

Squabbles vs. Civil Disagreements

By Yossi Ives

In laying down the procedure for certain corporal punishments, the Torah begins:

“Should there be a quarrel between people, and they approach the court, and [the judges] judge them, and they acquit the righteous one and condemn the wicked one ...”¹

The verse then goes on to discuss the mode of punishment.

Why does it need to state that the judges should acquit the innocent and condemn the guilty? Is it not self-understood that this is the role of a judge?

On numerous other occasions² the Torah discusses the strict rules of impartiality and integrity to which judges must adhere, along with clear guidance about not bending the law towards an unjust outcome. There really is no need here for the Torah to include a further reminder about the proper function of judges.

And Rashi, who we can normally count on to address such stand-out questions, seems to be entirely silent on the matter. This seems so out of character! Does he not see a problem here that requires an explanation?

Unless Rashi does answer it...albeit unconventionally.

Although Rashi does not comment on these specific words, the Rebbe offers an interpretation on Rashi's comment on earlier words in the verse, from which it emerges that without saying so explicitly, Rashi actually offers a highly satisfactory answer to our problem.

On the words, “Should there be a quarrel,” Rashi comments:

[The problem with a quarrel is that] they will eventually go to court. We learn from this that peace cannot result from a quarrel. [Just think,] what caused Lot to leave the righteous man [Abraham]³ ? Clearly, it was a quarrel.

Rashi seems to be lamenting the negative consequence of a quarrel insofar as it is likely to lead to litigation. He concludes from this that “peace cannot result from a quarrel.”

Rashi's comment is perplexing: What is so bad if two quarreling individuals go to court? Is that not the best possible place for them to go? Isn't the purpose of the court to adjudicate conflicts in a way that restores peace? The Torah itself states: “And they shall judge the people at all times... all these people will come upon their place in peace.”⁴

The Rebbe explains that Rashi's comment is based on an anomaly in the text. The issue between the two individuals is described in the Torah as a *riv*, "quarrel," which usually refers to an argument that doesn't make it to court. But when describing a matter of difference that needs to be adjudicated in court, the Torah uses the term *davar* - "dispute" or "matter."

In describing the squabble between the shepherds of Abraham and Lot,⁵ as well as the one that arose between the shepherds of Gerar and those of Isaac,⁶ the Torah uses the word *riv*, "quarrel." This word is also used to describe a fight that causes one person to strike another in anger.⁷ A *riv* is an altercation that often turns physical and is rarely handled with civility.

By contrast, a dispute is a disagreement on a matter of fact that is often brought before a third party – typically in the context of a court of law – to be resolved in a civilized and reasoned manner. Such is the wording used by Moses when explaining his own role: "When one of them [the people] has a dispute (*davar*), he comes to me, and I judge between one person and another..."⁸

In our case, however, the matter *is* being brought before a court (as the Torah clearly states), and it should therefore be called a *davar*, not a *riv*. So why does our verse speak about a *riv* in court? Is it not an inherent contradiction?

That is what Rashi is trying to explain: that here we are talking about a quarrel, not a dispute, to the extent that even if the matter does end up in court, it is unlikely to result in a peaceful outcome. On the other hand, when people come to court with a dispute, but they are not in conflict with one another, the court can work to find a mutually acceptable outcome. Even if the judges feel that one side is entirely right, the legal matter can be resolved in a peaceful manner, because there is no personal quarrel between the individuals.

Here, however, Rashi explains, we are talking about two people who have a *riv*. Even if they had the decency to bring the matter to adjudication – rather than fight it out between themselves – it is unlikely to result in a happy ending, because "peace cannot result from a quarrel." At the conclusion of the legal proceedings, unfortunately, they are unlikely to make up and be friends.

Proof for this thesis comes from the conflict between the shepherds of Abraham and Lot. Abraham and Lot were relatives and would normally have been expected to resolve a minor disagreement through some sort of practical compromise. What led to the breakdown in the relationship? The fact that a *riv* had erupted between their respective shepherds.

With this perspective, we understand why our verse includes the seemingly superfluous words, "they acquit the innocent one and condemn the guilty one." The Torah is telling us that if two people come to court because they have a case, the courts can resolve the issue and restore harmony. Not so if there is a quarrel, as is the case here, in which case the most the court can do is determine who is guilty and who is innocent. They cannot, however, restore peace.

Once two parties have already entered into a quarrel, they are no longer interested in the truth. The dispute is now personal and a great deal of animosity has already been generated, so it is predictable that peace will not

break out. The court should therefore just focus on working out who among them is innocent and who is guilty.

The lesson is clear: Human beings have their own interests and ideas, and differences of opinions and resultant disputes are somewhat inevitable. But let us keep our disagreements reasoned and civilized, and let truth not be the first victim of a conflict. Even if we feel it necessary to take another person to court, ensure it remains a “case” and does not descend into a “quarrel.” If it is a court case, one can hope that harmony will be restored; if there is a quarrel, enduring animosity is all but assured.

In the eyes of the Torah, few values are greater than that of peace.⁹ It is considered truly regrettable when disputes become personal, eliminating the possibility for good relations to return even after the issue in question has been settled. Dispute? Perhaps. But quarrel? Never!

Adapted from Likutei Sichot, vol. 24, Parshat Ki Teitzei IV.

FOOTNOTES

1. [Deuteronomy 25:1-2](#).
2. Two notable examples are Exodus 23 and Deuteronomy 16.
3. [Genesis 13:7-12](#).
4. [Exodus 18:23](#).
5. [Genesis 13:17](#).
6. [Genesis 26:20](#).
7. [Exodus 21:18](#).
8. [Exodus 18:16](#).
9. Maimonides Mishneh Torah, conclusion of Hilchot Chanukah.

By Yossi Ives

Yossi Ives is the rabbi of Cong. Ahavas Yisrael of Pomona, N.Y. He is founder and is Chief Executive of Tag International Development, a charitable organization that focuses on sharing Israeli expertise with developing countries. Yossi holds a PhD. in Coaching Psychology and is a qualified life coach who specializes in relationship coaching. He is the author of several books, mainly on mysticism and psychology.

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