



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

Sanhedrin Daf Chuf Hey

MALVEH B'RIBIS

- **Rava** said, one who borrows with interest is also passul to testify.
 - **Q:** Our Mishna said "*malveh b'ribis*" (one who *lends* with interest), not one who borrows!? **A:** The Mishna means to say "*milveh*" – a loan that is done with interest – and means to include both parties as being passul to testify.
 - Bar Binitus had two witnesses testify about him that he lent with interest. One said "I saw him lend with interest" and the other said "he lent me with interest". **Rava** said that Bar Binitus is passul to testify.
 - **Q:** **Rava** said that a borrower with interest is also passul, so the witness that testified that he was lent with interest is passul to testify against Bar Binitus!? **A:** **Rava** follows his reasoning elsewhere, where he said that a person is related to himself and therefore cannot make himself passul.
 - There was a butcher who was found to have sold treifah meat as being kosher. **R' Nachman** removed him from his position and said he was passul to testify. The butcher allowed his hair and nails to grow long, as a sign of teshuva. **R' Nachman** thought to make him valid again. **Rava** told him, we need to be concerned that he did that disingenuously. Rather, we must follow **R' Idi bar Avin**, who said that he can become valid if he goes somewhere where no one knows him, and returns a lost object of great value, or takes the loss of throwing away a treifah of considerable value.

UMAFRICHEI YONIM

- **Q:** What is meant by this? **A:** In Bavel they said it refers to one who races birds. **R' Chama bar Oshaya** said it refers to one who attracts other people's birds into his dovecote.
 - In Bavel they didn't say like **R' Chama**, because there is no real theft that was done, and is only assur for the sake of peace. **R' Chama** didn't say like Bavel, because he says that is the same thing as a gambler, which is mentioned earlier in the Mishna. Bavel says there is a difference between one who gambles, who thinks he will win based on skill (maybe only in that case he does not fully give away the money), and one who races birds (he knows that he has no control and therefore gives away the money whole heartedly, or maybe he feels it is based on the way he bangs at the birds to make them move, and therefore he does not give the money whole heartedly).
 - **Q:** A Braisa describes "*mafrichei yonah*" and says this refers to one who does so with animals as well. Now, this proves that *mafrichei yonah* means races, because an animal can't be used to attract other animals!? **A:** A wild ox can be used to attract other animals into the owner's pen.
- A Braisa says, the **Rabanan** added robbers and people who forcibly grab but pay, to the list of those passul in the Mishna.
 - **Q:** A thief is assur D'Oraisa!? **A:** The Braisa is referring to someone who took an item from a cheireish, shoteh, or katan, that they found. This is not mentioned in the Mishna, because initially the Tanna felt that this is not a common case and therefore does not have to be mentioned, or that it is only assur for the sake of peace and therefore would not make the taker passul to testify. However, when the **Rabanan** realized that at the end this person is taking money from somebody, they said he should be passul to testify. With regard to the one who grabs and pays, initially they thought that since he paid before grabbing he should not become passul (because the owner was later likely ok with the "sale"). When the **Rabanan** saw that the people would first grab and then pay even though the owner was protesting, they said he would become passul to testify.

- A Braisa says, the **Rabanan** also added (as passul to testify) shepherds, and different types of tax collectors.
 - The Mishna didn't list shepherds (who allow their animals to graze in other people's fields), because they thought it was not a common occurrence for the shepherds to do so. Later, they realized that it happened often and intentionally, and they were therefore goizer that they were passul.
 - The Mishna didn't list tax collectors, because the Tanna thought that they only collect what they are supposed to. They later saw that they took more than they were supposed to, and therefore made them passul to testify.
 - **Rava** said, the Braisa refers to shepherds of large animals and of small of animals.
 - **Q: Rava** says elsewhere that only shepherds of small animals are passul!? **A:** That refers to people who raise the animals in stables. In that case, those who raise large animals are not passul. But, people who graze animals in fields are passul even if the animals are large animals.
 - **R' Yehuda** paskened that a shepherd is passul even if we don't know that he has allowed the animals to graze in other fields. A tax collector is only passul if we know that he took more money than he was supposed to.
 - **R' Zeira's** father was a tax collector for 13 years. When the tax officer (who would levy the taxes) would be on his way, **R' Zeira's** father would call out a pasuk that warned the **Rabanan** to go and hide. He would then cryptically tell all the other people to hide as well. When the officer came and demanded that he collect a high tax he would say, "who should I collect it from" (there was no one there). When he died he instructed the people to take 13 me'ah that he had wrapped up and return it to Ploni, because he said that he once collected it from him but didn't end up needing it.