



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Sanhedrin Daf Beis

MESECHTA SANHEDRIN

PEREK DINEI MAMANOS B'SHLOSHA -- PEREK RISHON

MISHNA

- Monetary cases must be judged by a Beis Din of 3 dayanim.
 - Cases of robbery and bodily harm are judged by a Beis Din of 3.
 - Cases of claims for full nezek and half nezek, for double payment, and for payment of four and five times (for stealing and then selling or shechting an ox or sheep) are judged by a Beis Din of 3.
 - **R' Meir** says, the case of a rapist, a seducer, and of a motzi shem rah (falsely says that his wife must have been mezaneh with another man between kiddushin and nissuin) are judged by a Beis Din of 3. The **Chachomim** say that the case of motzi shem rah is judged by a Beis Din of 23, because it includes a capital case.
 - The case of deciding whether to give someone malkus is judged by a Beis Din of 3. In the name of **R' Yishmael** they said it is judged by a Beis Din of 23.
 - The decision of whether to add a day to a month is judged by a Beis Din of 3. The decision of whether to add a month to the year is judged by a Beis Din of 3. These are the words of **R' Meir**. **R' Shimon ben Gamliel** says, they would begin the case with 3 dayanim, they would continue to deliberate with 5 dayanim, and they would finalize with 7 dayanim, and if they finalized with only 3 it would be a valid decision.
 - **R' Shimon** says the leaning of the Elders on a "par helam davar shel tzibbur", and the "Eglah Arufah" process are done by a Beis of 3. **R' Yehuda** says it is done by a Beis Din of 5.
 - Chalitza and "mi'un" are done under a Beis Din of 3.
 - The appraising of "netah revai" (fruit of the 4th year of a new tree) and maaser sheini whose value is not known is done by a Beis Din of 3.
 - The appraisal of hekdesch that is to be redeemed is done by a Beis Din of 3.
 - Deciding on "eirechin" valuations of moveable property is done by a Beis Din of 3. **R' Yehuda** says one of the 3 must be a Kohen. When deciding the valuation of land it must be decided by 9 and a Kohen. The appraisal of a person is like this (land) as well.
- Capital cases must be judged by a Beis Din of 23 dayanim.
 - An animal that is mezaneh with a woman or a man is judged by a Beis Din of 23 as can be learned from a pasuk that compares the killing of the animal to the killing of the person.
 - An ox that is killed with skilah (for killing a person) is judged by a Beis Din of 23, as can be learned from a pasuk that compares the animal to its owner.
 - The killing of a wolf, a lion, a bear, a leopard, a "bardeles", or a snake for having killed a person is judged by a Beis Din of 23. **R' Eliezer** says, whoever can kill them first is zocheh. **R' Akiva** says their death is decided by a Beis Din of 23.
- We do not judge a shevet (if most of a shevet has worshipped avodah zarah), or a false Navi, or a Kohen Gadol, except by a Beis Din of 71 dayanim.
 - We do not go out to a discretionary war, except by a Beis Din of 71 dayanim.
 - We do not add to the city of Yerushalayim or to the Azaros of the Beis Hamikdash, except by a Beis Din of 71 dayanim.
 - We do not establish a Sanhedrin for the shevatim (in the cities), except by a Beis Din of 71 dayanim.

- We do not designate a city as an “ihr hanidachas” (where most of the city worshipped avodah zarah, those people are killed with “sayif” and all possessions in the city are burned), except by a Beis Din of 71 dayanim.
 - We do not designate a city on the border of EY as an ihr hanidachas, and we do not designate 3 cities as an ihr hanidachas. We may designate one or two.
- The large Sanhedrin was made of 71 dayanim, and the small Sanhedrin had 23.
 - How do we know that the large Sanhedrin was made of 71? Hashem told Moshe “Gather for Me 70 men from the elders of K’lal Yisrael”. Moshe was then on top of these 70 men, which brought the total of the first Sanhedrin to 71. **R’ Yehuda** says the large Sanhedrin only had 70 dayanim.
 - How do we know that the small Sanhedrin was made of 23? The pasuk says “v’shaftu ha’eida” and the next pasuk says “v’hitzilu ha’eida”. This teaches that there must be one “eidah” that can argue to make someone chayuv and another eidah that can argue that he should be patur. That brings the total dayanim necessary to judge to be 20 dayanim. We know that “eidah” refers to 10 people, because the pasuk referring to the Meraglim says “ahd masai la’eidah hara’ah hazos” – there were 12 Meraglim, but Yehoshua and Kalev were not bad like the others, so the pasuk refers to the remaining 10 as an “eidah”.
 - How do we know that we need another 3 to get to a total of 23? Once the pasuk already says that we do not follow a majority for bad (to make someone chayuv) we would know that we do follow a majority for good (to make someone patur). If so, why does the pasuk then have to say “follow the majority”? We already know this!?! Rather, it is teaching that the following of a majority to make someone chayuv is different than following the majority to make someone patur. We follow a simple majority of even one vote to make someone patur, but would not follow a majority to make someone chayuv unless there is a majority by at least 2 votes. This would bring the total dayanim needed to 22. We don’t allow a Beis Din to have an even number of dayanim, so we must add one more, bringing the total to 23 dayanim.
 - How many people must be in a city for it to be fit to have its own Sanhedrin established there? There must be 120 people. **R’ Nechemya** says 230 people, so that there is one dayan for every 10 people.

GEMARA

- **Q:** Robbery and bodily harm are examples of monetary cases, so why are they listed separately?
A: R’ Avahu said, the Mishna is explaining that what is meant by “monetary cases” are cases of robbery and bodily harm. This means to exclude cases of admissions and loans (i.e. cases of disputed loans). And the Mishna had to state “monetary cases” and the examples of robbery and bodily harm for the following reason. If it would only say “monetary cases” we would say that it includes cases of loans as well. Therefore, the Mishna specifies robbery and bodily harm. If it would have only said robbery and bodily harm we would say that it means to include all cases, including loans, and the reason it only lists these two is because we learn the concept of a Beis Din of 3 from the pesukim regarding robbery, which is also very similar to a case of bodily harm. The Mishna therefore states monetary cases, and then specifies that it is only meant to include robbery and bodily harm, and not loans.
 - **Q:** In what way are loans treated differently? It can’t mean that such cases don’t need a Beis Din of 3, because **R’ Avahu** has said that 2 dayanim are never sufficient to judge any monetary case (which would include cases of loans)!? **A:** Rather, they are treated differently in that cases of loans do not need to have dayanim who have received semicha.
 - **Q:** What does the Tanna hold (that makes him say that 3 dayanim are needed for cases of loans, but that they don’t need semicha)? If he holds that the Torah refers to loan cases in some of the pesukim regarding robbery, then just as dayanim with semicha are needed for cases of robbery they should also be needed for cases of loans!?! If he holds that the pesukim there do not refer to loans at all, then why do cases of loans even need 3 dayanim at all!? **A:** The Tanna holds that the pesukim do refer to cases of loans as well, and therefore

dayanim with semicha should be needed. However, the reason that it is not required is based on the statement of **R' Chanina**, that we don't want to discourage lending. Therefore, we make it somewhat easier for the lender to get a Beis Din to judge his case.