

בס"ד

THE RASHI OF THE WEEK

Week of

Parshas Shoftim

7 Elul, 5778 – August 18, 2018

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

Likkutei Sichos Volume 34, Pages 98 – 105

Rashi in His Own Words

דברים ט"ז, י"ח: שֹׁפְטִים וְשֹׁטְרִים תִּתֵּן לָךְ בְּכָל שְׁעָרֶיךָ אֲשֶׁר ה' אֱלֹהֶיךָ נָתַן לָךְ לְשִׁבְטֶיךָ וְשָׁפְטוּ אֶת הָעָם מִשִּׁפְטֵי צְדָקָה: **רש"י ד"ה שופטים ושוטרים:** שופטים, דיינים הפוסקים את הדין. ושוטרים, 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: - שֹׁפְטִים Shoftim, are judges who decide the verdict, and - שֹׁטְרִים 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 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 the law, executing the law is a separate issue.

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 upon 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 that force the defendant to follow the sentence.

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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 which Rashi explains the word should be more detailed.

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

1. Our Parshah, Devorim 16:18.

2. Parshas Devorim, Devorim 1:15.

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The Explanation

From all of the above questions, it appears that the Shotrim discussed earlier are not the same as those discussed in our verse; i.e. there are two different meanings of the word Shotrim. The Shotrim in the first verse execute 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 force 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 force 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, force the people until they actually 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. Rather 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 above-mentioned differences 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 the manner in which this punishment was carried out. However, in our verse Rashi writes that they strike "with rods and straps," because the Shotrim could use "rods" in order to force the defendant to accept the judges' verdict.

Despite the fact that 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 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 Shotrim are the ones who execute the ruling of the judges?

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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 verdict 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 appoint "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 exact 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 said⁶ "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* which includes 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 ourselves, i.e. our city, via these gates. The Torah commands us to place a "judge" over our eyes, in order to assure that we only look at things which are appropriate. That judge refers to learning the laws of the Torah, in order to know what is appropriate and what is not. Someone is also needed in order 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 Torah study is the performance of good deeds. If study does not bring about 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.

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.

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This is the reason that the prophecy regarding the time of Moshiach states⁷ "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)

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7. Yeshayahu 1:26.

8. Zechariah 13:2.

**DEDICATED IN HONOR OF
the Lubavitcher Rebbe**

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Chaim and Aiden Oded שיהיו Morris**

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**DEDICATED BY THEIR PARENTS
Rabbi & Mrs. Menachem M. and Chaya Mushka שיהיו Morris**

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THE WEDDING OF
Mr. Yaakov and Mrs. Chavi שיהיו Korenev**

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**Dedicated by their great-aunt & great-uncle
Rabbi & Mrs. Shmuel and Rifka שיהיו
Mendelsohn**

* * *

**IN HONOR OF
Hatomim Avrohom Moshe ben Mina Esther ש' Gordon
For a complete and speedy recovery**

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**DEDICATED BY HIS CLASSMATES
in
YESHIVAH TORAH OHR שיהיו**

**IN LOVING MEMORY OF OUR MOTHER
Mrs. Brocha bas Reb Tzvi Nechemiah Hacoheh ע"ה Cohen
Passed away on 8 Shevat, 5778
May Her Soul be bound in the Eternal Bond of Life**

*

DEDICATED BY HER FAMILY

* * *

**IN HONOR OF
Mr. Sholom Moshe Hacoheh ben Tzivia ש' Cohen
For a complete and speedy recovery**

* * *

**DEDICATED BY
Hatomim Moshe Shlomoh Zohar ש' Mars**

*

May he merit to be a Chossid, a Yerei Shomayim and a Lamdon

מוקדש לזכות

כ"ק אדמו"ר נשיא דורנו מליובאוויטש

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לזכות

חיילי "צבאות השם" חיים ועדן עודד שיחיו מאריס

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נדפס ע"י הוריהם

הרה"ת ר' מנחם מענדל וזוגתו מרת חי' מושקא שיחיו מאריס

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לזכות שמחת נישואין של

החתן ר' יעקב והכלה המהוללה חוה שיחיו

קורנב

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נדפס ע"י דודם ודודתם

הרה"ת ר' שמואל וזוגתו מרת רבקה שיחיו

מענדלסאהן

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לזכות

הת' אברהם משה בן מרת מינה אסתר שי' גארדאן

לרפואה שלימה וקרובה

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נדפס ע"י חבריו התמימים

בישיבה תורה אור

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לעילוי נשמת

מרת ברכה בת ר' צבי נחמי' הכהן ע"ה כהן

נפטרה ביום ח' שבט, ה'תשע"ח

ת. נ. צ. ב. ה.

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נדפס ע"י בני משפחתה שיחיו

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לזכות

ר' שלום משה הכהן בן צבי' שי' כהן

לרפואה שלימה וקרובה

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נתרם ע"י

הת' משה שלמה זהר שי' מארס

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יהי רצון שיזכה להיות חסיד, ירא שמים, ולמדן