

**An Outline of the Rebbe's Explanation of Rashi**

**Parshas Teitzei**

**Likkutei Sichos Volume 24, Pages 152 – 156**

**Rashi in His Own Words**

**דברים כ"ה, א':** כִּי־תִהְיֶה רִיב בֵּין אַנְשִׁים וְנָגְשׂוּ אֶל־הַמִּשְׁפָּט וּשְׁפָטוּם וְהַצְדִּיקוּ אֶת־הַצְדִּיק וְהַרְשִׁיעוּ אֶת־הַרְשָׁע:

**דברים כ"ה, ב':** וְהָיָה אִם־בֵּן הַכּוֹת הַרְשָׁע וְהַפִּילוּ הַשֹּׁפֵט וְהִכְהוּ לְפָנָיו כְּדִי רִשְׁעוֹתוֹ בְּמִסְפָּר:

**Devorim 25:1:** If there is a quarrel between men and they approach the court, the judges shall judge them. They acquit the innocent one and condemn the guilty one.

**Devorim 25:2:** If the guilty one has incurred the punishment of lashes, the judge shall make him lean over and flog him in front of him. The amount of lashes will be commensurate with his crime in number.

**Synopsis**

In this week's Torah portion, Teitzei, we are told the following. If two people argue, they are to go to a Jewish court. The court should acquit the one that it finds innocent, and condemn the one it finds guilty. Furthermore, if the guilty party's sin is punishable by lashes, he is to receive the appropriate number of lashes.

We have discussed many times that Rashi's purpose in his commentary of the Chumash is to explain Peshat. He supplies all of the information which a beginning student needs in order to understand what the Torah is saying. There are times that we come to a verse in the Torah which seems to contain a difficulty, yet Rashi does not offer any explanation. There are two possible reasons for this. One possibility is that according to Peshat there is actually no question whatsoever. The other is that Rashi already explained the difficulty.

Here we find just this situation. For the Torah to say that the innocent party should be acquitted and the guilty party condemned is clearly obvious. Likewise saying that if the punishment for the crime committed is lashes, the guilty party is to receive lashes is obvious. Yet Rashi does not offer any explanation for the fact that the Torah finds a need to tell us these two obvious facts!

## THE RASHI OF THE WEEK

Rashi answers this question based on the comments he makes on this very same verse. Rashi cites the words “if there is a quarrel” and explains as follows. “They will eventually go to court. We learn from this that peace cannot result from quarrel. What caused Lot to leave the righteous man (Avrohom)? Clearly, it was quarrel<sup>1</sup>.” There is a question raised by many commentaries. Why is going to court something negative? Going to a court according to Torah is a positive thing!

The explanation is that Rashi is answering another question as well. The Hebrew for the word “quarrel” which Rashi cites from the verse is “Riv - ריב - fight.” According to Rashi the quarrel here is a physical fight. Good does not come out from a fight of that sort. When two people have an argument, they are likely to reach a compromise or an agreement without going to court. However in our case the court must seek the truth. They must come to a clear verdict, who is innocent and who is guilty.

### **Rashi’s Explanation**

This week’s Torah portion is Teitzei. It tells us that<sup>2</sup> “if there is a quarrel between men and they approach the court, the judges shall judge them. They, (the judges), acquit the innocent one and condemn the guilty one. If the guilty one has incurred the punishment of lashes, the judge shall make him lean over and flog him in front of him. The number of lashes he receives will be commensurate with his crime.”

In other words the Torah is telling us that if two people argue, they are to go to a Jewish tribunal, i.e. a court made up of judges ordained according to Torah law. It is for those rabbis to issue a verdict; one of the litigants is to be found guilty and the other innocent. One of the punishments for a guilty party is lashes<sup>3</sup>. In case this is the appropriate punishment, the guilty party shall be flogged.

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1. Bereishis 13:7-12.

2. Devorim 25:1-2.

3. All punishments issued by a Torah court have very strict guidelines. Two witnesses must see that the litigants are about to commit a crime. The warning must be issued in a very specific manner. The guilty parties must be told what the crime is and what the punishment could be. The litigants must also perform the act immediately after the warning is issued.

### Difficulties in Understanding Rashi

There are instances where Rashi writes in his commentary “I do not know the explanation.” This is despite the fact that other commentators offer an explanation for the same exact thing. Why is this so? Rashi is explaining Peshat, the simple explanation of the Torah. In fact, he teaches everything which a beginning student needs in order to understand Peshat. A beginner does not need to look at any other commentary. When Rashi says “I do not know,” what he means is that he doesn’t know an explanation according to Peshat. The other commentators that do offer explanations are answering the question, but not according to Peshat<sup>4</sup>.

Based on this we understand that if there seems to be a difficulty in Peshat which Rashi does not explain, it can be for two possible reasons. It may be that in reality it is not a difficulty at all. The other possibility is that Rashi answered the question earlier.

This leaves the two possibilities open in our verses. Why does the Torah tell us that if a court finds someone innocent he is acquitted, and if they find someone guilty he is condemned? It is obviously superfluous to tell us something so obvious. Likewise one who is guilty and punishable by lashes, he is to receive lashes. This too seems to be quite obvious. Yet Rashi offers no explanation for this whatsoever.

We might attempt to answer this question by explaining that here the Torah is giving us another<sup>5</sup> positive commandment to see to it that all courts are righteous.

### The Explanation

Rashi answers this question based on the comments he makes on this very same verse. Rashi cites the words “if there is a quarrel.” He explains it as follows. “They will eventually go to court. We learn from this that peace cannot result from quarrel. What caused Lot to leave the righteous man (Avrohom)? Clearly, it was quarrel<sup>1</sup>.” There is a question raised by many commentaries<sup>6</sup>. Why is going to court something negative? It is quite to the contrary. Going to a court according to Torah is a positive thing! A Torah

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4. For an example see Bereishis 28:5. More examples can be found in the footnotes on Likkutei Sichos Volume 5, Page 1.

5. There are already two positive commandments; Devorim 1:16 and Devorim 16:18.

6. See Gur Aryeh, Maskil L’Dovid and others.

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true court with righteous judges brings about peace.

The explanation is that Rashi is answering another question as well. The Hebrew for the word “quarrel” which Rashi cites from the verse is “Riv - ריב - fight.” It means most often a physical fight between two people. That is what is going on according to Rashi. The quarrel which the two people are having is not a monetary fight, It is not an argument. The quarrel here is a physical fight. Rashi says that good does not come out from a fight of that sort. When two people have an argument, they can reach a compromise or an agreement. They do not even necessarily need to go to court. However our case is too extreme. The court must seek the truth. They must come to a clear verdict, who is innocent and who is guilty.

When there is a “Riv - ריב – fight,” peace cannot be the result. Even going to a proper Jewish court will not bring about peace. We are not discussing litigants who are righteous. They do not seek a *true* judgment, which would consequently bring peace between them. Rather as these verses begin, we see that one is innocent, and the other guilty. The entire point of the litigation is to uncover which is the innocent and which is guilty.

Furthermore, since this is a fight which they are both perpetuating at least one of them must be guilty. As we find in the words of our Sages<sup>7</sup>, “... When the litigants stand before you, consider them both guilty.”

The Torah continues, that “They shall acquit the *innocent* one and condemn the *guilty* one.” It is possible that in terms of the fight they are both equally guilty. However, regarding the law “they shall acquit the *innocent* one ...” The judges are totally correct. One of the litigants is completely correct, and the other is completely incorrect.

We can look at it through the Talmud’s eyes. The Torah says that “They shall acquit the *innocent* one ...” The Talmud says<sup>8</sup> that “he was innocent to begin with.” At times a Torah true holy court declares someone completely righteous. It will ultimately be discovered that from the beginning of the conflict, fight or argument he was correct.

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7. See Pirkei Avos, Chapter 1 Mishnah 8.

8. See Talmud Makos Page 2, Side 2.

## THE RASHI OF THE WEEK

The fight came from, and was perpetuated by the guilty one. The other one began innocent and remains innocent.

*(Adapted from a talk given on Shabbos Parshas Teitzei 5741)*

**For questions, subscriptions or dedications our email address is  
[shmuel@rebbeachesrashi.org](mailto:shmuel@rebbeachesrashi.org).**

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