Class # 38– Parshat Shoftim – “Can a Rabbi permit driving to Shul on Shabbat?”

Advanced Fellowship Parsha Class - Sponsored in memory of Alice Toby Barbanel Z”l

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1. ***What is the role and limits of Rabbinic authority?***
2. ***Where does their authority this stem from?***

***Parshat Shoftim***

*Judges and Justice*

*16:18 Appoint yourselves judges and* [*police*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=16#C4080) [*for your tribes*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=16#C4081) *in all your settlements that God your Lord is giving you, and make sure that they administer honest judgment for the people. 16:19* [*Do not bend justice*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=16#C4082) *and do not give special consideration [to anyone]. Do not take bribes, since bribery makes the wise blind and* [*perverts the words of the righteous*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=16#C4083)*. 16:20 Pursue perfect honesty, so that you will live and occupy the land that God your Lord is giving you.*

*The Supreme Court*

*17:8 If you are* [*unable to reach a decision*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=17#C4094) *in a case* [*involving*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=17#C4095) [*capital punishment*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=17#C4096)*, litigation,* [*leprous marks*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=17#C4097)*, [or any other case]* [*where there is a dispute in your territorial courts*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=17#C4098)*, then you must set out and go up to the place that God your Lord shall choose. 17:9 You must approach the* [*Levitical priests*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=17#C4099) *[and other members of] the* [*supreme court*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=17#C4100) *that exists at the time. When you make inquiry, they will declare to you a legal decision. 17:10 Since this decision comes from the place that God shall choose, you must do as they tell you, carefully following their every decision. 17:11* [*[Besides this, in general,] you must keep the Torah as they interpret it for you, and follow the laws that they legislate for you*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=17#C4101)*.* [*Do not stray*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=17#C4102) *to the right or left from the word that they declare to you. 17:12 If there is* [*any man*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=17#C4103) *who* [*rebels*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=17#C4104) *and refuses to listen to the priest or other judge who is in charge of serving God your Lord there [*[*as leader of the supreme court*](http://bible.ort.org/books/pentd2.asp?ACTION=displaypage&BOOK=5&CHAPTER=17#C4105)*], then that man must be put to death, thus ridding yourselves of evil in Israel. 17:13 When all the people hear about it, they will fear and will not rebel again.*:

The Rambam in the Laws of the Rebels – Ch. 1

Halacha 1

The Supreme Sanhedrin in Jerusalem are the essence of the Oral Law. They are the pillars of instruction from whom statutes and judgments issue forth for the entire Jewish people. Concerning them, the Torah promises [Deuteronomy 17:11](http://www.chabad.org/9981#v11): "You shall do according to the laws which they shall instruct you...." This is a positive commandment.

Whoever believes in Moses and in his Torah is obligated to make all of his religious acts dependent on this court and to rely on them.

Halacha 2

Any person who does not carry out their directives transgresses a negative commandment, as Ibid. continues: "Do not deviate from any of the statements they relate to you, neither right nor left."

Lashes are not given for the violation of this prohibition, because it also serves as a warning for a transgression punishable by execution by the court. For when a sage rebels against the words of the court, he should be executed by strangulation, as the following verse states: "A person who will act deliberately...."

We are obligated to heed their words whether they:

a) learned them from the Oral Tradition, i.e., the Oral Law,

b) derived them on the basis of their own knowledge through one of the attributes of Biblical exegesis and it appeared to them that this is the correct interpretation of the matter,

c) instituted the matter as a safeguard for the Torah, as was necessary at a specific time. These are the decrees, edicts, and customs instituted by the Sages.

It is a positive commandment to heed the court with regard to each of these three matters. A person who transgresses any of these types of directives transgresses a negative commandment. This is derived from the continuation of the above verse in the following manner: "According to the laws which they shall instruct you" - this refers to the edicts, decrees, and customs which they instruct people at large to observe to strengthen the faith and perfect the world. "According to the judgment which they relate" - this refers to the matters which they derive through logical analysis employing one of the methods of Biblical exegesis. "From all things that they will tell you" - This refers to the tradition which they received one person from another.

Halacha 3

There can never be any difference of opinion with regard to matters received through the Oral Tradition. Whenever there arises a difference of opinion with regard to a matter that shows that it was not received in the tradition from Moses our teacher.

The following principles apply with regard to matters derived through logical analysis. If the entire body of the Supreme Sanhedrin agrees with regard to them, their consent is binding. If there is a difference of opinion, we follow the majority and decide the matter according to the majority. Similarly, with regard to the decrees, edicts, and customs, if a portion of the judges perceived that it was necessary to issue a decree, institute an edict, or establish a custom for the people, and a portion perceived that it is not appropriate to issue this decree, institute this edict, or establish this custom, the judges should debate the matter back and forth. Afterwards, a vote is called, and we follow the majority and execute the matter according to the decision of the majority.

Halacha 4

When the Supreme Sanhedrin was in session, there was never any prolonged differences of opinion among the Jewish people. Instead, if a doubt arose in a Jew's mind over any law, he would inquire of the court in his city. If not, the questioner and that court - or its agents - ascend to Jerusalem and ask the court which holds sessions on the Temple Mount. If they know, they will reply to him, if they do not know, everyone comes to the court that holds sessions at the entrance to the Temple Courtyard. If they know, they will reply to him, if they do not know, everyone comes to the Chamber of Hewn Stone, to the Supreme Sanhedrin, and presents the question. If the matter that was unresolved by all the others was known to the Supreme Sanhedrin - either as part of the Oral Tradition or because of its derivation through the principles of exegesis - they relate the decision immediately. If, however, the decision was unclear to the Supreme Sanhedrin, they deliberate about the matter at that time and debate it back and forth until they reach a uniform decision, or until a vote is taken. In such a situation, they follow the majority and then tell all the questioners: "This is the halachah." The questioners then all depart.

After the Supreme Sanhedrin was nullified, differences of opinion multiplied among the Jewish people. One would rule an article is impure and support his ruling with a rationale and another would rule that it is pure and support his ruling with a rationale. This one would rule an article is forbidden and this would rule that it is permitted.

Halacha 5

The following rules apply when there are two sages or two courts that have differing opinions in an age when there was no Supreme Sanhedrin or during the time when the Supreme Sanhedrin was still undecided concerning the matter - whether in one age or in two different ages - one rules that an article is pure and one rules that it is impure, one forbids an article's use and one permits it. If one does not know in which direction the law tends, should the matter involve a question of Scriptural Law, follow the more severe opinion. If it involve a question of Rabbinic Law, follow the more lenient opinion.