



The Correct Judgment

“Abba, can you please help me with this week’s parasha?”

“My pleasure, Chaim. What is the subject?”

“*Edim zommemim* (plotting witnesses).”

“That is a very difficult *sugya* (subject), Chaim.”

“Let me see if I have the facts straight. Two witnesses come to Beis Din and testify that Reuven deliberately killed a Jew. The *dayanim* (judges) carry out the entire judgment process including the interrogation of the witnesses, accepting any other evidence, deliberation, and handing down the final decision based upon the majority. Reuven is convicted. Suddenly, two new witnesses enter and say that the first two witnesses could not have seen the alleged murder. Why? Because they were together with the second witnesses in a different place on the day of the alleged murder.”

“So far, so good, Chaim.”

“Now, we have two sets of witnesses whose testimony contradicts each other. Whom do we believe? The first set who claims there was a murder, or the second set who claims the first set are liars?”

“And the answer is...”

“The Torah tells us to believe the second set. This appears to be in the category of ‘*chukim*’ – laws that we are not capable of understanding. Why should one set have more believability than the other? To make it even more puzzling, the first set of witnesses then receives a punishment that is unparalleled in the entire Torah – ‘*ka’asher zomam*’. The Beis Din administrators to them the exact same punishment that they tried to give to the defendant, Reuven. In our case of the alleged murder, they are killed!”

“Correct.”

“It is difficult to understand the Chumash; however, the Gemora (Makkos 5b) says something even more perplexing. If the Beis Din convicted and actually executed Reuven, and then only afterwards the second witnesses came and testified that the first witnesses were liars; then the second witnesses are not believed and we do not kill the first witnesses. This goes against our logical way of thinking. If the second witnesses are punished with ‘*ka’asher zomam*’ for only plotting to falsely convict Reuven, how much more so should they be punished when they actually succeeded in getting Reuven executed!”

“Chaim, I am impressed! You know the facts of this *sugya* very well!”

“Thank you Abba, but what is the answer?”

“The Ramban, in his commentary on the Chumash, gives us the proper outlook on this judiciary process called ‘*edim zommemim*’. The main point is that we cannot forget The Judge of the entire universe, Whose every word and law is true.

He wrote this parasha of ‘*edim zommemim*’ in the Torah. And He also judges (so to speak) in the Beis Din with the *dayanim*, as the verse states, ‘In the midst of judges He shall judge’ (Tehillim 82:1). He was the One Who decided to believe the second witnesses. The depth of the truth of this din is unfathomable to the human mind; however, the Ramban gives us some insight. Hashem will not let an innocent defendant die, as the verse states, ‘The wicked one watches the righteous, and seeks to slay him. Hashem will not leave him in his hand, nor let him to be condemned when he is judged.’ (Tehillim 37:32,33). He will also not allow these holy *dayanim* to spill innocent blood. Therefore, His *hashgacha* guides the events so that a second set of witnesses come to Beis Din, save the innocent man, and punish the wicked plotters. However, if the Beis Din actually does execute the murderer, then we see that he



truly was guilty! That is the *emmes!* The All Powerful Judge would not allow them to kill an innocent man! If He did not actually murder the victim, then Hashem would have saved him by guiding in the second set of witnesses before the execution. The fact that He allowed the murderer to be put to death shows that he was truly guilty.”

“What a wonderful thought, Abba! Hashem is watching over all of us! He does not allow any harm to come to anyone unjustly. He protects the innocent defendant from dying and the *dayanim* from killing him. And if the defendant is truly guilty, he does not let the second set of witnesses (who are lying) arrive in time to acquit him and have the first witnesses executed! How deep and fair is His judgment!”

“*Emmes*, Chaim. May we all merit seeing Hashem’s *emmes* and *hashgacha* as clearly as you do!”

“Amen!”

Kinderlach . . .

The Ramban’s insight into the hashgacha of “edim zommemim” is a lesson for all of us. In our lives, we hope that we do not need to experience the drama of “edim zommemim” in order to see, feel, and understand Hashem’s protection and His Guiding Hand. He defends us when we are innocent, and allows us to suffer when necessary, in order to help us do teshuva and correct our ways. He is always judging us. We love You Hashem! You are always watching over us, and doing what is best for us!

Be a Builder

“Okay men, move forward. We offered peace terms to this city, but they did not accept. Now we are going to lay siege. Be careful not to cut down any fruit trees.”

“But sir, this is war. Lives are at stake. Why must we worry about fruit trees at a time like this?”

“This is one of the 613 mitzvos in the Torah. It is logical. Why cut down a fruit tree? It will not make the city surrender sooner. Taking captives can force them to surrender, but chopping trees will not. It is just pointless destruction.”

“When you lay siege to a city . . . do not destroy its trees . . .” (Devarim 20:19). The Sefer HaChinuch relates that this mitzvah forbids senseless destruction of clothing, utensils, indeed anything. Why? The Torah wants us to love *tov* (goodness). This character trait is cultivated by building and bringing things to fruition. Pointless destruction is evil, and will distance us from the *tov*. Our great holy sages loved peace, were happy with another’s goodness, and brought them close to Torah. They would not destroy even a single mustard seed. No so with the evil person. He is happy when he sees destruction. Thus, he destroys himself.

Kinderlach . . .

Hashem wants us to build the world, not destroy it. What is the best thing that we can build? A good soul. Destroying things also destroys our souls. It makes us destructive, which is a terrible middah (character trait). The next time you are thinking of throwing a rock, scratching a nice wooden table, or tearing the branches off a tree, think about this. When you destroy that thing, you are destroying a good middah in your soul also. Hashem wants us to build our souls, not destroy them.

Parasha Questions:

- If one moves a land boundary marker in Eretz Yisrael in order to steal property, how many negative mitzvos does he transgress? Outside of Eretz Yisrael? (19:14 and Rashi)
- How did the accidental murderer find his way to the ir miklat (refuge city)? (19:3 and Rashi)