

Haftarot Unrolled: Chazon

Eicha?!

On Tisha B'Av, we read Megillat Eicha, lamenting the destruction of Jerusalem. On the Shabbat before Tisha B'Av, known as Shabbat Chazon, we read two other Eichas, one in the Parsha and the other in the Haftarah.

In Parshat Devarim, as Moshe Rabbeinu reviews the history of the Jewish People, the very first topic he talks about is justice. Moshe knew that as their leader, the ultimate responsibility of providing justice was his, and he shares some of his worries about implementing it properly:

וְאָמַר אֲלֵכֶם בָּעֵת הַהוּא לֵאמֹר לֹא אוֹכַל לְבַדִּי שָׂאת אֶתְכֶם :
ה' אֶ-לֵהִיכֶם הַרְבֵּה אֶתְכֶם וְהִנֵּכֶם הַיּוֹם כְּכּוֹכְבֵי הַשָּׁמַיִם לְרֹב :
אֵיכָה אֶשָּׂא לְבַדִּי טַרְחֲכֶם וּמִשְׁאָכֶם וְרִיבְכֶם :
הִבּוּ לָכֶם אֲנָשִׁים חֲכָמִים וְנַבְנִים וַיִּדְעִים לְשִׁבְטֵיכֶם וְאֲשִׁימָם בְּרָאשֵׁיכֶם :

I said to you at that time, saying, I will not be able to bear you alone.

Hashem, your G-d, has multiplied you;

now you are today as many as the stars in the heavens...

How could I bear alone, your bothering, your burdens, and your conflicts?

Get yourselves some men, wise and understanding and well known to your tribes, and I will appoint them as your heads. (Devarim 1:9-13)

If the Jewish People were a small group of people, than Moshe could handle their case load on his own. If they were a harmonious, amicable people, then despite their size, Moshe could handle the case load on his own. But Moshe Rabbeinu himself describes the Jewish People as quarrelsome and litigious. It is not possible to have a single address for all their disputes, and Moshe has no choice but to look for people who could be trusted to serve as judges. He then describes the Torah's expectations of justice:

וְאֶצְוָה אֶת שֹׁפְטֵיכֶם בָּעֵת הַהוּא לֵאמֹר
שְׁמַע בֵּין אֲחֵיכֶם וּשְׁפֹטֵתֶם צְדָק
בֵּין אִישׁ וּבֵין אָחִיו וּבֵין גֵּרוֹ:
לֹא תִפְרִיזוּ פָנִים בְּמִשְׁפָּט
כִּקְטָן כִּגְדֹל תִּשְׁמָעוּן
לֹא תִגּוּרוּ מִפְּנֵי אִישׁ...

I instructed your judges at that time, saying,

Hear what is between your brothers and judge righteously,

between a man and his brother, and between a convert.

Do not show favoritism in court,

listen to the great and small alike;

do not fear any man... (Devarim 1: 16-17)

The expectations are high: honesty, impartiality, equal standing before the law regardless of social standing and connections. But for the Torah, this is just a starting point. Rashi explains that these commandments are not about the court case itself - not showing favoritism in court

has already been commanded, it is obvious, it is a given. These commandments are for the people appointing the judges in the first place:

לא תכירו פנים במשפט : זה הממונה להושיב הדיינים, שלא יאמר איש פלוני נאה או גבור, אושיבנו דין, איש פלוני קרובי, אושיבנו דין בעיר, והוא אינו בקי בדין נמצא מחייב את הזכאי ומזכה את החייב. מעלה אני על מי שמנהו כאילו הכיר פנים בדין

Do not show favoritism in court: This refers to the one responsible for appointing the judges, so that he shouldn't say this candidate is handsome or brave, let me appoint him, or that candidate is my relative, I'll appoint him; and he's not competent in law – it will turn out that he convicts the innocent and acquits the guilty. I consider whoever appointed him, as if he showed favoritism in court.

The Torah places the responsibility for justice not only on the judges themselves, but on all of society. Those who appoint judges are just as responsible for the outcome as the judges themselves.

When Moshe asks, "Eicha?" "How", he is worried that this responsibility will prove too much for the Jewish People. He knows how hard it is for him, Moshe Rabbeinu, to dispense justice in a timely manner to the contentious Jewish People, he knows how hard it is for him to find judges who are "wise and understanding". How will future generations manage? How will they handle the high expectations that the Torah has for them? Will they be able to maintain the high standards that it sets for justice and righteousness?

The Haftarah confirms Moshe's worst fears:

איכה היתה לזונה קרנה נאמנה?
מלאתי משפט צדק גליו בה ועתה מרצחים
בספק הנה לסיגים סבאך מהול במקום :
שריף סוחרים וחברי גנבים פלו אהב שחד ורדף שלמנים
יתום לא ישפטו וריב אלמנה לא יבוא אליהם :

How has she become a whore, the faithful city?
I filled her with justice, righteousness would find rest there,
but now there are murderers!
Your silver is dross, your liquor is diluted with water.
Your ministers are crooks, associates of thieves,
all loving bribes, and chasing graft;
an orphan they would not judge,
the cause of a widow would not reach them. (Yeshayahu 1: 21-23)

Instead of justice and righteousness, Jerusalem is full of fraud, corruption, and even murder. There is no equality before the law; unless you know someone who knows the judge, your case will not get a hearing in the first place. If you have no one to protect you, no "protektzia", then no one will stand up for you.

The prophet cries out "Eicha?!" - how it is possible? How can the nation of the Torah, the people of Moshe Rabbeinu, of whom so much was expected, how can they sink so low?!

The result of that failure leads directly to the third Eicha, the Eicha that we will read on Tisha B'Av, as we lament the destruction of Jerusalem:

אֵיכָה יָשְׁבָה בְּדָד
הָעִיר רַבְתִּי עִם הַיְתָה כְּאַלְמָנָה

How does she sit alone?

A city full of people, has become like a widow?! (Eicha 1:1)

The prophet describes the destroyed Jerusalem as widow - alone and helpless, who needs someone to stand up for her and plead her cause, and no one does.

That is how corruption and injustice is repaid, measure for measure. When Eicha of Moshe, worrying about the best way to organize a justice system, is replaced by the Eicha of Yeshayahu, distraught about a justice system that serves only the wealthy and powerful, then the result is the Eicha of Lamentations.

But the Haftarah does not leave us without hope. The Jewish People are tasked with being the beacon of justice and righteousness in the world, and even if we have failed in the past, the future is before us, and G-d will make sure that we will succeed.

וְאָשִׁיבָה שְׁפֹטֶיךָ כְּבָרָאשְׁנָה
וְיַעֲצִיךָ כְּבִתְחִלָּה
אַחֲרֵי כֵן יִקְרָא לְךָ עִיר הַצְדִּיק
קִרְיָה נְאֻמָּנָה :
צִיּוֹן בְּמִשְׁפָּט תִּפְדָּה
וְשָׁבִיָּה בְּצִדְקָה :

I will restore your judges as at first,
and your advisors as at the beginning;
after that, you will be called the city of justice,
the faithful city.

Through justice, Tzion will be redeemed,
and those who live within her, through righteousness! (Yeshayahu 1:26-27)

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In memory of my father, Peter Rozenberg, z"l
לעילוי נשמת אבי מורי פנחס בן נתן נטע ז"ל