

בס"ד

THE RASHI OF THE WEEK

Week of

Parshas Shoftim

2 Elul, 5780 – August 22, 2020

Compiled from the works of
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**An Outline of the Rebbe's Explanation of Rashi
Parshas Shoftim**

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Rashi in His Own Words

דברים ט"ז, י"ח: שופטים ושטרות תתן לה בכל שעריה אשר ה' אלקיה נתן לה לשבטיה ושפטו את העם משפט צדק::
רש"י ד"ה שופטים ושטרות: שופטים, דיינים הפוסקים את הדין. ושטרות, הרודין את העם אחר מצותם. שמכין וכופתין במקל
וברצועה עד שיקבל עליו את דין השופט:

Devorim 16:18: You shall set up judges and law enforcement officials for yourself in all your gates that the Lord, Hashem, is giving you, for your tribes. They shall judge the people (with) righteous judgment.

Rashi Heading - Judges and law-enforcement officials: - שופטים Shoftim, are judges who decide the verdict, and - שטרות Shotrim, are those who chastise the people in compliance with their order, who strike and bind with rods and straps, until he (the guilty party) accepts the judge's verdict.

Synopsis

In this week's Torah portion, Shoftim, the Torah commands us to appoint both Judges and Law Enforcement Officials in our land. Rashi explains that the word Judges refers to those that decide the verdict. Law Enforcement Officials refers to those who chastise the people in compliance with their (the judges') orders. They strike and bind with rods and straps, until he (the guilty party) accepts the judge's verdict.

The word Shoftim, meaning judges, is a common word. Why does Rashi need to define it? There are commentaries who explain that had Rashi not defined it, we may have thought that the word Shoftim also includes the job of enforcing, executing the law. Therefore, Rashi tells us that a judge's position is only to decide the law. Therefore, after explaining the word "Shoftim," Rashi goes on to explain "Shotrim." Enforcing and executing the law are separate issues.

However, this is not all that simple. We find an earlier verse where Rashi explains the meaning of the word Shotrim. Because we already know the meaning of both Shoftim and Shotrim, why does Rashi need to explain both words again?

The Rebbe explains, citing examples, that according to Peshat the word judgment includes three things. It encompasses the initial plea, the sentence, and its execution. In other words, the role of a judge is not merely to decide a sentence, but to execute it as well. By examining Rashi's definition of Shotrim in our Torah portion, we realize that he is not explaining it as one who executes the verdict; the judge does that. Rather he defines Shotrim as those enforce the sentence.

THE RASHI OF THE WEEK

Rashi's Explanation

In this week's Torah portion, Shoftim, the Torah commands us to appoint both Judges – Shoftim, and Law Enforcement Officials - Shotrim. The Torah says¹, "You shall set up judges and law enforcement officials for yourself in all your cities that the Lord, Hashem, is giving you, for your tribes. They shall judge the people (with) righteous judgment." Rashi cites the words "Judges (שֹׁפְטִים - Shoftim) and law enforcement officials (שְׁטָרִים - Shotrim)." He explains that "שֹׁפְטִים - Shoftim, are judges who decide the verdict, and שְׁטָרִים - Shotrim, are those who chastise the people in compliance with their order, who strike and bind with rods and straps, until he (the guilty party) accepts the judge's verdict."

Many of Rashi's supercommentaries ask why Rashi needs to explain the well-known word "Judges - Shoftim." They explain that it is in order to let us know why the Torah adds the word "Law Enforcement Officials - Shotrim." If not for Rashi's explanation that judges are the ones "who decide the verdict," as Rashi says, we might have thought that they also enforce their verdict. Hence, we understand why the Torah adjures us to appoint Shotrim in addition to Shoftim. The Shoftim decide and issue the verdict, which the Shotrim enforce.

Difficulties in Understanding Rashi

The word Shotrim as it is used to describe those who execute the judgment was also explained by Rashi earlier. The Torah previously stated², "So I took the heads of your tribes, men who are wise and well known, and I made them judges over you (Shoftim) ... officers (Shotrim) over your tribes." The Torah is telling us, that in addition to appointing Shoftim, he also appointed Shotrim. Rashi explains there that Shotrim are those who "I appointed over you, for your tribe. These are the ones who bind and lash with a whip at the judges' order." Why did Rashi need to explain Shoftim again in our verse? Both explanations are seemingly saying the same thing.

Additionally, in our verse, *the second time* that Rashi is explaining the word Shotrim, he explains it more at length than he did the first time. Earlier, he said, "These are the ones who bind and lash with a whip at the judges' order." Whereas in our verse, Rashi first writes that "Shotrim, are those who chastise the people in compliance with their order." He then follows the explanation with the words "until he (the guilty party) accepts the judge's verdict." It would seem that the first time Rashi explains the word should be more detailed.

There are several other differences between Rashi's explanation in the first verse and the second. In the first verse, Rashi wrote, "at the judge's order." In our verse, Rashi writes, "in compliance with their order." In the first verse, Rashi wrote: "who bind and lash with a whip." However, in our verse, Rashi changes the order

1. Our Parshah, Devorim 16:18.

2. Parshas Devorim, Devorim 1:15.

THE RASHI OF THE WEEK

and says, "who strike and bind." Lastly, earlier Rashi wrote that the Shotrim "lash with a whip." In our verse, he writes that they strike "with rods and straps."

The Explanation

From all of the above questions, it appears that the Shotrim discussed earlier is not the same as those discussed in our verse; i.e., there are two different meanings of the word Shotrim. The word Shotrim in the first verse, carry out the instructions of the judges. The judges decide which punishment to administer to the defendant, and the Shotrim execute it. In our Torah portion, the Shotrim forces the defendant to accept the ruling of the Shoftim. Let us say, for example, that the judges ruled that the defendant must pay someone a certain amount of money. If he does not want to do so, the Shotrim forces him to carry out the verdict.

This explains the differences between Rashi's words in both places. In the first verse, Rashi writes that "These are the ones who bind and lash with a whip *at the judges' order*." They are carrying out the judges' ruling. For example, if the judges sentenced the defendant to a punishment of lashes, the Shotrim first bind him and then lash him with a whip. This is the process for executing the punishment of lashes. In our verse, Rashi says that the Shotrim are "those who *chastise the people* ... until he (the guilty party) *accepts* the judge's verdict." The type of Shotrim we are discussing here are those who chastise the people until they accept the judges' ruling. Therefore, Rashi does not write here that it is being done "at the judge's order," but rather "in compliance with their order." They are not carrying out the verdict. Instead they assure that the defendant accepts it. If they cannot accomplish this by other means, then they must "strike and bind with rods and straps, until he (the guilty party) accepts the judge's verdict."

This also explains the other differences mentioned above between Rashi's words in both places. In the first verse, Rashi writes, "who bind and lash with a whip," because, as mentioned above, this is the procedure for carrying out the punishment of lashes. The one found guilty is first bound, and then whipped. However, in our verse, Rashi is describing how the Shotrim would force the defendant to accept the punishment. The method for forcing begins with the more lenient manner, striking the defendant. If that did not work, they would then tie him up.

In the first verse, Rashi writes that the Shotrim would flog the guilty party with a whip because that was how this punishment was carried out. However, in our verse, Rashi writes that they strike "with rods and straps" because the Shotrim could use "rods" to force the defendant to accept the judges' verdict.

Even though everything appears to fit into place, we are nonetheless left with one difficulty. Granted, that there is more than one meaning of Shotrim. Furthermore, Rashi specifically explains each category of this word. However, what forces Rashi to explain the use of the word Shotrim differently in each instance that it is

THE RASHI OF THE WEEK

used? Why, according to Peshat, can Rashi not explain Shotrim in both verses in the same manner? Why can he not say in both cases that the Shotrim are the ones who execute the ruling of the judges?

The explanation is that, according to Peshat, the word Shoftim – Judges means more than one that issues a verdict. It includes the carrying out of the decision as well³. The Torah tells this to the beginning student *explicitly* in the verse⁴ "Moshe said to the *judges (Shoftim)* of Israel, "Each of you shall *kill* the men who became attached to the Baal Peor." Rashi *clearly* states there that Moshe said, "Each one of the Jewish judges executed two ..." We also find the same regarding the punishment of lashes⁵, "... the *judge* shall make him lean over and flog him ..."

In our Torah portion, we have two individual commandments; one commandment is to appoint "Judges – Shoftim," and the other is to select "Law Enforcement Officials - Shotrim." Since according to Peshat, the title judge also includes the execution of the verdict, we cannot say that this is the meaning of Shotrim here. Otherwise, Shoftim and Shotrim would both have the same meaning. However, this problem does not exist in the other verse, where Rashi explained Shotrim as those who executed the judgment. There the Torah never used the word Judges. It only said,⁶ "So I took the heads of your tribes, men who are wise and well known, and I made them heads over you; leaders over thousands, leaders over hundreds, leaders over fifties, and leaders over tens, and officers (Shotrim), over your tribes." Since it is not discussing both Shoftim and Shotrim, we can use a definition of Shotrim to include both.

A Deeper Lesson from Rashi

There is a well-known explanation of our verse, "You shall set up judges and law enforcement officials for yourself in all your gates that the Lord, Hashem, is giving you, for your tribes," which applies to our Divine service. A person is considered a small city. We all contain various gates, such as our eyes, ears, mouth, etc. Everything with which we come into contact enters and exits our *city* via these gates. The Torah commands us to place a "judge" over our eyes to assure that we only look at things that are appropriate. That judge refers to learning the laws of the Torah, in order to know what is necessary and what is not. Someone is also needed to enforce this verdict, meaning to make sure that nothing inappropriate manages to "sneak" through the "gate." One might have thought that the enforcer is the actual Mitzvah.

From what was discussed above, it is understood that enforcement is also included in the appointment of the judge. The goal of the Torah study is the performance of good deeds. If the study does not bring about

3. See Rashi (Yeshayahu 32:7) who says that "The word judgment has three meanings: the initial pleas, the sentence, and the execution of the verdict, that they discipline him with chastisement."

4. Parshas Balak, Bamidbar 25:5.

5. Parshas Ki Seitzei, Devorim 25:2.

6. See Footnote 2.

THE RASHI OF THE WEEK

the performance of Mitzvos, the study itself was lacking. Based on the above, the "Shotrim" for one's self, refers to the G-dly Soul overpowering the Animal Soul when the evil inclination tries to interfere.

This is the reason that the prophecy regarding the time of Moshiach states,⁷ "I will restore your judges (Shoftim) as they were at first." The word Shotrim is not mentioned at all. That is because there will no longer be a need for Shotrim. The evil inclination will become extinct, as the prophet tells us⁸, "I will remove the spirit of impurity from the earth."

(Adapted from talks given on Shabbos Parshas Shoftim 5725)

I hope that you gained as much by reading this as I did by translating and adapting it.

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7. Yeshayahu 1:26.

8. Zechariah 13:2.

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