

Parashat Shoftim, 5781, 2021:

Of Judges and Bailiffs

Rabbi David Etengoff

Dedicated to the sacred memories of my mother, Miriam Tovah bat Aharon Hakohen, father-in-law, Levi ben Yitzhak, sister, Shulamit bat Menachem, sister-in-law, Ruchama Rivka Sondra bat Yechiel, Chana bat Shmuel, Yehonatan Binyamin ben Mordechai Meir Halevi, Shoshana Elka bat Avraham, Tikvah bat Rivka Perel, Peretz ben Chaim, Chaya Sarah bat Reb Yechezkel Shraga, Shmuel Yosef ben Reuven, Shayndel bat Mordechai Yehudah, the *Kedoshim* of Har Nof, Pittsburgh, and Jersey City, and the *refuah shlaimah* of Mordechai HaLevi ben Miriam Tovah, Moshe ben Itta Golda, Yocheved Dafneh bat Dinah Zehavah, Reuven Shmuel ben Leah, and the health and safety of our brothers and sisters in Israel and around the world.

The opening phrase of our *parasha*, “you shall appoint judges (*shoftim*) and bailiffs (*shotrim*) for yourself (*lecha*) in all your gates that Hashem, your G-d, is giving you,” has been interpreted in multiple ways by our Sages. In his *Commentary on the Torah*, Rashi (1040-1105) explains these words in their classic juridical sense: “*Shoftim* are judges who decide the verdict, and *shotrim* are those who chastise the people in compliance with their order.” (Translation, *The Judaica Press Complete Tanach*) This approach is followed, as well, by the Rambam (Maimonides, 1135-1204):

It is a positive Scriptural commandment to appoint judges and bailiffs in every city and in every region, as the Torah states: “you shall appoint *shoftim* and *shotrim* for yourself (*lecha*) in all your gates that Hashem, your G-d, is giving you.” “*Shoftim*” refers to magistrates whose attendance is fixed in court before whom the litigants appear. “*Shotrim*” refers to those ...who stand before the judges and patrol the marketplaces and the streets to inspect the stores and to regulate the prices and the measures [in accord with the orders of the court]. (*Mishneh Torah, Sefer Shoftim, Hilchot Sanhedrin* 1:1, translation, Rabbi Eliyahu Touger, brackets my own)

Both Rashi and the Rambam focus upon the meaning of the terms *shoftim* and *shotrim*. Defining them in a practical manner is a constitutive element of establishing a functioning judicial system. In contrast, in his classic work, *Toldot Ya’akov Yosef*, the great Chasidic *rebbe*, Rabbi Ya’akov Yosef HaKohen of Polonne (1710-1784), analyzes our phrase in a decidedly homiletic manner, placing particular emphasis upon the word, “*lecha*.” In so

doing, he interprets our phrase as delineating the obligation of every Jew to undergo *cheshbon hanefesh* (introspective self-analysis), and to use this newfound understanding when judging others:

[To what does] “*lecha*” refer [?] — to yourself (*l’atzmecha*). Before anything else, judge yourself, remedy yourself [that is, your own errors] first, [before you find fault in others.] Moreover, in the same manner that you judge yourself, you should judge others. You should not be easy on yourself and tough on others. Then, too, you should not rationalize your behaviors, while at the same time act with exactitude to a measure of a hairsbreadth with others, and thereby require of them what you do not demand of yourself. (Translation and brackets my own)

This passage is highly reminiscent of Yehoshua ben Perachia’s statement in *Pirkei Avot* 6:1: “And judge every person on the side of merit.” Rabbeinu Yonah (1200-1263), in his *Commentary on Pirkei Avot*, explains this approach toward others:

This refers to a person whose nature is unknown to us as to whether they are a righteous (*tzaddik*) or evil individual (*rasha*). And if we [come] to realize that this being is [like most of us], someone in the middle (*beinoni*) [neither wholly good or evil], who sometimes acts negatively and sometimes acts positively, then if they do something wherein we could judge their action to be one of guilt or one of merit — even if at first glance they appear guilty — if there is any way to judge them in a positive manner we should do so, and say that they [always] intended to do good. (Translation and brackets my own)

Rabbeinu Yonah’s words are a “game changer” for our time; and particularly apropos for Chodesh Elul. In a world rife with the kind of *sinat chinam* (groundless hatred) that destroyed the *Beit HaMikdash*, they contain wisdom that should be publicized, discussed, and analyzed in every *shul*, *beit midrash*, *yeshiva*, and Jewish neighborhood. With Hashem’s help, may we hear his profound message, endeavor to judge people “on the side of merit,” and thereby become better people tomorrow than we are today. *V’chane yihi ratzon.*

Shabbat Shalom and may Hashem in His infinite mercy remove the pandemic from *klal Yisrael* and all the nations of the world.

Past *drashot* may be found at my blog-website: <http://reparashathashavuah.org>

The email list, *b'chasdei Hashem*, has expanded to hundreds of people. I am always happy to add more members to the list. If you have family or friends you would like to have added, please do not hesitate to contact me via email <mailto:rdbe718@gmail.com>.

*** My audio *shiurim* on the topics of *Tefilah* and *Tanach* may be found at: <http://tinyurl.com/8hsdpvd>

*** I have posted 164 of Rabbi Soloveitchik's English language audio *shiurim* (MP3 format) spanning the years 1958-1984. Please click on the highlighted link: [The Rav zatzal](#)