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נשיא וראש מוסדות "אור המלך"

מחבר ספרי שו"ת דרך המלך, אמרי מרדכי, ודרכי המלך על המועדים ועוד  
רשת מעונות, ורשת גנים, ת"ת פרי תואר, ובית יעקב פרי תואר, תיכון בית יעקב החדש, ת"ת מאור ישראל,  
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## Parashat Shoftim

### Judgment in This World Saves One From Heaven's Judgment

#### Questions:

- 1- The *parashah* opens with the following words: "Judges and officers should you place for yourselves [*lecha*] in all your gates ..." The commentators ask that the world *lecha* seems to be extra and without meaning. The commandment was for the Jewish Nation to appoint judges and officers. Why must the *pasuk* state *lecha*, "for yourselves"?
- 2- Furthermore, the continuation of the *pasuk* does not seem to coincide with the beginning. The beginning of the *pasuk* is in the singular form [*titein lecha be'chol shearecha*], yet the end of the *pasuk* is in the plural [*ve'shaftu*, "and they will judge"]. The continuation should also have been in the singular.

#### An Allusion to the Gateways of the Body

We quoted the *pasuk*, "Judges and officers should you place for yourselves in all your gates ... [*lecha be'chol shearecha*]." In the *Sefer Halikutim*, the question is posed why the plural form of *sheareichem* ["your gates"] is not used. In the name of R' Chaim Vital *zt"l* it states that the *pasuk* is hinting that each Jew has several "gates." The gate to sight are the eyes; the gate to hearing – the ears; the gate to speech – the mouth; the gate to touch – the hands and feet. Therefore man must place "judges and officers" at each one of these gates. In other words, he must guard himself against looking at something inappropriate and immodest, and not to hear inappropriate things. He must take care not to speak foul words and gossip, nor to smell the scent of perfumes that incite lust. He should not touch anything relating to immodesty, nor use his feet to walk to lewd places, or to theaters and the like. This is why it states *she'arecha* in the singular form, to allude to the aforementioned idea. When he guards his "gates" from sin, the *pasuk* states [Yeshaya 26], "Open the gates and enter a righteous nation," measure for measure. He also merits that that the 310 spiritual words that each *tzaddik* inherits open their gates for him; for each world has its own gate. [The *Shelah* writes similarly in *Derech Chayim Tochachot Mussar*.]

#### An Additional Allusion For Judges

The *Kli Yakar* [Parashat Shoftim 16:18] also offers an explanation why the *pasuk* is in the singular form. He quotes the words of our Sages [Bava Metzia 107b] who say that first a judge must judge himself and only afterwards can he judge his fellow. In other words, the word *lecha*, which is in the singular, refers to the judge who must not overlook his own deeds. To this, the Belzer Rebbe *shlita* adds that there is a very great lesson that can be learned from here: The judge must know that to receive the Divine Assistance necessary to adjourn a Torah hearing, he must first judge himself. Only after honestly appraising himself, will he merit the Divine Assistance that he needs to judge correctly. This is why the *pasuk* begins "Judges and officers should you place for yourselves [*lecha*]" in the singular; in other words, first judge yourself. It then follows with a plural expression, *ve'shaftu*, "and they will judge," implying that only then will the judges be able to fairly judge the people.

#### It is Fitting to Arbitrate Torah Hearings in the Days of Mercy and Forgiveness and in the Ten Days of Repentance

The Levush writes in *Orach Chayim* [siman 603] that there are those who are accustomed not to judge cases between man and his fellow during the day prior to Yom Kippur. The Levush, however, feels that the opposite should be the case and states that, on the contrary, it is better to arbitrate and rule between man and his fellow so that there will be peace between them on Yom Kippur. Furthermore, our Sages state [Devarim Rabbah 5:4] that "In a place where there is judgment, there is no judgment, and in a place where there is no judgment, there



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is judgment." In other words, if we conduct court cases in **this** world, there will be no Heavenly judgment. However, if there is **no** judgment in this world then there **will** be Above. Therefore the Levush writes that it is better to have judgment here, so that the Attribute of Strict Judgment is silenced Above. For the world stands on judgment, as the *pasuk* states [Zecharya 8:16], "Truth, justice, and peace should you judge in your gates." Furthermore, it is important to conduct the *beit din* to remove ill will from the heart of the claimant, for all of the Jewish Nation must be at peace with each other on Yom Kippur. The claimant's heart burns with hatred against the other party for incorrectly possessing that which he claims is his. The defendant also benefits from the trial. For if the claimant is indeed justified in his claim, stolen property will be removed from the defendant's hands and returned to its rightful owner, before the great and holy Day of Judgment arrives. This will enable his repentance to be readily accepted. For as long as theft is in his hands, it is like someone who ritually immerses while holding an insect in his hand, which is impure. Therefore, the Levush exclaims that it is a foolish error to refrain from settling disputes in a *beit din*.

### Even One Who Loses a *Din Torah* Must Rejoice

It is therefore stated in *Masechet Sanhedrin* [7a] that one who leaves *beit din* having lost his cloak to the other party should sing in joy and go on his way. The Gemara quotes Shmuel's comment to R' Yehudah that this has a source in the *pasuk* which states, "And also all of this Nation in its place will come to peace." Rashi explains that even one whose cloak is taken from him should rejoice because the judge ruled correctly, and the theft was taken out of his hands. On the words of the *pasuk*, "All of this Nation," Rashi comments that this *pasuk* refers to the judges that Yitro advised Moshe to appoint. The word "all" includes even those who are guilty; they too should rejoice. The *Maharsha* adds that the cloak is the outermost piece of clothing, one that an individual wears for honor. When he is deemed guilty in *beit din*, they take his cloak to repay his debt, and they do not let him walk home wearing it. The articles of clothing he wears underneath, however, which he cannot be without, are certainly not taken from him. The *Maharsha* therefore explains that even though he is lacking his prestigious cloak, he should sing on his way home. This is the intention of the *pasuk* quoted by Shmuel, "And also all of this Nation in its place will come to peace." In other words, even the individual whose honor has been stripped from him and given to his fellow, should be at peace. He should not feel distressed, nor feud with his fellow man over this matter. About this writes the Peleh Yoetz [heading *Mishpat ve' Din*] that one should recognize the benefit of justice, as the *pasuk* states, "Zion will be redeemed with justice." It similarly states, "Judges and officers should you place in all of your gates." He continues that there is requirement for each city to appoint a wise man who will decide questions pertaining to what is forbidden and what is permitted. He should also judge between man and his fellow and inform them about the Torah's laws and the proper path that they should tread in life. He also addresses the attitudes of the claimant and defendant. He writes that even though our Sages teach that one who loses his cloak should rejoice, yet we find that the case is the exact opposite. Immediately upon being summoned to *beit din*, man grows furious and becomes the fierce enemy of the one who had him summoned. He writes that this is foolishness, because why does it evoke his ire if someone wants to receive a Torah ruling? However, he writes that if someone wants peace with his friend in present times, it is preferable to refrain from calling him to a *beit din* for as long as he can. He should instead try to settle the issue in a friendly manner. If however, summoning him to *beit din* is simply unavoidable, he should approach him and speak peacefully saying, "My brother and friend. Do not look despairingly upon this, for we are brothers and my heart is at peace with you and filled with love for you. However, we have a difference of opinion. We both want the truth and what is upright,



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but we need a third party to decide the matter between us. Let us go and seek the word of G-d peacefully and in the upright way. Let us be careful to do all that we are instructed." He writes that when they go before the judge, they should present their claims calmly, in a low voice. One should not interrupt his fellow. The one who is found guilty should accept the judgment lovingly and rejoice that the theft was taken out of his hands. Afterwards they should be the same loving friends that they were previously.

### Story About the Baal Shem Tov

There was an individual who owed someone money. He passed away, however, without repaying his debt. He returned to this world, reincarnated as a horse who was smaller than average. Despite his size, however, he worked much more than other horses. The one who had loaned the money was the owner of the horse, and he was astounded by the tremendous diligence and energy with which this horse worked. He therefore went to the Baal Shem Tov and told him about this unusual horse. The Baal Shem Tov asked him if there was someone who had owed him money, but passed away without having repaid his debt. The owner of the horse confirmed that there was such an individual. The Baal Shem Tov asked if he was willing to forgo his debt. He responded in the affirmative. The Baal Shem Tov requested the contract, and when the man presented it to him, he tore it up. When the man returned to his stable to take out the horse to work, he was surprised to discover that the horse had died. This occurred because the debt which he had come back to the world to repay had now been relinquished.

### A Modern Day Story That Has Now Become Publicized

On Friday, *Tu B'Av* 5776, *bein hazmanim* began with a tragic occurrence. The young *bachur*, Eliyahu Magurei Cohen z"l from Bnei Brak, who was only 20 years old, drowned on the Sheraton beach in Tel Aviv. Several days later, on Tuesday the 19<sup>th</sup> of Av, Eliyahu Magurei Cohen z"l appeared in a dream to a young married man from Tzefat a number of times and made a request. He exclaimed that he had immersed in the mikvah of the Tolna *beit haknesset* without having paid, and he requested that the man pay for him. R' Yosef Kahana from Tzefat related to "*Bechedrei Chadarim*" that he was phoned by this man because he lived in close proximity to the Tolna mikvah in the Old City of Tzefat. He went and paid seven *shekalim*, which is the price to immerse on *Erev Shabbat*. R' Kahana continued that he understood from the man that the *bachur* had requested this man to pay for him before he had died, but the man had forgotten to do so. R' Kahana said that when he was called with this request, it had been the end of a difficult day. He was very tired, already lying on his bed and was almost unable to rise. But when he heard that the soul of the young *bachur* could not rest, he was unable to sleep knowing that the boy's soul was suffering Above. He arose and went to the Tolna mikvah and paid the fee at one in the morning.

### Words of Mussar

You see from here just how beneficial it is for an individual when he goes to a *din Torah* and is saved from possessing property that does not belong to him, Heaven forbid. By doing so, he gratifies Hashem and awakens the Attribute of Mercy. He also annuls harsh decrees and saves himself from judgment and anguish of the soul. However, much to our misfortune, there are presently many who prefer to settle monetary matters in secular courts, which judge according to the laws of the gentiles. This is shocking - how could someone forsake the life-giving wellsprings of the Torah? The Torah is from Heaven and is not intellectual wisdom. It teaches man how to conduct himself properly, but instead, individuals prefer the man-made, societal laws of the gentiles. This is presently applicable to rulings issued about the Shabbat transgressions that are performed by laborers on the train in Israel. The Prime Minister has already ordered that they must be stopped. But comes along the *Bagatz*



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and issues a law preventing the stoppage of Shabbat violation. They have become the ones who decide how the State should function and act, also pertaining to matters of *halacha*. All this, despite the fact that they derive nothing from the Torah, and all of their power to judge is based solely on the laws of the gentiles. Therefore the Torah commands each individual to rejoice over a Torah ruling and to try to go to a *din Torah*, because it's for his ultimate benefit. By doing so, there will be a fulfillment of our Sages words, "When there is judgment below, there is no judgment Above." Hashem will rise from the chair of Strict Judgment and will sit on the Chair of Mercy. We will then see the fulfillment of the *pasuk*, "Zion will be redeemed with justice and her captives with charity." *Amen ve amen.*

Shabbat Shalom,  
Rav Mordechai Malka