Points to Ponder Shoftim 5776

You shall appoint judges in all your gates (16:18) – The Talmud (Makos 6a) notes that there is a Mitzva to appoint judges in each and every city and locale in the land of Israel and their reach extends to Chutz LaAretz. Is the obligation on the people of the city to appoint judges or is it on the central Beis Din of Yirushalayim? Ramban seems to suggest that the obligation is on the citizens of the locality. Gevuros Ari asks why there is no Mitzva to appoint judges in Chutz LaAretz. After all, even Bnei Noach need a system of government – why not have the same Mitzva apply in Chu"l as in the land of Israel? Rav Shteinman Shlita suggests that the Bnei Noach can appoint a single judge and fulfill the requirement. The governing rule of the judge comes from the local king. The Mitzva of a court in each city is for a Beth Din of 23 – whose power comes from the central Sanhedrin. THAT requires a connection to the Shechina and that only happens in Eretz Yisrael.

Tzedek Tzedek Tirdof (16:20) — One who does not feel the weight of responsibility of being a judge is identified in the Mishna as a Shoteh, a Rasha and a Gaas Ruach. **Rav Nissim Karelitz Shlita** asked what was gained by the three titles. He explained: At times some think they are smarter than everyone else. This line of thinking is foolish and leads to errors in judgement. Sometimes one does not realize his foolishness but his Yiras Shomayim will make him think twice. That will help him — hence one who doesn't is a Rasha. But what leads one to run after the opportunity to display foolishness and Rishus? It is the Gaavah.

So that you live and inherit the land (16:20) – The Talmud (shabbos) explains that Judges must be careful in judgement or risk losing their rights to the land of Israel. This is part of the prophesy of Tzion B'Mishpat Tipadeh. **Rav Schachter Shlita** mentioned a **Pischei Teshuva** which told of a certain Dayan who covered his eyes in front of the Baalei Din in order not to look at the faces of guilty people in the process. Rav Schachter noted the challenge in doing this in that Dayanim need to look at the eyes of the people in order to see if they are telling the truth. He recommended Atifa with a hat instead.

And he should not lead the nation back to Mitzrayim in order to garner horses (17:16) – Why does the prohibition add the words "BaDerech Hazeh"? What does 'Od" mean? When else did they return? Moreover, for business one MAY buy Egyptian stallions (See Ramban)? And where does Hashem say that one may not return to Egypt elsewhere? Rav Mordechai Greenberg Shlita explains that the return was stylistic (BaDerech Hazeh =in this manner). We are commanded never to be indebted to Mitzrayim – or any land whose sign of success is the emergence of wealth and excesses. The horses of Egypt were a sign of extravagance. In a life of Torah the life of excess takes one away from the spiritual life.

You should be wholehearted with Hashem (18:13) – Rashi explains that one should not be routed in trying to figure out the future. Rav Wolbe ztl. pointed out that often a person thinks more about the future than the present. At the same time others spend too much time on the past. The Torah wants us to know that one shouldn't dwell on his past too long or be excessively concerned about his future too much. The Gemara (Rosh Hashana 16b) tells us that we are judged in the present. That is because the present encapsulates the past and is the seed of the future. We need to make the most out of each day as it presents itself.

Tamim Teheyeh (18:13) – There is a major discussion among the Poskim about whether Segulos are a good thing or should not be adhered to. The proponents of following the Segulos argue that they appear in early Rabbinic literature so why not follow them? **Rav Pinkus ztl.** explained that Segulos are like

certain fertilizers. They may not hurt if you do not use them but if you continuously use them and forget at some point, the damage to the crop at that point might outweigh the yield. The advantage to Learning Torah and doing Mitzvos as the best Segulah is that it is the segulah that keeps on giving.

Our hands did not spill this blood (21:7) – Rashi cites the Gemara that notes that we did not send him off without food or drink. What would the benefit of food or drink have for one who was attacked and killed? The author of the Shai L'Torah explains that he might have been able to run away if he had the energy. The fact that he didn't makes the city also somewhat culpable in his death perhaps. Hence they explain that this was not the problem. Perhaps one can explain that the issue is somewhat different — that the culpability here is over the fact that he did not have the mark of someone who was being watched out for. The loner makes the target. Jews need to know that no matter where they are, they are never alone.

Haftorah: I am, I am you comforter (Yeshayahu 51:12) — Why the double Anochi? Yalkut Shimoni explains that Hashem tells the Bnei Yisrael that he once used the term Anochi on Har Sinai and he will yet again say it twice. Rav Gideon Weitzman Shlita explains that the Jews at the time of the Churban felt very distant from Hashem. Therefore Hashem used the term Anochi as opposed to Ani for Anochi denotes a sense of closeness. But the people were too much in sorrow to hear the message. Thus, Hashem repeated the message of Anochi — he was close with them in the past and will remain close to them forever.