor momentary lapse on her part.

Reb Yechezkel Kuzmir says "no." It is the same concept. Really, Beis Hillel does not want you to divorce your wife unless there are serious grounds to do so – something akin to what Beis Shammai indicates. However, if the only way one was allowed to divorce his wife was if she was unfaithful to him, then everybody would know that this woman was being sent away from her husband for reasons of infidelity. She would never be able to get married again because she would be known to be promiscuous. This woman's case would be fixed for the rest of her life! Therefore, Beis Hillel advance their position that a man can divorce his wife for any reason. This way, when a person divorces his wife, the rest of the world will not assume that she cheated on him. They will be able to give her the benefit of the doubt and suspect that perhaps she only burnt the *chulent*.

This is the same concept as expressed by Rav Yossi HaGalili in terms of the draft deferments: The Torah goes out of its way to save someone (be it the soldier or the wife) from shame and embarrassment, lest people jump to the wrong conclusions. That is the source of Beis Hillel's opinion.

### **An Incident Which Illustrates the Genius of the Satmar Rebbe**

The *pasuk* states, "A prophet from your midst, from your brothers, like me, shall Hashem your G-d

establish for you – **to him shall you listen.**" [Devorim 18:15] This is one of the fundamental beliefs of our religion – the Almighty gives prophecy to certain individuals, and we are commanded to listen to such people.

There was a Jew named Reb Shmuel Paperman, who wrote a biography of the Maharil Diskin, Reb Yehoshua Leib Diskin [1818-1898]. Reb Yehoshua Leib was a Rav in the famous town of Brisk (Brest-Litovsk). Reb Shmuel Paperman writes in the book that the Beis HaLevi, Rav Yosef Dov HaLevi Soloveitchik [1820-1892], was so in awe of the Maharil Diskin that he applied to himself the Biblical commandment about listening to a prophet. Whatever the Maharil Diskin ruled, he followed, as if in fulfillment of the *pasuk* "to him you shall listen."

This author, Reb Paperman, brought the biography he wrote to the Beis HaLevi's grandson – Rav Yitzchak Ze'ev Soloveitchik ("the Brisker Rav") [1886-1959] – and asked him for an approbation. The Brisker Rav said "It is a very nice book, but I would like you to remove that one line that the Beis HaLevi said about the Maharil Diskin "to him you shall listen." The Brisker Rav felt that this language is unique and reserved for speaking about a prophet. Concerning no other person can you give a blanket endorsement: "to him you must listen."

They told this incident to the Satmar Rebbe (Rav Yoel Teitelbaum [1887-1979]). The Satmar Rebbe heard this and he said "And what about Rabbi Akiva Eiger?"

The person then asked the Rebbe what he meant by that question. The Satmar Rebbe explained: I was referring to the Rabbi Akiva Eiger in Shulchan Aruch Orach Chaim Siman 125. The Shulchan Aruch rules that when reciting *Kedusha*, only the *Chazan* says "*Nakdishach...*" or "*Nekadesh...*" and the rest of the congregation is silent. Only at "*Kadosh, Kadosh, Kadosh*" does everybody chime in. This is the opinion of Rav Yosef Karo (the "Mechaber"). Rabbi Akiva Eiger writes in his glosses to the Shulchan Aruch that the Ari, z"l, disagrees and says that everyone should also repeat the opening *pasuk* (either "*Nakdishach*" or "*Nekadesh*") and Rabbi Akiva Eiger concludes, "to him you must listen."

This was the on the spot response of the Satmar Rebbe to the report that the Brisker Rav objected to the idea that his grandfather would have applied the *pasuk* "to him you must listen" to the Maharil Diskin. This incident speaks to the incredible *bekius* (encyclopedic mastery) of the Satmar Rebbe. True genius!

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