

# THE MAHARSHAM PROJECT



שו"ת  
מהרש"ם  
BREZHAN

Shavuos Special Edition · Chag HaShavuos 5786 · The Maharsham on Shavuos and Mattan Torah

## THE MAHARSHAM ON SHAVUOS AND MATTAN TORAH

Teshuvos Maharsham · Daas Torah · Techeiles Mordechai

*Five pieces from the Maharsham's writings on Shavuos,  
the giving of the Torah, and what it means to receive it.*

*Dedicated Le'iluy Nishmas*

**לעילוי נשמת**

**הרה"ק רבי פינחס הי"ד בן רבי שלום זצללה"ה זי"ע**

**וזו' הרבנית הצדקנית מרת שלומצא הי"ד בת הרה"ק רבי מאיר מקרעטשניף זצללה"ה זי"ע**

**Rebbe Pinchos of Kechnia, Hy"d, ben Rebbe Sholom, Ab"d Lanshin, zy"a  
and his Rebbetzin, Shlomtza, Hy"d, bas the Rebbe Reb Meir of Kretchnif, zy"a**

**who were murdered al kiddush Hashem in Auschwitz on 3 Sivan**

*May the learning of the Maharsham's Torah be an aliyah for their neshamos. Their yahrtzeit, 3 Sivan, falls during the  
Sheloshes Yemei Hagbalah, the days of preparation for Kabbalas HaTorah.*

*Sponsored le'iluy nishmas*

**מרת חיה רוזא בת ר' יוסף ע"ה**

**Chaya Roiza bas R' Yosef, a"h**

*Yahrtzeit 3 Sivan*

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## Adorning the Shul on Shavuos: A Minhag Defended

The Rema rules that the custom is to spread grasses in the shul and in homes on Shavuos, as a *zecher l'simchas Mattan Torah*. The Magen Avraham adds the placing of trees, since Shavuos is the time when the world is judged on the fruit of the tree.

**רמ"א או"ח תצ"ד סעי' ג:** נוהגין לשטוח עשבים בשבועות בבית הכנסת והבתים זכר לשמחת מתן תורה

**מגן אברהם שם ס"ק ה:** וגם מעמידין אילנות בבית הכנסת לרמז שבעצרת נידונין על פירות האילן

*Source: Rema, Orach Chaim 494:3; Magen Avraham 494:5.*

The Gr"a, with his well-known sensitivity to any possible concern of *chukos hagoyim*, did not approve of placing trees in the shul. As recorded in the *Maaseh Rav* and the *Chayei Adam*, he held that since the practice resembles the religious customs of the *umos ha'olam*, it falls under the *issur of "u'vechukoseihem lo seileichu,"* and he was actively *mevatel* the *minhag*.

**מעשה רב אות קצ"ה:** בשבועות אין להעמיד אילנות כי מאחר שאינו אלא מנהגא ולא מדינא והוא חוק הגויים נכון לבטל

*Source: Maaseh Rav, os 195; cf. Chayei Adam, klal 131:13.*

### The Maharsham Upholds the Minhag

The Maharsham stood among the leading *Acharonim* who upheld the *minhag*, following other major *poskim*. His position rests on two arguments.

1. A *minhag* with a valid reason is not *chukos hagoyim*. Following the Rema and the Maharik, the Maharsham held that a custom is forbidden as *chukos hagoyim* only when it is rooted in *avodah zarah* or lacks any understandable reason. A practice observed for a valid reason of our own, and especially one done *l'kavod*, is permitted even where the *umos ha'olam* do something similar. He brings as precedent the Rivash, who permitted visiting a grave each day of *Shiva* though it was a common practice among the nations, because it is done *l'kavod hameis*.

2. The Maharsham also notes a practical distinction between the Jewish minhag and the practice he was discussing, so that it cannot be treated as the same act. Since the actions are not identical, the minhag remains entirely permitted.

Source: Daas Torah, Orach Chaim 494:3; Shu"t Maharsham 1:127 and 8:161; glosses to Orchos Chaim 494. Cited and upheld by Rav Ovadiah Yosef, Yechaveh Daas 4:33 and Yabia Omer YD 3:24.

#### A TORAH THOUGHT

*One sees here a derech in psak. The Maharsham does not dismiss the Gr"a's concern; he answers it from the sources, twice over, on principle and on a precise distinction. He shows how a cherished minhag Yisrael, the grasses and trees that recall the simchah of Mattan Torah, rests on firm halachic ground. The way he upholds the minhag is itself a lesson in loyalty to mesorah.*



#### SECTION II

## When to Daven on Shavuos Night

The widespread custom is to delay Maariv on the first night of Shavuos until it is certainly dark, after tzeis hakoachavim. The Taz explains the reason: the seven weeks of Sefiras HaOmer must be temimos, complete. If we accept Shavuos early, before the Omer is fully counted, the weeks are not complete.

The Maharsham, in Daas Torah, cites the Masas Binyamin and the Nachalas Shiva that the requirement of temimus applies only to the recitation of Kiddush on Shavuos night, not to Maariv itself. The Omer was counted in full through to Shavuos; the early arrival of Yom Tov in davening does not affect the count.

**דעת תורה או"ח תצ"ד:** ועיין משאת בנימין ונחלת שבעה דענין תמימות לא קפיד אלא לענין קידוש ולא לתפלת ערבית'

Source: Daas Torah, Orach Chaim 494:1, in the name of Masas Binyamin and Nachalas Shiva. This approach is also found in Siddur Yaavetz and Melamed L'Hoil 1:108.

## A TORAH THOUGHT

*One sees here the Maharsham's precision in psak. Where one might have applied the concern broadly, he identifies exactly where the halachic concern applies: to Kiddush, not to Maariv. He preserves the integrity of the Omer count while carefully defining the boundaries set by the earlier poskim.*



## SECTION III

# Bringing Everyone to the Aseres Hadibros

On the first day of Shavuot we read the Aseres Hadibros from Parshas Yisro. The Midrash teaches that when Klal Yisrael hears the Aseres Hadibros read each year, HaKadosh Baruch Hu considers it as though they were standing again at Har Sinai, accepting the Torah. There is therefore a strong and cherished custom for men, women, and children to be present for the reading, as at Mattan Torah.

A practical she'eilah follows. If a minyan has already heard the Torah read, may another reading be made, with berachos, for those who have not yet heard it, so that no one who wishes to hear the Aseres Hadibros should be left without that opportunity? The Maharsham discusses cases where those who have not yet heard Krias HaTorah may justify a new reading with berachos. The details of when and how this applies are, of course, a matter for a rav in each case.

שו"ת מהרש"ם ח"א סימן קע"ה וח"ב סימן צ"ז: שאף בפחות מעשרה שלא שמעו קריאת התורה יכולין לקרות להם בברכה

Source: Shu"t Maharsham 1:175 and 2:97 (cited in Biur Halacha 143:1 s.v. bepachus).

## A TORAH THOUGHT

*The Maharsham's achrayus for the individual meets his understanding of the meaning of the day. Since the reading of the Aseres Hadibros carries this remembrance of standing at Har Sinai, there is a special concern that every Yid who wishes to hear it should be able to do so, just as it was given to all of Klal Yisrael at Har Sinai. One sees from here how halachic reasoning and concern for each member of the tzibbur point in the same direction.*



## SECTION IV

# Building the Inner Mikdash

A Mattan Torah theme runs through the close of Sefer Shemos, in the building of the Mishkan. On the doubled phrase in Moshe's blessing, "u'maaseh yadeinu koneneihu," the Maharsham in Techeiles Mordechai, building on the Alshich, opens a beautiful idea.

The Alshich reads "V'asu li mikdash v'shochanti b'socham," "make Me a sanctuary and I will dwell among them," as two distinct undertakings. The first half is the physical Mishkan. The last words, "and I will dwell among them," speak of a sanctuary made within each person, so that the Shechinah rests not only in a structure but inside every individual.

**אלשיך שמות כ"ה:** ועשו לי מקדש – זה הבנין; ושכנתי בתוכם – בתוך כל אחד ואחד מישראל

**תכלת מרדכי פרשת פקודי:** מעשה ידינו כוננה עלינו – הבנין; ומעשה ידינו כוננהו – המקדש שבתוך כל אחד

Source: Techeiles Mordechai, Parshas Pekudei, on Shemos 39:42-43, building on Alshich, Shemos 25:8.

On this basis the Maharsham explains the double language. In addition to the work that raised the physical structure, a spiritual structure was being built within each member of Klal Yisrael. That is why Moshe's blessing is twofold: one phrase for the building of the physical Mishkan, and the repeated phrase for the completion of the sanctuary within each individual.

### A TORAH THOUGHT

*A central part of Kabbalas HaTorah is the building of this inner mikdash. Klal Yisrael does not only receive a text; each person is asked to become a place where the Torah and the Shechinah can dwell. Torah is not meant to remain outside a person as information alone; it is meant to refine his mind, his speech, his middos, and his home. The Maharsham's reading turns the end of Sefer Shemos into a Shavuot drasha: a central avodah of Kabbalas HaTorah is the building that happens within.*



## The Maharsham and Kavod HaTorah: Stories

### His Hasmadah: One Hundred and One Times Through the Tur

It is related in the name of Rav Meir Shapiro of Lublin that in the Maharsham's old age, when he was already ill and no longer left his home, several of the town's leading talmidei chachamim gathered by his door and began to argue a point of halacha. The sound carried into his room. He called Rav Meir, asked what they were discussing, and immediately directed them to the exact place in the Darchei Moshe on the laws of Mezuzah. He asked for the Tur to be brought, and pointed straight to the spot. To Rav Meir's astonishment, the Maharsham showed him what he had written in the margin: "Today I have completed the Tur for the hundred-and-first time," adding, "One who studies a hundred and one times, it is no wonder that he remembers a particular section."

*(Recounted in the name of Rav Meir Shapiro of Lublin.)*

### His Yiras Hora'ah: Before the Beis Din Shel Maalah

It is related that in the final hours of his life, on his deathbed in Brezhan, a member of his household offered him a little wine to strengthen him. The Maharsham refused, explaining: "It is an explicit halacha that a man who has drunk wine may not give a ruling, and I am now preparing the first discourse that I will have to deliver before the Heavenly Court."

### His Achrayus: Explaining the Din to Every Baal Din

It is related that after every din Torah, the Maharsham would explain to the losing party the reason for the psak, until the man understood it clearly. If the baal din could not grasp the reasoning, the Maharsham would say: "You surely have a good friend or a relative who is a talmid chacham. Send him to me, and I will explain it to him, so that you will understand that the psak was true and just."

#### A TORAH THOUGHT

*His Torah was never merely for himself. He toiled over it a hundred and one times; he would not allow wine to touch his lips when a ruling was at hand, even before the Beis Din shel Maalah; and he felt an achrayus that even the losing party in a din Torah should understand the emes of the psak. One sees from here what Kabbalas HaTorah meant to the Maharsham: Torah was given to all of Klal Yisrael, and those entrusted with it carry an achrayus to share it with clarity, patience, and emes.*



## A CLOSING THOUGHT

*A thread runs through these pieces. The Maharsham upheld a cherished minbag Yisrael rather than abolish it; he carefully defined where the halachic concern of the Omer applies; he ruled toward bringing even one more Yid to hear the Aseres Hadibros; he taught that the true avodah of Kabbalas HaTorah is the mikdash built within a person; and he gave his whole life, to its final hour, to a Torah he understood must reach every Yid with clarity and emes. May the learning of his Torah be a zechus and an aliyah for the neshamos in whose memory it is dedicated.*

תנצב"ה

## WHO WAS THE MAHARSHAM?

Rav Shalom Mordechai HaKohen Schwadron was among the greatest poskim of the late nineteenth and early twentieth centuries. Born on 27 Nissan 5595 (1835) near Złoczów in Galicia, he inherited a family business and was at first reluctant to accept a rabbinic post, becoming a rav only at the age of thirty-one.

He served in Brezhan, where he became known as the Gaon of Brezhan, and answered she'eilos from every corner of the Torah world. His teshuvos number in the thousands across nine volumes; his *Da'as Torah* is a sweeping commentary on the Shulchan Aruch; and his *Techeiles Mordechai* is a three-volume commentary on the Torah.

He was renowned for his extraordinary command of the entire Torah literature and for his precision in psak. His rulings were marked by breadth, exactness, and a refusal to blur the contours of the halacha. Both qualities are reflected in the pieces presented here.



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