



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

### Sanhedrin Daf Zayin

- The Braisa had stated the view that once a decision has been reached, a judge may no longer make a compromise. **R' Yehuda in the name of Rav** said, a decision has been reached when the judge says, "Ploni, you are chayuv" or "Ploni, you are patur".
- **Rav** said, the halacha follows **R' Yehoshua ben Korcha** (in the preceding Braisa who said that making a compromise is a mitzvah).
  - **Q:** How can it be that **Rav** said this? **R' Huna** was a talmid of **Rav**, and yet when litigants went to **R' Huna** with a case he would ask them whether they wanted him to rule according to strict law or to try and make a compromise. If **Rav** held that compromise was a good thing, **R' Huna** would not have given them a choice!? **A:** When **R' Yehoshua ben Korcha** said it is a mitzvah to make a compromise, he meant that it is a mitzvah for the judge to tell the litigants that he can rule based on law or compromise, and ask them for their preference.
    - **Q:** If so, **R' Yehoshua** is saying the same thing as the **T"K** of the Braisa (who said that a compromise cannot be made once the decision has been given, which suggests that before that time it is okay to do)!? **A:** The **T"K** holds that a judge *may* offer to compromise before the verdict, whereas **R' Yehoshua** says it is a mitzvah to offer to compromise then.
    - **Q:** If so, the **T"K** is saying the same thing as **R' Shimon ben Menasya** (who seems to say that a judge may try to make a compromise)!? **A:** The difference between them is that the **T"K** holds that a judge can offer compromise until a verdict is announced, whereas **R' Shimon** holds it can only be offered until he begins to lean towards one side of the argument.
- The Braisa said that **R' Elazar the son of R' Yose Haglili** said that the pasuk of "uvotzeya beireich ni'eitz Hashem" refers to one who praises a judge for making a compromise (which he held was wrong to do). This argues on the understanding of **R' Tanchum ben Chanilai**, who said that this pasuk refers to a specific compromise – the compromise of Aharon when he decided to allow the people to make the Eigel. **R' Binyamin bar Yefes in the name of R' Elazar** explained that Aharon saw that the people had already killed Chur for his opposition. He thought, that if he opposes and gets killed as well, the Yidden may never be forgiven for having done so. Therefore, he allowed the making of the Eigel with the hopes that they would be forgiven for that aveira.
- The Braisa said that **R' Shimon ben Menasya** holds that once the judge leans to the arguments of one of the litigants, he may no longer offer a compromise. He then brought a pasuk which he darshened to show this point. Those who argue on him use that pasuk to teach that in the Next World, the first thing a person is judged on is regarding his Torah learning. **R' Huna** darshens the pasuk to teach that fighting is like an overflowing river – once it begins, it grows larger and larger. **Abba Kashisha** said that fighting is like a plank of wood on a new bridge – at first it seems weak and shakes, and then becomes strong and permanent.
  - The Gemara now brings a series of sayings that people would say, each time bringing a source to the saying, from **R' Yehuda** to **Shmuel**, from a pasuk. They are as follows:
    - Lucky is the person who hears others embarrass him and does not respond. By doing so he is saved from 100 bad things that would have happened to him.
    - For 2 or 3 thefts a thief is not killed (Hashem allows a sinner a chance to do teshuva).
    - Even if there are 7 pits dug in the path of a man of peace, he will be saved from them all, but when only one pit is dug in front of a rasha, he falls into it.
    - If someone leaves Beis Din having had his coat taken from him, he should sing and be happy that he returned money that did not belong to him.

- When a woman sleeps, her basket is lowered (when a person is lazy the quality of his work suffers).
  - The person I would trust raised up his fist and stood against me.
  - When the love between my wife and I was very strong, we could lay together on the width of a sword. Now that the love is not strong, we cannot lie together on a bed that is 60 amos wide. **R' Huna** brought a source for this from pesukim that show that initially Hashem would rest His Shechina on the kapores, but then eventually only used the entire world as His footstool.
- The Braisa said that **R' Yehoshua ben Korcha** said that a talmid must speak up in front of his rebbi if he feels that his rebbi is issuing an incorrect decision. He based this on the pasuk of "lo saguru mipnei ish".
  - **Q:** Where do we see that "lo saguru" is to be understood as "do not hold back"? **A: R' Nachman** said, a pasuk says "v'yayin lo sishteh v'lo se'egor (gather in)". **R' Acha bar Yaakov** brings a pasuk that uses "agra" to mean gather. **R' Acha the son of R' Ika** brings a pasuk that uses "oger" to mean gather.
- **R' Shmuel bar Nachmeini in the name of R' Yonason** said:
  - We learn from a pasuk that any judge who issues a true and proper decision causes the Shechina to rest among Klal Yisrael. If he issues an improper decision, he causes the Shechina to leave Klal Yisrael.
  - If a judge takes from one litigant and gives to the other improperly, Hashem takes his life from him.
  - A judge should view himself as if he has a sword between his feet and Gehenom is open underneath him.
- **R' Yoshiya** (or **R' Nachman bar Yitzchak**) darshened a pasuk that says that judgment should be done in the morning, to mean that if the matter is clear like morning to the judge, he should issue a decision. If not, he should not. **R' Chiya bar Abba in the name of R' Yonason** learned this concept from the pasuk that says that wisdom is like a sister. He said this means, if the matter is as clear to him as the fact that his sister is assur for him to marry, he should issue a decision. If not, he should not.
- **R' Yehoshua ben Levi** said, even if there are 10 judges issuing a ruling, it is as if there is a chain around the neck of each of them (i.e. they each have full responsibility if the decision is improper).
  - **Q:** That seems obvious, since they each issued the ruling!? **A:** He is teaching that even if a talmid is sitting there and sees his rebbi making a mistake and doesn't correct him, he shares responsibility.
  - When **R' Huna** was asked to judge a case, he would gather 10 Rabanan to judge with him. He explained that this way they would each receive only a small part of the punishment if they decide wrongly.
  - When **R' Ashi** was asked to pasken on a treifah he would gather all the expert butchers to decide along with him. He explained that this way they would each receive only a small part of the punishment if they decide wrongly.
- **R' Dimi** in the name of **R' Nachman bar Kohen** darshened a pasuk to mean, if a judge is like a king in that he feels like doesn't need anything from anybody, he upholds the world. If he is like a Kohen who goes around accepting terumah from people, he corrupts the world.
- The house of the Nasi once appointed a judge who was not a talmid chochom. **Yehuda bar Nachmeini** realized this and darshened a pasuk which teaches that the world is destroyed because of unqualified judges, and that Hashem will punish those who appoint such a judge.
  - **Reish Lakish** darshed pesukim to teach, whoever appoints an unqualified judge is as if he planted an asheirah tree (a tree used as avodah zarah). **R' Ashi** darshens the pasuk to also teach that if one appoints such a judge in a place where there are talmidei chachomim, it is as if the asheirah was planted right next to the Mizbe'ach.
  - **R' Ashi** darshens the pasuk that says it is assur to make avodah zarah of gold or silver (alohei kesef veilohei zahav). Is this to mean that to make one of wood would be mutar? Of course not! Rather, it means that one may not appoint a judge for a payment of silver or gold.
- When **Rav** would go to be a judge on a case he would say, "I am going to my death (if a mistake in judgment is made), and I am doing nothing for my household, and will return home empty

handed, and “halevai” that I return home as I have left it (without an aveirah for having judged improperly).

- When **Rav** would see some rabonim following him (showing that he was the rebbi) he would recite a pasuk that tells of the destruction of people who receive honor (he would say this to prevent thoughts of haughtiness from entering his mind). **Mar Zutra** would do something similar when he was given honor when he would darshen on Shabbos and Yom Tov.
- **Bar Kappara** darshened the pasuk that says it is assur to have steps on the Mizbe’ach, and is immediately followed with the pasuk of “v’eileh hamishpatim” to teach that one must be very deliberate in issuing judgement. **R’ Elazar** darshens these pesukim to teach that a judge should not “step on the heads of the people” (walk over them as they are sitting on the ground).
  - The pasuk says “v’eileh hamishpatim *asher tasim*” (you should place) instead of saying “you should teach”. **R’ Yirmiya** (or **R’ Chiya bar Abba**) said the pasuk refers to the keilim used by the judges, as **R’ Huna** would instruct that his stick, his whip, his shofar, and his sandal be taken out for him.
  - The pasuk says, “and I commanded your judges at that time”. **R’ Yochanan** said this teaches regarding the stick and whip, that the judges should be careful with their use – not to be afraid to use them, but not to overuse them either. The pasuk continues, “hear between your brothers and judge them”. **R’ Chanina** said, this is a warning to the court not to hear the argument of one litigant without the other being present, and is a warning (based on an alternative reading of the word in the pasuk) to the litigants not to advance their argument before the other party arrives. **R’ Kahana** learns these halachos from a different pasuk. The pasuk then says, “and judge them with righteousness”. **Reish Lakish** said, this teaches that a decision should first be ascertained as correct before being issued. The pasuk says, “between a man and his brother”. **R’ Yehuda** said, this teaches that an exact division must even be made between stories of a house (when dividing a house, the one who gets the more valuable piece must be made to pay for the difference to the other party). “And a stranger” teaches that the same must be done when dividing ovens. “Do not respect people in judgment” teaches that a judge should not rule in favor of a litigant just because he likes him. **R’ Elazar** darshens it to teach that he should not rule against someone that he dislikes.
    - Someone who hosted **Rav** came to him for a court case. **Rav** told him that he is passul to judge him (because of the relationship) and instructed **R’ Kahana** to judge. When **R’ Kahana** saw that this person was overconfident because of his relationship with **Rav**, he told him, “if you are prepared to listen to my decision, fine. If not, I will put you in cheirem”.
  - The pasuk then says, “listen to small as the large”. **Reish Lakish** explains, this teaches that the case involving a perutah must be as important to you as the case involving 100 maneh.
    - **Q:** This can’t mean that as much care must be given in making a decision, because that would be obvious!? **A:** It means that he should not skip over a case involving a small amount of money and give precedence to a case involving a larger amount of money.