

QUESTIONS ON PARASHAT SHOFTIM

Q-1. (a) Why do the laws concerning the judicial system in *Parashat Shoftim* follow the laws of the *regalim* (festivals) at the end of *Parashat Re'eh* (7 reasons)? **(b)** (1) What was the title of the head of the *Sanhedrin*? (2) How was he selected? (3) What was the seating arrangement for the 71 judges? (4) How many *batei din* of 23 judges were set up in *Yerushalayim*? (5) Where were these *batei din* located? (6) (i) A town with what size population was required to set up a *beit din* of 23 judges? (ii) What kind of court was a smaller town required to set up? (7) Since *Shemot* 21:2 and 22:8 already state that *Bnei Yisrael* must have judges, why is this again stated here? **(c)** When 16:19 says that bribes corrupt the righteous, why is the word "tzadikim" spelled without the 2nd letter *yud* (2 views)? **(d)** Why does 16:20 repeat the word "tzedek" in "tzedek tzedek tirdof" (righteousness, righteousness, you shall pursue) (3 views)? **(e)** Did judges have to fear rendering a false judgment because they did not possess all of the facts of a case? **(f)** (1) Why does the prohibition of planting an *asheira* tree for idol worship follow the appointment of judges (2 reasons)? (2) Beside planting trees, what else was it prohibited to place near the *Beit haMikdash*? **(g)** Why were planting a tree or setting up a *matzeiva* (stone pillar) on the Temple Mount prohibited? (*Devarim* 16:18-21)

A-1. (a) This teaches that (1) the judges of the *Sanhedrin* were responsible for setting the dates of the *regalim*; (2) prior to the *regalim*, courts had to admonish *Bnei Yisrael* to fulfill their vows to bring voluntary *korbanot*; (3) judges had to warn the people against sinning during the *regalim*, when they dressed in striking clothes, partied with food and drink, and the genders mingled; (4) judges were required to force people to give charity to help the poor during the *regalim*; (5) at the *regalim*, people had to financially support the judges, *kohanim* and *levi'im* so that they will be able to judge correctly; (6) just as males had to visit the *Beit haMikdash* during the *regalim*, one should visit his *rebbe* at that time (*Ba'al haTurim*). (7) although all men visited the *Beit haMikdash* for the 3 *regalim* when they were able to ask for explanations of *halachot*, they nevertheless were required 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 of the *Sanhedrin* with the greatest wisdom; (3) the judges sat in a semi-circle, seated in order of their knowledge, and those with more knowledge were closer to the *Nasi*, who was seated in the middle; (4) 2; (5) (i) one was at the entrance to the Court of the *Beit haMikdash*; and (ii) one was at the entrance to the Temple Mount; (6) (i) 120 or more people; (ii) a town with fewer than 120 people had to set up a *beit din* of 3 judges, who could decide financial disputes, but not capital cases (*Rambam – Hilchot Sanhedrin* 1:3). (7) The *Torah* teaches here that the judges that every city in *Eretz Yisrael* installed 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) Since an honest judge is a partner of *Hashem* in Creation, which was formed with *Hashem's* 10 (*yud*) Utterances (*Shabbat* 10a), bribery, as represented by the missing letter *yud*, undoes the perfection of Creation (*Rokeach*). **(d)** This teaches that one must pursue justice (1) in the most capable court that is available (*Rashi*). (2) whether the result will be to his advantage or to his disadvantage (*ibn Ezra*). (3) only with righteousness, not by using improper means (*Rav Bunam*). **(e)** No, judges were responsible for judging only the information presented to them, unless they suspected fraud, in which case they were required to withdraw from the case (*Yalkut Shimon*). **(f)** (1) This teaches that (i) appointing unqualified judges, just like planting an *asheira*, perverts the Will of *Hashem* (*Avodah Zara* 52a). (ii) the *Shechina* is present among judges, but perverted justice, like an idolatrous tree, causes the departure of the *Shechina* (*Torah Temima*). (2) Fences or partitions that were made of wood were prohibited, since they had to be made of stone (*Sefer haChinuch – Mitzvah* 492). **(g)** Since idolaters set up trees and *matzeivot* at their temples, we may not follow their ways (*Rambam – Hilchot Avoda Zara* 6:6,9).

Q-2. (a) (1) Since 2 witnesses are needed to reach a verdict, why does 17:6 say, "by the testimony of 2 witnesses or 3 witnesses ..." (3 reasons)? (2) Why does 17:6 say, "*shenayim eidim*" (2 witnesses), but in 19:15 says, "*shenei eidim*", which also means 2 witnesses? **(b)** (1) What are 4 conditions that would render a *zakein mamrei* (rebellious judge) liable to the death penalty? (2) When would the *Sanhedrin* have him executed? **(c)** (1) Under what conditions could one *Sanhedrin* set aside a ruling, that *Bnei Yisrael* had followed, of a previous *Sanhedrin*? (2) Since every *Sanhedrin* had exactly 71 judges, how could one *Sanhedrin* be greater in number than another one? **(d)** (1) Which 3 *mitzvot* did *Bnei Yisrael* have to fulfill after settling in *Eretz Yisrael*, and in what order did they have to perform them? (2) Why did *Bnei Yisrael* not appoint a king to lead the conquest of *Eretz Yisrael* before starting the conquest of the land? (3) Why does the word "*ve-yashavta*" (you will settle [in the Land]) have an extra letter *heh*? **(e)** Since 17:15 commands, "You shall surely set over yourself a king," why did *Hashem* and *Shmuel haNavi* consider the request by *Bnei Yisrael* for 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 the wife of his brother who had died? (*Devarim* 17:6-17)

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

Q-3. (a) Why were *Bnei Yisrael* required to give a *kohen* the (i) foreleg, (ii) cheeks and (iii) stomach of a slaughtered domesticated kosher animal (2 views)? **(b)** Why does *Vayikra* 18:3 prohibit *Bnei Yisrael* from acting like the *Mitzrim* and *Cana'anim*, but *Devarim* 18:15 here prohibits them only from acting like the *Cana'ani* nations (2 reasons)? **(c)** (1) Why is consulting with diviners, charmers and mediums about the future prohibited (2 reasons)? (2) What was a (i) *koseim kesamim*? (ii) *me'onein*? (iii) *menacheish*? (iv) *mechasheif*? (v) *choveir chever*? (vi) *sho'el av*? (vii) *sho'el yidoni*? (viii) *doreish el ha-meitim*? **(d)** What 3 sins by a *navi* warranted his receiving the death penalty (1) by *beit din*? (2) *biy-day shamayim* (at the Hands of Heaven)? **(e)** Why was a *navi* punished if he related the true *nevu'a* of another *navi* as being his own? **(f)** How could *Moshe* tell *Bnei Yisrael* to appoint *nevi'im* "*kamoni*" (prophets "like me"), since no *navi* reached the level of *Moshe*? (*Devarim* 18:3,9-15,19-20)

A-3. (a) *Kohanim* received these parts in the merit of (1) *Pinchas* (i) whose forearm killed *Zimri*, (ii) whose mouth prayed for *Bnei Yisrael*, and (iii) who stabbed *Cosby's* stomach (*Rashi*). (2) the *kohanim* themselves, (i) whose forearms slaughtered *korbanot*, (ii) whose mouths performed *Birchat Kohanim* for *Bnei Yisrael*, and (iii) who checked the animals' innards for blemishes (*ibn Ezra*). **(b)** (1) *Moshe* spoke here to the new generation that did not experience the sorcery of *Mitzrayim* and were about to enter *Cana'an*; (2) unlike *Mitzrayim*, which was watered by the Nile, *Cana'an* had little water, and the *Cana'anites* used divination to predict rainfall, which *Hashem* prohibited for *Bnei Yisrael* (*Ha'amek Davar*). **(c)** (1) (i) *Hashem* wanted *Bnei Yisrael* to separate from the *tuma* of diviners, and to consult their counterparts who had *kedusha*, i.e., the *nevi'im* and the *urim ve-tumim* (*Rashi*). (ii) These practices are false and were employed by idolaters to

deceive people who were intellectually immature (*Rambam – Hilchot Avoda Zara* 11:16). (2) One who (i) consulted his rod to divine the future; (ii) declared certain times lucky or unlucky for an undertaking; (iii) speculated with magic about future happenings; (iv) engaged in black magic (*Ramban*). (v) performed magic with reptiles or other big animals; (vi) brought up a dead person in order to question him or her; (vii) put the bone of an animal in his mouth, causing the bone to speak; (viii) consulted with a skull, or stayed overnight in a cemetery to communicate with the spirits of the dead; (d) A *navi* who (1) who offered prophesy (i) of what *Hashem* did not tell him; (ii) of what he heard from another *navi*; (iii) in the name of *avoda zara*; (2) (i) received a true *nevu'a* but did not act according to it; (ii) withheld from *Bnei Yisrael* a *nevu'a* received from *Hashem*; (iii) refused to obey a *navi* (*Rashi*). (e) When the *nevu'a* would come true, people would regard this *navi* as an agent of *Hashem*, and he could mislead them when they later followed his counsel (*Mitzvah* 517). (f) *Moshe* meant that just as he was “from your midst, from your brothers”, i.e., a Jew, every *navi* had to be a Jew (*Rashi*).

Q-4. (a) (1) What action did the *Sanhedrin* take concerning the *arei miklat* (cities of refuge) each year on 15 *Adar*? (2) In *yemot haMashiach*, why will 3 cities be added to the 6 cities already designated as *arei miklat*? (3) What did *beit din* do after a person fled to an *ir miklat* for protection? (4) Concerning the *arei miklat*, why does 19:11 say, “*heh'arim ha'eil*” (these cities), not “*ha'eileh*”, with a letter *heh*? (b) (1) Why does 19:14 prohibit one from secretly moving a neighbor's landmark (2 reasons)? (2) What sin(s) for moving a boundary does one violate (i) in *Eretz Yisrael*? (ii) *chutz la'Aretz*? (c) (1) In what 5 situations is one witness's testimony effective legally? (2) 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 10 situations where the testimony of a male witness, in all cases, is never acceptable? (6) If a second pair of witnesses contradicts a first pair as *eidim zomamim* (conspiring false witnesses), why do we believe the second pair and not the first pair? (*Devarim* 19:2-19)

A-4. (a) (1) They sent officials to repair all roads leading to the *arei miklat*, so as not to hinder an unintentional murderer from fleeing there; (2) these 3 additional cities will be in the lands of the *Keini*, *Kenizi* and *Kadmoni* (*Edom*, *Amon* and *Moav*), which *Hashem* promised to *Avraham*, in addition to the 7 *Cana'ani* nations that *Moshe* and *Yehoshua* defeated, but which *Bnei Yisrael* will merit to conquer only in *yemot haMashiach*; (3) they brought the murderer before the *beit din* closest to where the murder occurred, which determined if the killing was accidental; and if this *beit din* determined it to be a deliberate murder, they would have him executed, but if it was unintentional, 2 *chachamim* would guard him during his return to the *ir miklat* (*Rambam – Hilchot Retzicha* 5:7-8, 8:4-5). (4) “*Eil*” means strong, teaching that 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) Since *Yehoshua* distributed the land to members of *Bnei Yisrael* and their offspring, altering the results of the Divine Lottery was prohibited (*Ramban*). (2) (i) *Lo tasig ge'vul* (do not move a boundary) and *lo tigzol* (do not rob); (ii) *lo tigzol* only (*Rashi*). (c) (1) The testimony of one witness about (i) a debt that would have forced the defendant to take an oath; (ii) *issur ve-heter*, i.e., things that are forbidden, e.g., *kashrut*; (iii) the adultery of a *sotah*, which would prevent her from drinking the bitter water; (iv) the identity of a murderer, which would preclude the *egla arufa* ceremony; (v) the death of a husband, which would allow his widow to remarry (*Mitzvah* 523). (2) (i) 19:15 says, “at the mouth of two witnesses shall a matter be established”, meaning that testimony must be oral; (3) *Chazal* enacted that monetary cases can be decided based on documentary evidence, when the witnesses are no longer available, in order to not shut the door to borrowers; (4) in all cases where the testimony of one witness is acceptable, except for those cases that involve taking an oath; (5) if the witness is (i) a thief or robber; (ii) an *eid zomeim* (a witness who has previously lied); (iii) one who lent or borrowed with interest; (iv) an extortionist, who, although he pays for goods, forces the sale of it or seizes it against the wishes of the owner; (v) a herdsman, since they normally allow their cattle improperly to graze in the fields of others; (vi) government toll collectors or tax collectors who collect more than they are supposed to; (vii) pigeon keepers, since they decoy pigeons belonging to others without paying for them; (viii) traders in produce of *shemita*; (ix) professional dice players or other gamblers, since they contribute nothing to the welfare of society, or (x) those who race animals (*Rambam – Hilchot Eidut* 3:4; 5:3) (6) Since one cannot be a witness on behalf of himself, the first pair of witnesses has no one to refute the testimony of 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 to not be afraid (2 reasons)? (2) In what kind of war are those soldiers whom 20:5-8 says should be discharged from battle not discharged? (c) (1) In which wars could *Bnei Yisrael* make peace overtures to the enemy (2 opinions)? (2) Which people were spared (i) in an optional war? (ii) in a mandatory 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 tashchit* (do not destroy wantonly)? (*Devarim* 20:1-19)

A-5. (a) It teaches that *Bnei Yisrael*, when they are united, will be unafraid of the enemy (*Alshich*). (b) (1) This teaches that reciting the *Shema* twice daily is so crucial that (i) soldiers who perform only this *mitzvah* and accept the sovereignty of *Hashem* and His *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) *Bnei Yisrael* were required to offer peace in optional wars, but against the 7 *Cana'ani* nations or *Amaleik*, they could not (*Rashi*). (ii) All nations, even the *Cana'ani* and *Amaleiki* peoples, were first given a chance to make peace (*Ramban*). (2) (i) All adult males were put to death, but for an optional war, women and children were not killed; (ii) no one was spared; (d) (1) if one does not need the tree, it may be cut down for any reason (*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 the fields of other people; (iv) that produces little fruit, and it is not worth the bother to maintain (*Mitzvah* 529).

Q-6. (a) In the ceremony of *egla arufa* (calf whose neck is broken), what place was “*nachal eitan*” (3 views)? (b) (1) Why did the *kohanim* ask for atonement for the murder? (2) Why was the calf killed on barren soil? (3) Why did the elders of the city that was nearest to the crime scene kill the calf? (4) Why did the elders chop off the calf's head? (5) Why did the elders wash their hands? (6) Why did the elders say “*kapeir le'amcha*” (atone for your people [*Yisrael*]), and not ask for atonement for just their city? (c) What is the significance of the words, “*chala'*” (corpse), and “*egla*” (calf), each being mentioned 4 times? (d) If the killer was discovered before the neck of the calf 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) (1) A valley that was too harsh to farm (*Rashi*). (2) A valley where farming will be prohibited forever after the ceremony (*Ramban*). (3) A strongly flowing stream; (b) (1) the crime may have resulted in part due to the shortcomings of the *kohanim* in their *tefila* and *avoda* (*Rambam – Hilchot Rotzei'ach* 9:1-2) (2) This signifies that the murderer has left the victim barren of performing *mitzvot* or having children; (3) the city elders from the murderer's likely city atoned for not having stopped the crime; (4) this strange spectacle that publicized the murder could lead to information about the murderer; (5) they symbolically cleansed themselves of the *tuma* of the murder area; (6) This shows that all of *Bnei Yisrael* are “*areivim zeh la-zeh*” (responsible for one another); (c) the ceremony brought atonement upon the 4 directions of the world (*Ba'al haTurim*). (d) It was returned to pasture with the rest of the herd (*Hilchot Rotzei'ach* 10:8). (e) 21:5 says, “according to their [the *kohanim*'s] word shall be every *riv* (controversy) and *nega* (plague)”, and just as a *nega* of *tzara'at* could be examined only during the day, so too, a *riv*, i.e. a civil or criminal dispute, 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*).