

QUESTIONS ON PARASHAT SHOFTIM

Q-1. (a) Why do the judicial laws follow the laws of the *regalim* (festivals) at the end of *Parashat Re'eh* (7 views)? **(b)** (1) What was the title of the head of the *Sanhedrin*? (2) How was he selected? (3) How were the 71 judges seated? (4) How many *batei din* of 23 judges were set up in *Yerushalayim*? (5) Where were they located? (6) Each town with what size population was required to set up a *beit din* of 23? (7) Since *Shemot* 21:2 and 22:8 already state that *Bnei Yisrael* must have judges, why is it again stated here? **(c)** When saying that bribes corrupt the righteous, why is “*tzadikim*” without the 2nd *yud* (2 views)? **(d)** Why is “*tzedek*” repeated in “*tzedek tzedek tirdof*” (righteousness, righteousness, you shall pursue) (3 views)? **(e)** Why does the ban against planting an *asheira* tree for idol worship follow the appointment of judges (2 reasons)? **(f)** Why were planting a tree on the Temple Mount or setting up a *matzeiva* (stone pillar) banned? (*Devarim* 16:18-21)

A-1. (a) This teaches that (1) the *Sanhedrin*'s judges set the dates of the *regalim*; (2) at the *regalim*, courts had to admonish *Bnei Yisrael* to fulfill their vows to bring *korbanot*; (3) judges had to warn against sinning during the *regalim*, when people dressed in striking clothes, partyied with food and drink, and the genders mingled; (4) judges were required to force people to give charity for the *regalim*; (5) at the *regalim*, people had to support the judges, *kohanim* and *levi'im* so that they will judge correctly; (6) just as males had to visit the *Beit haMikdash* during the *regalim*, one should visit his *rebbe* then (*Ba'al haTurim*). (7) Although all men visited the *Beit haMikdash* for the 3 *regalim* when they were able to ask about *halachot*, they nevertheless had to maintain *batei dinim* in every town (*Ra'avad – Hilchot Isurei Mizbei'ach* 5:7). **(b)** (1) The *Nasi* (prince or president); (2) he was the judge with the greatest wisdom; (3) in a semi-circle, seated in order of their knowledge – those with more knowledge were closer to the *Nasi*; (4) 2; (5) (i) one at the entrance to the *Beit haMikdash*'s Court; and (ii) one at the entrance of the Temple Mount; (6) 120 or more people (*Rambam – Hilchot Sanhedrin* 1:3). (7) The *Torah* teaches here that the judges that every city in *Eretz Yisrael* had to install were to be a part of a nationwide network of permanent municipal courts (*Ramban*). **(c)** (1) It teaches that one who takes a bribe can no longer be completely righteous (*Minchat Shai*). (2) An honest judge is *Hashem*'s partner in Creation, created with His 10 (*yud*) Utterances (*Shabbat* 10a) – bribery undoes Creation (*Rokeach*). **(d)** It teaches that one must pursue justice (1) in the most capable court (*Rashi*). (2) whether to his advantage or loss (*ibn Ezra*). (3) only righteously, not by improper means (*Rav Bunam*). **(e)** It teaches that (1) appointing unqualified judges, like planting an *asheira*, perverts *Hashem*'s Will (*Avodah Zara* 52a). (2) the *Shechina* is present among judges – perverted justice, like an idolatrous tree, causes His departure (*Torah Temima*). **(f)** Idolaters set up trees and *matzeivot* at their temples (*Rambam – Hilchot Avoda Zara* 6:6,9).

Q-2. (a) (1) Since 2 witnesses are needed for a verdict, why does the *Torah* say “by the testimony of 2 witnesses or 3 witnesses” (3 reasons)? (2) Why did *Moshe* say “*shenayim eidim*” (2 witnesses) here, but in 19:15, he said “*shenei eidim*”? **(b)** What are 4 conditions that would render a *zakein mamrei* (rebellious judge) liable to the death penalty? **(c)** (1) Under what conditions could one *Sanhedrin* set aside a ruling of a previous *Sanhedrin* that *Bnei Yisrael* followed? (2) Since every *Sanhedrin* had 71 judges, how could one *Sanhedrin* be greater in number than another one? **(d)** (1) Which 3 *mitzvot* did the nation have to fulfill after settling in *Eretz Yisrael* and in what order? (2) Why did *Bnei Yisrael* not appoint a king to lead the conquest before entering *Eretz Yisrael*? (3) Why does “*ve-yashavta*” (you will settle [the Land]) have an extra *heh*? **(e)** Since *Moshe* commanded, “You shall surely set over yourself a king,” why did *Hashem* and *Shmuel haNavi* consider *Bnei Yisrael*'s requesting a king to be evil (3 views)? **(f)** Why was the king not allowed to amass excessive (1) horses (2 reasons)? (2) wives? (3) wealth? **(g)** Why was a king not permitted to do *yibum* (levirate marriage) with his brother's wife? (*Devarim* 17:6-17)

A-2. (a) (1) It teaches that (i) if the testimony of one witness in a group was found to be false or if any of the witnesses was invalid, all of the other witnesses' testimony was invalid; (ii) an *eid zomeim* (false witness) was punished only if all of the witnesses were found to be false (*Rashi*). (iii) *Beit din* had to examine all witnesses, not just 2 of them (*Ramban*). (2) Here, *Moshe* discussed a capital crime, where both must witness the crime together as a pair from the same vantage point for their testimony to be valid, while 19:15 refers to a civil case, where two individuals, who were unaware of each other could be combined by the *beit din* to provide valid testimony (*Maharil Diskin*). **(b)** (1) He had to have *semicha* from the *Sanhedrin*; (2) his ruling involved a matter where the intentional violation has a *karet* penalty and the unintentional violation requires a *korban chatat*; (3) he taught his ruling to others who acted on it, or he acted on it himself; (4) he gave the ruling while the *Sanhedrin* is in session; **(c)** (1) if the later *Sanhedrin* was superior in wisdom and number to the earlier one; (2) the numbers of wise men in the generation of each *Sanhedrin* who accepted the *Sanhedrin*'s ruling without reservation were compared (*Rambam – Hilchot Mamrim* 3:5,7; 2:2). **(d)** (1) (i) Appoint a *navi*-chosen king; (ii) destroy *Amaleik*; (iii) build the *Beit haMikdash* (*Rambam Hilchot Melachim* 1:1). (2) It showed that the conquest was due to *Hashem*'s Will, not a king's prowess and tactics (*Sanhedrin* 20b). (3) It alludes to *Yehuda*'s 5 (*heh*) generations (*Salma, Boaz, Oved, Yishai, David*), who settled the Land before *Sheivet Yehuda*'s kingship began (*Ba'al haTurim*). **(e)** (1) The request was due to *Bnei Yisrael*'s wanting to be ruled like the *goyim*, not to do the *mitzvah* (*Hilchot Melachim* 1:2). (2) While the elders, to perform the *mitzvah*, asked for a king, the unlearned's intentions were sinful – *Shmuel* was angry at their improper motives (*Sifri*). (3) While *Shmuel* lived, *Hashem* did open miracles for *Bnei Yisrael* – wanting a king rejected this supernatural lifestyle (*Malbim*). **(f)** (1) (i) The king had to have enough horses for the military only, not for pomp and pageantry (*Targum Yonatan*). (ii) *Mitzrayim* bred most horses at that time – *Hashem* did not want the king to buy many horses, causing his assistants to live there (*Rashi*). (2) With more than the permitted 18 wives, the king would spend too much time in physical pleasures, not governing according to *halacha* (*Ramban*). (3) It taught the king that he should not lust for money (*Sefer haChinuch – Mitzvah* 502). **(g)** Since it was prohibited to subject the king to humiliation, *chalitza*, which involved her spitting at him, could not be done, and if *chalitza* was not an option, *yibum* could not be done (*Ramban – Hilchot Melachim* 2:3).

Q-3. (a) Why did *Bnei Yisrael* give a *kohen* the (i) foreleg, (ii) cheeks and (iii) stomach of a slaughtered domesticated kosher animal (2 views)? **(b)** Why, in *Vayikra* 18:3, does the *Torah* ban *Bnei Yisrael* from acting like the *Mitzrim* and *Cana'anim*, but here bans them only from acting like the *Cana'anim* (2 reasons)? **(c)** Why is consulting with diviners, charmers and mediums about the future banned (2 reasons)? **(d)** What 3 sins by a *navi* warranted the death penalty (1) by *beit din*? (2) *biy-day shamayim*? **(e)** Why was one who related another *navi*'s true *nevu'a* as his own punished? **(f)** How could *Moshe* tell *Bnei Yisrael* to appoint *nevi'im* “*kamon*” (like me), since no *navi* was on *Moshe*'s level? (*Devarim* 18:3,9-15,19-20)

A-3. (a) In the merit of (1) *Pinchas* (i) whose forearm killed *Zimri*, and (ii) mouth prayed for *Bnei Yisrael*; (iii) who stabbed *Cosby*'s stomach (*Rashi*); (2) the *kohanim*, (i) whose forearms slaughtered *korbanot*, and (ii) mouths blessed *Bnei Yisrael*; (iii) who checked the animals' innards for blemishes (*ibn Ezra*). **(b)** (1) *Moshe* spoke here to the new generation that did not experience *Mitzrayim*'s sorcery and were about to enter *Cana'an*; (2) unlike *Mitzrayim*, which was watered by the Nile, *Cana'an*, had little water – the *Cana'anites* used divination to predict rainfall, which was banned for *Bnei Yisrael* (*Ha'amek Davar*). **(c)** (1) *Hashem* wanted *Bnei Yisrael* to consult their holy counterparts – *nevi'im* and *urim ve-tumim* (*Rashi*). (2) These practices are false and were employed by idolaters to deceive people who were intellectually immature (*Rambam – Hilchot Avoda Zara* 11:16). **(d)** A *navi* (1) prophesying (i) what *Hashem* did not tell him; (ii) what he heard from another *navi*; (iii) in *avoda zara*'s name; (2)

(i) receiving a true *nevu'a* but not acting according to it; (ii) withholding a *nevu'a* received from *Hashem*; (iii) refusing to obey a *navi* (*Rashi*). **(e)** When the *nevu'a* would come true, people would regard this *navi* as *Hashem's* agent – he could mislead them when they followed his counsel (*Mitzvah* 517). **(f)** *Moshe* meant that just as he was “from your midst, from your brothers” – a Jew – all *nevi'im* had to be so (*Rashi*).

Q-4. (a) (1) What did the *Sanhedrin* do concerning the *arei miklat* (cities of refuge) yearly on 15 *Adar*? (2) In *yemot haMashiach*, why will 3 cities be added to the 6 cities designated as *arei miklat*? (3) What did *beit din* do when a person fled to an *ir miklat* for protection? (4) Concerning the *arei miklat*, why does the *Torah* say “*heh'arim ha'eil*” (these cities), not “*ha'eileh*”, with a *heh*? **(b)** (1) Why does the *Torah* ban someone from secretly moving a neighbor's landmark (2 reasons)? (2) What sin(s) does one violate for moving a boundary (i) in *Eretz Yisrael*? (ii) *chutz la'Aretz*? **(c)** (1) In what 5 situations is the testimony of one witness legally effective? (2) (i) How do we know that written testimony is not usable in court? (3) What is the one exception where written testimony is accepted? (4) In what cases is a woman's testimony acceptable? (5) What are 5 cases of male witnesses whose testimony is unacceptable? (6) If a second pair of witnesses contradicts a first pair as *eidim zomamim* (conspiring false witnesses), why do we believe the second pair? (*Devarim* 19:2-19)

A-4. (a) (1) They had to send officials to repair all roads leading to the *arei miklat* so as not to hinder an unintentional murderer from fleeing there; (2) These 3 cities will be in the lands of the *Keini*, *Kenizi* and *Kadmoni*, which *Hashem* promised to *Avraham*, in addition to the 7 *Cana'ani* nations that *Moshe* and *Yehoshua* defeated but which *Bnei Yisrael* will conquer only in *yemot haMashiach*; (3) the *beit din* where the killing occurred had to bring the killer to it and determine if the killing was accidental – if they determined it to be a deliberate murder, they would have him executed, but if it was unintentional, 2 *chachamim* would guard him while he returned to the *ir miklat* (*Rambam* – *Hilchot Retzicha* 5:7-8, 8:4-5). (4) “*Eil*” means strong – the *arei miklat* had to be fortified to prevent the blood avenger from bringing an army to capture the murderer (*Ba'al haTurim*). **(b)** (1) (i) It is theft (*Rashi*). (ii) *Yehoshua* distributed the land to *Bnei Yisrael* and their offspring – altering the Divine lottery's results was banned (*Ramban*). (2) (i) *Lo tasig gevul* (do not move a boundary) and *lo tizol* (do not rob); (ii) *lo tizol* (*Rashi*). **(c)** (1) One witness' testimony about (i) a debt that forced the defendant to take an oath; (ii) forbidden things, e.g., *kashrut*, is valid; (iii) a *sotah's* adultery prevented her from drinking the water; (iv) a murderer's identity precluded the *egla arufa* ceremony; (v) a husband's death allows his widow to remarry (*Mitzvah* 523). (2) (i) 19:15 says, “at the mouth of two witnesses shall a matter be established” – testimony must be oral; (3) *Chazal* enacted that monetary cases are decided based on documentary evidence, although the witnesses are no longer available, in order to not shut the door to borrowers; (5) In cases where one witness' testimony is acceptable, except for those involving an oath; (5) (i) thieves and robbers; (ii) an *eid zomeim*; (iii) a lender or borrower with interest; (iv) an extortionist, although he paid for it, who forces a sales or seizes goods against the owner's wishes; (v) a herdsman, since they allow their cattle to graze in fields of others; (vi) government toll collectors or tax collectors who collect more than they are supposed to; (vi) pigeon keepers, since they decoy pigeons belonging to others without paying for them; (vii) traders in *shemita* produce; (vii) professional dice players or other gamblers, since they contribute nothing to the welfare of society, or those who race animals (*Rambam* – *Hilchot Eidut* 3:4; 5:3) (6) Since one cannot be a witness for himself, the first pair has no one to refute the second pair (*Mitzvah* 524).

Q-5. (a) Why is “*ki teitzei la-milchama*” (when [*Bnei Yisrael*] go to war) in the singular? **(b)** (1) Why did the *kohen* say, “*Shema Yisrael*” (Listen, *Yisrael*), to tell the soldiers to trust *Hashem* and not be afraid (2 reasons)? (2) In what kind of war are those whom the *Torah* says should be discharged from battle not discharged? **(c)** (1) In which wars could *Bnei Yisrael* make peace overtures (2 opinions)? (2) Which people are spared (i) in an optional war? (ii) in a war against *Cana'an* or *Amaleik*? **(d)** (1) When is one permitted to cut down a non-fruit-bearing tree? (2) In what 4 situations is cutting down a fruit tree not a violation of *bal tashchis* (do not destroy wantonly)? (*Devarim* 20:1-19)

A-5. (a) *Bnei Yisrael*, united, will be unafraid of the enemy (*Alshich*). **(b)** (1) Reciting the *Shema* twice daily is so crucial that (i) soldiers doing only this *mitzvah*, accepting *Hashem's* sovereignty and *mitzvot*, would be saved in battle (*Sotah* 42a); (ii) saying *Shema* at the proper time saves us from grief (*Chofetz Chaim*). (2) In an optional war, they were discharged, but in a defensive war, all were duty bound to go forth, “even a bridegroom out of his chamber and the bride out of her pavilion” (*Rambam* – *Hilchot Melachim* 7:15). **(c)** (1) (i) optional wars, but not against the 7 *Cana'ani* nations or *Amaleik* (*Rashi*). (ii) All nations – even the *Cana'ani* and *Amaleik* peoples – were first given a chance to make peace (*Ramban*). (2) (i) All adult males were put to death, but women and children were not killed; (ii) no one was spared; **(d)** (1) It may be cut down for any reason, if one does not need it (*Rambam* – *Hilchot Melachim* 6:4,9). (2) A fruit tree (i) with high value, that the owner wants to sell; (ii) that harms other trees, or (iii) located in other people's fields; (iv) producing little fruit, and is not worth the bother (*Mitzvah* 529).

Q-6. (a) In the *egla arufa* (calf whose neck is broken) ceremony, what place was “*nachal eitan*” (3 views)? **(b)** Why (1) did the *kohanim* ask for atonement for the murder? (2) was the calf killed on barren soil? (3) did the elders of the city nearest the crime kill the calf? (4) did the elders chop off the calf's head? (5) did the elders wash their hands? (6) did the elders say “*kapeir le'amcha*” (atone for your people [*Yisrael*]), not just for their city? **(c)** What do the words “*chalal*” (corpse) and “*egla*” (calf) each being mentioned 4 times signify? **(d)** (1) If the killer was discovered before the calf's neck was broken, what was done with the calf? **(e)** How do we know that a trial may not begin at night? (*Devarim* 21:1-9)

A-6. (a) A valley too harsh to farm (*Rashi*). (2) A valley where farming will be banned forever after the ceremony (*Ramban*). (3) A strongly flowing stream; **(b)** (1) the crime may have resulted in part due to the *kohanim's* shortcomings in their *tefila* and *avoda* (*Rambam* – *Hilchot Rotzei'ach* 9:1-2) (2) It signifies the murderer's leaving the victim barren of doing *mitzvot* or having children; (3) the city elders from the murderer's likely city atoned for not stopping the crime; (4) the strange spectacle publicizing the murder lead to information about the murderer; (5) they symbolically cleansed themselves of the murder area's *tuma*; (6) It shows that all of *Bnei Yisrael* are “*areivim zeh la-zeh*” (responsible for one another); **(c)** the ceremony brought atonement upon the world's 4 directions (*Ba'al haTurim*). **(d)** It was returned to pasture with the herd (*Hilchot Rotzei'ach* 10:8). **(e)** 21:5 says, “according to their word shall be every *riv* (controversy) and *nega*” – just as a *nega* of *tzara'at* could be examined only by day, so too, a *riv* could be tried only in the daytime (*Rambam* – *Hilchot Sanhedrin* 3:3).

Q-7. In the *haftara*, the *navi* says that, in the future, *Yerushalayim* will be protected from the **(a)** “*arail*” (uncircumcised) and **(b)** “*tamei*” (unclean) – to whom do these refer? (*Yeshayahu* 52:1)

A-7. (a) *Arail* refers to the kingdom of *Edom*; **(b)** *tamei* refers to the kingdom of *Yishmael* (*Radak*).