

BACKGROUND

Is parallel to a dispute between *tanna'im* – כתנאי: When an amoraic dispute is shown to parallel a tannaitic dispute, the Gemara states: This amoraic dispute is parallel to a dispute between *tanna'im*. When the Gemara uses this expression without preceding it with: Let us say, the proposed parallel between the amoraic dispute and the tannaitic dispute is usually accepted.

The significance of matching an amoraic dispute with a tannaitic one is that the latter helps clarify the former. If, for example, the principles are parallel but the applications in the two texts differ, an alternative expression of the respective opinions helps elucidate them. On the other hand, the Gemara's use of the term: Let us say, in this context might introduce an investigation into the difference between the current amoraic dispute and the earlier tannaitic one. The assumption would be that *amora'im* would not simply engage in a dispute concerning a matter that has already been discussed, and therefore such a clarification is in order.

NOTES

Mediation...compromise – פְּשָׁרָה...בִּיצוּעַ: It is clear from the context of the discussion that these two terms refer to the same process. Rabbi Meir, who holds that this process must be performed by three judges, describes it with the term mediation [*bitzua*]. The Rabbis, who hold that it may be performed even by a single judge, use the term compromise [*peshara*].

It appears that the difference between the two terms reflects two different conceptions of the nature of this extra-judicial process. According to one explanation, the term *bitzua* is related to *betza*, meaning greed or advantage. According to this opinion, mediation is undesirable, as it may result in one of the parties forfeiting money to which he is actually entitled, whereas a genuine court hearing would determine the proper and just resolution (Ramah). Others understand that the term *bitzua* relates to the term for cutting, and it connotes a complete split, such that each side receives half of the disputed sum. According to this understanding, mediation must be undertaken with careful deliberation. By contrast, the term *peshara* indicates any manner of resolution acceptable to the two sides (Riva).

The Rosh suggests that *bitzua* relates to the word *botze'a*, meaning one who breaks, and this must be done with great caution. Conversely, the concept of *peshara* is related to the term *poshrim*, meaning lukewarm. In this opinion, compromise is metaphorically described as mixing the hot and cold waters.

The one who says it must be performed by two judges would say that it may even be performed by one – מֵאֵן: This opinion is based on the nature of mediation, as opposed to adjudication. Since adjudication is a type of conflict, each side approaches the issue with a different mind-set, and it is therefore necessary to include a third judge to sway the decision. By contrast, in mediation, the judges approach the matter with one goal: To reach a mutually acceptable agreement, and there is therefore no need for an additional voice. Once that is the case, even one judge is sufficient (Ran).

לִמָּא כְּתַנָּאי? "בִּיצוּעַ בְּשִׁלְשָׁה. דְּבָרֵי רַבִּי מֵאִיר. וְחֻכְמִים אֹמְרִים: פְּשָׁרָה בְּיַחֲדֵי." סְבֻרָה: לְכוּלֵי עֲלָמָא מְקַשְׁיָנָא פְּשָׁרָה לְדִין.

מֵאִי לֵאוּ בְּהָא קְמִיפְלָגִי? דְּמָר סָבַר: דִּין בְּשִׁלְשָׁה. וְמָר סָבַר: דִּין בְּשְׁנַיִם? לֵאוּ. דְּכוּלֵי עֲלָמָא דִּין בְּשִׁלְשָׁה. וְהֵכָא בְּהָא קְמִיפְלָגִי, דְּמָר סָבַר: מְקַשְׁיָנָא פְּשָׁרָה לְדִין, וְמָר סָבַר: לֵאוּ מְקַשְׁיָנָא פְּשָׁרָה לְדִין.

לִמָּא תְּלָתָא תַּנָּאי בְּפְשָׁרָה, דְּמָר סָבַר: בְּשִׁלְשָׁה; וְמָר סָבַר: בְּשְׁנַיִם; וְמָר סָבַר בְּיַחֲדֵי? אָמַר רַב אֶחָא בְּרִיָּה דְּרַב אִיקָא. וְאִיתִימָא רַבִּי יִימָר בַּר שְׁלֵמְיָא: מֵאֵן דְּאָמַר תְּרֵי, אֶפְּלוּ חַד נְגָמִי, וְהָאֵי דְּקָאָמַר תְּרֵי, בִּי הֵיכִי דְּלִיהוּ עֲלֵיהּ סְהֵדִי.

אָמַר רַב אֲשִׁי: שְׂמַע מִינָהּ פְּשָׁרָה אֵינָה צְרִיכָה קַנְיָן. דְּאֵי סְלָקָא דְּעַתְדָן צְרִיכָה קַנְיָן, לִמָּאן דְּאָמַר צְרִיכָה, תְּלָתָא לָמָּה לִי? תַּסְגִּי בְּתֵרֵי, וְלִקְנִי מִינָהּ! וְהִלְכְתָּא: פְּשָׁרָה צְרִיכָה קַנְיָן.

תַּנּוּ רַבְּנָן: כְּשֵׁם שֶׁהָדִין בְּשִׁלְשָׁה, כֵּן בִּיצוּעַ בְּשִׁלְשָׁה.

§ The Gemara suggests: Let us say that the dispute between Shmuel and Rabbi Abbahu about a court composed of two judges is parallel to a dispute between *tanna'im*,⁸ as detailed in the following *baraita*: Mediation can be performed by a panel of three judges; this is the statement of Rabbi Meir. And the Rabbis say: Compromise⁹ can be performed by even a single judge.¹⁰ The Sages assumed that everyone agrees that we compare compromise to judgment, and require the same amount of judges for each process.

What, is it not that they disagree in this matter, that one Sage, Rabbi Meir, holds that judgment and compromise can be performed by a minimum of three judges, and one Sage, the Rabbis, holds that judgment and compromise can be performed even by two judges? The Gemara rejects this analysis: No, it is that everyone holds that judgment must be performed by a minimum of three judges, and here, they disagree with regard to this matter: One Sage, Rabbi Meir, holds that we compare compromise to judgment, and one Sage, the Rabbis, holds that we do not compare compromise to judgment.

The Gemara suggests: Let us say that there are three opinions of *tanna'im* with regard to mediation leading to compromise, as one Sage, Rabbi Meir, holds that mediation must be performed by a panel of three judges; and one Sage, Rabban Shimon ben Gamliel, holds that it can be performed by two judges; and one Sage, the Rabbis, holds that it can be performed by a single judge. The Gemara rejects this suggestion. Rav Aḥa, son of Rav Ika, and some say Rabbi Yeimar bar Shelamya, said: The one who says mediation must be performed by two judges would say that it may even be performed by one.¹¹ And the reason that he says two is merely that there would be two witnesses to the proceedings, who could testify about them if necessary. In that way, neither side could later deny the terms of the compromise.

Rav Ashi says: Learn from that discussion that compromise does not require a formal act of acquisition, which would legally transfer rights to the settlement payment to the other party. As if it enters your mind that compromise requires an act of acquisition to finalize its terms, according to the one who says it requires an act of acquisition, why do I need a formal court of three judges? Let it suffice with two judges, and let one litigant perform an act of acquisition with the other litigant to signify their commitment to abide by the compromise. If a formal act is required to grant halakhic force to the compromise, there is no advantage to having a panel of three judges with the status of a formal court. The Gemara concludes: But nevertheless, the *halakha* is that a compromise requires an act of acquisition¹² to finalize its terms.

§ The Sages taught in a *baraita* (*Tosefta* 1:2–8): Just as judgment is performed by three judges, so too, mediation is performed by three judges.

HALAKHA

Compromise can be performed by even a single judge – פְּשָׁרָה בְּיַחֲדֵי: If the litigants mutually agree to do so, they may arrange to have even a single judge arrange a compromise, in accordance with the majority opinion of the Rabbis (Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 22:6; *Shulḥan Arukh*, *Hoshen Mishpat* 12:7).

Compromise requires acquisition – פְּשָׁרָה צְרִיכָה קַנְיָן: Even if the litigants were initially satisfied with the terms of a compro-

mise, unless there was a formal act of acquisition, either party may renege on its acceptance. This is because a compromise is not finalized without a formal act of acquisition, even if it is decided upon by a panel of three judges. Some say that the act of acquisition is necessary only when the compromise is determined by two judges, and that a compromise decided by three judges cannot be reversed even without an act of acquisition (Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 22:6; *Shulḥan Arukh*, *Hoshen Mishpat* 12:7 and *Pithei Teshuva* there).

נגמר הדין, אי אתה רשאי לבצוע.

סרמ"ש בנק"ש סימן. רבי אליעזר בן ש"ל רבי יוסי הגלילי אומר: אסור לבצוע, וכל הבצוע הרי זה חוטא, וכל המברך את הבצוע הרי זה מנאץ, ועל זה נאמר: 'בצע בך נאץ ה'."

אלא, יקוב הדין את ההר, שנאמר: 'כי המשפט לאלהים הוא'. וכן משה היה אומר: 'יקוב הדין את ההר'. אבל אהרן אוהב שלום ורודף שלום, ומשים שלום בין אדם לחבירו, שנאמר: 'תורת אמת היתה בפהו ועולה לא נמצא בשפתיו; בשלום ובמישור הלך אתי ורבים השיב מעון'."

רבי אליעזר אומר: הרי שגול סאה של חטים וטחנה ואפאה והפריש ממנה חלה, כיצד מברך? אין זה מברך, אלא מנאץ. ועל זה נאמר: 'ובצע בך נאץ ה'."

רבי מאיר אומר: לא נאמר בוצע אלא פנגד יהודה, שנאמר: 'יזאמר יהודה אל אחיו מה בצע כי נהרג את אחינו? וכל המברך את יהודה, הרי זה מנאץ, ועל זה נאמר: 'ובצע בך נאץ ה'."

רבי יהושע בן קרחה אומר: מצוה לבצוע, שנאמר: 'אמת ומשפט שלום שפטו בשעריכם'. והלא במקום שיש משפט אין שלום, ובמקום שיש שלום אין משפט. אלא, איזהו משפט שיש בו שלום? הוי אומר: זה ביצוע.

ובן בדרוד הוא אומר: 'ויהי דוד עשה משפט וצדקה'. והלא כל מקום שיש משפט אין צדקה, וצדקה אין משפט, אלא, איזהו משפט שיש בו צדקה? הוי אומר: זה ביצוע."

Once the verdict of the judgment has been issued, it is not permitted for you to mediate a dispute.

The Gemara presents a mnemonic device⁸ alluding to the names of *tanna'im* in the coming discussion: *Samekh, reish, mem, shin; beit, nun, kuf, shin*.⁹ The *Tosefta* cites several statements of *tanna'im* related to compromise and the term *botze'a*. Rabbi Eliezer, son of Rabbi Yosei HaGelili, says: It is prohibited to mediate a dispute; and anyone who mediates [*habotze'a*] a dispute is a sinner; and anyone who blesses the mediator is cursing God. And of this, it is stated: "And the covetous [*botze'a*] blesses himself, though he despises the Lord" (Psalms 10:3).

Rather, the judge must assure that the true judgment will prevail at all costs and metaphorically pierce the mountain,¹⁰ as it is stated: "For the judgment is God's" (Deuteronomy 1:17). And similarly, Moses would say: Let the judgment pierce the mountain. But by contrast, Aaron, whose role was not that of a judge, was a lover of peace and a pursuer of peace, and he would apply peace between one person and the other, as it is stated: "The law of truth was in his mouth, and unrighteousness was not found in his lips; he walked with Me in peace and uprightness, and turned many away from iniquity" (Malachi 2:6).

The *Tosefta* cites several other interpretations of the above-mentioned verse from Psalms. Rabbi Eliezer says: If one stole a *se'a* of wheat¹¹ and ground it and baked it and separated *halla* from it, i.e., separated the portion of the dough that must be given to the priests, how can he possibly recite the blessing on the mitzva of *halla*? He is not blessing; rather, he is cursing God.¹² And of this offense it is stated: "And the covetous [*uvotze'a*] blesses himself, though he despises the Lord," interpreted homiletically as: And whoever blesses upon breaking [*botze'a*] the bread despises the Lord.

Rabbi Meir says: The term *botze'a* employed in that verse was stated only with regard to Judah, as it is stated: "And Judah said to his brothers: What profit [*betza*] is it if we slay our brother and conceal his blood? Come, and let us sell him to the Ishmaelites" (Genesis 37:26–27). And consequently, anyone who blesses Judah for this act is cursing God, and of this it is stated: "And the covetous [*uvotze'a*] blesses himself, though he despises the Lord," interpreted homiletically as: "And whoever blesses the profiteer [*botze'a*] despises the Lord."

Rabbi Yehoshua ben Korha says: It is a mitzva to mediate a dispute, as it is stated: "Execute the judgment of truth and peace in your gates" (Zechariah 8:16). Is it not that in the place where there is strict judgment there is no true peace, and in a place where there is true peace, there is no strict judgment? Rather, which is the judgment that has peace within it? You must say: This is mediation, as both sides are satisfied with the result.

And similarly, with regard to David, it says: "And David executed justice and charity to all his people" (II Samuel 8:15). And is it not that wherever there is strict justice, there is no charity, and wherever there is charity, there is no strict justice? Rather, which is the justice that has within it charity? You must say: This is mediation.

BACKGROUND

A mnemonic device – סימן: Because the Talmud was studied orally for many generations, mnemonic devices were sometimes necessary to help students recall a series of *halakhot* and the order in which they were taught. This Gemara uses a mnemonic to organize a list of aggadic statements.

NOTES

סרמ"ש בנק"ש – *Samekh, reish, mem, shin; beit, nun, kuf, shin* – One version of the Gemara has the mnemonic: *Samekh, kuf, mem, shin; beit, nun, kuf, shin*. According to that version, the Sages are: Rabbi Eliezer, son of Rabbi Yosei HaGelili, designated by *samekh*; Rabbi Eliezer ben Ya'akov, as his name appears in several sources, designated by *kuf*; Rabbi Meir, designated by *mem*; Rabbi Yehoshua ben Korha, designated by *shin*; Rabbi Yehuda HaNasi, designated by *beit*; Rabbi Shimon ben Menasya, designated by *nun*; Reish Lakish, designated by *kuf*; and again, Rabbi Yehoshua ben Korha, designated by *shin*.

יקוב – *יקוב – The true judgment will pierce [yikkov] the mountain* – The *Arukh* offers two distinct explanations for this phrase. According to the first explanation, the metaphor is that although pursuing the just and true course of action may be as difficult as piercing a mountain, if that is in fact the true path, it must be followed. According to the second explanation, the term *yikkov* is related to the word *nokev*, meaning express (see Leviticus 24:16). The phrase therefore means: Although it may be hard to do so, the judge must explicitly spell out the judgment.

הרי שגול סאה של חטים – *If one stole a se'a of wheat* – Some explain that the word *botze'a* in the verse refers to compromise. In the case of the wheat thief, he is attempting to compromise with God by committing an act of theft and using it to perform a mitzva and pronounce a blessing.

HALAKHA

אין זה מברך – *He is not blessing, rather he is cursing God* – אין זה מברך: If one eats a forbidden food, whether it is forbidden by Torah or rabbinic law, he neither recites a blessing upon it nor participates in the invitation to join in Grace after Meals [*zimmun*] for such a food. With regard to such a person, the verse says: "And the covetous blesses himself, though he despises the Lord" (Psalms 10:3).

If someone stole wheat and ground it and baked it, some say that he may recite a blessing upon this food, as, through effecting a physical change to the wheat he acquired it, although he is nevertheless liable to pay for the stolen property (Rabbeinu Manoah). Others (Rashi; Rambam according to Rosh; *Beit Yosef*) say that even though he has acquired the wheat through physical change, it is still prohibited to mention God's name in relation to an item acquired in a forbidden manner (Rambam *Sefer Ahava, Hilkhot Berakhot* 1:19; *Shulhan Arukh, Orah Hayyim* 196:1).

NOTES

The beginning of strife is as when one releases water, etc. – פּוֹטֵר מִים רְאִישִׁית מְדוֹן וְכוּ׳. According to Rashi, it appears that the entire verse is interpreted with regard to this principle, that the compromise can be decided only before the case is judged. The first clause of the verse: “The beginning of strife is as when one releases water,” is therefore understood to mean: The judge does not initially become involved in the judgment at all; rather, he proposes a compromise. The second part of the verse: “Therefore leave off contention before the quarrel breaks out,” indicates: Even when he has begun to judge, but the verdict is not yet evident, cast aside the dispute and arrange a compromise (*Arukh LaNer*).

And it will turn out that the strong one will pursue him – וְנִמְצָא חֲזָק וְדָפוּ׃ Some understand that Reish Lakish is concerned that the strong one will pursue the other litigant, and not the judge. The strong one is likely to threaten him until he extorts from him even more than the verdict required the strong man himself to pay (*Halakhot Gedolot*; Ran; Meiri).

אֲתָאן לְתַנָּא קַמָּא. ״דָּן אֶת הַדִּין, וַיִּכֶּה אֶת הַזָּכָאִי וְחַיִּיב אֶת הַחַיִּיב, וְרָאָה שְׁנֵתְחַיִּיב עֲנִי מִמּוֹן וְשָׁלַם לוֹ מִתּוֹךְ בֵּיתוֹ, זֶה מְשַׁפֵּט וַיִּצְדָּק׃״

מְשַׁפֵּט לָזֶה, וַיִּצְדָּקָה לָזֶה. מְשַׁפֵּט לָזֶה – שְׁשִׁילָם שְׁהַחְזִיר לוֹ מִמּוֹן, וַיִּצְדָּקָה לָזֶה – שְׁשִׁילָם לוֹ מִתּוֹךְ בֵּיתוֹ. וְכֵן בְּדוֹד הוּא אוֹמֵר: ״יְיָהִי דְדוֹד עֲשֵׂה מְשַׁפֵּט וַיִּצְדָּקָה לְכָל עַמּוֹ׃ מְשַׁפֵּט לָזֶה – שְׁשִׁילָם לוֹ אֶת מִמּוֹנוֹ, וַיִּצְדָּקָה לָזֶה – שְׁשִׁילָם לוֹ מִתּוֹךְ בֵּיתוֹ׃״

קָשִׁיָא לִיהֵ רַבִּי: הָאִי ״לְכָל עַמּוֹ״ – ״לְעַנְיִים״ מִיבְעִי לִיהֵ! אֵלֶּא: ״רַבִּי אוֹמֵר: אַף עַל פִּי שְׁלֵא שִׁילָם מִתּוֹךְ בֵּיתוֹ, זֶהוּ מְשַׁפֵּט וַיִּצְדָּקָה. מְשַׁפֵּט לָזֶה, וַיִּצְדָּקָה לָזֶה. מְשַׁפֵּט לָזֶה – שְׁשִׁילָם לוֹ מִמּוֹנוֹ, וַיִּצְדָּקָה לָזֶה – שְׁשִׁילָם לוֹ מִתּוֹךְ בֵּיתוֹ׃״

״רַבִּי שִׁמְעוֹן בֶּן מִנְסַיָא אוֹמֵר: שְׁנַיִם שָׁבְאוּ לְפָנֶיךָ לְדִין, עַד שְׁלֵא תִשְׁמַע דְּבַרְיֵהוֹן, אוֹ מִשְׁתַּשְׁמַע דְּבַרְיֵהוֹן וְאִי אַתָּה יוֹדַע לְהִיכֵן דִּין נוֹטָה, אַתָּה רְשָׁאִי לוֹמַר לְהֵן: צָאוּ וּבְצַעוּ. מִשְׁתַּשְׁמַע דְּבַרְיֵהוֹן וְאַתָּה יוֹדַע לְהִיכֵן דִּין נוֹטָה – אִי אַתָּה רְשָׁאִי לוֹמַר לְהֵן: צָאוּ וּבְצַעוּ, שְׁנַאֲמַר ״פּוֹטֵר מִים רְאִישִׁית מְדוֹן; וְלִפְנֵי הַתְּגַלַּע הָרִיב נְטוּשׁ׃ קוֹדֵם שְׁנִתְגַּלַּע הָרִיב, אַתָּה יָכוֹל לְנַטְשׁוּ. מִשְׁנִתְגַּלַּע הָרִיב אִי אַתָּה יָכוֹל לְנַטְשׁוּ׃״

וְרִישׁ לְקִישׁ אָמַר: שְׁנַיִם שָׁבְאוּ לְדִין, אֶחָד רַךְ וְאֶחָד קָשֶׁה, עַד שְׁלֵא תִשְׁמַע דְּבַרְיֵהוֹן, אוֹ מִשְׁתַּשְׁמַע דְּבַרְיֵהוֹן וְאִין אַתָּה יוֹדַע לְהִיכֵן דִּין נוֹטָה – אַתָּה רְשָׁאִי לוֹמַר לְהֵם: אִין אֲנִי נִקְקָ לְכֶם, שְׁמָא נִתְחַיִּיב חֲזָק וְנִמְצָא חֲזָק וְדָפוּ. מִשְׁתַּשְׁמַע דְּבַרְיֵהוֹן וְאַתָּה יוֹדַע לְהִיכֵן דִּין נוֹטָה, אִי אַתָּה יָכוֹל לוֹמַר לְהֵן אֲנִי נִקְקָ לְכֶם, שְׁנַאֲמַר ״לֹא תִגּוֹרוּ מִפְּנֵי אִישׁ׃״

The Gemara cites an alternative interpretation of David’s method of judgment, in which we come to the opinion of the first *tanna*, i.e., Rabbi Eliezer, son of Rabbi Yosei HaGelili, who says that it is prohibited to mediate a dispute: If a judge adjudicated a case of monetary law, and he correctly exonerated the party who was exempt from payment and deemed liable the party who was liable to pay, if he then saw that due to his ruling a poor person became liable to pay an amount of money that is beyond his means and therefore the judge himself paid for him from his own house, this is justice and also charity.

The Gemara continues: It is justice for this one and charity for that one: It is justice for this one, because the judge restored his money to him; and it is charity for that poor person, because the judge paid for him from his own house. And similarly, with regard to David, it says: “And David executed justice and charity to all his people” (II Samuel 8:15). He executed justice for this one, because he restored his money to him, and charity for that one, because he paid for him from his own house.

This interpretation of the verse is difficult for Rabbi Yehuda HaNasi. If the word “charity” is meant to demonstrate that David supported the poor defendants, this term: “To all his people,” is incorrect. If the interpretation is correct, it should have stated: Charity to the poor people. Rather, Rabbi Yehuda HaNasi says: Although he did not pay from his own house, it is still justice and charity. It is justice for this one and charity for that one. It is justice for this one, because the judge restored his money to him, and charity for that one, because the judge removed the stolen item from his possession. By adjudicating the case correctly and compelling the liable party to pay his debt, the judge thereby ensures that the liable party does not illegitimately maintain property to which he is not entitled.

Rabbi Shimon ben Menasya says: If two litigants come before you for a judgment, before you hear their respective statements and claims; or after you hear their statements but you do not yet know where the judgment is leaning, meaning that it is not yet clear to the judge which party is in the right, you are permitted to say to them: Go out and mediate. But after you hear their statements and you know where the judgment is leaning, you are not permitted to say to them: Go out and mediate, as it is stated: “The beginning of strife is as when one releases water; therefore leave off contention before the quarrel breaks out” (Proverbs 17:14). Rabbi Shimon ben Menasya interprets the verse to mean: Before the resolution of the contention is revealed, you can cast it off. Once the resolution of the contention is revealed, you cannot cast it off.

And Reish Lakish says: If two litigants come for a judgment, and one is flexible and agreeable and one is rigid and contentious, before you hear their respective statements, or after you hear their statements but you do not yet know where the judgment is leaning, it is permitted for you to say to them: I will not submit to your request to judge you.^h The judge may refuse the case out of fear that perhaps the strong and contentious one will be found liable, and it will turn out that the strong one will pursue the judge with intent to harm him.ⁿ But once you hear their statements and you know where the judgment is leaning, you may not say to them: I will not submit to your request to judge you, as it is stated: “You shall not be afraid before any man” (Deuteronomy 1:17).

HALAKHA

I will not submit to your request to judge you – אִין אֲנִי נִקְקָ לְכֶם: If two people come for a judgment, and one is flexible and agreeable and the other is rigid and contentious, then before the judge hears their statements, or after he hears their statements but does not yet know where the judgment is leaning, it is permitted for him to say that he does not want to be involved in their case. Some

say the same applies if both litigants are contentious. It appears that in the case of a regular and permanent communal judge, he may not decline to judge the dispute under any circumstance (*Rambam Sefer Shofetim, Hilkhoh Sanhedrin 22:1; Shulhan Arukh, Hoshen Mishpat 12:1*).

NOTES

Whom they are judging – אֵת מִי הֵן דִּינִין – A novel interpretation is suggested in the Jerusalem Talmud: When the verse declares that judgment is God's, it means that judges who judge incorrectly are figuratively judging God Himself, insofar as they are demanding of Him to take money from the one who wrongly receives it in order to return it to the one who unjustly loses it. In this sense, the judgment belongs to God, meaning, it is against Him. As such, the judges must be aware that they are not only judging man; they are also judging God (Ramah; Rosh; *Lehem Mishne*). Another version of the text reads: What they are judging. The verses indicate that one who steals from a poor person is as if he steals his life from him. In that case, in a certain sense, even monetary cases are actually akin to capital cases (Ramah).

”רבי יהושע בן קורחא אומר: מניין לתלמיד שיושב לפני רבו ורואה זכות לעני וחובה לעשיר, מניין שלא ישתוק? שנאמר: לא תגורו מפני איש.” רבי חנין אומר: לא תכנים דבריוך מפני איש.” ויהו עדים יודעים את מי הן מעידין, ולפני מי הן מעידין, ומי עתיד ליפרע מהן, שנאמר: ועמדו שני האנשים אשר להם הריב לפני ה’.”

Rabbi Yehoshua ben Korḥa says: From where is it derived that a student who is sitting before his teacher^h and he sees a point of merit for a poor person or liability for a wealthy person, from where is it derived that he should not be silent? As it is stated: “You shall not be afraid before any man”; he should fear neither his teacher nor the wealthy litigant. Rabbi Ḥanin says: The verse intimates: **Do not suppress your statement before any man. And the witnesses should know about whom they are testifying, and before Whom they are testifying, and Who will ultimately exact payment from them, as it is stated: “Then both the men, between whom the controversy is, shall stand before the Lord”** (Deuteronomy 19:17).

”ויהו הדיינין יודעין את מי הן דינין, ולפני מי הן דינין, ומי עתיד ליפרע מהן, שנאמר: אלהים נצב בעדת אל. וכן ביהושפט הוא אומר: ויאמר אל השפטים: ראו מה אתם עשים, כי לא לאדם תשפטו, כי אם לה’, שמא יאמר הדיין מה לי בצער הזה? תלמוד לומר: עמכם בדבר משפט. אין לו לדיין אלא מה שעיניו רואות.”

And the judges should know whom they are judging,^N and before Whom they are judging, and Who will ultimately exact payment from them,^h as it is stated: “God stands in the congregation of God” (Psalms 82:1). And similarly, with regard to Jehoshaphat it says: “And he said to the judges: Consider what you do; for you judge not for man, but for the Lord” (II Chronicles 19:6). And lest the judge say: What value is there for me with this suffering? Why should I engage in such a burdensome and difficult task? The verse states: “He is with you in giving judgment,” from which it is derived that in rendering his decision, a judge has only that which his eyes see.^h He is enjoined to render the best judgment possible based on the information he has available, and he is not accountable for anything else.

היכי דמי גמר דין? אמר רב יהודה אמר רב: איש פלוני, אתה תייב; איש פלוני, אתה זכאי. אמר רב: הלכה כרבי יהושע בן קורחא. אימי? והא רב הונא תלמידיה דרב הוה, כי הוה אתו לקמיה דרב הונא, אמר להו: אי דינא בעיתו אי פשרה בעיתו? מאי מצוה נמי דקאמר רבי יהושע בן קורחא?

Earlier, the *Tosefta* stated that once the verdict has been issued, it is not permitted for the judge to arrange a compromise. The Gemara asks: **What are the circumstances of a verdict,**^h i.e., what is the formal action that signifies the conclusion of the case? Rav Yehuda says that Rav says: It is when the judge says: **So-and-so, you are liable; so-and-so, you are exonerated.** Rav says: The *halakha* is in accordance with the opinion of Rabbi Yehoshua ben Korḥa, who said it is a mitzva to mediate a dispute. The Gemara asks: **Is that so? And was it not that Rav Huna was a student of Rav, and when litigants would come before Rav Huna he would say to them: Do you want a strict judgment, or do you want a compromise?**^h Evidently, Rav’s student Rav Huna did not hold that it is a mitzva to specifically arrange a compromise. The Gemara clarifies: **What does Rabbi Yehoshua ben Korḥa mean that he says it is a mitzva?**

HALAKHA

תלמיד שיושב לפני – רבו: If a student is sitting before his teacher while a case is being tried and he discerns a point of merit for one of the sides, he is required to come to the latter’s defense. And if he is silent, he violates the precept: “Keep far from a false matter” (Exodus 23:7). See also *Shevuot* 31a (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 22:2; *Shulḥan Arukh, Hoshen Mishpat* 9:7 and *Yoreh De’a* 242:22).

What are the circumstances of a verdict – היכי דמי גמר דין: As long as the judge has not reached a verdict, even if he knows where the case is leaning, he may suggest that the litigants accept a compromise. After the verdict, once he says: So-and-so, you are liable; so-and-so, you are exonerated, he may not negotiate a compromise between them. In this respect, the *halakha* follows the first *tanna* and Rav’s explanation.

How the judges are to conduct themselves in judgment – דינים בשעת הדין: During the court case, the judges are required to sit in awe and fear, and wrapped in an additional garment. Nowadays, it is not customary for a judge to wrap himself in a prayer shawl, but it is appropriate for him to wear dignified clothing such as that which one wears to the synagogue (*Shela*). He must sit with a sense of gravity, in the awareness that he is sitting in judgment before God (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 23:8; *Shulḥan Arukh, Hoshen Mishpat* 8:2).

One authority writes that it becomes prohibited to negotiate a compromise from the moment that the judges reach a decision, even if the verdict has not been formally pronounced (*Bah*, citing *Tosafot*). According to another opinion, if the court requires one of the sides to take an oath with regard to some aspect of the case, the court may suggest a compromise even after the verdict is pronounced, so that no one will take a false oath. Similarly, it is permitted to recommend a compromise outside the chamber of the court (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 21:3, 22:9; *Shulḥan Arukh, Hoshen Mishpat* 10:1, 12:2).

אין לו לדיין אלא – מה שעיניו רואות: A judge does not need to be concerned that he may not have uncovered all of the truth, for a judge has only that which his eyes see. Wherever he is unsure, he should meticulously inquire into the matter until the truth becomes clear (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 23:9; *Shulḥan Arukh, Hoshen Mishpat* 15:4–5, and in the comment of Rema).

Do you want a strict judgment or do you want a compromise – אי דינא בעיתו אי פשרה בעיתו: It is a mitzva to ask the litigants at the beginning of a case if they want a judgment or a compromise, in accordance with the opinion of Rabbi Yehoshua ben Korḥa, as ruled by Rav and practiced by Rav Huna (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 22:4; *Shulḥan Arukh, Hoshen Mishpat* 12:2).

NOTES

Be slain in the sanctuary of the Lord – יְהָרַג בְּמִקְדָּשׁ ה' – Although this verse was stated many generations after the sin of the Golden Calf, it reflects a principle that was already known even in the time of Moses and Aaron, i.e., that the killing of a priest and prophet is a most severe transgression. This later served as the basis for the verse in Lamentations (*Tosafot*).

And they will never have a remedy – וְלֹא הוּיָא לְהוֹי תְקַנְתָּא – This means that it would be impossible to rectify this sin by repentance alone, and there would of necessity be a severe punishment (*Maharsha*). Several commentaries relate this to the Rambam's observation that although there are other sins no less severe than murder, there is an aspect of murder that is more heinous than all other sins; no amount of repentance or restitution can ever undo the effects of ending someone's life (*Maharatz Hayyut*).

HALAKHA

The beginning of a person's judgment – תְּחִילַת דֵּינוּ שֶׁל אָדָם – Torah study is a mitzva upon which all other mitzvot depend. Therefore, a person's ultimate judgment begins with a judgment of his Torah study, before he is judged with regard to all his other deeds (*Rambam Sefer HaMadda, Hilkhot Talmud Torah 3:5; Shulhan Arukh, Yoreh De'a 246:19*).

BACKGROUND

A board in a wooden bridge – גִּזְדָּא דְגַמְלָא – The object described here is a wooden plank placed on a bridge. Occasionally, such planks are left without being fastened into position with nails, but their places are fixed and secured when the planks are trodden upon in the normal course of using the bridge.



Bridge made of wooden planks

מִצְוָה לְמִימְרָא לְהוֹ: אִי דִינָא בְּעֵיתוֹ, אִי פְשָׁרָה בְּעֵיתוֹ. הֵינּוּ תַנָּא קַמָּא! אִיכָא בִּינְיֵיהוּ מִצְוָה. רַבִּי יְהוֹשֻׁעַ בֶּן קַרְחָה סָבַר: מִצְוָה. תַנָּא קַמָּא סָבַר: רְשׁוּת.

הֵינּוּ דְרַבִּי שְׁמַעוֹן בֶּן מַנְסִיא! אִיכָא בִּינְיֵיהוּ: מִשְׁתַּשְׁמַע דְּבַרְיֵהוּ, וְאַתָּה יוֹדֵעַ לְהִיכָן הַדִּין נוֹטֵה, אִי אַתָּה רְשָׁאֵי לומר לָהֶן צָאוּ וּבְצַעוּ.

וּפְלִיגָא דְרַבִּי תַנְחֻם בַּר חַנִּילָאִי. דְּאָמַר רַבִּי תַנְחֻם בַּר חַנִּילָאִי: לֹא נֶאֱמַר מִקְרָא זֶה אֶלָּא כְּנֶגֶד מַעֲשֵׂה הַעֲגֹל, שְׁנֵאמַר: "וַיִּרְא אֶהָרֶן וַיִּבֶן מִזְבֵּחַ לְפָנָיו." מַה רָאָה? אָמַר רַבִּי בִּנְיָמִין בַּר יֶפֶת אָמַר רַבִּי אֶלְעָזָר: רָאָה חוֹר שְׁוִבוּחַ לְפָנָיו.

אָמַר: אִי לֹא שְׁמַעְנָא לְהוֹ הַשְׁתָּא עֲבָדוּ לִי כְּדַעְבְּדוּ בְּחוֹר, וּמִיָּקִימִים בִּי: "אִם יִהְיֶה בְּמִקְדָּשׁ ה' כִּהֵן וְנִבְיָא", וְלֹא הוּיָא לְהוֹ תְקַנְתָּא לְעוֹלָם. מוֹטָב דְּלִיעֲבָדוּ לְעַגְלָא, אֶפְשָׁר הוּיָא לְהוֹ תְקַנְתָּא בְּתַשׁוּבָה.

וְהֵי תַנָּאִי: "פּוֹטֵר מִיָּם רֵאשִׁית מְדוֹן", מֵאִי דְרָשִׁי בֵּיהּ? כְּדַרְבַּי הַמְּנוּנָא, דְּאָמַר רַב הַמְּנוּנָא: אֵינִן תְּחִילַת דֵּינוּ שֶׁל אָדָם מְדוֹן אֶלָּא עַל דְּבַרֵי תוֹרָה, שְׁנֵאמַר "פּוֹטֵר מִיָּם רֵאשִׁית מְדוֹן". אָמַר רַב הוֹנָא: הָאִי תִּגְרָא דְּמִיָּא לְצִינּוּרָא דְּבִידְקָא דְּמִיָּא: כִּינּוּ דְרוּחַ רוּחַ.

אֲבֵי קְשִׁישָׁא אָמַר: דְּמִי לְגוּדָא דְּגַמְלָא, כִּינּוּ דְקָם – קָם.

He means that it is a mitzva to say to them: Do you want a strict judgment, or do you want a compromise? The Gemara objects: Since this opinion is the same as that of the first *tanna*, who also allows compromise, it is redundant to teach it. The Gemara answers: There is a difference between them with regard to the question of whether it is a mitzva to arrange a compromise. Rabbi Yehoshua ben Korḥa holds that it is a mitzva to offer them the option of compromise, and the first *tanna* holds that it is merely permitted.

The Gemara objects: If so, the opinion of the first *tanna* is the same as that of Rabbi Shimon ben Menasya. The Gemara answers that there is a difference between them with regard to the principle: After you hear their statements and you know where the judgment is leaning, it is not permitted for you to say to them: Go out and mediate. In that instance, the first *tanna* holds that it is still not too late to suggest mediation.

And the various Sages who offered interpretations of the verse: "And the covetous blesses himself, though he despises the Lord" (Psalms 10:3), disagree with the explanation of Rabbi Tanḥum bar Ḥanilai. As Rabbi Tanḥum bar Ḥanilai says: This verse was stated only with regard to the incident of the Golden Calf, as it is stated: "And Aaron saw this, and he built [vayyiven] an altar [mizbe'ah] before it... and said: Tomorrow shall be a feast to the Lord" (Exodus 32:5). What did Aaron see? Rabbi Binyamin bar Yefet says that Rabbi Elazar says: He saw Hur, who had been appointed together with Aaron by Moses to lead the people during Moses' absence (see Exodus 24:14), slaughtered before him, as he had protested the plan to fashion a calf and had been murdered by the people as a result. The verse is therefore interpreted not as: Aaron built an altar before the calf, but rather: He understood [vayyaven] from the slaughter [mizavuah] before his own eyes; and he then called for a feast.

Aaron said to himself: If I do not listen to them now, they will do to me as they did to Hur, and the verse: "Shall the priest and the prophet be slain in the sanctuary of the Lord?" (Lamentations 2:20),ⁿ will be fulfilled through me, and they will never have a remedyⁿ for such a sin. It is better for them to worship the calf, as it is possible they will have a remedy through repentance. Nevertheless, according to Rabbi Tanḥum bar Ḥanilai, whoever praises Aaron for this compromise is provoking God.

And with regard to those *tanna'im* who did not interpret the verse: "The beginning of strife is as when one releases water" (Proverbs 17:14), with regard to compromise, what do they derive from this verse? They understand the verse in accordance with the opinion of Rav Hamnuna, as Rav Hamnuna says: The beginning of a person's judgment^h after he dies is that he is judged only concerning matters of Torah, as it is stated: "The beginning of strife is as when one releases water." Based on this verse, Rav Huna says: This quarrel between people is comparable to a split in a hose caused by a burst of water, emptying into a field; once the split in the hose widens, it widens even more and can no longer be repaired. To save the field, the hose must be repaired as soon as it splits. The same is true with regard to a quarrel; it must be stopped as soon as it begins.

Abaye the Elder makes a similar point with a different metaphor, and says: A quarrel is comparable to a board in a wooden bridge.^b Once it has stood in its place and been stabilized, it continues to stand and becomes ever more rigid and stable. Consequently, the best time to address and end the dispute is at the very beginning.

שמע"י ושת"י שב"ע ומור"ת הו"א קימן.

ההוא דהוה קאמר ואזיל: טוביה דשמע ואדישו, חלפיה בישתיה מאה. אמר ליה שמואל לרב יהודה: קרא כתוב: "פטר מים ראשית מדון" – ריש מאה דיני.

ההוא דהוה קאמר ואזיל: אתרתי תלת גנבא לא מיקטל. אמר ליה שמואל לרב יהודה: קרא כתוב: "כה אמר ה' על שלשה פשעי ישראל ועל ארבעה לא אשיבנו".

ההוא דהוה קאמר ואזיל: שב בירי לשלמנא, וחדא לעביד ביש. אמר ליה שמואל לרב יהודה: קרא כתוב: "כי שבע יפול צדיק וקם ורשע יפול באחת".

ההוא דהוה קאמר ואזיל: דאזיל מבין דינא שקל גלימא – לזומר זמר, ולזיל באורחא. אמר ליה שמואל לרב יהודה: קרא כתוב: "וגם כל העם הזה על מקמו יבא בשלום".

ההוא דהוה קאמר ואזיל: היא ניימא, ודיקולא שפיל. אמר ליה שמואל לרב יהודה: קרא כתוב: "בעצלתים ימדך המקרה" וגו'.

ההוא דהוה קאמר ואזיל: גברא דרמיצנא עליה אדייה לגזייה וקם. אמר ליה שמואל לרב יהודה: קרא כתוב: "גם איש שלומי אשר בטחתי בו" וגו'.

ההוא דהוה קאמר ואזיל: כי רחמימתין הוה עזיזא, אפותרא דספסירא שכבין. השתא דלא עזיזא רחמימתין, פוריא בר שיתין גרמידי לא סגי לן. אמר רב הונא: קראי כתובי, מעיקרא כתוב: "ונועדתי לך שם ודברתי אתך מעל הכפרת", ותנא: ארון תשעה וכפורת טפח – הרי כאן עשרה.

§ Apropos the previous discussion, the Gemara recounts several incidents in which passersby recited popular proverbs. *Shimi ushti, sheva zemiroth hu* is a mnemonic device for these incidents.

There was a certain man who was saying as he walked: It is good for a person who hears statements said against him and yet remains silent, as a hundred misfortunes pass him by as a result. Upon hearing this, Shmuel said to Rav Yehuda: A verse is written that conveys the message of this aphorism: "The beginning of strife is as when one releases water" (Proverbs 17:14). The words "beginning [poter] of strife [reishit madon]" allude to: The beginning of one hundred litigations [reish me'a dinei]. Troubles are avoided if one overlooks and excuses [poter] an offense.

There was a certain man who was saying as he walked by: For only two or three thefts, the thief is not executed^h by the heavenly court. Shmuel said to Rav Yehuda: A verse is written that conveys the message of this aphorism: "So says the Lord: For three transgressions of Israel, or for four, I will not repay it" (Amos 2:6). Shmuel interprets the verse rhetorically, as if saying: Will I not repay the fourth offense? Accordingly, before the fourth offense, it is still possible to rectify the sins.

There was a certain man who was saying as he walked: Seven pits are dug for the man of peace, and he escapes all of them, and one pit is dug for the evildoer, and he cannot escape it. Shmuel said to Rav Yehuda: A verse is written that conveys the message of this aphorism: "For a righteous man falls seven times, and rises up again, but the wicked shall fall at once" (see Proverbs 24:16, 28:18).ⁿ

There was a certain man who was saying as he walked: With regard to one who goes from the court, and his cloak has been taken from him in the course of the proceedings, i.e., he lost all his money due to a ruling against him, let him sing a song and go happily on the way. Although he lost the case, he has benefited from justice being served. Shmuel said to Rav Yehuda: A verse is written with regard to Yitro's advice for judiciary reforms that conveys the message of this aphorism: "And all these people shall also go to their place in peace" (Exodus 18:23). If justice is served, all the litigants, not only those who emerge victorious, can leave in peace.

There was a certain man who was saying as he walked: If a woman is carrying a basket on her head, when she is dozing the reed basket^b falls. Shmuel said to Rav Yehuda: A verse is written that conveys the message of this aphorism: "By laziness the rafters sink in; and through idleness of the hands the house leaks" (Ecclesiastes 10:18).

There was a certain man who was saying as he walked: The man upon whom I relied has lifted his fist [ligzizeih]^l and stood against me. Shmuel said to Rav Yehuda: A verse is written that conveys the message of this aphorism: "Indeed, my own familiar friend, in whom I trusted, who did eat of my bread, has lifted up his heel against me" (Psalms 41:10).

There was a certain man who was saying about his marriage as he walked: When our love was strong, we could have slept on a bed that was the width of a sword. Now that our love is not strong, a bed of sixty cubits is not sufficient for us. Rav Huna said: Verses are written that convey these sentiments. Initially, it was written: "I will meet with you there and I will speak with you from above the Ark Cover" (Exodus 25:22), and it is taught in a *baraita*: The Ark of the Covenant was itself nine handbreadths high, and the Ark Cover was one handbreadth thick. There is a total height of ten handbreadths here. At first, when God had great affection for Israel, the Divine Presence was revealed within the confines of this limited space.

HALAKHA

אתרתי – תלת גנבא לא מיקטל: When the heavenly court weighs an individual person's sins it does not consider the first or second violation, but only from the third violation on. When the entire community is being judged as one, even the third sin is forgiven (Rambam *Sefer HaMadda, Hilkhot Teshuva* 3:5).

NOTES

But the wicked shall fall at once – ורשע יפול באחת: According to Shmuel's statement, this is how the verse appears to end. The verse (Proverbs 24:16) actually concludes: "But the wicked stumble under adversity," and the phrase "But the wicked shall fall at once" is at the end of Proverbs 28:18. It may be that Shmuel identified the observation of the man walking by with the first part of the verse. Consequently, he quoted only that part of the verse, and the concluding phrase may have been quoted as part of Shmuel's exposition or elaboration of Proverbs 24:16.

BACKGROUND

Reed basket [dikkula] – דיקולא: The Gemara is describing a basket that women were accustomed to carry on their heads. Since the baskets were typically woven of palm leaves, they were given the name *dikkula*, a derivative of the term palm [dekel].



Woman wearing a basket on her head

LANGUAGE

His fist [gezizeih] – גזייה: Some suggest that the origin of the word is the Greek γαῖσος, *gaisos*, meaning a spear.

NOTES

דין אמת לאמתו – A judgment according to absolute truth – This phrase denotes a verdict that is not falsified or achieved through deceit. It is not called a judgment according to absolute truth if the judge perceives that the testimony may be false or that there are dishonest claims, even if all the evidence is consistent (*Tosafot*).

וכתיב: "והבית אשר בנה המלך שלמה לה' ששים אמה ארבו ועשרים רחבו ושלושים אמה קומתו". ולבסוף כתיב: "כה אמר ה' השמים כסאי והארץ הדם וגלי איזה בית אשר תבנו לי וגו'.

And it is written: "And the house that King Solomon built for the Lord, its length was sixty cubits, and its breadth twenty cubits, and its height thirty cubits" (1 Kings 6:2). And at the end, when Israel sinned, the whole of the space of the Temple was not expansive enough for the Divine Presence to rest within it, as it is written: "Thus says the Lord: The heaven is My throne, and the earth is My footstool; where is the house that you may build for Me? And where is the place that may be My resting place?" (Isaiah 66:1). In times of discord, the Temple is an insufficient resting place for the Divine Presence.

מאי משמע דהאי "לא תגורו" לישנא דכנושי הוא? אמר רב נחמן, אמר קרא: "ויין לא תשתה ולא תאגר". רב אחא בר יעקב אמר מהכא: "תכין בקיץ לחמה, אגרה בקציר מאכלה". רב אחא בריה דרב איקא אמר מהכא: "אגר בקיץ בן משכיל".

The Gemara returns to analyzing the *Tosefta*. From where may it be inferred that this expression: "You shall not be afraid [*taguru*]" (Deuteronomy 1:17), is a term for gathering in, so that the term may be interpreted to mean that a judge may not keep his ruling to himself? Rav Nahman said: The verse states: "You shalt plant vineyards and dress them, but you shall neither drink of the wine, nor gather [*te'egor*]" (Deuteronomy 28:39). Rav Aha bar Ya'akov says it is derived from here: "She provides her bread in the summer, and gathers [*agra*] her food in the harvest" (Proverbs 6:8). Rav Aha, son of Rav Ika, says it is derived from here: "A wise son gathers [*oger*] in the summer" (Proverbs 10:5).

אמ"ת ממו"ן ירא"ה סימן. אמר רבי שמואל בר נחמני אמר רבי יונתן: כל דין שדן דין אמת לאמתו משרה שכינה בישראל, שנאמר "אלהים נצב בעדת אל בקרב אלהים ישפט". וכל דין שאינו דן דין אמת לאמתו – גורם לשכינה שתסתלק מישראל, שנאמר: "משד עניים מאנקת אביונים עתה אקום יאמר ה' וגו'.

§ The Gemara provides a mnemonic device indicating the following series of statements about judges and their functions: *Emet mamon yireh*. Rabbi Shmuel bar Nahmani says that Rabbi Yonatan says: Any judge who judges a judgment according to absolute truthⁿ [*emet*] causes the Divine Presence to rest among Israel, as it is stated: "God stands in the congregation of God; in the midst of the judges He judges" (Psalms 82:1), indicating that the Divine Presence is in the midst of the court. And every judge who does not judge a judgment according to absolute truth causes the Divine Presence to withdraw from Israel, as it is stated: "For the oppression of the poor, for the sighing of the needy, now will I arise, says the Lord" (Psalms 12:6). God will arise and leave the people as a result of oppression.^h

ואמר רבי שמואל בר נחמני אמר רבי יונתן: כל דין שנוטל מזה ונותן לזה שלא בדין – הקדוש ברוך הוא נוטל ממנו נפשו, שנאמר "אל תגול דל כי דל הוא ואל תדכא עני בשער. כי ה' יריב ריבם, וקבע את קבעיהם נפש".

And Rabbi Shmuel bar Nahmani says that Rabbi Yonatan says: With regard to any judge who takes disputed property or money [*mamon*] from this litigant and gives it to that other litigant unlawfully, the Holy One, Blessed be He, takes his soul from him as punishment for his corruption, as it is stated: "Rob not the weak, because he is weak, neither crush the poor in the gate; for the Lord will plead their cause and despoil of life those who despoil them" (Proverbs 22:22–23). God cautions that He will take the life of one who steals from the poor at the gate, meaning in the courtroom, as the city gate was the traditional site of the community's court.

ואמר רבי שמואל בר נחמני אמר רבי יונתן: לעולם יראה דין עצמו כאילו חרב מונחת לו בין ירכותיו, וגיהנם פתוחה לו מתחתיו,

And Rabbi Shmuel bar Nahmani says that Rabbi Yonatan says: A judge should always view [*yireh*] himself as if a sword is placed between his thighs, so that if he leans to the right or to the left he will be injured, and as if Gehenna is opened up beneath him,

HALAKHA

Judgment before God – דין לפני ה': The judges must be in a state of awe and fear during the judgment, because it is as though they are sitting before the Divine Presence at that time. In addition, a judge who judges wrongly causes the Divine Presence to withdraw from Israel. Similarly, if he seizes money

wrongly, the Holy One, Blessed be He, exacts punishment from the judge by taking his life. If he judges correctly it is as though he has repaired the entire world, and he causes the Divine Presence to rest among Israel (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 23:8–9; *Shulhan Arukh, Hoshen Mishpat* 8:2).