

ISSUE #49

ד' אלול תשפ"ד
7/9/24



A VORT FROM THE ROSH YESHIVA מורינו הרה"ג ר' אברהם גורביץ שליט"א

פרשת שופטים

שפטים ושטרים תתן לה בכל שערך וכו'. לא תטה משפט, לא תכיר פנים, ולא תקח שחד וכו'. לא תטע לה אשרה וכו'. ולא תקים לה מצבה וכו'. לא תזבח לה אלקיך שור ושה אשר יהיה בו מום וכו'. פי ימצא בקרבך באחד שעריך וכו', איש או אשה אשר יעשה את הרע וכו', ודרשת היטב וכו', והוצאת את האיש ההוא וכו'. (דברים טז, יח – יז, ה)

Judges and officers shall you appoint in all your cities ... You shall not pervert judgement, you shall not respect someone's presence, and you shall not accept a bribe ... You shall not plant for yourselves an idolatrous tree ... and not erect for yourselves a pillar ... You shall not slaughter for Hashem, your G-d, an ox or lamb in which there will be a blemish ... If there will be found among you in one of your cities ... a man or woman who commits what is evil ... then you shall investigate well ... Then you shall remove that man ... (Devorim 16:18-17:5)

This week's *Sidrah* mainly focuses on laws aimed at implementing Torah standards in the society that Klal Yisroel will establish in Eretz Yisroel. The first requirement is to establish a court system to administer judgment and protect the interests of all segments of the community.

The commandments in the *parshah* initially focus on instructing Klal Yisroel not to pervert judgment, show favoritism, or accept bribes. The *parshah* then continues with the law of the death penalty for those who serve *avodah zarah*, detailing the thorough inquiries and investigations conducted by Beis Din to establish an offender's wrongdoing. However, sandwiched in between these laws, the Torah mentions three *aveiros* that seemingly have no connection; Klal Yisroel are commanded against planting an idolatrous tree, erecting a pillar instead of a *mizbeach* (even to offer *korbanos* to Hashem), and offering a blemished animal as a *korban*. The Meforshim question the placement of these *halachos* in connection with the laws of the court system.

The Rosh Yeshiva *shlita* cites the Maharik which raises a further difficulty regarding the Chazal that describes the throne of judgement belonging to Shlomo HaMelech. The Midrash Rabbah details that his special chair had six steps, each with different inscriptions. On the first was written, לא תטה משפט, on the second, לא תכיר פנים, and on the third, לא תקח שחד, directives which understandably have a connection to judgment. On the next three steps were written the following three commandments: לא תטע לה אשרה, לא תקים לה מצבה, לא תזבח לה אלקיך שור ושה אשר יהיה בו מום. Furthermore, these commandments were not merely written there, but, as the Midrash relates, when Shlomo put his foot on each step, there was a miraculous announcement of what was written on it. These three latter commandments seemingly have no apparent association with judgement or Shlomo's throne, so what were they doing there, and why were they needed to serve as a reminder for Shlomo every time he was seated for judgment?

The Maharik explains the relationship between these three *aveiros* and justice, based on the Gemara (*Sanhedrin 7b*) which derives from the juxtaposition of the above passages that the appointment of an unqualified judge is tantamount to planting *asherah* trees. The Rambam (*Hil. Sanhedrin 3:8*)

references the Gemara and also compares the nomination of an unsuitable judge to the act of erecting a pillar, which is loathed by Hashem.

The Maharik explains that these two *derashos* complement each other, each addressing different deficiencies. The above Gemara is referring to the appointment of a judge who shows a tendency to be influenced by money, or displays bad *middos*. This person cannot be appointed as a *dayan*, regardless of his extensive Torah knowledge, since we suspect him of accepting bribery and perverting judgment. Such a person is compared to the *asherah* tree. The *asherah* tree may look like a beautiful, lush, healthy, and growing tree, but because it is used in idolatrous service, it is inherently flawed. Similarly, a person may be highly knowledgeable in Torah, able to produce impressive logic and impress others, but with bad *middos*, they are like the *asherah* - outwardly impressive but internally flawed. Additionally, the Gemara (*Shabbos* 105b) describes a person whose *yetzer horah* rules over them as if they have a foreign idol within them.

There is another type of person who has excellent *middos* and is pleasant to be around but lacks knowledge and understanding of Torah. This person is compared to a *מַצְבֵּה* – not only does a pillar not grow, but it also does not join with other stones to form a *mizbeach*, remaining in a limited and stagnant state. This is the individual the Rambam is referring to. Accordingly, these laws *do* refer to the laws of *dayanim*, emphasising the various flaws to avoid when appointing judges and underscoring the seriousness of these issues.

The Maharik further explains the third *pessuk* regarding not offering a *ba'al mum* as a *korban*. He cites the Rambam (*Hil. Sanhedrin* 4:15) who explains that an unqualified individual who was mistakenly appointed as a *dayan* has no authority and must be removed from the position, in the same way, *that sanctifying a ba'al mum is impossible and has no effect*. The Rambam derived from the juxtaposition of these *pessukim*, that in the same way that the *hekdesh* of a *ba'al mum* is ineffective even *b'dieved*, similarly, the appointment of an unqualified judge is meaningless and irrelevant. The first two *pessukim* discuss the qualities and characteristics required of a *dayan*, and the third commandment declares the significance of these criteria, stating that the nomination of an unsuitable *dayan* has no validity at all.

The Mishnah in Pirkei Avos (1:1) states: הָיוּ מְתוּנִים בְּדֵין - *Be deliberate in judgement*. R' Leib in Meorei Sheorim explains that this applies not only to those who are passing judgment in court but to every one of us. We are constantly making judgments about the right path in life, both in financial matters and matters of life and death (for example, embarrassing another person is likened to murder). The Mishnah teaches us to always be deliberate and cautious before deciding which step to take.

We learnt from the above Maharik that a fitting and suitable *dayan* requires fine *middos* and extensive Torah knowledge. Similarly, each person serving as their own judge should strive to improve themselves in these areas to ensure that they make the correct decisions in life.

This Devar Torah is adapted from ספר וענפיה ארזי אל עה"ת and is presented by the Gateshead Yeshiva Alumni Association. To receive by email, please register your interest by sending an email to parshasheet@gyalumni.org.