

צדק צדק תרדף הא (דברים טז, כ) בצדק תשפוט עמיתך וכתוב (ויקרא יט, טו) כדריש לקיש דריש רמי כתיב כיצד כאן בדין מרומה כאן בדין שאין מרומה

1

This distinction is in accordance with the statement of Reish Lakish, as Reish Lakish raises a contradiction between two verses: It is written in one verse: "In justice shall you judge your neighbor" (Leviticus 19:15), and it is written in another verse: "Justice, justice, shall you follow" (Deuteronomy 16:21) How can these texts be reconciled? Here, this latter verse is stated with regard to a possibly fraudulent trial, where the court must take extra care to judge with justice; and there, that former verse is stated with regard to a trial that does not appear fraudulent.

רב אשי אמר מתני' כדשנין קראי אחד לדין וא' לפשרה

Rav Ashi says: The ruling of the mishna here is as we answered. And those verses were not stated with regard to fraudulent trials; rather, one is stated with regard to judgment and one is stated with regard to compromise.

כדתניא צדק צדק תרדף אחד לדין ואחד לפשרה כיצד שתי ספינות עוברות בנהר ופגעו זה בזה אם עוברות שתיהן שתיהן טובעות בזה אחר זה שתיהן עוברות וכן שני גמלים שהיו עולים במעלות בית חורון ופגעו זה בזה אם עלו שניהן שניהן גופלין בזה אחר זה שניהן עולין

As it is taught in a *baraita*: When the verse states: "Justice, justice, shall you follow," one mention of "justice" is stated with regard to judgment and one is stated with regard to compromise. How so? Where there are two boats traveling on the river and they encounter each other, if both of them attempt to pass, both of them sink, as the river is not wide enough for both to pass. If they pass one after the other, both of them pass. And similarly, where there are two camels who were ascending the ascent of Beit Horon, where there is a narrow steep path, and they encounter each other, if both of them attempt to ascend, both of them fall. If they ascend one after the other, both of them ascend. *Sanhedrin 32b*

2

רבי יהושע בן קרחה אומר מצוה לבצוע שנאמר (זכריה ח, טז) 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

Rabbi Yehoshua ben Korḥa 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. *Sanhedrin 6b*

3

ואמת אומר: אל יברא, שכולו

and Truth was saying, "He should not be created, as he is all falsehoods." צדק אומר: יברא, שהוא עושה צדקות – Righteousness was saying, "He should be created, for he shall perform acts of righteousness";^[63] שולם אומר: אל יברא, – and Peace was saying, "He should not be created, for he is all quarrel." What did the Holy One, blessed is He, do? – נטל אמת והשליכו לארץ – He took Truth and threw it to the ground.^[64] הדין הוא דכתיב "ותשלך אמת ארצה" – Thus it is written, *Truth shall be thrown to the ground* (Daniel 8:12).

אמר רבי סימון: בשעה שובא הקדוש ברוך הוא לבראת את אדם הראשון, R' Simone said: When the Holy One, blessed is He, was prepared to create Adam, the first man, the ministering angels formed into various parties and groups, ומהם אומרים: אל יברא, ומהם אומרים: – with some of [the groups] saying that [Man] should not be created, and some of them saying that he should be created. – הדין הוא דכתיב "חסד ואמת נפגשו צדק ושלום נשקו". – Thus it is written, *Kindness and Truth confronted [each other]* [נפגשו], *Righteousness and Peace battled [each other]* [נשקו] (Psalms 85:11).^[62] חסד אומר: יברא, שהוא גומל חסדים – Kindness was saying, "[Man] should be created, as he shall extend kindness to others";

3

③ **Truth Will Sprout From the Earth** How did God's casting Truth to the ground resolve the dispute if the charge of Peace still remained unchallenged? And if it is because Peace then became a minority against the majority of Kindness and Justice that advocated for the creation of man, then why not achieve the same majority by casting Peace to the ground instead of Truth? *Eitz Yosef* (citing *Rashi*) answers that God cast down Truth because it had the more important claim against man than did Peace. The *Kotzker Rebbe* (*Ohel Torah* on our verse) suggests, with characteristic pithiness, a different answer: *Az men varft avek dem emes, vert memeila shalom*. ("If you cast aside the truth, peace comes automatically.") Dispute "for the sake of Heaven" often persists because each party insists that his approach to the service of God is the only true way. In the absence of that insistence, peace will prevail. Once "Truth" was removed from the dispute among the angels, they were able to come to an agreement on the creation of man.

Artscroll Mishnah Berach

4

אם תדין עצמך תחיה אם לא הוא ידין עליך ותקים בעל כרחך

If you judge yourselves you shall live, and if not, He will judge you against your will. *Ramban Devarim 16:20*

אמר ריש לקיש כל המעמיד דיין (על הציבור) שאינו הגון כאילו נטע אשירה בישראל שנאמר (דברים טז, יח) שופטים ושוטרים תתן לך וסמך ליה (דברים טז, כא) לא תטע לך אשירה כל עץ

5

Reish Lakish says: With regard to anyone who appoints over the community a judge who is not fit, it is as though he plants a tree used as part of idolatrous rites [ashera] among the Jewish people, as it is stated:

"You shall make judges and officers for yourself" (Deuteronomy 16:18), and juxtaposed to it, it is written: "You shall not plant yourself an ashera of any kind of tree" (Deuteronomy 16:21). *Sanhedrin 7b*

6

לֹא יוֹמֵת עַל פִּי עֵד אֶחָד - he shall not be put to death by the mouth of one witness. Chazal (Ra'aya Mehemna 275a) relate: When Satan came to prosecute Israel on Rosh Hashanah, the Holy One Blessed be He said to him, "Bring me two witnesses," as the verse states: "By the mouth of two witnesses... shall the one liable to death be put to death." [Satan] brought the sun and sought to bring the moon. However, the moon is hidden on Rosh Hashanah, as the verse states: "Blow the shofar on the holiday when the moon is hidden." [Ps. 81:4]. When [Satan] came and only brought the sun to testify, the Holy One Blessed be He said: One does not bring judgment through the testimony of a single witness, as the verse states: "he shall not be put to death by the mouth of one witness."

Rav's Chumash Devarim

7

וַיִּתֵּן לְמֶלֶךְ מִקְצֵת מִצְוֹת - And He gave certain commandments to the king, ... לֹא יִרְבֶּה לוֹ סוּסִים ... וְכִסֵּף וְזָהָב וְגו' - as [Scripture] states, *He shall not have too many horses for himself... and he should not greatly increase silver and gold for himself* (Deuteronomy 17:16-17), לֹא יִרְבֶּה - and he shall not have too many wives so that his heart not turn astray (ibid.).^[2] עָמַד שְׁלֹמֹה הַמֶּלֶךְ - But King Solomon arose and applied his wisdom to the decree of the Holy One, blessed is He, and he said: לֹא יִרְבֶּה לוֹ - Why did the Holy One, blessed is He, say concerning a king, *he shall not have too many wives?* לֹא בִשְׁבִיל שֶׁ"לֹא יִסּוּר - Is it not, as the verse says, in order that his heart not turn astray? אֲנִי אֶרְבֶּה וְלִבִּי לֹא יִסּוּר - I will take many [wives] and my heart will not turn astray.^[3]

An unusual dialogue that concerning this transgression:

אָמְרוּ רַבּוֹתֵינוּ: - Our Rabbis said: בְּאוֹתָהּ שָׁעָה עָלְתָה יוֹד - At that time the letter *yud* that is in the word *yarbeh* [יִרְבֶּה], *he shall (not) have too many, ascended heavenward, and prostrated itself before the Holy One, blessed is He, and it exclaimed,*

7
לא כך אמרת: אין אות – “Master of the World!” – רבון העולמים
– Did You not say, ‘No letter will ever
be eliminated from the Torah!’?^[4] הרי שלמה עומד ומבטל אותי
– But now, by marrying many wives, Solomon is standing up
and eliminating me.^[5] – And
furthermore, perhaps today he will eliminate one letter and
tomorrow another, – עד שתבטל כל התורה כולה – until ultimately the entire Torah will be eliminated.^[6] אמר לה הקדוש
– The Holy One, blessed is He, responded reassuringly,
– “Let Solomon and a thousand like him be eliminated – but
I will not eliminate even your point.”^[7]

שם נבחר
6:1

8
מרגלא בפומייהו דרבנן דיבנה אני בריה וחברי בריה אני מלאכתי בעיר והוא מלאכתי בשדה אני משכים למלאכתי והוא משכים למלאכתי כשם שהוא אינו מתגדר במלאכתי כך אני איני מתגדר במלאכתי ושמה תאמר אני מרבה והוא ממעיט שנינו אחד המרבה ואחד הממעיט ובלבד שיכוין לבו לשמים

The Sages in Yavne were wont to say:

I who learn Torah am God's creature and my counterpart who engages in other labor is God's creature.
My work is in the city and his work is in the field.

I rise early for my work and he rises early for his work.

And just as he does not presume to perform my work, so I do not presume to perform his work.

Lest you say: I engage in Torah study a lot, while he only engages in Torah study a little, so I am better than he,

it has already been taught:

One who brings a substantial sacrifice and one who brings a meager sacrifice have equal merit, as long as he directs his heart towards Heaven *Brachos 17a*

9
עמד רבי יהושע על רגליו ואמר (דברים ל, יב) לא בשמים היא מאי לא בשמים היא אמר רבי ירמיה שכבר נתנה תורה מהר סיני אין אנו משגיחין בבת קול שכבר כתבת בהר סיני בתורה (שמות כג, ב) אחרי רבים להטות אשכחיה רבי נתן לאליהו א"ל מאי עביד קוב"ה בההיא שעתא א"ל קא חייך ואמר נצחוני בני נצחוני בני

Rabbi Yehoshua stood on his feet and said: It is written: "It is not in heaven" (Deuteronomy 30:12). The Gemara asks: What is the relevance of the phrase "It is not in heaven" in this context? Rabbi Yirmeya says: Since the Torah was already given at Mount Sinai, we do not regard a Divine Voice, as You already wrote at Mount Sinai, in the Torah: "After a majority to incline" (Exodus 23:2). Since the majority of Rabbis disagreed with Rabbi Eliezer's opinion, the halakha is not ruled in accordance with his opinion. The Gemara relates: Years after, Rabbi Natan encountered Elijah the prophet and said to him: What did the Holy One, Blessed be He, do at that time, when Rabbi Yehoshua issued his declaration? Elijah said to him: The Holy One, Blessed be He, smiled and said: My children have triumphed over Me; My children have triumphed over Me. *Bava Metzia 59b*