

SHABBAT SHALOM. Today is 2 Elul, 5786. Corresponding to August 15, 2026

TORAH DIALOGUE

(p. 820 Hz) (p. 1078 S) (p. 728 Hi) (p. 1024 AS)

SHOFTIM

Deuteronomy 16:18

[Compiled by Rabbi Edward Davis (RED),
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1. "Judges and officers shall you (singular) appoint in all your cities..." (16:18). Who is the "you" in this clause? The Kli Yakar (Rabbi Shlomo Ephraim Luntschitz, 1550-1619, Prague) wrote that the "you" here is really you: you should judge yourself before standing before a judge. This is fine sermonics, but hardly the literal meaning. The realistic approach is that Moshe is directing his remarks to the person who is responsible for appointing judges. Pick a person whom you would want to judge you. A judge who will not feel indebted to the person who appointed him. In such a person you can rely upon for proper judgment. The Chattam Sofer (Rabbi Moshe Schreiber 1762-1839, Pressburg) wrote that the choice of a judge should be one who would judge over you correctly. It is important to value the system used to appoint judges in Jewish law. Just the hint of misconduct would disqualify a candidate. You did not need to prove the misconduct. Hence the judges were a higher element of society.

2. MIDRASH: Choose a judge for you and not for the nations of the world. This statement in the Midrash is to establish a Jewish standard that was different from those used by the non-Jewish world. Decades ago, a non-Jew wanted to take his Jewish neighbor to court for some discourteous act. The Jew said to his neighbor that he would go only to a Rabbinic court because that is the Jewish law. This is not true, but the Jew thought he would fare better with Jewish judges. The non-Jew agreed, and they went to a Beit Din. The Beit Din not only decided the case in favor of the non-Jew, but berated the Jew for dragging the Goy to a Beit Din when the Jew knew that the Halachah did not mandate that course of action. Kol HaKavod!

3. A Russian judge once said to the Beit HaLevi (Rabbi Yoshe B'er Soloveitchik, 1820-1892, Belarus, great-grandfather of my Rebbe): Russian law is superior to Jewish law. In the case of bribery of a judge, Russian law punishes the one who bribes and the one who accepts the bribe. According to Jewish law, only the recipient, the judge, is punished. Rabbi Yoshe B'er responded that to the contrary, your case really proves the opposite, that Jewish law is superior. In Russian law, the judge who accepted the bribe is secure in knowing that the one who bribed will not report the bribe to the authorities, for he knows he will be punished also. But as to Jewish law, the judge who accepted the bribe is always worried that the one who bribed him will come forward and admit to the bribe. He won't be punished, thereby placing the judge in greater risk.

4. At the end of the paragraph dealing with the execution of a guilty person, the Torah states: "you shall destroy the evil from your midst." (17:7). This demonstrates that the execution is not an act of revenge; it is a measure of simple punishment. It is necessary to protect the Jewish society from the possible influence of having this evil in our midst. [RED's note: In Israel, the ultra-Orthodox get visibly upset when they see people who desecrate Shabbat publicly. We, who grew up in America, do not feel that insult to the Torah. I grew up in a Jewish neighborhood in Washington, D.C., where the vast majority of my Jewish neighbors did not observe Shabbat. Similar to our neighborhood in Florida. When a Jew would drive by me on Shabbat, he would lower his window and wish me a Good Shabbos, and I would happily return the greeting. It does not upset me since I grew up that way. Clearly, I was not capable of "destroying the evil from our midst." I am not capable of seeing things in this Torah fashion. Do not conclude that I condone throwing rocks at Shabbat desecrators as is done in Israel. I do not. But I too should feel the insult to the Torah!

5. The Torah states that you shall adhere to the words of the Torah leadership; do not depart from their words. (17:11). The Talmud (Shabbat 23a) tells us that we say a Berachah over the Chanukah lights:... Hashem Who has sanctified us with His commandments and has commanded us to light Chanukah candles. But Hashem never commanded us to light Chanukah candles!! The Talmud and the Rambam (Hil. Berachot 11:3) wrote that the Torah statement to listen to our Torah authorities is the source that validates the language of the Berachah. Hashem never commanded us to light Chanukah candles or to read Megillat Esther; yet we say the Berachah that Hashem did command us. Hashem did command us to listen to our Sages, and that must be the essence of the Berachah's language.

6. The Torah dictates that Bnei Yisrael should have a king. If so, why did Shmuel the prophet get upset when Bnei Yisrael requested of Shmuel to appoint a king. But when we analyze how Bnei Yisrael made the request, we see an answer. Bnei Yisrael said: (Samuel I, 8:5) "Now place a king upon us to judge us like all the non-Jewish (world)." It is clear that Bnei Yisrael weren't interested in fulfilling the law of the Torah. Their desire for a king was a desire to be like the non-Jews of the world who all had kings (Ktav Sofer and Sanhedrin 20). [RED's note: Our laws of the king differ greatly from the Goyish law. They had a law of the "divine right of the king" which is contrary to our law which literally connects and binds the king to be a model of Torah living and leadership. Furthermore, the Jewish system had a system of checks and balances, with the king, the Kohanim, the Sanhedrin, and the prophet all sharing in the system of leadership.]

7. Torah (18:13) states "You shall be wholehearted with Hashem your God." Rashi defines this statement to mean that we should not inquire or try to know the future.

Hashem will take care of you. Know that Hashem will protect you if you are pure and wholehearted with Him. This would help us to understand why there is an attempt to be stringent in matters of Torah law that define the relationship between us and Hashem. Seemingly there are no stringencies between us and our fellow Jew. But upon closer analysis we can see some effort to be extra kind to our fellow Jew. Firstly there is a concept of Lifnei MiShurat HaDin, ex gratia, "by favor," to act voluntarily beyond law out of kindness and grace. And there is a verse in BaMidbar 32:22, which states that we should be innocent in the eyes of Hashem and Israel. Try to be pleasing in the eyes of your fellow Jew.

8. In the days of Mashiach when Hashem will expand the borders of Israel (all the way to the Euphrates River), there will be a need to add three more Cities of Refuge. How can this be? In the times of the Mashiach there will be accidental killings? The Meshech Chochmah (Rabbi Meir Simcha of Dvinsk 1843-1926), among others, wrote that the sole difference between today and the days of Mashiach is subservience to the non-Jewish world. In light of this notion, we will still experience accidental killings and other ills of society. I do not like that definition of the days of Mashiach. That means I don't have a real answer to our initial question.

QUESTIONS FOR PARSHAT SHOFTIM 5786

I. From the Text

1. Where must there be judges and officers? (16:18)
2. What three items is the king prohibited to have too much of? (17:16,17)
3. How many Cities of Refuge were established within Canaan? (19:2)
4. What is the minimum number of witnesses needed to convict a sinner of a crime? (19:15)
5. What are the 4 conditions upon which a Jew is exempted from military service in an optional war? (Chapter 20)

II. From Rashi

6. What is the maximum number of wives that a king is allowed to have? (17:17)
7. What percentage of a farmer's grain was given to a Kohen (Terumah)? (18:4)
8. If a Jew moves a land boundary to gain some of his neighbor's land, outside of Eretz Yisrael, how many prohibitions has he committed? (19:14)
9. What was the response of the Beit Din when an individual Canaanite came to convert to Judaism?
10. After discovering a dead body, a ceremony took place involving breaking the neck of a heifer. What is done if they found the murderer after the ceremony? (21:9)

III. From the Rabbis

11. What are the 3 Mitzvot that Bnei Yisrael were required to perform when they entered the Promised Land? (Sanhedrin 20b)
12. The Jews who were exempted from military service, how should they help the soldiers?

13. When a dead body is discovered, who measures which city is closest to the dead body?

IV. Midrash

14. Why is the law of appointing judges right next to the law of an idolatrous tree?

V. Haftarah. Isaiah

15. What helps us get through the Exile?

VI.

- 16.
- a) Yitzhar - Amram
- b) Chaglah - Tirtzah
- c) Miriam - Tzipporah
- d) Serach - Zerach
- e) Yiskah (Sarah) - Lot

ANSWERS FOR PARSHAT SHOFTIM 5786

1. In every city
2. Horses, wives, and gold and silver.
3. 3
4. 2
5. 1) built a house and didn't yet live in it. 2) planted a vineyard and didn't yet eat from anything. 3) got engaged and didn't yet marry her. 4) he is afraid.
6. 18
7. Anywhere from 1/60 to 1/40 of the grain.
8. 1. Don't Steal
9. Beit Din should accept him.
10. Beit Din should execute him.
11. a) Establish a king. b) Eliminate Amalek. c) Build the Holy Temple.
12. Bring food and water to the soldiers and fix the roads.
13. The Sanhedrin
14. Appointing a corrupt judge is likened to planting an idolatrous tree.
15. The knowledge that Hashem is near and wants us.
- 16.
- a) Brothers
- b) Sisters (daughters of Tzelafchad)
- c) Sisters-in-law
- d) First Cousins (daughter of Asher and son of Yehudah)
- e) Siblings