

מִצְוָה
עֲשֵׂה

#246

📖 We learn this mitzvah from Parshas Mishpatim: (שמות כב:ח)

עַל כָּל דְּבַר פֶּשַׁע וְגוֹ'
אֲשֶׁר יֵאמַר כִּי הוּא זֶה

In today's *Sefer Hamitzvos*, we learn the same *mitzvah* again — a *Beis Din* needs to judge cases about money according to the *halachos* the Torah teaches.



The details of this mitzvah are explained in Mishnayos & Gemara: Mesechta Bava Kama perek Gimmel, beginning of Mesechta Bava Metziah, and Mesechta Shevuos perakim Hey, Vov, and Zayin. Many questions about this are in places all over Gemara.

Rambam: Hilchos To'ein Venit'an

PEREK DALED

In today's *Rambam*, we learn more *halachos* about how a *Beis Din* should decide when people come with an argument about money.

The *Beis Din* can only force the person to make a *shevuah* if they know exactly how much they disagree about. So if one person says, "You borrowed a wallet full of coins," and the other person says, "you only gave me 10 coins," then he doesn't have to make a *shevuah*, since we don't know how many coins were in the wallet. But if one person says, "You borrowed this bag of grain filled to the top," and the other person says, "it was only filled to this line when you gave it to me," then he DOES have to make a *shevuah*, since that is like a measurement.

PEREK HEY

This *perek* tells us when we don't need to make a *shevuah* according to Torah, but the *Chachomim* tell us that we should make another kind of *shevuah*, called a "*Shevuas Heses*." One example for this is an argument about a field. So if one person says, "you sold me two fields!" and the other person says, "I only sold you one," he needs to make a *Shevuas Heses*. Also, for servants, "IOU notes," or *hekdesh*, there is no *shevuah* from the Torah — only a *Shevuas Heses*.

PEREK VOV

In this *perek*, the *Rambam* talks about how the *Beis Din* makes sure that people are telling the truth in *Beis Din*.

Some of the *halachos* talk about what happens if it seems like the person is a liar. If a person is a liar in *Beis Din*, he can't make a *shevuah* (a very strong promise) which would make him *patur* from paying. Instead, he just has to pay. But a person is only considered a liar by the *Beis Din* if he says something in front of them, and then someone else brings two witnesses who say that they saw the opposite.