

PARSHAT SHOFTIM

PART I - QUESTIONS FOR THE 'SHABBOS TABLE'

"TOV V'YASHAR" – WHO DECIDES WHAT'S RIGHT?

1. Parshat Shoftim ends with the phrase: "ki taase ha'YASHAR b'einei Hashem" – should you do what is 'straight' [correct?] in the eyes of God. Carefully study this pasuk (21:9), while relating to its context (in 21:1-9). In your opinion, how does this phrase relate to the first half of this pasuk? [In other words – how would you translate the word "ki" in 21:9?]

2. Before looking at the various commentaries to 21:9, take a quick look at three earlier instances when this phrase is found in Sefer Devarim – 6:18, 12:25-28, and 13:19. In each of these instances, does this phrase refer to something specific or something very general?

In your opinion, how is someone supposed to know what is considered "yashar b'einei Hashem"? Does it refer only to something that the Torah had already mentioned, or is there some way of knowing what is "yashar b'einei Hashem" – without having to be told explicitly what specific action it refers to.

In your opinion, how was the generation of the Flood supposed to know what was 'right & wrong'? If they had no way of knowing, how could God have punished them?

3. See Rashi on 21:9. How would Rashi answer question one above? [See also Seforno, noting how he advances a similar approach.]

Next, see Ibn Ezra; read his commentary carefully, noting how he presents three different ways to understand this phrase in its context. Be sure that you understand the logic behind each interpretation.

In your opinion, why do you think that Ibn Ezra prefers the third opinion (which begins with "v'hanachon b'einei")?

4. Finally, see Rashi, and then the Ramban on Devarim 6:18. Read every word of this Ramban very carefully, for he explains a very important principle about how our Torah study can help us improve our behaviour, even in regard to cases that are not discussed explicitly in the Torah!

"MATZEVOT" - ARE THEY ALWAYS BAD?

1. Review 16:21-22, noting how these prohibitions relate the psukim that precede them, as well as to the psukim that follow them. Can you find any logic behind this progression of topic?

[For an interesting insight - see Ibn Ezra's commentary on all the psukim from 16:18 through 17:1 - noting how he attempts to tackle this question, especially his introductory remarks in 16:18, as they explain the underlying reason behind his approach to certain parts of his commentary!]

2. According to 16:22, it is forbidden to erect a "matzeyva". Can you explain the 'technical' difference between a "mizbeyach" [altar?] and a "matzeyva" [monument?], and based on your definition - can you explain more precisely what is prohibited in 16:21 & 16:22?

Review Devarim 12:3, noting how the Torah uses two different verbs to describe what must be done to destroy the "mizbachot" and matzeyvot" dedicated to other gods. [See also 7:5, noting how to get rid of an "ashera" as well!]

Can you explain how these two verbs relate to the definition of each? In general, for what purpose would someone build a "mizbeyach" and for what purpose a "matzeyva"?

3. Review Breishit 28:18-22, noting how and why Yaakov Avinu erects a "matzeyva". Does he build a "mizbeyach" as well as Avraham Avinu had done several times? [e.g. Breishit 12:6-8]

Relate this to your definition of each, as discussed in the above question.

Note as well, that Moshe erects twelve "matzeyvot" in preparation for the ceremony at Har Sinai (when Bnei Yisrael will declare "naaseh v'nishma" / see Shmot 24:3-7!). Can you explain the purpose of those matzeyvot? Did Moshe Rabeinu build a mizbeyach as well at that time? Can you explain he needs to build both?

Again, relate this to your definition of each, as discussed in the above question.

4. Review Devarim 16:22 once again, noting the 'trailer' phrase: "asher soney Hashem Elokecha" -

i.e. 'Do not erect a matzeyva THAT GOD DESPISES'

In your opinion, does this phrase describe WHICH matzeyva the Torah forbids, or WHY the Torah forbids all matzeyvot?

Relate your answer to the above question concerning the matzeyvot built by Yaakov Avinu and Moshe Rabeinu!

5. For an interesting insight on these questions, see the commentaries of Rashi, Ibn Ezra, Ramban & Seforno, noting how each commentator understands this pasuk in a different manner. Attempt to explain each approach based on your answers to the above questions!

SHEVET LEVI

1. Chapter 17 opens with guidelines for court cases that must be presented to a highest magistrate. As you review 17:1-10, note how these psukim 'take for granted' that the "kohanim" & "leviim" as most likely to be those judges (see 17:8-9). Can you explain the logic behind this assumption?

Then, review Sefer Bamidbar chapter 18, and relate its context and detail to your answer.

See also Devarim 21:5-6, noting their context in 21:1-9. Based on these psukim, for what purpose was shevet Levi chosen? Relate as well to Vayikra 10:8-11.

2. In Devarim chapter 18, we find some additional laws regarding shevet Levi (see 18:1-8). Relate these laws to your answer to the above question.

Recall as well that the tribe of Levi did not receive its own "nachala" (inheritance), instead, they received 48 cities scattered among the other tribes (see Bamidbar 35:1-8). Furthermore, Bnei Yisrael are commanded to pay a 10% tax of their 'agricultural income' (see Bamidbar 18:21 /i.e. "maaser rishon") to support the tribe of Levi.

Based on the above sources, can you explain the underlying reason for these laws?

3. Note how the laws about the rights and obligations of shevet Levi in Devarim 18:1-8 are presented immediately after the laws that regulate the rights and obligations of the King of Israel (i.e. their political leader). Attempt to explain the logic behind this juxtaposition. Explain as well why this topic in general is recorded specifically in Sefer Devarim (and at this point of the main speech).

In your answer, relate to Moshe Rabeinu's blessing to shevet Levi in Devarim 33:10.

4. Review I Divrei Ha'yamim chapters 23 thru 26, noting how David ha'melech organized the kohanim and leviim into groups that would work in the Mikdash! Considering that most kohanim and leviim worked only one week out of 24 in the Bet Ha'Mikdash, and based on the above questions, what would you assume that the Torah expects for the kohanim & leviim to do with their 'spare time' (i.e. when they are not officiating at the Bet ha'Mikdash)?

In regard to the responsibilities of Shevet Levi, see also Devarim 33:10 and II Divrei Ha'yamim 35:3.

5. Based on all of the above sources, how do these laws that concern the tribe of Levi help Am Yisrael become a "goy kadosh". Relate your answer to Devarim 26:16-19 and Shmot 19:5-6, and the underlying theme of Sefer Devarim.

GATES OF JUDGEMENT

1. Parshat Shoftim opens with a command to appoint judges 'in all your GATES' ["sha'arecha"].

In your opinion, does the Torah mean 'gates' literally?

If so, why do the gates of the city have to do with judges? If not, why does the Torah use the word 'gates'?

Where else in Tanach do we find 'gates' in connection to actions that require a legal court?

[In case you don't remember, see for example Breishit 23:10,18 & 34:24; Devarim 21:19; 22:24; 22:15; Rut 4:1-11; and II Shmuel 15:2.]

2. Review Breishit 19:1 in regard to Lot sitting at the gate of the city. Note Rashi's commentary on this! Can you explain how and why Rashi arrives at this conclusion?

3. See Shmot 32:26 and its context in relation to punishment of those who sinned at "chet ha'egel" by the tribe of Levi. Can you explain why Moshe commands them to 'go from gate to gate' in order to execute those who were responsible for the sins of the nation?

In your opinion, can this pasuk provide a basis to assume that the three thousand who were killed were first 'tried' by a rabbinical court?

4. Based on the above sources, can the Hebrew word "sha'ar" [gate] also carry more general meaning? In your answer, relate to the following additional sources: Devarim 14:21,28,29 15:22; & 16:14.

Based on these examples, what meaning of the word "sha'ar" fits most closely to its use in 16:18?

Finally, note the navi's use of the word "sha'ar" in Zecharya 8:16! How does this pasuk and its context relate to the opening pasuk of Parshat Shoftim?

5. If you have ample time, glance through the first two chapters of Parshat Shoftim (from 16:18 thru 18:8), noticing how often the Torah uses the word "shaar", especially when introducing certain mitzvot. [If you have less time, then you can 'cheat' by just noting 16:18, 17:2,5,8 and 18:6]

Note as well how this word "shaar" is found in the context of "ha'makom asher yivchar Hashem"!

In what manner should "ha'makom asher yivchar Hashem" have an affect on what takes place at the gates of every city?

6. In ancient times, walled cities were usually quite small, while most of the people lived outside those walls, while the king and important official lived inside the walls. Therefore, the gates of the city often became to the best spot for 'market place'. [In regard to the daily activities that usually took place near the city gate - see for example Nechemya 8:1-5 and 13:9-22.]

In your opinion, who would the people in the market area go to should a dispute arise?

Taking this into consideration, how would this help explain why the Torah commands the establishment of court by the city gates?

In your opinion, do you think it would be 'permitted', or possibly 'imperative', that courts be set up in cities that don't have gates as well?

7. If you have any books at home on archeology in Israel, look at the pictures of the city gates from the first Temple period uncovered in either Chatzor, Megido, Lachish, Yerushalayim, etc.

Can you find an suitable area within the gate where the "shoftim" could judge the people?

Relate your answer to the above questions.

THREE, SIX, OR NINE [CITIES OF REFUGE]

1. Review 19:1-10, noting the commandment to set aside three cities of refuge, followed by a clause (see 19:8-9) that should the borders of Israel become even greater, then there would be a need to separate and additional three cities.

In your opinion, is this commandment in regard to these 'extra' three cities (described in 19:8-9) the reason why Moshe had 'already' set aside three cities of refuge in Transjordan, as described in Devarim 4:41-43?

If so, why doesn't Moshe Rabeinu mention at this time (i.e. in chapter 19) the fact that these cities had already been separated, rather than stating: 'should God widen your borders...?'

If not, why doesn't Moshe Rabeinu mention anything (at this time) in regard to the three cities in Transjordan; and how does the separation of those cities relate to the commandment to set aside a 'third' set of three cities when even more land will be captured?

2. Before you study the commentaries that deal with these questions, see the other sources in Chumash that deal with "arei miklat" - Shmot 21:13-14, Bamidbar 35:11-14 and Devarim 4:41-43.

Afterward, study the commentaries of Rashi, Ibn Ezra, Rashbam, Ramban, and Seforno on Devarim 4:41 and 19:1-2, noting how they relate to the above sources and questions.

3. Recall our explanation (in our introductory shiur to Sefer Devarim) that the mitzvot that Moshe teaches to Bnei Yisrael in the main speech (i.e. chapters 6 thru 26) were first given by God to Moshe at Har Sinai, during the first forty days (see 5:21-28, and 6:1). Now, forty years later, Moshe Rabeinu is 'repeating' these laws, and teaching them one last time.

If indeed Moshe is quoting these laws (i.e. of "arei miklat" as they were originally given at Har Sinai, how could that consideration answer the problems raised in our opening question! How would this explain what Moshe Rabeinu does in 4:41-43, before he begins this speech (in chapter 5)?

4. Based on our earlier shiur regarding the 'expandable borders' of the land of Israel [on Parshat Masei], and the distinction between "eretz canaan" and "ha'aretz" [from the Nile to Euphrates] - attempt to explain the difference between these two sets of 'three cities'. Relate to the opening phrases of each section: "asher Hashem notein lachem et artzam" (see 19:1 & 19:2) in contrast to: "im yarchiv Hashem et gvulcha kaasher nishba la'avotecha..." (see 19:8)!

Compare 19:8-9 with Devarim 11:22-25, noting the borders and conditions for when these borders can be achieved!

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PART II - QUESTIONS FOR PREPARATION (for weekly shiur)

1. Using a Tanach Koren (or similar), scan from chapter 12 thru chapter 21 (i.e. Parshiot Re'ay & Shoftim), noting its division into many 'parshiot'.

As you review these chapters, attempt to compose a concise 'one line' title to summarize the main topic of each individual 'parshia', and record them in a 'vertical' list.

When you have finished, study your list, and attempt to follow the thematic flow from one parshia to the next. Also, attempt to organize your list into several general groups, i.e. turn your list into an outline.

[If you need help (or if/when you give up) – read this:

Note how there are a group of parshiot that deal with "ha'Makom asher yivchar Hashem" [as discussed in our shiur on Parshat Re'ay], followed by parshiot that deal with: the shmita cycle, and then the chagim cycle; followed by parshiot that deal with various types of leadership;

and concluding with parshiot that deal with going to war.

That just gave away most of the answers, but it is still worthwhile to figure this out on your own!]

2. Considering that these mitzvot form an important part of the CHUKIM & MISHPATIM section of the main speech in Sefer Devarim, attempt to relate this thematic flow to the purpose of these mitzvot (i.e. to the underlying purpose of "Brit Sinai" as detailed in Shmot 19:5-6). Relate this as well to the fact that Bnei Yisrael now prepare to conquer the land and establish a nation.

As usual, relate your answer to the key psukim which we have discussed in the earlier shiurim on Sefer Devarim, especially to 4:5-8, 5:1, 5:28, 6:1, and 26:16-19.

3. Notice how the first half of Parshat Shoftim contains several 'parshiot' that discuss different examples of national leadership. After you identify each category, attempt to define the responsibilities (and need) for each type of leadership. In your opinion, what should be the ideal inter-relationship between these different realms of leadership? Should there be some type of hierarchy among them, and if so, who should be 'in charge'?

Afterward, see Seforno on 19:2. Did you find the four examples of leadership that he noticed? Note as well how Seforno relates these four types of leaders to the mitzvot that follow afterward in Parshat Shoftim!

4. In your opinion, what should the ideal relationship between the King and the "softim"; the King and the "Leviim"; and the King and the "neviim"?

What are their respective responsibilities, and how is each type of 'leadership group' supposed to be chosen?

5. The parshia from 17:14-20 discusses the laws of a 'king'. In your opinion, do these laws define what a king CAN do, or CAN'T do, or both? If so, what can or can't he do?

Can you think of anything else that the King is supposed to do, in addition to what is listed in this section? If so, can you explain why those details are omitted?

In your opinion, why then does the Torah focus on only one specific commandment concerning what the King must do, i.e. 17:18-20? How does this specific mitzva relate to all of the other mitzvot in Sefer Devarim?

What does the word 'torah' in 17:18-20 refer to? In your answer, relate to Devarim 4:44-45 and 27:3. Relate as well to Yehoshua 1:7-8 (in its context)! [Based on those psukim, could one conclude that Yehoshua was considered a 'king'?

6. Compare the laws concerning the king in 17:14-20 with Shmuel I chapter 8, where Shmuel informs the people in regard to the numerous rights of the King (note especially 8:9-17 / better known as "mishpat ha'melech").

In your opinion, does this list (that Shmuel warns the people) include things:

that the King may do, even though he is not allowed to;

or,

that the King truly have the right to do!

If the King does have these rights, are they permitted even for his own wealth, or only for the needs of the nation? If the latter, who decides 'what are the needs of the nation'?

7. In your opinion, is it necessary for Am Yisrael to have a 'king', or only an 'option'? From your understanding of 17:14-20 and its context, does it seem obligatory that Bnei Yisrael appoint a king, or does this mitzvah only apply should Bnei Yisrael voluntarily choose to appoint a king?

See discussion of this topic in Mesechet Sanhedrin 20b. Continue with the "parshanut" section which follows (below).

PART III - PARSHANUT

IS A KING A MUST?

1. Review 17:14-20. Based on its context within the entire CHUKIM & MISHPATIM section of the main speech of Sefer Devarim (i.e. chapters 12-26), would you say that appointing a king is obligatory ["chova"] or an option ["reshut"]?

Relate to the word "v'amarta..." in 17:14, and the opening word "ki" of this parshia.

In your opinion, does the word "ki" (in this pasuk) imply 'when' or 'if'? In other words, does it relate to the beginning of the sentence or to the middle of the sentence?

Compare the use of the word "ki" in this pasuk to its use in Devarim 4:25, 6:20, 7:17, 15:7, 19:1, 26:1. What does "ki" imply in those examples?

2. From the grammatical perspective, what (in your opinion) does the phrase "k'chol ha'goyim" ['like all the nations'] in 17:14 modify the type of KING or the type of KINGDOM?

How would this affect your answer to the first question?

3. See Rasag [in Torat Chayim edition], who comments on 17:15 - "mutar" - it is PERMITTED, but not obligatory. See also Ibn Ezra. What do you think leads Rasag to this conclusion?

[If you have the time, see the controversy on this issue in Sanhedrin 20b.]

See Ramban on 17:14.

Note that first he quotes Chazal's opinion [that to appoint a king is a "chova"], and then seems to offer his own opinion [possibly that it is only a "reshut" (?) - read carefully].

Now, note Ramban's explanation of "v'amarta" in his presentation of Chazal's opinion. What problem in "pshat" 'forces' this interpretation? [Is this problem based on the assumption that appointing a king is obligatory ["chova"]?]

What is problematic with the phrase "k'chol ha'goyim"? How does Ramban solve this problem?

4. What difficulty arises when translating the phrase "asher yivchar Hashem Elokecha" - (who God will choose)?

Explain the controversy between Ibn Ezra & Ramban on this? How does the translation of "lo tuchal" (you are not PERMITTED or you are not ABLE) affect their respective interpretations of the phrase "asher yivchar Hashem"?

See Chizkuni, Ibn Ezra, and Ramban!

5. Read the final section of the Ramban on 17:15 carefully (beginning with "v'al derech ha'pshat amru..."). Note how radical his interpretation of "asher yivchar Hashem" is! Note also how it affects his understanding of "ha'makom asher yivchar Hashem" in chapter 12!!

In your opinion, does Ramban's understanding of pshat affect this understanding of "nevuah" or visa-versa?!

[Could you relate this approach of Ramban to our understanding of God's "hashgacha" (providence) over historical events in our own era, even though there is no "navi" today? (An interesting topic, but for a shiur on "hashkafa", not parshanut.)]

6. See Seforno on 17:14. Relate his pirush to Rasag & Ibn Ezra. Is his explanation that appointing a king is a "reshut" based primarily on the "pshat" of the psukim, or based primarily on his understanding of the institution of a Kingdom?

Why does Seforno mention the difference between "melech" and "shofet"? According to Seforno, is the "shofet" a more ideal type of leadership? Why does he bring down Bamidbar 27:17?

7. See the Netziv in Ha'amek Davar on Devarim 17:14-20.

How does he solve the problem in pshat of "k'chol ha'goyim"? How does he solve the problem of "reshut" or "chova"?

8. See Rambam Hilchot Melachim 1:1. Note the Rambam holds that appointing a king is "chova". What do you think leads the Rambam to this conclusion?

Note how the final two chapters of Hilchot Melachim discuss "melech ha'Moshiach". Relate this to Rambam's interpretation of the mitzvah to appoint a king as a "chova".

b'hatzlacha,
menachem

