



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

### Sanhedrin Daf Lamed Daled

DINEI NEFASHOS HAMILAMEID...

- **Rav** said, this is only during the deliberation, but at the time of voting on a verdict, a judge who argued to acquit may still vote to convict.
  - **Q:** A Mishna says, that when a capital case is left overnight to be decided (as must be done when they have the votes to convict), the judges return the next day: those who wanted to acquit state that they still want to acquit, those who want to convict state that they still want to convict, one who argued to convict may argue to acquit, but one who argued to acquit may not argue to convict. Now, the “next day” is the day that the decision is voted on and still we see that one who argued to acquit may not change to convict!? **A:** The “next day” had deliberations as well. When the Mishna says that he can't change it is referring to during the deliberations.
  - **Q:** That Mishna then discusses a case of where 36 judges want to convict and 35 want to acquit. They cannot convict, because a majority of 2 is needed to convict in capital cases. Therefore, they must continue to deliberate until one of the judges wanting to convict changes his mind to wanting to acquit. Now, according to **Rav** the Mishna should say, or until one of the judges wanting to acquit changes his mind to wanting to convict!? **A:** The Tanna wants to discuss cases of where the Beis Din will acquit, and not to discuss possibilities of conviction.
  - **Q:** A Braisa says, **R' Yose bar Chanina** said, if one of the talmidim who was arguing to acquit died before voting, we view him as if he is still alive and voting to acquit. Now, according to **Rav** we should say that since he could have changed his mind to convict, we should not count his vote as one to acquit!? **A:** Since he had not reversed his opinion before his death, we consider it to remain as a vote to acquit.
  - **Q:** A Mishna says, there would be two sofrim who would stand by the judges and write down the position of each judge (whether they want to acquit or convict). Now, we can understand why they must record the position of those looking to convict, so that if the next day they come in with a different reason to convict we would know to hold off giving the verdict until yet another day, so that this new reason sit in his head overnight with time to think about it. However, why do the sofrim need to record the position of the ones who want to acquit? Presumably, it is because if they want to return the next day and convict we would not allow them to change their minds! This refutes **Rav**!? **A:** The reason we need to write down their position and reasons is to know whether there are two judges who are giving the same reason, but basing the reason on different pesukim. We need to know if that happens, because **R' Yochanan** has said that if two judges give the same reason, but each base it on different pesukim, we only count the two of them as one vote.
    - **Q:** What is the source for **R' Yochanan's** halacha? **A: Abaye** said, he darshens a pasuk to teach that one pasuk can be the source of many teachings, but one teaching cannot be learned from many pesukim.
      - A Braisa of **R' Yishmael** also darshens a pasuk to teach that one pasuk can teach many different teachings.
    - **Q:** What is an example of one teaching being learned from two different pesukim? **A: R' Zvid** said, we see it in a Mishna where **R' Yehoshua** and **R' Gamliel** both learn passul korbans that were brought up onto the Mizbe'ach are not taken off, but **R' Yehoshua** learns this from the word “mokda” and **R' Gamliel** learns it from the word “Mizbe'ach”.

- **Q:** This is not a good example, because the end of the Mishna says that **R' Yehoshua and R' Gamliel** argue whether the blood and the wine must be taken off the Mizbe'ach. So, they are not learning the same thing from different pesukim!? **A:** Rather, **R' Pappa** said, we find an example in a Braisa. The Braisa says that **R' Yose Haglili and R' Akiva** both exclude pesulim (which were never fit to go on the Mizbe'ach) from becoming kadosh if brought on the Mizbe'ach, only that **R' Yose Haglili** learns this from the word "kvasim" and **R' Akiva** learns this from "olah".
- **Q:** This is not a good example, because **R' Adda bar Ahava** has said that they argue regarding a passul bird olah – **R' Yose** would say it is not to remain on the Mizbe'ach and **R' Akiva** would say that it does!? **A:** Rather, **R' Ashi** said, we find an example in a Braisa. The Braisa says that **R' Yishmael and R' Akiva** both learn that even one who only throws blood on a Mizbe'ach outside of the Beis Hamikdash is chayuv kares, only **R' Yishmael** learns it from the words "dam yeichasheiv" and **R' Akiva** learns it from "oy zavach".
- **Q:** This is not a good example, because **R' Avahu** has said that they argue regarding one who shechted a korbon outside and threw the blood outside, whether he would be chayuv for only one (**R' Yishmael**) or he would be chayuv for 2 (**R' Akiva**)!? **A:** We have learned that **Abaye** said that even **R' Akiva** says the person would only be chayuv one. If so, they are saying the same thing but learn it out from different pesukim. This would be an example of one teaching being learned from two different pesukim.

#### DINEI MAMANOS DANIN BAYOM...

- **Q:** How do we know that monetary cases can be decided at night? **A:** **R' Chiya bar Pappa** said, we learn this from the pasuk that says "v'shaftu es ha'am b'chol eis".
  - **Q:** Based on this one should even be allowed to begin a monetary case at night!? **A:** We can answer like **Rava** said to explain a contradiction between this pasuk and the pasuk that says "b'yom hanchilo es banav", that the case must begin during the day but may be decided even at night.
- Our Mishna does not follow the view of **R' Meir** who says in a Braisa that the pasuk makes a hekesh between nega'im and monetary cases to teach that just as nega'im must be examined during the daytime, so too monetary cases must be done and decided by day, and just as a negah may not be examined by a blind Kohen so too monetary cases cannot be adjudicated by blind judges.
  - There was a blind person who judged monetary cases in **R' Yochanan's** neighborhood, and **R' Yochanan** said nothing.
    - **Q:** How could he have allowed this? **R' Yochanan** says the halacha always follows an anonymous Mishna and there is an anonymous Mishna which is explained by **R' Yochanan** to teach that a person blind in one eye cannot serve as a judge!? **A:** **R' Yochanan** had another anonymous Mishna – our Mishna – which says that monetary cases can be decided at night, a time when all are "blind".
      - **Q:** Why does he choose our anonymous Mishna over the other one? **A:** Either because our Mishna is the majority opinion, or because our Mishna is the place where we list halachos of judges (the other Mishna brings it only tangentially).
  - **Q:** How does **R' Meir** darshen the pasuk of "b'chol eis"? **A:** **Rava** said, he would say that comes to include a cloudy day, which is a day on which a negah may not be examined. We would think to say that monetary cases can also not be judged on such a day. The pasuk teaches that it can.
  - **Q:** How does **R' Meir** darshen the pasuk of "b'yom hanchilo"? **A:** He uses it for the drasha found in a Braisa. **Rabbah bar Chanina** taught a Braisa in front of **R' Nachman** that says, the pasuk regarding inheritance says "b'yom", which teaches that inheritances may be passed down by day, but not at night. **Abaye** asked, does this mean that a child

only inherits his father when he died during the day, but not if he died at night!? Maybe you meant to say that the division of an estate is considered to be a legal matter, which must therefore take place during the day, as we find a Braisa says is the requirement?

**Rabbah bar Chanina** said, "Yes, that is what I meant".

DINEI NEFASHOS DANIN BAYOM...

- **Q:** How do we know this? **A: R' Simi bar Chiya** said, the pasuk says "v'hoka osam laHashem neged hashamesh" (and hang them before Hashem opposite the sun). We see that capital cases must be decided during the day.
  - The Gemara then proves that the word "hoka" means "hang".