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לז"נ ברוך בן חיים זאב ז"ל
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לז"נ שושנה בת מנחם מנדל ז"ל

Parsha Potpourri

Parshas Shoftim – Vol. 21, Issue 43

Compiled by Ozer Alport

וכל העם ישמעו ויראו ולא יזידון עוד (17:13)

When a person is convicted of a capital crime, the execution is carried out in a public manner. Rashi writes that the Sanhedrin waited to carry it out until the next Yom Tov, when people would travel to Yerushalayim to fulfill the mitzvah of aliyah l'regel (ascending to the Temple), so that everyone would hear about it and talk about it.

The purpose of publicizing the execution was to inspire maximum fear in the populace in the hope that future executions would become unnecessary. The Mishnah in Makkos (7a) quotes the opinion of Rav Elozar ben Azaria, who maintains that a Sanhedrin which carries out one execution in 70 years is considered violent and bloody. If executions were so infrequent, how were they able to accomplish the desired deterrent effect?

Rav Aharon Bakst suggests that this question can only be asked by a person who has become accustomed and desensitized to the loss of human life. In the times of the Beis HaMikdash, the Jews understood and appreciated the value of every person and every life to the extent that one public execution in 70 years caused such national trauma that another one became superfluous for at least that long. If we appreciated life with the proper perspective, we would be so shaken up by events like the Holocaust and recent tragedies in Israel that they would remain etched in our collective memory forever, inspiring us to proper repentance and rendering future reminders unnecessary.

מלפני הכהנים הלויים והיתה עמו וקרא בו כל ימי חייו (17:18-19)

Parshas Shoftim contains the laws governing a Jewish king, one of which is a requirement that in addition to the regular Torah scroll that every Jew is instructed to write, a king must also write a second Sefer Torah. The Gemora (Sanhedrin 22a) teaches that this second Sefer Torah was written using small letters so that it would be compact and light enough to hang on the king's arm like an amulet, which would enable him to carry it with him wherever he went in fulfillment of the Torah's commandment that he read from it at all times.

Although the Rambam (Hilchos Melochim 3:1) codifies the mitzvah for a king to write a second Sefer Torah, the Lechem Mishneh (Ibid.) and Kesef Mishneh (Hilchos Sefer Torah 7:2) note that he omits the requirement to wear it like an amulet and carry it with him wherever he goes. The Rogatchover Gaon, who is renowned for finding novel sources and proofs in the most unexpected places, suggests that the Rambam intentionally left out this condition due to a seemingly completely unrelated Talmudic discussion regarding the laws of muktzeh.

The Gemora (Shabbos 30b) rules that if a person dies on Shabbos, his body has no use on Shabbos, and it therefore becomes muktzeh and cannot be moved. The Gemora continues and recounts that when Dovid Hamelech died on Shabbos, he was outdoors and exposed to the sun. His son Shlomo was concerned about preserving and protecting his body, so he inquired in the study hall whether there was any way to move his father's body out of the sun permissibly. They advised Shlomo to place a non-muktzeh object, such as a loaf of bread, on top of Dovid's body, which could then be moved together with the non-muktzeh item.

At first glance, this Gemora appears to have no connection to Parshas Shoftim. However, the Rogatchover brilliantly points out that if the presence of a non-muktzeh object on a dead body renders it

permissible to transport, there should have been no need for the sages to instruct Shlomo to place a loaf of bread on Dovid's body since at the time of his death, he should have been wearing his small Torah scroll on his arm, which would have served the same function and enabled Shlomo to move the body even without the bread.

The Rogatchover posits that this difficulty is a proof that the Gemora in Shabbos disagrees with the Gemora in Sanhedrin and maintains that the king does not wear his Sefer Torah and carry it with him wherever he goes, and this is why the Rabbis had to advise Shlomo to place a loaf of bread on Dovid's body, because there was no Sefer Torah already there to serve that purpose. When the Rambam saw this dispute between the two Gemaras, he ruled in accordance with the opinion of the Gemora in Shabbos and therefore makes no mention of a requirement for the king to wear his Sefer Torah on his arm and carry it with him.

In addition to offering a novel source for the Rambam's perplexing omission, the Rogatchover's explanation also helps us appreciate how great scholars are able to see the entirety of the Torah before their eyes, a level which we may never reach, but which should inspire us to recognize the depth of Torah and redouble our efforts to understand it to the best of our abilities.

אני לדודי ודודי לי (שיר השירים 6:3)

In his introduction to the laws governing the month of Elul, the Mishnah Berurah (581) cites the pasuk (verse) in Shir HaShirim **אני לדודי ודודי לי** – I am my beloved's, and my beloved is mine. The first letters in each of these four words combine to spell **אלול**, while the numerical value of the four yuds at the end of each of the words adds up to 40, which is a reference to the 40 days from the beginning of Elul until Yom Kippur. The use of this expression to hint to Elul reveals to us that it is an opportune time to return to our Beloved – Hashem – and if we do so, our Beloved will lovingly accept our repentance and bring us close to Him.

While this allusion is well-known, Rav Yisroel Reisman points out that it is difficult to understand in light of the Yerushalmi's statement (Rosh Hashana 6a) that the names we use for the months in our calendar come from Babylon. There is no mention in the Torah of Nissan, Kislev, or Elul, as the months are simply referred to as "the first month," "the second month," etc. The names by which we call the months today do not appear in Tanach until after Bnei Yisroel returned from exile in Bavel (e.g., Nechemia 1:1, Esther 2:16), and according to the Yerushalmi, they are not of Jewish origin. If so, why did Shlomo allude to Elul in the holiest of all songs, Shir HaShirim?

Rav Reisman explains that many people assume that Shir HaShirim is a love song between a couple that is preparing to get married. In reality, the sixth chapter, which contains the hint to Elul, discusses a couple that became estranged after a dispute and is now attempting to reconcile. It begins with the nations of the world taunting Bnei Yisroel, "Where has your Beloved (Hashem) gone?"

The response of the Jews, as explained by Rashi (6:2), is that Hashem commanded us to build the second Temple, where He will again dwell together with us. In this context, the expression **אני לדודי ודודי לי** is talking about a time when Bnei Yisroel had been distanced from their Beloved, but then received an opportunity to come back and draw near to Him once again.

With this insight, we can now appreciate how appropriate it is that Elul is specifically a Babylonian name that connotes our ability to reunite with our Beloved even after experiencing separation and exile. Just as the collective nation was able to draw close to Hashem through the construction of the second Beis HaMikdash, so too can every individual tap into the special power of Elul to return to Hashem no matter how far away we may feel from Him.

Parsha Points to Ponder (and sources that discuss them):

- 1) In warning judges against accepting bribes (16:19), the Torah commands, “You (singular) shall not take a bribe, because a bribe will blind the eyes of the wise (plural) and pervert the words of the righteous (plural). Why does the Torah switch from the singular to the plural within the same pasuk? (Toras Chacham)
- 2) Rashi writes (Devarim 16:21) that it is forbidden to plant a tree anywhere on the Temple Mount. Does this prohibition also apply to planting a tree next to a synagogue? (Hagahos Rav Akiva Eiger Orach Chaim 150, Shu”t Maharam Schick 79, Shu”t Binyan Tzion 9, Shu”t Maharsham 1:127, Torah L’Daas Vol. 8)
- 3) Which tool is mentioned twice in Parshas Shoftim, but nowhere else in the entire Torah? (Parsha Challenge)

Answers to Points to Ponder:

1) **Rav Chaim De la Rosa**, a disciple of Rav Chaim Vital, explains that almost all Jewish court cases involve more than one judge. Most monetary disputes are adjudicated by a panel of three judges, while capital cases require at least 23 judges, and the most difficult cases are brought before the full Sanhedrin, which consists of 71 judges. As such, even if one of the judges accepts a bribe, the potential for perversion of justice seems extremely small, as that judge will be overruled by the other judges who did not accept a bribe and can view the case objectively. In reality, the Torah teaches us that this is not the case, because the judge who became compromised through accepting a bribe will become so fixated on ensuring a favorable outcome to the party who bribed him that he will fabricate arguments to persuade the other impartial judges to join him in his ruling. This phenomenon is alluded to by the pasuk hinting that if even one judge (singular) accepts a bribe, the result will be that he will use his influence to blind and twist the judgment of the other judges (plural), even though they themselves are wise and righteous and untainted by bribes.

2) **Rav Akiva Eiger** rules that while the Biblical prohibition only applies to planting a tree on the Temple Mount, it is Rabbinically forbidden to plant a tree next to any synagogue. The Rav of a synagogue where trees were planted without his knowledge or consent asked the **Maharam Schick** for guidance on what to do. The Maharam Schick responded by quoting the opinion of Rav Akiva Eiger, adding that the presence of the trees would encourage people to gather and idly waste time near the synagogue, and he therefore advised the Rav to attempt to have them uprooted. The **Binyan Tzion** disagrees and notes that no such prohibition is mentioned in legal sources. He adds that this apparent stringency can result in an unintended transgression, as fruit-bearing trees planted next to a synagogue could be destroyed, which is Biblically forbidden. Additionally, he maintains that even on the Temple Mount itself, any trees that may have been there before the building of the Beis HaMikdash or that subsequently grew on their own need not be removed. The **Netziv** also writes that we cannot create prohibitions based on our own reasoning, although he respectfully notes the opinion of Rav Akiva Eiger and is therefore unsure about the matter. The **Maharam** also permits planting trees next to a synagogue, and he maintains that even according to the stringent opinion, trees that were already planted need not be removed. However, he adds that in a place where the practice of non-Jews is to plant trees next to their houses of worship, it would be forbidden to do so at a synagogue due to the separate prohibition against following non-Jewish customs, unless they are planted in a manner different than the practice of the non-Jews.

3) In the Torah’s discussion of a person who accidentally kills another Jew, the prototypical case given (19:5) is someone who goes with his friend to chop wood in the forest. When he swings his **גרזן** — axe — to cut down the tree, the iron blade inadvertently flies off the axe and strikes his friend, killing him. Later in the parsha, the Torah forbids us (20:19) to chop down a fruit-bearing tree with a **גרזן** when besieging a city. These are the only two places that an axe is mentioned in the Torah.

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