



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

Sanhedrin Daf Ayin Ches

- A Braisa says, if 10 people hit a man with a stick, whether they all did it at the same time or one after the other, they are all patur from misah. **R' Yehuda ben Beseira** said, that if they hit him one after the other and the man died from the beating, the last person is chayuv, because he made him die quicker.
 - **R' Yochanan** said, they both darshen the same pasuk of "v'ish ki yakeh kol nefesh adam". The **Rabanan** hold that one is not chayuv unless he takes "kol nefesh" – a whole life. **R' Yehuda ben Beseira** holds that "kol nefesh" means any part of a life.
 - **Rava** said, all would agree that if someone killed a man who was a treifa he would be patur, and if he killed a "goses" (one who is dying) whose condition was caused by Heaven (as opposed to being caused by another person) that he would be chayuv. The machlokes is when he killed someone who was a goses because of an injury caused by another person – the **Rabanan** say that is like a treifa since the injury happened from another person, and **R' Yehuda ben Beseira** says that is like a goses from Heaven in that he has no vital organs that have been cut off.
 - A Braisa was taught in front of **R' Sheishes** that darshened the pasuk "kol nefesh adam" to teach that if a person hits another person with enough force to kill him, but before he dies another person comes and kills the dying man, this second person is chayuv. This anonymous Braisa seems to follow **R' Yehuda ben Beseira**.
- **Rava** said, one who murders a treifa is patur. If a treifa murders someone, then if it was done in front of Beis Din he is chayuv, and if not he is patur. In front of Beis Din he is chayuv to fulfil the pasuk of "uvi'arta hara mikirbecha" and not in front of Beis Din he is patur, because the witnesses who testify cannot become zomeimim (they are trying to put a "dead man" to death, and therefore would not get killed themselves if they were found to be zomeimim) and such witnesses are not accepted.
 - **Rava** said, one who is mezaneh with another man who is a treifa is chayuv. If a treifa is mezaneh with another man, then if it was done in front of Beis Din he is chayuv, and if not he is patur. In front of Beis Din he is chayuv to fulfil the pasuk of "uvi'arta hara mikirbecha" and not in front of Beis Din he is patur, because the witnesses who testify cannot become zomeimim (they are trying to put a "dead man" to death, and therefore would not get killed themselves if they were found to be zomeimim) and such witnesses are not accepted.
 - **Q:** This seems to be a repetition of the last case!? **A:** The first part (one who is mezaneh with a man who is a treifa) is needed. We would think he should be patur as someone who had zenus with a dead person. **Rava** is teaching that since he had pleasure, he is chayuv.
 - **Rava** said, if witnesses testified against a treifa in a capital case and are found to be zomeimim, they are not put to death. If witnesses who are treifos testify against someone in a capital case they are put to death. **R' Ashi** said, even the second case will be patur, because the witnesses who make them into zomeimim are not themselves able to become zomeimim.
 - **Rava** said, if an ox that is a treifa killed a person it is chayuv misah. If an ox owned by a person who is a treifa killed a person, it is patur. This is because the pasuk says "hashor yisakel v'gam b'alav yumas". The ox is only subject to skila when its owner is subject to misah as well. **R' Ashi** said, even when an ox that is a treifa killed somebody it is patur, since if the owner was a treifa he would be patur, when the ox is a treifa it is also patur.

- **R' Acha bar Yaakov** said, we can understand that the machlokes is based on the following. **R' Yehuda** holds that the poison of a snake is already between its teeth, so when a person takes the snake and digs its teeth into someone, it is he who kills the person and it is he who would be chayuv skila while the snake would be patur. The **Rabanan** hold that the poison is within the snake and the snake projects it when it wants to, therefore it is the snake that would get skila and the person would be patur.

MISHNA

- If someone hits a person, whether with a stone or fist, and the judges assess that he will die from the beating, and he then improves somewhat (and the judges think he will now live) and he then deteriorates again and dies, the one who hit him is chauv misah. **R' Nechemya** said that he is patur, because there are grounds to say that he died from something other than the beating.

GEMARA

- A Braisa says, **R' Nechemya** darshens the pasuk that says that if a person hits another, who is thereby injured and bedridden, and the person then gets up and goes outside under his own power, the attacker is patur. Now, would we think that if the victim gets healthy and the attacker is still killed? Rather, it must be talking about where he got better, but then got worse again and died. The pasuk is teaching that the attacker is patur in that case.
 - The **Rabanan** darshen this pasuk to teach that the attacker is imprisoned until we see whether the victim dies. **R' Nechemya** learns the imprisonment requirement from the "mikosheish" in the story that took place in the Midbar. The **Rabanan** say you can't learn from there, because in that case it was certain that the mekosheish had to be put to death, the only question was how to put him to death. The imprisonment of the attacker is because we don't know if he is to be put to death. **R' Nechemya** would agree and would therefore learn the imprisonment requirement from the case of the one who cursed Hashem, who was put in prison by Moshe, because he was unsure whether to put him to death. The **Rabanan** say we cannot learn from there, because that was a case of "hora'as sha'ah" and therefore cannot be used to teach to other places.
 - A Braisa explicitly says that Moshe knew the mikosheish must be put to death, but was unsure what method of death penalty to use, whereas with regard to the one who cursed Hashem, Moshe was unsure whether he should be put to death at all.
 - **Q:** According to **R' Nechemya** we can understand why the two phrases in the pasuk are needed – one to teach when the victim lives, and one to teach when the victim got better and then got worse and died. In both cases the attacker is patur. However, according to the **Rabanan** there is only one case in which he is patur, so why are both needed? **A:** One is for the case of where they assessed that he would die but he lived, and the other is for the case of where they assessed that he would live and he then died. In both these cases the attacker is patur.
 - **R' Nechemya** would say that a pasuk is not needed for this second case, because the attacker left Beis Din as an innocent man, so we know that he would not be put to death later.
- A Braisa says, if someone hits another person and the judges assessed that he would die, but he lived, the attacker is patur. If they assessed that he would die, and he then got better and is now expected to live, they make a second assessment to determine how much the attacker must pay. If the victim then got worse and died, **R' Nechemya** says we follow the second assessment (we don't put him to death and the attacker must pay). The **Rabanan** say that the second assessment does not make him patur, and if the victim dies the attacker is put to death.
- A Braisa says, if the victim was assessed to die, we may change the assessment if the victim's condition improves, and the attacker would be patur. If they made an assessment that he will live, they cannot then make an assessment that he will die and thereby make the attacker chayuv misah. If they assessed that he would die and he then got better and is now expected to live, they make a second assessment to determine how much the attacker must pay. If the

victim then got worse and died, the attacker must pay nezek and tzaar to the victim's heirs. He pays based on the time that he hit the victim (based on the valuations at that time).

- This anonymous Braisa follows **R' Nechemya**.