



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

### Sanhedrin Daf Lamed Aleph

- **R' Yehuda** said, testimony of witnesses that contradict each other in the bedikos questions (the additional questions asked after the essential questions) is valid for monetary cases.
  - **Rava** said, this is most probably only when they contradict regarding the color of the wallet in which the money was given. But, if they contradict in the color of the money itself, the testimonies could not be combined.
    - **Q:** In a capital case, would a contradiction similar to different colored wallets not be valid testimony? We find that **R' Chisda** said, if one witness said a person murdered with a sword and the other witness said it was with some other type of weapon, the testimony would not be valid. But, if one says the murderer wore black clothing and the other says he wore white clothing it would be valid testimony. We see that this type of contradiction is not only valid in a monetary case!? **A:** We can simply answer that **R' Yehuda** argues with **R' Chisda**.
  - **Nehardai** say, even if they contradicted regarding the color of the money, their testimony can be combined.
    - **Q:** Whose view does this follow? You can't say that it follows **R' Yehoshua ben Korcha**, because it may be that he allows testimonies to combine only when they don't contradict each other!? **A:** Rather, they follow the view of **R' Shimon ben Elazar**, who says in a Braisa that **B"H** hold that for example, when one witness of a pair says 100 and the second says 200, it is considered to be a valid pair of witnesses for the 100, because included in 200 is 100.
    - It once happened that one witness said that a barrel of wine was lent and another said it was a bottle of oil that was lent. **R' Ami** said, that since both agree that the value of a barrel of wine (which is less expensive than oil) was lent, the borrower must pay that amount.
      - **Q:** Whose view does this follow? It can't follow **R' Shimon ben Elazar**, because he only says his halacha when the testimonies are not contradictory other than the amount, but in this case they are contradictory!? **A:** The case was where the contradiction centered around value, not an actual barrel of wine and oil.
    - **R' Chanina** said, that it once happened that one witness said money was lent in the upper story of a house and the other said it happened on the lower level. **Rebbi** allowed for the combining of testimonies.

UMINAYIN LICH'SHEYEITZI...

- A Braisa says like our Mishna, that a judge may not go and tell the litigants what he held in the case, because that would transgress the pesukim of "lo seileich rachil b'amecha" and "holeich rachil migaleh sohd".
  - It once happened that a talmid revealed a secret said in the Beis Medrash, 22 years after it was said, and **R' Ami** threw him out of the Beis Medrash for doing so.

MISHNA

- Whenever a litigant brings evidence to support his claim (even after the verdict has been handed down), he can reverse the verdict based on the new evidence.
  - If Beis Din told a litigant – bring whatever proof you have within the next 30 days, then if he brings proof within the time frame he can reverse the verdict, and if he does not, he can no longer reverse the verdict. **R' Shimon ben Gamliel** said, what is the litigant supposed to do if he could not find the proof until after the 30 days have passed!?

- If Beis Din asked the litigant to produce witnesses or some evidence and the litigant said that he had no witnesses or evidence, but at some later point in time he produces witnesses or evidence, it is worthless and is not accepted. **R' Shimon ben Gamliel** said, what should this person have done if he didn't know that he had witnesses or evidence and then later found that he does!?
- If a litigant said that he had no witnesses or evidence, and as he saw he was losing the case he said he has witnesses or he pulls some evidence from under his belt, it is worthless and we do not accept it.

#### GEMARA

- **Rabbah bar R' Huna** said the halacha follows **R' Shimon ben Gamliel**. **Rabbah bar R' Huna** also said that the halacha does not follow the **Rabanan**.
  - **Q:** Obviously if he paskens like **R' Shimon** he does not pasken like the **Rabanan**!? **A:** We would think that we only follow **R' Shimon** l'chatchila, but can follow the **Rabanan** b'dieved. He therefore teaches that even b'dieved we don't follow the **Rabanan**.

#### AMAR LO HAVEI EIDIM...

- **Rabbah bar R' Huna in the name of R' Yochanan** said, that in this case the halacha follows the **Rabanan**. **Rabbah bar R' Huna** also said that the halacha does not follow **R' Shimon ben Gamliel**.
  - **Q:** Obviously if he paskens like the **Rabanan** he does not pasken like **R' Shimon**!? **A:** He is teaching that in this case we do not pasken like **R' Shimon**, but in all other cases that **R' Shimon** is quoted in a Mishna we do pasken like him. This contradicts a statement of **Rabbah bar Chana in the name of R' Yochanan**, which said that we pasken like **R' Shimon** when he is quoted in a Mishna except for 3 cases.
- **R' Nachman** once paskened against a child and made him pay for his father's debt, because the child said that he had no witnesses or evidence. Other people then came forward with some proof. **R' Nachman** said, even the **Rabanan** would agree in this case that the child can now bring this proof, because a child is not familiar with his father's affairs.
  - There was a woman who produced a promissory note (between two parties) and said that she knows that it was paid off already. **R' Nachman** believed her statement. **R' Nachman** explained that he believed her based on the fact that she could have simply burned the document if she had wanted to.
    - Another version of this story was that **R' Nachman** did not believe her. **Rava** asked, she should be believed based on the fact that she could have burned the document!? **R' Nachman** said, since this document had been certified by Beis Din, the fact that she could have burned it is not enough of a reason to believe her statement.
      - **Q:** **Rava** asked **R' Nachman**, a Braisa says that if a receipt does not have signatures and is produced by a third party who it was given to for safekeeping, and he says it is a valid receipt, it is a valid receipt. This is a **TEYUFTA** of **R' Nachman**!
- **R' Dimi** said in the name of **R' Yochanan**, a person may always bring evidence to reverse a verdict until he says that he has no more evidence and then says that he wants to bring witnesses to testify for him.
  - **Q:** The first part of his statement (he can only bring evidence until he says that he has no more) follows the **Rabanan**, and then he said that he only can't bring witnesses when he says so immediately in Beis Din after claiming that he didn't have any, which follows **R' Shimon ben Gamliel**!? **A:** Rather, **R' Shmuel bar Yehuda** said in the name of **R' Yochanan** that a person may always bring evidence to reverse a verdict until he closes his arguments by Beis Din asking him for witnesses and evidence and his answering that he has none. However, if witnesses then arrive from overseas, or if a safekeeping of documents of his father was later given to him, he can bring these witnesses or this evidence even then.
- **R' Dimi** said in the name of **R' Yochanan**, if one party to a case harasses the other considerably and then demands that they go to the local court, but the harassed party insists that they go to a different court where there is a group of talmidei chachomim, which would cause the harasser to be embarrassed to continue his harassment, we force him to go to the other court with the

talmidei chachomim. **R' Elazar** said to him, if someone lent a maneh, shall we force him to spend a maneh in travel expenses to go and get the maneh returned!? Rather, we force them to go to the local Beis Din.

- **R' Safra** said this as well (that we force them to go to the local Beis Din) and then said, if there is a matter that the local Beis Din feels they need to ask from the talmidei chachomim, they can send a letter and ask. If one of the parties asks the local Beis Din for a document explaining the reason for their verdict (so that he can show it to the higher court), they must write this document for him. Finally, a yevama must go to the place of the yavam to have him make her mutar to remarry with chalitza.
  - **Q:** How far would we make a yevama travel? **A: R' Ami** said, even from Tverya to Tzipori.
  - **R' Kahana** said, we learn this from the pasuk that says the yevama goes to "ziknei iro" (his city, not hers).
- **Ameimar** said, the halacha is that we force them to go to the Beis Din with the talmidei chachomim. **R' Ashi** asked him, we see that **R' Elazar** said that we force them to the local Beis Din!? **Ameimar** said, that is where the borrower wants the lender to travel, but if it is the lender that wants the borrower to travel, the borrower is forced to go and travel to the other Beis Din.
- The Beis Din in EY sent a message to **Mar Ukva**, who was the Av Beis Din in Bavel, that based on a case that they judged in EY there was a person in Bavel who was found guilty and **Mar Ukva** should see to it that he paid his obligation, and that he should be sent up to face the Beis Din in EY.
  - **Q:** First they tell **Mar Ukva** to carry out the judgement, and then they tell him to send the person up so that they can carry out the judgement!? **A:** What they told him is, first you try and adjudicate, but if he does not listen to you, send him here to our Beis Din. **R' Ashi** said, it was a case of penalty, and we don't judge penalties in Bavel. The only reason they said that **Mar Ukva** should adjudicate was to give him honor, but it was not meant to be taken literally.

**HADRAN ALACH PEREK ZEH BORER!!!**