

MATTERS OF DISPUTE IN YOUR CITIES

by Rabbi Yissocher Frand

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissochar Frand's Commuter Chavrusah Torah Tapes on the weekly Torah portion: Tape# 155, Ba'al Tashchis: Cutting Down That Troublesome Tree. Good Shabbos!

Matters of Dispute in Your Cities

The verse says, "If a matter of judgment is hidden from you, between blood and blood, between verdict and verdict, between plague and plague, matters of dispute in your cities -- you shall rise up and ascend to the place that Hashem, your G-d shall choose." [Devorim 17:8]. The simple interpretation of the verse is that if one has a halachic question that he is not able to resolve in any monetary or ritual matter, then he should bring the question up to the Sanhedrin in Jerusalem.

I would like to share, however, a different interpretation of this verse from the Ar"i HaKodosh. The Ar"i HaKodosh was a Master of Kabbalah who lived in the city of Tzfas and was well versed in the Secrets of the Universe (Sodos haOlam). The Holy Ar"i gives a Kabbalistic interpretation of this verse.

"If a matter is hidden from you..." (ki yiPaleh mimcha). The Ar"i says that the expression yiPaleh is derived from the expression 'plyah' -- an amazing wonderment. The Ar"i says the expression kabbalistically means "When you will have a wonderment in understanding Jewish history..."

There is a Medrash in Medrash Eicha where the Ministering Angels have a conversation with G-d. They ask Him, "It says in your Torah 'You shall not take the mother bird with the offspring' [Devorim 22:6], but there were periods in Jewish history when mothers and children were snatched up for destruction on the very same day. How could You let that happen, when You Yourself wrote that it is forbidden?"

The Medrash continues, "It says in your Torah when you spill the blood of a chicken, that blood needs to be covered. [Vayikra 17:13] But here, the blood of your children has been spilt like water and no one buries it. You, G-d, are worried about the blood of a chicken, but what happened to all that Jewish blood that never got buried?"

"It says in your Torah 'An ox or sheep, it together with its child shall not be slaughtered on the same

day' [Vayikra 22:28], but how many Jewish parents and children were killed on the same day?"

In other words, the Medrash Eicha is asking "How did a Tisha B'Av happen?"; "How did a Spanish Inquisition happen?"; "How did the decrees of Tach v'Tat (5408-5409; 1648-1649) happen?"; "How did the pogroms happen?"; "How did the Holocaust happen?". These types of questions were posed to G-d in the Medrash.

The Ar"i, z"l, says that this dialogue is hinted at in our verse. "When there will be a [Heavenly] Judgment (mishpat) that is a Pliyah -- it causes you wonderment! The wonderment will be 'between blood and blood' -- exactly as the Medrash states "Why will the blood of the chicken be buried and the blood of Jews not be buried?".

"Between verdict and verdict (bein din l'din)". Exactly as the Medrash says -- there was wonderment at the dichotomy between the Din (law) in the Torah that states one is not allowed to slaughter the offspring with the mother on the same day and the fact that G-d, as it were, slaughtered Jewish parents and children on the same day.

"Between plague and plague (nega l'nega)". There is a law in the Torah that when one has a plague of Tsora'as in the house, one must empty out the house... and G-d allowed his Beis HaMikdash to be taken apart and taken out like a house that has Tsora'as.

This is the meaning of the verse "When something will escape you" -- it will be so incredulous, that it defies every type of rhyme and reason. What is the continuation of the verse? The continuation of the verse gives the answer to this wonderment: "Matters of dispute in your cities". These things come about from machlokes.

The Talmud says in Yoma [9b] that the first Temple was destroyed because of the three cardinal sins of Murder, Idolatry, and Incest; while the second Temple was destroyed because of baseless hatred. "Which sin was worse?" The Talmud responds "Look at the Sanctuary for proof". The fact that a second Temple was built, a relatively short time after the destruction of the first Temple, while the second Temple has still not been rebuilt proves that the later sins were worse than the former sins.

The difference is that in the time of the First Temple, even though there were these terrible sins, but at least there was no Machlokes. However, where there is baseless hatred, where there is machlokes, we lose our greatest asset. Our greatest asset is Klal Yisroel. We are a Tzibur. G-d treats a Tzibur differently. When there is dissension and divisiveness, we lose that strength.

The Medrash Rabbah [Devorim 5,6] says that the generation of the wicked King Achav used to be victorious in war despite the fact that Idolatry was rampant in the land, while in the generation of King David they used to go out to war and suffer defeats, despite his righteousness. Our Sages say the reason was that in Achav's time, despite the Idolatry there was Unity among Klal Yisroel; whereas in David's time there were slanderers and machlokes.

This, the Ari z"l says, is the cause for the historical events which cause us wonderment at our own

misfortune -- "matters of disputes in your cities".

The cure, he goes on to explain, is the next part of the verse: "You shall rise up and ascend to the place that Hashem, your G-d shall choose." The place that G-d shall choose is Yerushalyaim, which can be translated as "The City of Shalom - Peace". This is the cure.

This is the kabbalistic interpretation of this pasuk, according to the Ar"i, z"l.

The Difference Between Mao Tse Tung and R. Chaim Soloveichik

At the end of the parsha, we have the chapter of the Eglah Arufa (decapitated calf). [Devorim 21: 1-9] The law, simply stated, is that if one finds a dead body in an open field and they do not know who the murderer is, the elders of the nearest city have to go out and say "we have done our duty; we were not derelict in treating this person wrongly; our hands did not spill this innocent blood; we were not aware of it". They have to bring an atonement, a special offering, known as the Eglah Arufa.

The juxtaposition of this parsha is strange. Immediately preceding this parsha is that of "When you go out to war against your enemy..." [20:1]. Immediately following this parsha is also "When you go out to war against your enemy..." [21:10]

What is the parsha of Eglah Arufa doing in the middle of these two parshios of going out to war? I once heard from the Rosh Yeshiva, zt"l, (Rav Yaakov Yitchak Ruderman) that the Torah is teaching us a lesson by placing the parsha of Eglah Arufah in that places.

In times of war, life becomes incredibly cheap. In times of war all types of people are dying, left and right: men, women, children, soldiers, non-soldiers. Life becomes less important.

The Torah is saying, regardless of what type of situation one finds oneself in, never, ever, minimize the importance of even a single human being. There can be war occurring all around, but there still remains unbelievable importance to even one human life. Even one human life requires an atonement from an entire city, even if they were not directly involved.

That is why the Torah places Eglah Arufa in between the portions of going out to war: Regardless of what swirls around you, never take lightly a single human life.

The Shemen HaTov suggests that this idea is hinted by the Chaza"l that tell us that this is the last parsha that Yaakov was learning with Yosef before he was taken down to Egypt. Perhaps Yaakov knew through Divine Inspiration (Ruach haKodesh) or perhaps his soul intuitively felt that Yosef had to know the parsha of Eglah Arufa. Yosef was going to become the leader of a huge and powerful nation. Rulers who are in charge of nations of millions and millions of people have to be taught the lesson of the importance of a single human life.

Legend has it that before Mao-Tse-Tung brought the revolution to China and installed the

Communist system, he was warned that millions of Chinese could starve until they got things working properly. To which Mao responded, "If I have to lose 100 million Chinese peasants for the revolution, then it's worth it."

Whether he said those exact words is immaterial, but that characterizes one type of national leader - one who can lose 100 million people, as long as he gets his goals accomplished.

Contrast that, if you may, with a true incident with R. Chaim Soloveichik, zt"l, which I heard in the name of Rav Aharon Soloveichik:

A young boy was arrested by the Czarist government. The boy was not a Yeshiva student, not a religious Jew, but a maskil -- from the irreligious population of Brisk. R. Chaim told his community, "There is a mitzvah of Pidyon Shevuyim (ransoming captives) -- raise the money." An exorbitant sum was demanded and the community felt, perhaps, it was improper to raise so much money for one who never came to shul. Reb Chaim said, "I'm not going to come to shul on Yom Kippur until you raise the money."

Yom Kippur came. It was time for Kol Nidre and Reb Chaim, the Rabbi of the city, did not come to shul. The elders of the community came to him and he said, "I told you. I'm not coming until you raise the money. It doesn't matter religious or non-religious -- a Jewish soul is a Jewish soul!". The community raised the money to ransom the boy.

Glossary

Tsora'as -- Heavenly plague against skin or hair of body, clothing, or house; usually translated as leprosy.

Machlokes -- arguments, disputes

Beis Din -- The Jewish Court.

Tzibur -- Congregation, community.

maskil -- title given to group of nineteenth century "enlightened" Eastern-European Jews who sought innovations in Jewish traditions.

Personalities & Sources:

Ar"i HaKodosh -- R. Yitzchak ben Sholomo Luria (1534-1572), known by the acronym Ha-Ari, (Ha-Elohi Rabbi Yitzchak), "the Divine Rabbi Yitzchak"; most of his teachings actually come to us by way of his disciples; most notably R. Chaim ben Yosef Vital (1542-1620).

Rav Yaakov Yitzchak Ruderman -- (1901-1987) Rosh Yeshiva and founder (1933) of Ner Israel Rabbinical College; Baltimore, Md.

Rav Chaim Soloveichik -- (1853-1918) Rosh Yeshiva in Volozhin and subsequently Rabbi of Brisk.

Transcribed by [David Twersky](#); Seattle, Washington.
Technical Assistance by [Dovid Hoffman](#); Baltimore, Maryland.

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