

Parsha Shiur by Rabbi Mayer Friedman

פרשת שופטים

שפטים ושטרים תתן לך בכל שעריך אשר ה' אלקיך נתן לך לשבטיך ושפטו את העם משפט צדק

“Judges and officers shall you appoint for yourselves in all your cities - which Hashem, your G-d, gives you - for your tribes; and he shall judge the people with righteous judgment” (16:18)

Why does the Torah say that judges should be designated "for yourselves"? R' Dovid Feinstein explains that the best way to decide who should be a judge is to look for a person that you would want judging your own case. Certainly, everyone would want a judge who is honest, merciful, kind and committed to upholding the halacha. It is important to only impose upon others that which you would want for yourself, even if you will never go to court yourself. The standard for appointing judges should be how you would like them as judges "for yourselves."

לא ימצא בך מעביר בנו ובתו באש קסם קסמים מעונן ומנחש ומכשף
“There shall not be found among you one who causes his son or daughter to pass through the fire, one who practices divinations, an astrologer, one who reads omens, a sorcerer” (18:10)

Kishuf is not one of the mitzvos that applies to a Ben Noach (gentile). How is this so? The Torah later says that Hashem sent the Canaanite nations out of the land for doing witchcraft. If they are not prohibited from engaging in witchcraft, how can they be punished for it? R' Dovid Feinstein explains that it was not the kishuf itself that was their sin. It was that they used the kishuf as a stepping stone to many other terrible things such as denial of Hashem and immorality. Witchcraft gives a person a feeling of empowerment and plants the idea in his head that he can do whatever he wants. This is how it leads a person to worse sins. We see this idea from that fact that, in Parshas Acharei Mos, the Torah says that Hashem drove out the Canaanite nations because of immorality. These two reasons are not contradictory. The witchcraft led to immorality. It was because of the sins that followed as a result of the kishuf, serious sins that they were prohibited as part of their seven commandments, that they deserved to be evicted from their land. One should recognize that there are many things in life that are not prohibited outright but easily lead a person in the wrong direction. We should be aware of where actions will take us. This is why our Sages enacted many decrees to protect the mitzvos. They forbade many activities which are actually permissible in and of themselves for fear that they would lead to worse violations. This idea is not based on a desire to be stringent, but on the very real concern that even permissible actions can lead to egregious sins, as is seen from the witchcraft of the Canaanite nations.

לא תסיג גבול רעך אשר גבלו ראשנים בנחלתך אשר תנחל בארץ אשר ה' אלקיך

נתן לך לרשתה

“You shall not move back the boundary of your fellow, which the early ones marked out, in your inheritance that you shall not inherit, in the land that Hashem, your G-d, gives you to possess it” (19:14)

What is the connection between the laws regarding murder and the prohibition to infringe upon the boundaries of a neighbor? The Baal HaTurim explains that even though we the life of a murderer is forfeit, we have no right to take his money. His possessions still pass to his descendants and nobody has the right to overstep this boundary.

Rabbi Friedman suggests another answer. One of the interpretations of this commandment is that one is not allowed to interfere with another person's livelihood. The Torah instructs us to have the same concern for a person's property as we would for his life. When one causes financial harm to another person, he decrease his fellow's quality of life. This prohibition should not be treated lightly. In fact, Chazal say that a pauper is considered as if he is dead. One needs a livelihood to survive and one many not infringe upon this necessity. By juxtaposing these two sets of laws, the Torah teaches us the attitude that one should have toward other people's property.

**ואמר אלהם שמע ישראל אתם קרבים היום למלחמה על איביכם אל ירך לבבכם
אל תיראו ואל תחפזו ואל תערצו מפניהם**

“He shall say to them: Hear, O Israel, you are coming near to battle against your enemies; let your heart not be faint; do not be afraid, do not panic, and do not be broken before them” (20:3)

Rashi quotes the Gemara in Sotah which says that even if you have only the zechus of Kerias Shema, then you will win the war. How does the Gemara see this in the posuk? The Sifsei Chachamim says that the initial announcement of "Shema Yisrael" seems to be superfluous. It seems to be hinting to something, namely that the merit of Shema can lead to military victories. Obviously, it is not just saying Shema without the proper intent that brings such great merit. It is only by saying Shema with concentration and contemplation of the importance of the kingdom of heaven that one accepts through the recitation of Shema that one fulfills the mitzvah in the best possible way and earns this special merit.

**והיה ככלת השטרים לדבר אל העם ופקדו שרי צבאות בראש העם
“When the officers have finished speaking to the people, the leaders of the legions shall take command at the head of the people” (20:9)**

Ramban asks: If victory in battle is dependent only on mitzvah observance and a small but worthy army can miraculously defeat a much larger force, why do is it necessary to appoint generals if there will be a miraculous victory? He writes that Hashem generally wants to let nature run its course and not perform open miracles. The miracles will happen, but it is better that they be done disguised as regular operations. We must do what we need to do according to the natural order of the world so that we will merit these hidden blessings from Hashem. One should not be concerned because he does not see the hand of Hashem in an open fashion. Hashem is orchestrating everything that happens in this world

in a natural way, behind the guise of a natural order. The world runs on a certain normalcy, even though Hashem can alter it at any moment. Understanding this idea is an important part of emunah. We believe in Hashem and that He is guiding everything that happens around us even though we cannot see Him and are not able to clearly understand how He is behind every aspect of this world.

Kesharim Baruch College/NYU Parsha Shiur

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