



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

Sanhedrin Daf Gimmel

- **Q:** The Gemara just said that **R' Avahu** explained our Mishna's use of "monetary cases" immediately followed by saying "robbery and bodily harm" as teaching that only cases of robbery and bodily harm are included in "monetary cases", because cases of loans are different in that loans also require 3 dayanim, but they do not require them to have semicha. Why didn't **R' Avahu** explain that when the Mishna says monetary cases require 3 judges it is referring to cases of loans, and means that these cases need 3 dayanim who don't need semicha, and when the Mishna then says that robbery and bodily harm need 3 judges it is an additional requirement that judges for these cases need semicha? Also, if as **R' Avahu** explained, that all the phrases are referring only to the cases of robbery and bodily harm, why does the Mishna say at each phrase "requires 3" (that seems to suggest that they are referring to different cases)? **A:** Rather, **Rava** said that the Mishna actually is referring to different cases – "monetary cases" refers to loans, which require 3 judges but don't require them to have semicha, and "robbery and bodily harm" require 3 and require that they must have semicha. **A2:** **R' Acha the son of R' Ika** said, D'Oraisa one dayan would be sufficient for loan cases, as the pasuk uses the singular verbiage when it says "b'tzedek tishpot es amisecha". However, out of concern that the single judge chosen may be someone without any knowledge of halacha in these matters, the **Rabanan** required that we use 3 judges. In that way we can be certain that at least one of them has some knowledge.
 - **Q:** What is the practical difference between **Rava and R' Acha the son of R' Ika**? **A:** The difference would be regarding the halacha of **Shmuel**, who said that if two dayanim judge a case their decision is valid but they are called a Beis Din with chutzpah. **Rava** (who says that 3 dayanim are required D'Oraisa) would argue with **Shmuel**, and **R' Acha the son of R' Ika** (who says that one dayan is sufficient D'Oraisa) would agree with **Shmuel**.

NEZEK V'CHATZI NEZEK

- **Q:** The category of "nezek" is already included in the category of "bodily harm", so why is it listed out separately? **A:** Since the Mishna wanted to list "half nezek" it felt that it should list "nezek" as well.
 - **Q:** Half nezek is also already included in the category of "bodily harm", so why is it listed out separately? **A:** The Tanna wanted to list items of penalty separately from items of compensation.
 - **Q:** This makes sense according to the view that half nezek is a penalty. However, according to the view that it is compensatory, why is it listed separately? **A:** Since the Mishna wanted to list the cases of 4 or 5 times payment, which is payment that is different than the amount of the damage, it also listed half nezek, which is payment that is different than the amount of the damage. Further, since it wanted to list half nezek, it listed nezek as well.
- **Q:** How do we know that a Beis Din needs 3 dayanim? **A:** A Braisa says, **R' Yoshiya** says it is based on the pesukim using the word "elohim" 3 times, to refer to dayanim. **R' Yonason** said, the first use of the word is not available for a drasha, so in effect there are only 2 available for a drasha, which would teach that 2 dayanim are needed. However, because a Beis Din cannot have an even number of judges, we must add on one more, for a total of 3.
 - **Q:** Maybe we can say that they argue whether the first instance of a multiple used word can be used for a drasha? **A:** It may be that all agree that the first instance may not be used for a drasha. However, **R' Yoshiya** holds that the pasuk could have said "v'nikrav baal habayis ehl hashofeit", and instead says "ehl ha'elohim", which therefore makes it available for a drasha. **R' Yonason** holds that elohim is a normal way to refer to an expert dayan, and therefore it is not available for a drasha.

- **Q:** Does **R' Yoshiya** not hold that the Beis Din must have an odd number of dayanim (it seems that he only requires 3 because of the 3 uses of the word *elohim*, but would otherwise even allow two if there would only have been two uses of the word)? A Braisa says, **R' Eliezer the son of R' Yose Haglili** says, that the pasuk of “*lintos acharei rabim l'hatos*” teaches that we should make a Beis Din that has an odd number of dayanim!? **A:** He holds like **R' Yehuda** in our Mishna, who says that the big Sanhedrin had 70 dayanim.
 - **Q:** It may be that **R' Yehuda** only holds that way regarding the big Sanhedrin, based on the pasuk that says that there were 70, but other Batei Din would need an odd number!? In fact, a later Gemara clearly says that regarding Eglarufa **R' Yehuda** requires 5 dayanim, the reason being that he learns from pesukim that 4 are needed, and he adds a 5th so that there should be an odd number!? **A:** **R' Yoshiya's** view is more severe than **R' Yehuda's**, in that he holds that even a Beis Din other than the big Sanhedrin can have an even number of dayanim.
 - **Q:** What would **R' Yoshiya** do with the drasha of “*lintos*” in the Braisa? **A:** He would say that it only applies in capital cases, not monetary cases.
- **Q:** A Mishna says that for monetary cases we follow the majority view of the 3 dayanim. According to **R' Yoshiya**, we should say that a unanimous consensus is needed, and therefore the Mishna cannot follow **R' Yoshiya**!? **A:** He would learn from a *kal v'chomer*, that if we follow a majority for capital cases, we certainly follow a majority for monetary cases as well. Therefore, the Mishna can even follow **R' Yoshiya**.
- A Braisa says, monetary cases must be decided by 3 dayanim. **Rebbi** says there must be 5 dayanim so that the majority consists of 3 dayanim.
 - It would seem that **Rebbi** holds this way because he holds that when the Torah says we need 3 dayanim, it means that the verdict must be shared by 3 dayanim. **R' Avahu** disagreed and said, if that is true, then **Rebbi** should require the big Sanhedrin to consist of 140 dayanim so that the majority be made up of 71, and the small Sanhedrin should have to consist of 45 dayanim so that the majority be made up of 23! Since this is clearly not the case, it must be that we learn from the pasuk that the required number of dayanim (whether 71, 23, or 3) need be present for the case to begin, but need not be present in the majority. Rather, the reason **Rebbi** requires 5 dayanim is based on the pesukim. One pasuk says “*asher yarshi'un* (plural) *elohim*”, which refers to 2 dayanim (from the plural use of the word). Therefore, we learn that the next use of the word *elohim* must also refer to 2 dayanim, for a total of 4. Since we can't have an even number of dayanim, we add one to bring to a total of 5. The **Rabanan** say that the word “*yarshi'un*”, although read in the plural, is actually spelled in the singular, and as such each such word only requires one dayan.