

מִצְוֹת
עֲשֵׂה
#176



We learn this mitzvah from Parshas Shoftim: (דברים טז:יח)

שֹׁפְטִים וְשֹׁטְרִים תִּתֶּן לָךְ בְּכָל שְׁעָרֶיךָ

This *mitzvah* is that we need to set up a system that makes sure that Yidden follow the Torah!

We do this by having *Shoftim* (judges) and *Shotrim* (officers to make sure people listen).

In a big city, there should be a “small *Sanhedrin*,” with 23 judges by the gates of the city. In Yerushalayim, there should be a full *Sanhedrin* of 70 judges, with a *Nasi* over them, so the big *Sanhedrin* has a total of 71.

In a city that is too small for a small *Sanhedrin*, there should at least be a *Beis Din* of 3 judges to *pasken* on smaller questions, and send people to a bigger court if needed.

There should also be *Shotrim* to go around to the marketplace and make sure people are doing business according to Torah.

Even though the judges can only get *semicha* in Eretz Yisroel, they can *pasken* outside of Eretz Yisroel too.

But a question about if someone is *chayav misa* can only be *paskened* when the *Beis Hamikdash* is standing.



The details of this mitzvah are explained in Mishnayos & Gemara: **Mesechta Sanhedrin**

מִצְוֹת
לֹא תַעֲשֶׂה
#284



We learn this mitzvah from Parshas Devarim: (דברים א:יז)

לֹא תִכְיֹרוּ פָנִים בַּמִּשְׁפָּט

This is an *aveira* for the person in charge of making someone a judge: A person is fit to be a judge if he is an expert in Torah and its *halachos*, and acts according to them. It is *asur* to choose a person to be a judge for any other reasons.

For example, we can't choose someone as a judge because he is good looking, or because he is strong. We can't choose someone as a judge because he knows many languages, because he is related to us, or because he did us a favor. Only a judge who is an expert in the *chochmah* of Torah and follows the *mitzvos* properly will be able to judge right!

Our Judges

Every city needs judges to make sure everyone in the city is acting how they should.

Where do the judges sit? At the gates of the city.

The *Guf* of every Yid is like a city. It has gates, too!

What are the gates? The parts of us that can open and close to let something from outside come in! They are our eyes, nose, ears, and mouth. These “gates” open up so we can eat and drink and listen to things, and to let things come out — like saying things!

We need to make sure that our gates have “judges” to decide when to be open and when to be closed. Our eyes should only open up to let in kosher things — by only looking at pictures of kosher animals and *tznius'dike* things, our noses should smell kosher food, our ears should listen to Torah and NOT to *Lashon Hara*, and our mouth should say only nice things and words of *Ahavas Yisroel*!

See *sicha* of *Parshas Shoftim* 5748

מצוות
עשה
#175

 We learn this mitzvah from Parshas Mishpatim: (שמות כג:ב)

אַחֲרֵי רַבִּים לְהֵטֵת

This is a *mitzvah* about judges, but also a *mitzvah* about deciding *halacha* in general. The point of this *mitzvah* is that we go according to the Rov, the majority.

When *Chachomim* don't agree about a *halacha*, we decide what to do based on what most of the *Chachomim* say.

When judges disagree about what to rule in an argument between people, we *pasken* based on what MOST of the judges think.

 The details of this mitzvah are explained in Mishnayos & Gemara:
Many places in Mesechta Sanhedrin

Rambam: Hilchos Sanhedrin

PEREK ALEF

The Rambam teaches about the BIG *Sanhedrin* with 71 judges, the SMALL *Sanhedrin* (which should be in most cities) with 23 judges, and in a small city there should be 3 judges. There are *halachos* about how the *Sanhedrin* should sit, and about who writes down what happens. When *Moshiach* comes, we will have a big *Sanhedrin* again, in the *Beis Hamikdash*!

PEREK BEIS

We learn about who is allowed to be a judge. For a regular judge, there are seven qualifications which are written in the Torah. They are: *Chochmah* to know the *halachos* of the Torah well, *Yiras Shomayim*, to be humble, to hate money, love truth, people should like him, and he should have a good name. The Rambam explains what all of these are, and how we see them in the *pesukim* when Moshe Rabbeinu chose judges for the Yidden.

The judges in the big *Sanhedrin* need to have all of these things and many more!

PEREK GIMMEL

A small *Sanhedrin* or a *Beis Din* should get together to judge *Shacharis*, and stop at *chatzos*. A big *Sanhedrin* starts in the morning and ends at *Mincha* time. A *Sanhedrin* is not supposed to start judging a case at night.

One *halacha* is that the big *Sanhedrin* with 71 judges didn't always need all of the judges there at the same time, but there have to be at least 23 there always. So if a judge from the big *Sanhedrin* has to leave, he needs to make sure there will be at least 23 left — otherwise he has to stay!