



Prevent Flight from War

The eighth *perek* of *Sotah* discusses the laws of war. This includes the speech of the *mashuach milchama* – the *kohen* appointed for this task – and the laws detailed by the *shotrim*. After those speeches, the *Mishnah* (8:6) explains that people were appointed at the front and back of the troops. They were referred to as *zekifim*.

Rashi (44a) explains that those at the front would prop up those that feel and encourage them with their words. However, the ones at the back had a different task. The *Mishnah* explains that they were armed with *khashilin*. The *Bartenura* explains that these were a type of iron axe. If they saw anyone attempt to flee the battlefield they would cut them down by their legs. The *Mishnah* explains that this was important because the beginning of defeat is when the troops begin to flee the battlefield. Grant that there was a psychological threat that they were trying to prevent, what is the legal basis of harming our own soldiers?

The *Netziv* (*Meromei Sadeh*, *Sotah* 42a) explains that the ability stems from the law of a *rodef*. Recall that a *rodef* is someone that is pursuing an individual with intent to kill. One is allowed to intercede and even kill that person to save the one being pursued. Since the threat posed is life threatening, one attempting to flee is defined as a *rodef*. The *Netziv* explains that even though the soldier might have no intent to put the other soldiers' life in jeopardy and is only fleeing due to fear, the law of *rodef* still applies. His proof is from the *Gemara* (*Sanhedrin* 72a) where we learn that the law of *rodef* can even apply to an unborn child.

The *Maasei LeMelech* (*Klei Mikdash* 87:5) also asks how we can effectively exact a physical punishment without a warning, witnesses or a *beit din* on the battlefield. The *Maasei LeMelech* also initially answers that it is based on the principle of *rodef*. In other words, since the flight will cause panic and their ultimate loss on the battlefield poses a direct threat to the lives of the other soldiers, those wanting to flee are defined as *rodfim*.

The *Maasei LeMelech* however also suggests that is based on *din Melech*. In other words, we find that a king can deliver extrajudicial punishments when necessary. He cites the *Gemara* (*Bava Metzia* 83) where *R' Elazar* became an appointee of the king to catch and punish thieves. He learns from that case that a *shaliach*, an agent of the king, has the king's ability to punish without *beit din*. That being the case, the *zekifim* can carry out this task, since they are acting with the king's authority.

The *Chatam Sofer* (OC 208) however explains that during war, different rules are in place than during times of peace. He uses this understanding to explain many cases in *Tanach* that do seem to follow the normal legal practice, *ע"פ*. In other words, this is built into military law and does not need to lean on *rodef* or *din melech* to justify its practice.

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Revision Questions

סוטה ז': ה' – ט: ג'

- Regarding the *brachot* and *klalot*: (ז': ה')
 - On which mountain did *shevet levi* stand?
 - Towards which mountain were the *brachot* said?
 - Towards which mountain were the *klalot* said?
 - What was done when they were completed?
- What are the differences between how *birkat kohanim* was performed inside and outside the *beit ha'mikdash*? (ז': ר')
- What was the *birchot kohen gadol*? (ז': ז')
- When was *parashat ha'melech* read? (ז': ח')
- What did *parashat ha'melech* contain? (ז': ח')
- What was the difference between the *brachot* recited by the *kohen gadol* at 'birchot kohen gadol' and the *brachot* recited by the *melech* at *parashat ha'melech*? (ז': ח')
- Was the *mashuach milchama* allowed to address the soldiers in a language other than *lashon ha'kodesh*? (ז': ח')
- In who did the *Plishtim* put their faith when they fought *Am Yisrael*? (ז': ח')
- In who did *Bnei Amon* put their faith when they fought *Am Yisrael*? (ז': ח')
- If someone purchased a new house, were they told to return home from the battle field? (ז': ב')
- If someone received a vineyard as a gift, were they told to return home from the battlefield? (ז': ב')
- Was a *yabam* told to return home from the battlefield? (ז': ב')
- What would the people that were sent home from the battlefield do? (ז': ב')
- Was a *machzir gerushato* sent home from the battlefield? (ז': ג')
- Which people would be exempt from all army service, on and off the field? (ז': ד')
- What are the three opinions regarding to whom the following verse refers: (ז': ה')

"הירא ורך לבב"
- Could people leave the battlefield once the battle begun? (ז': ח')
- What are the two opinions regarding in which battles everyone partook? (ז': ז')
- Explain the debate regarding how many people were sent from the *Beit Din* in *Yerushalaim* for the *eglah arufah* procedure. (ז': ט')
- In what state must the body be found in order that the *eglah arufah* be performed? (ז': ב')
- Would the *eglah arufah* be performed if the closest city did not have a *Beit Din*? (ז': ב')
- If the head was severed from the body, where was the body buried? (ז': ט')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
2 June כ"ה אייר	3 June כ"ו אייר	4 June כ"ז אייר	5 June כ"ח אייר	6 June כ"ט אייר	7 June א' סיון	8 June ב' סיון
Sotah 9:4-5	Sotah 9:6-7	Sotah 9:8-9	Sotah 9:10-11	Sotah 9:12-13	Sotah 9:14-15	Gittin 1:1-2

