

DIVREI MENACHEM

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Rabbi Uziel Milevsky posed an interesting question concerning this verse in our Parsha: "You shall appoint judges (Shoftim) and guards (Shotrim) in all your gates...and they shall judge the nation with justice" (Devarim 16:18). Since the act of judging applies only to judges, why does the Torah imply that the Shotrim are also the judges of the people?

On face value, one would expect the answer to run as follows: The police officers responsible for enforcing the law should also use their judgment when doing so. That is a reasonable interpretation, and we can easily conceive of situations where the "guardians" of the law have exceeded their bounds.

The rabbi, however, explains that necessarily the same judge who sets down the law must also be the protector of the law. This notion is especially true when the dry law releases the defendant from liability when, in essence, from a moral perspective, the individual on trial (or society) has what to learn from the case.

That is true of indirect damages, such as when a defendant locked the gate and people took alternative routes and slipped off the ledge. The judge is then inclined to impose a punishment as a deterrent to others (and the authorities) to take more care. Our judges are, therefore, educators; consequently, the Shofet and the

Shoter are the same. Legal expertise alone is not what makes the Jewish judge: His sense of righteousness (Tzeddek) and desire to protect society according to Torah law define his true status in our judicial system.