

Our *Parashah* opens with the *Mitzvah* to appoint *Shoftim* / judges and *Shotrim* / court officers: "Judges and officers you shall appoint in all your cities--which *Hashem*, your *Elokim*, gives you--for your tribes, and they shall judge the people with righteous judgment." Why, asks R' Aharon Katz z"l (Zelechow, Poland; early disseminator of *Chassidic* teachings; died 1803), is this *Mitzvah* given to *Bnei Yisrael* as whole, when most people have no power or authority to appoint judges or officers to implement this commandment?

He explains: In addition to the literal *Mitzvah* contained in the *Parashah's* opening verses, these verses have a metaphorical meaning that is applicable to every Jew at every time. "Judges and officers you shall (or will) appoint in all your gates that *Hashem*, your *Elokim*, gives you"--"Judges" refers to angels who will speak in your favor when you perform *Mitzvot*, while "Officers" refers to prosecuting angels who will testify against you if you sin. "In all your gates"--the words "gate" ("*Sha'ar*") can also mean "estimation." In your *Sha'ar* / estimation is "*Hashem*, your *Elokim*," says the verse--i.e., make an estimation of the greatness of the One against whom you are sinning. "For (or to) your tribes"----the words "tribe" ("*Shevet*") can also refer to a rod of punishment. Know that if *Hashem* punishes you, it is for your own good, to make you once again a member in good standing of your tribe. "They shall judge the people with righteous judgment"--If you repent, you will be judged fairly and you will be forgiven. (*Ohr Ha'ganuz*)

## Elul

R' Simcha Zissel Ziv z"l (1824-1898; the *Alter* of Kelm) writes in a letter:

Monday, the first day of the beloved month. Why [is *Elul* called the beloved month]? Because we read (*Shir Ha'shirim* 6:3), "I am my Beloved's and my Beloved is mine." [The first letters of this phrase in Hebrew spell "*Elul*."] ]

The *Alter* continues: The Days of Judgment are approaching. But first, *Hashem* gives us a month of love, a month when we can find favor in His eyes, the holy month of *Elul*. This teaches that He is *Avinu* / our Father, who wants His sons to make peace with Him and seek his favor--something every father wants from his children.

Even so, He also is *Malkeinu* / our King, who enforces the law and does not look the other way. Indeed, the Zodiacal sign of *Tishrei* is the scales, indicating that He weighs our sins on His scales of justice.

But first *Avinu*, then *Malkeinu*--all for our own good.

With a merciful King like *Hashem*, there is nothing for us to do except to apply all of our efforts to finding favor in His eyes. Good things without limit are in His hands, He wants to give His goodness to us, and He is capable of everything. This knowledge should be sufficient for us to understand how great is the reward that awaits us.

The *Alter* continues: The reward we receive is primarily for our efforts, as we read (*Mishlei* 16:26), "The working spirit works for itself, when its mouth bends itself to it." The *Gemara* (*Sanhedrin* 99b) explains: When we work on Torah study, the Torah works for us. *Rashi* z"l explains further: The Torah asks *Hashem* to reveal the Torah's secrets to the person who "bends" his mouth to study Torah.

(*Kitvei Ha'Saba Mi'kelm: Yamim Nora'im* #1)

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**“You shall do to him as he *Zamam* / conspired to do to his fellow.” (19:19)**

The *Gemara* (*Makkot* 5a) teaches that the case of *Eidim zomemim* / conspiring witnesses is as follows: Two men (call them “Reuven” and “Shimon”) testify that a third person (“Levi”) committed a crime, borrowed money, or incurred some other liability at a certain place and time. Two other men stand up in court and say, “How can you, Reuven and Shimon, testify that you witnessed Levi commit a crime, borrow money, etc. at that place and time? At that exact time, you were with us in a different place.” The second pair says nothing about Levi’s liability; they merely say that Reuven and Shimon could not have witnessed Levi do the thing he is accused of. In such a case, the second pair of witnesses is presumptively believed, and Reuven and Shimon receive whatever penalty (death, lashes, paying money) they tried to impose on Levi.

In contrast, if the second pair of witnesses directly contradicts Reuven and Shimon and says, “Levi did not commit that crime, borrow that money, etc.,” Reuven and Shimon are not punished. In that situation, neither pair of witnesses is believed more than the other, and the case against Levi is dismissed with no consequences to him or the witnesses.

Why, in the case of *Eidim zomemim*, does the Torah presumptively believe the second pair of witnesses? Rabbeinu Nissim ben Reuven Gerondi *z”l* (Spain; 1320-1376) explains:

It is more likely that the first pair of witnesses is lying than it is likely the second pair is, because it is more within human nature to lie about the details of something that actually happened than to make up an entire story that never happened. For example, if Reuven and Shimon know that Levi committed a murder or borrowed money, but they did not witness it, they may lie and say they witnessed it. It is less likely that the second pair of witnesses fabricated a story about being in a different city with Reuven and Shimon at that exact time if that never happened--especially given that Reuven and Shimon know the truth and can defend themselves.

R’ Nissim adds: In contrast, when two witnesses contradict each other directly, we do not apply logic to decide who is more likely to be telling the truth. Even if two of the greatest scholars and *Tzaddikim* of the generation would testify that Levi did borrow money, and two unlearned Jews not known for their piety, but otherwise kosher witnesses, would testify that Levi did not borrow that money, we would not say that the great *Tzaddikim* are presumptively telling the truth--even if one of those witnesses was Moshe Rabbeinu. Rather, the court would believe neither pair. This distinction is what the *Gemara* (*Sanhedrin* 27a) refers to when it says that the law of *Eidim zomeim* is a “*Chiddush*” / a novelty, R’ Nissim writes.

(*Derashot Ha’Ran* #11)

**“And you shall not erect for yourselves a *Matzeivah* / pillar, which *Hashem*, your *Elokim*, hates.” (16:22)**

R’ Moshe ben Maimon *z”l* (*Rambam*; 1135-1204; Spain and Egypt) writes (in *Hil. Avodah Zarah* 6:6) that a *Matzeivah* is a structure around which people gather for a religious service. *Midrash Sifrei* teaches that *Matzeivot* were “beloved” to *Hashem* in the time of the Patriarchs, but they were “hated” by *Hashem* later.

R’ Avraham Yitzchak Hakohen Kook *z”l* (1865-1935; first *Ashkenazic* Chief Rabbi of *Eretz Yisrael*) explains: We read (*Yeshayah* 2:3), “Many peoples will go and say, ‘Come, let us go up to the Mountain of *Hashem*, to the House of the G-d of Yaakov, and He will teach us of His ways and we will walk in His paths.’ For from Tziyon the Torah will go forth, and the word of *Hashem* from Yerushalayim.” The *Gemara* (*Pesachim* 88a) comments: “To the House of the G-d of Yaakov”--not like Avraham who called the future site of the *Bet Hamikdash* a “mountain” (*Bereishit* 22:15), and not like Yitzchak who called it a “field” (24:63); rather like Yaakov, who called it a “house” (28:17). [Until here from the *Gemara*]

What is the meaning of Avraham’s calling the site of the *Bet Hamikdash* a “mountain” versus Yaakov’s calling it a “house”? R’ Kook answers: When Avraham began to publicize the One G-d, his message was not accompanied by a detailed plan for how to serve *Hashem*. Avraham’s mission was only to turn his contemporaries’ hearts toward the Creator--a message relevant to all people without any distinction between one nation and another. For this, a *Matzeivah* is appropriate, for it is a unifying point around which people gather for a religious service. Likewise, a “mountain” is a place where people can gather; it is out in the open and anyone who wants to come can have access and be included.

Yaakov had a different mission: not to call to the world in general, but to establish the house of *Yisrael*. Yaakov anticipated his descendants receiving the Torah, a way of serving *Hashem* unique to them. For that, a “house,” a place that lets some inside and leaves others outside is needed. Likewise, after the Torah was given, a *Matzeivah* equally accessible to all is no longer appropriate. Instead, an altar within a Temple structure, with rules about who may approach it and how and when, is needed--at least for now. In the future, the prophet *Yeshayah* tells us in the verse quoted above, the nations of the world will recognize what the Torah’s system of laws has done for the Jewish People, and many of them will say, “Come, let us go up to the Mountain of *Hashem*, to the House of the G-d of Yaakov, and He will teach us of His ways and we will walk in His paths.” In the future, they will recognize that “From Tziyon the Torah will go forth, and the word of *Hashem* from Yerushalayim.”

R’ Kook adds: If we attempt to build our own nation without recognizing the distinction described here, we are doomed to failure.

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