

# Maamarei Mordechai

הסבר לפי ממש פשוט

Parshas Shoftim 5784

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A system of justice is taught for Eretz Yisroel.

שִׁפְטִים וְשֹׁטְרִים תִּתֶנּוּ-לָהֶם בְּכָל-שַׁעְרֵי אֶרֶץ הַיְיָ אֱלֹהֵיךָ נָתַן לָהֶם לְשִׁבְטֵיהֶם וְשִׁפְטוּ אֶת-  
הָעָם מִשְׁפַּט-צֶדֶק:

Give yourselves judges and officers in all of your gates – that Hashem, your Lord, gives to you – for your tribes. And you shall judge the people with justice courts. (Devarim 16:18).

What does the Torah mean when it says “give yourself” judges? Why judges and officers? What does the expression mean by “in all your gates? Why not just say in all your cities or areas all over the Land? “That Hashem gives to you.” What is Hashem giving; the gates or the judges?

The pasuk really means “appoint for yourself.” There are two words for appoint. The Torah could have said שִׁים “place” or even place for yourself. Why does it say “give?” There is obvious difference between place and give, in the Torah. Place means something deliberate and the people have no choice. For instance, later in this parsha portion the Torah says, שׂוֹם תִּשִׂים עָלֶיךָ מֶלֶךְ אֲשֶׁר יִבְחַר ה' אֱלֹהֶיךָ בְּיָדְךָ מִקִּרְבֵּי אֶחָיִךְ תִּשִׂים עָלֶיךָ מֶלֶךְ לֹא תוּכַל לָתֵת עָלֶיךָ אִישׁ: “You shall surely place upon yourselves a king that Hashem, your Lord, shall choose, from among your brethren. Place upon yourselves this king; you cannot set upon yourselves a foreign and strange man, that is not of your brethren.” (Ibid 17:15). The king is not a free choice. It is only if (1) the entire people want it, (2) to be one king over all the people (ibid 17:14), and it must be (3) a king of Hashem’s choosing, and they must only (4) place a king that is a member of the people. Similarly, Hashem placed Adam in Gan Eden (Bereishis 2:8); a mark of protection upon Kain (ibid 4:15); and a hand is placed when swearing an oath (ibid 24:2 and 47:29); and the tautology was placed in Yehoshua’s ear (Shmos 17:14). Place means the one placing does so with no choice of the receiver at all.

Give, on the other hand, is a gift that is readily accepted. The term תִּתֶנּוּ-לָהֶם is used only here in the entire Tana’kh. “Give” however is stated more than five hundred and fifty times in the Chumash itself. “See that I have given before you the Land...” (Devarim 1:8). Throughout the Torah, Hashem reiterates that He will “give” the Land to the Avos (ibid, and Bereishis 15:7; Shmos 13:5, etc.). Moshe took tribal leaders and appointed them (lit. gave them) over the people. (Devarim 1:15). The Transjordan lands were given to Reuven and Gad (ibid 3:3); the Land is being given to Bnei Yisroel (ibid 4:40, 5:16, 5:28); and Hashem “gave” great signs and wonders against Mitzrayim (ibid 6:22). Give is a gift from the giver to the receiver. It is something the receiver will benefit from that the receiver did not earn. The signs and wonders were gifts for Bnei Yisroel.

The difference between give and place is that what is *placed* must be earned and used. The gift is ready to be used without effort or earning it. Moshe is teaching that the judges and officers are gift appointments for the people. They are beneficial to all. They are to be given in all your gates. "Only, whenever your soul shall desire (you hunger) and you want to eat meat according to the blessing of Hashem, your Lord, that He has given to you in your gates..." (Ibid 12:15). This pasuk gives the permission to eat meat without bringing the animal as a korban. The blessing is what Hashem is giving in all the gates. Further, the plagues mentioned in the admonition talk about the people being shut up in all their gates. (Ibid 28:52,55). The Torah warns not to do any labors on Shabbos, and that includes those "in your gates." (Shmos 20:10). The teachings of the Torah should be written down on your gates. (Devarim 6:9 and 11:20). Maaser sheini must be taken to the place where the Mishkan or Mikdash is, and enjoy it with all those "in your gates." (Ibid 12:18). Avraham purchased burial land at the city's gates. (Bereishis 23:10).

Gates are not found everywhere. Villages and farms do not have gates. Only cities and walled towns have gates. The gates of the nearest city and large town is where the markets are. That is where people gather to do business. The aliens and the servants are found there because they are engaging in business for their masters or they are looking for lodging. Even those that live in small villages and in farm country come to the gates once or twice a week to purchase supplies and sell their goods. The blessing Hashem has given to the people in all their gates that they want to eat meat is not just an abundance of money and animals in the farms. It is the animals being brought to market to sell for their meat because enough are available for labor. No labor shall be done by anyone, including those in the gates, because markets must be closed on Shabbos. The select Torah portions are written on the gates so that all can see them. Anything placed will be seen by all, even those living in the remotest areas.

Just as Moshe used the term prior in relation to eating meat, he says here that Hashem is gifting them the gates. The gates are gifted to the people for their tribal purposes. Each tribe will have cities with courtyards and gates to do business and administer justice. They will also have gates whereby neighboring tribes will interact and do business together. These are perfect places to dispense justice. And while these gates are per tribal lands, the justice courts and the justice they dispense is for the entire people.

With this the pasuk becomes clear. Gift to yourselves judges to dispense justice and officers to administer that justice. It can be one judge at a time or can be several judges. This refers to both as the great judge who is the highest judge in the Land but it also refers to local judges that administer to individual areas. They must be placed in every gate. Every city should have a set of judges or at least one judge and one justice court made up of a bais din. Each of these should have officers to enforce and administer the justice – collect fines and mete out punishments. They are in the gates that Hashem has given to the people as a gift to help the tribes. The gates serve as the location for markets, gatherings, and information. The courts should be set up right there, in the heart of business. To aid in peace and encourage business between tribes, Hashem gave the gift of gates (markets). With this the people can then govern through the justice courts, in peace.