



Volume 9. Issue 32

Going to War

The eighth *perek* deals with war. There are two categories of war. The first is *milchemet mitzvah* in which everyone is obligated to take part. The *Rambam* explains that this includes the initial conquest of *Eretz Yisrael*, the war against *Amalek* or a defensive battle. The second is *milchemet reshut*, which is to expand the borders of *Eretz Yisrael*. The *Mishnayot* deal with second category and discuss those that take part, those that are instructed to return and take a supporting role and those that are completely exempt from any involvement.

The *Torah* lists three people who are instructed to return from the battle field: “the man who has built a new house and has not inaugurated it”, “the man who has planted a vineyard and not redeemed it” and “the man who has betrothed a woman and not married her”. The *Mishnah* (8:2-3) explains exactly what satisfies these three cases.

The *Minchat Chinnuch* (526) notes that it is unclear whether these three people are simply given permission to return, but may chose to stay or whether they are obligated to leave. He notes there is another person who is instructed to return – “a person who is scared and of soft heart” – it makes sense that he must return as the *Torah* states “Let him go and return to his house, and let him not melt the heart of his fellows like his heart.” (20:8) Nevertheless for the above three it is not obvious.

The *Minchat Chinnuch* cites *Rashi* (20:7) that comments that when the *Torah* writes that the engaged man should return “in case he dies in battle”, that he would deserve to if he does not listen to the *kohen*. The implication from *Rashi* is that he must. The *Ramban* (20:5) appears to move in a similar direction: “... and these three were command to return, because their hearts are on their house and vineyard and wife, and are likely to flee”. The *Ibin Ezra* adds that their fleeing would cause others to flee as well. The reason

why these three are instructed to leave is therefore much like the reason those that fear war are told to return home. In contrast the *Meiri* writes that these three are given permission to leave and may return if they wish.

This debate impacts other areas. The *Mishnah* teaches that a groom from a forbidden relationship is not exempt from war. Two cases listed are the *kohen* that marries a divorcee and a *kohen* that marries a *chalutza*. The nature of the prohibition in the second case is rabbinic. If we say that the a groom is given permission to return, then in this case the rabbinic prohibition simple prevents our groom from exercising that right. However if the groom is obligated to return by *Torah* law we run into a problem. How can the *Chachamim* force this man to stay when he is obligated by *Torah* law to leave?

Indeed we learn (8:5) about the debate between *R' Yosi Ha'Glili* and *R' Yosi* regarding the scope of the exemption of “one that fears war”. They both agree that it refers to the fear of a sin that they have transgressed and *R' Yosi* argues that this includes rabbinic laws. Nevertheless the *Mishnah* learns the exemptions from the *pasuk* describing the case of the groom (44a) and states that it excludes the *kohen* that married a *chalutza* (“*ve'lo lekacha*”).

The *Tosfot Yom Tov* initially answers that really *chalutza* should not be included in the text. Since however we find in our learning *gerusha* and *chalutza* paired together, they were included together here as well. He notes however that the *Rambam* includes the case of the *chalutza* in the *Mishneh Torah*. The *Minchat Chinnuch* however explains that the *Torah* exclude even a rabbinically prohibited relationship. He brings other laws that are similar including the position of *R' Yosi* above that *Torah* can exclude even one that has a rabbinic sin.

Yisrael Yitzchak Bankier

Revision Questions

סוטה ז' ג': ט' א'

- From where do we learn that *mikra bikurim* must be recited in *lashon ha'kodesh*? (ז' ג')
- From where do we learn that *chalitzah* must be recited in *lashon ha'kodesh*? (ז' ד')
- 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' ו')
- What was the *birchot kohen gadol*? (ז' ו')
- 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*? (ח' א')
- In who did the *Plishtim* put their faith when they fought *Am Yisrael*? (ח' א')
- In who did *Bnei Amon* put their faith when they fought *Am Yisrael*? (ח' א')
- If someone purchased a new house, were they told to return home from the battle field? (ח' ב')
- If someone received a vineyard as a gift, were they told to return home from the battlefield? (ח' ב')
- Was a *yabam* told to return home from the battlefield? (ח' ב')
- What would the people that were sent home from the battlefield do? (ח' 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? (ח' ד')
- What are the three opinions regarding to whom the following verse refers: (ח' ה')

"הירא ורך לבב"
- Could people leave the battlefield once the battle begun? (ח' ו')
- What are the two opinions regarding in which battles everyone partook? (ח' ז')
- Explain the debate regarding how many people were sent from the *Beit Din* in *Yerushalaim* for the *eglah arufah* procedure. (ט' א')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
 Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
 9:00am
Kollel Magen Avraham
 Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
 In US dial: 718 906 6400
 Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
9 th December כ"ה כסלו	10 th December כ"ו כסלו	11 th December כ"ז כסלו	12 th December כ"ח כסלו	13 th December כ"ט כסלו	14 th December א' טבת	15 th December ב' טבת
Sotah 9:2-3	Sotah 9:4-5	Sotah 9:6-7	Sotah 9:8-9	Sotah 9:10-11	Sotah 9:12-13	Sotah 9:14-15

