

מִצְוֹת
לֹא תַעֲשֶׂה
#279

 We learn this mitzvah from Parshas Shoftim: (דברים יט:כא)

וְלֹא תַחֲוֶה עֵינֶיךָ נֶפֶשׁ
בְּנֶפֶשׁ עַיִן בְּעֵין שֶׁן בְּשֵׁן יָד
בְּיָד רֶגֶל בְּרֶגֶל

A judge may not have *rachmanus* on someone who hurt or killed someone else and needs to pay a *knas*. He needs to judge him according to the *halacha*, and not say “he can’t afford it,” or “he made a mistake.”

מִצְוֹת
לֹא תַעֲשֶׂה
#277

 We learn this mitzvah from Parshas Mishpatim: (שמות כג:ג)

וְדָל לֹא תִהְדָּר בְּרִיבוֹ

Don’t judge in a way that a poor person wins if he doesn’t really deserve it. Don’t use this as a way to give *tzedakah* to the poor person! *Tzedakah* is a separate thing, but the judgment has to be correct and fair.

מִצְוֹת
לֹא תַעֲשֶׂה
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 We learn this mitzvah from Parshas Kedoshim: (ויקרא יט:טז)

וְלֹא תִהְדָּר פְּנֵי גָדוֹל

A judge should not be nicer to any of the people in *Beis Din*, even if they're more important — treat them all the same. Don't say "he's a rich or respected person, how can I make him lose, which will embarrass him?"



The details of this mitzvah are explained in Mishnayos & Gemara:
Many places in Mesechta Sanhedrin and Mesechta Shevuos

מצוות
לא תעשה
#278



We learn this mitzvah from Parshas Mishpatim: (שמות כג:ו)

לא תטה משפט
אבינך בריבו

Don't judge against someone just because you know he's a *rasha* — judge each case by itself, and see if the *halacha* says he should be punished.

The *posuk* we learn this *mitzvah* says not to judge a poor person unfairly. The *Gemara* explains that we are talking about a *rasha*, who is poor in *mitzvos*!

מצוות
לא תעשה
#273



We learn this mitzvah from Parshas Kedoshim: (ויקרא יט:טו)

לא תעשו עול במשפט

Don't do anything different than the Torah says when you *pasken*. The Torah tells us how make someone innocent or guilty, and the judge has to follow each of those *halachos* exactly.

Judging for the Good

In *Tanya Perek Lamed*, the Alter Rebbe helps us understand how hard it is for someone with a big *Yetzer Hara* that gives him *taavos* all the time.

When we see how hard he has to work, it makes us more humble! We realize that we should also be fighting that hard against our own *Yetzer Hara*, as hard as we expect him to fight his *Yetzer Hara*.

But this piece of *Tanya* doesn't only help us in our *avodah*, it helps that person with the big *Yetzer Hara* and a lot of *taavos*!

By being *Dan Lekaf Zechus*, finding the *zechus* for that person, The Alter Rebbe is helping him. By telling him that we realize how big his *nisayon* is, we bring out the good that is inside of him. It shows that he really has a very strong *koach* from Hashem, if he is expected to overcome such big challenges! This gives him the *koach* to overcome all of his hard *nisyonos*!

See Likutei Sichos chelek Chof-Zayin p. 165, ha'ara 62

Rambam: Hilchos Sanhedrin

PEREK TES-ZAYIN

In this *perek*, we learn about how *malkos* are given. We learn that the person who gives *malkos* should be very smart, but not very strong — because the *halacha* is that he has to hit as hard as he can, and we don't want to hurt the person more than we need to.

PEREK YUD-ZAYIN

This *perek* teaches us how many *malkos* to give. We try to figure out how many a person can handle, and only give that many.

Because of the way *malkos* are given (1 on the front, then one on the back on each shoulder), we only give a number that we can divide by 3, like 9 or 12 or 18.

If a person can only handle 11, we round down to 9, not up to 12!

PEREK YUD-CHES

The Rambam tells us about the kinds of *aveiros* that make a person deserve *malkos*. These *aveiros* are all from the Torah, but a *Beis Din* can give *Makas Mardus*, another kind of *malkos*, for doing an *aveira Miderabanan*.