

גליון לידיעת מצוות השבוע

והערב נא

ב"ה ובס"ד פרשת דברים ב'-ח' אב (ע"ז ל"ט-מ"ה) תשפ"ה לפ"ק

המצוה																				מקור בתנ"ך			בה"ג	רס"ג	ר' אליהו הזקן	ר' יצחק ברגלוני	ר' שלמה גבירול	יראים	רמב"ם		סמ"ג	רא"ם	רמב"ן	מאמר השכל	החינוך	סמ"ק	זוהר הרקיע	חפץ חיים	רבנן	נוהג	זכר	נקבה
פרשה	פרק	פסוק	הלכות																																							
Devarim	1	16				33				130			Sanhedrin and Punishments														World	✓	☐													
Devarim	1	17				226	110			284			Sanhedrin and Punishments														World	✓	☐													
Devarim	1	17			143		170	111	287	276	358		Sanhedrin and Punishments														World	✓	☐													
Devarim	2	5																										✓	✓													
Devarim	2	9																										✓	✓													
Devarim	2	19																										✓	✓													

נקבה	זכר	כל העולם	ארץ ישראל	בית המקדש
0	1	1	0	0
0	0	0	0	0
0	3	3	0	0
0	2	2	0	0
0	1	1	0	0
0	2	2	0	0
0	2	2	0	0
0	2	2	0	0
3	5	2	0	0
0	2	2	0	0
0	2	2	0	0
0	2	2	0	0
0	2	2	0	0
0	2	2	0	0
0	2	2	0	0
0	2	2	0	0
0	0	0	0	0
0	0	0	0	0
3	6	3	0	0

שיטות	פרשה	עונש	עשה	לא תעשה	סך הכל
(757-) 4517-	0	0	0	1	1
(882- 942) 4642-4702	0	0	0	0	0
(939-) 4699-	0	0	1	2	3
(1013-) 4773-	0	0	0	2	2
(1040-) 4800-	0	0	0	1	1
4875-4958 (1115-1198)	0	0	1	1	2
4894-4964 (1134-1204)			0	2	2
4960-5020 (1200-1260)			0	2	2
4954-5030 (1194-1270)			0	5	5
4954-5030 (1194-1270)			0	2	2
4975-5053 (1215-1293)			0	2	2
(1240-) 5000-			0	2	2
(1240-) 5000-			0	2	2
5121-5204 (1361-1444)			0	2	2
5598-5694 (1838-1933)			0	2	2
			0	0	0
			0	0	0
			1	5	6
מצות בזמן הזה לפי כל השיטות	0	0	1	5	6

Not to appoint judges who are not familiar with judicial procedure

Appointing an Unqualified Judge
Negative Commandment 284

p>The 284th prohibition is that the High Court or the Rosh Golus¹ are forbidden from relying on an individual's [other] qualities and appointing him as judge although he is not expert in the Torah's wisdom. In all appointments regarding Torah, we may look only at the person's expertise in the Torah's wisdom, knowledge of its positive commandments and prohibitions, and behavior suitable to [that knowledge].

The source of this prohibition to make an appointment based on other factors is G-d's statement² (exalted be He), "Do not give anyone special consideration regarding judgment."

In the words of the Sifri: "The verse, 'Do not give anyone special consideration regarding judgment' refers to the one who appoints judges." This means that this prohibition only applies to the person who has the ability to appoint judges. This person is forbidden from making such an appointment based on other considerations, as mentioned above. Our Sages said: "One should not say, 'I will appoint this person as a judge because he is attractive'; 'I will appoint this person as a judge because he is strong'; 'I will appoint this person as a judge because he is my relative'; 'I will appoint this person as a judge because he lent me money'; 'I will appoint this person as a judge because he knows all languages.' " He will end up acquitting the guilty and convicting the innocent—not because he is wicked but because of his ignorance. Therefore the Torah says, "Do not give anyone special consideration regarding judgment."

1. The head of Babylonian Jewry.
2. Deut. 1: 17.

The judge must not fear a violent man in judgment

Fearless Justice
Negative Commandment 276

The 276th prohibition is that a judge is forbidden from fearing a vicious, evil, uncontrolled person to the extent of not ruling against him in judgment. He must give a just decision without being concerned with any damage the person might cause him.

The source of this prohibition is G-d's statement¹ (exalted be He), "Do not fear any man."

The Sifri² says, " 'Do not fear any man.' One might say, 'I am afraid of this person: perhaps he will murder my son, or set my grain on fire, or destroy my crops.' The Torah therefore says, 'Do not fear any man.' "

1. Deut. 1: 17.
2. See Sifri, on above verse