

# SICHA SUMMARY

PROJECT LIKKUTEI SICHOS | 5783 - YEAR OF HAKHEL



## Likkutei Sichos, Vol. 24

*Ki Tetze, Sicha 4*

### The Verse:

If there is a quarrel between men, and they approach the tribunal, and the judges judge them, and they acquit the innocent one and condemn the guilty one and it shall be, if the guilty one has incurred [the penalty of] lashes, that the judge shall...flog him... (Devarim 25:1-2)

### The Rashi:

If there is a quarrel — they will eventually go to court. We learn from this, that peace cannot result from quarrel. [Just think,] what caused Lot to leave the righteous man [Avraham]? Clearly, it was a quarrel [between the shepherds of Lot and Avraham over the use of grazing rights].

### The Questions:

1. The verse includes a superfluous clause, “and they acquit the innocent one and condemn the guilty one.” Why does

Rashi not address this obvious textual problem?

2. Rashi’s comment requires explanation. What is wrong with people who have a dispute going to court? How will that lead to further discord? Wouldn’t the court’s decision result in clarity and peace?

### The Explanation:

When discussing a legal dispute, the Torah usually uses the word *davar*, literally, “matter.” The word *riv*, quarrel, usually refers to a physical altercation. Because the Torah uses the word *riv* here, Rashi concludes that we are speaking of a legal dispute that has the intensity of an uglier altercation. Therefore, even if they go to court, the result will not bring peace, just like Avraham and Lot’s dispute resulted in them parting ways.

This is the meaning of the seemingly superfluous phrase, “and they acquit the innocent one and condemn the guilty one.” The objective of the court in this scenario is not to reach a compromise, because the litigants are in no position to reach an

amicable conclusion. Rather, the task of the court is to simply determine who is right and who is wrong.

Another meaning of this phrase: We might assume that because both litigants are “in the wrong” as they are engaged in dispute and not seeking compromise, therefore both should be punished. The Torah

clarifies, “they acquit the innocent one and condemn the guilty one and... if the guilty one has incurred [the penalty of] lashes, that the judge shall...flog him.” The court must still adjudicate the case before it accurately, and meet out punishment according to the plain letter of the law.

\*\*\*