



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

Sanhedrin Daf Ches

- The Gemara continues to darshen the pesukim regarding Beis Din.
 - The pasuk says, *"lo saguru mipnei ish ki hamishpat lei'Lokim hu"* – **R' Chama the son of R' Chanina** said, Hashem says, "it is not enough that the wicked dayanim take money from one and give it to another, but they even bother Me to return that money to the rightful owner".
 - The pasuk says, *"v'hadavar asher yikskeh mikem"* (Moshe told the people that when a case is difficult for them they should bring it to him to decide). **R' Chanina** (or **R' Yoshiya**) said, Moshe was punished for speaking like this. When the daughters of Tzela'fchad came to ask their question, he did not know the answer .
 - **Q: R' Nachman bar Yitzchak** asked, Moshe said *"ush'mativ"*, which means he said that if he knows the answer he will give it, and if he does not he will go and learn it, so what did he say wrong!? **A:** Rather, the reason Moshe was not taught the halachos of inheritance before the daughters of Tzela'fchad came and asked, is as a Braisa says, that Hashem wanted to teach us the halachos of inheritance through the daughters of Tzela'fchad, because of their righteousness, and wanted to teach us the halachos of Chilul Shabbos through the *"mekosheish"* who was mechalel Shabbos, to teach that good things happen through good people and bad things happen through bad people.
 - The pasuk says, *"va'atzaveh es sho'feichem ba'eis hahee"* (Moshe said that he commanded the judges at that time), and another pasuk says, *"va'atzaveh eschem ba'eis hahee"* ("I commanded you at that time"). **R' Elazar in the name of R' Simlai** explained, the second pasuk is a warning to the tzibbur that they should fear the dayanim, and the first pasuk is a warning to a dayan that he should have patience for the tzibbur. **R' Chanan** (or **R' Shabsai**) explained, he must have patience *"kasher yisa ha'omein es hayoneik"* (like a father carries a nursing baby).
 - One pasuk says *"ki atah tavo"* – that Yehoshua will go with the people into EY, and another pasuk says *"ki ata tavi"* – that Yehoshua will *bring* them into EY (i.e. as a leader). **R' Yochanan** said, Moshe told Yehoshua to lead the people along with the Elders. Hashem said (in the second pasuk) that the Elders must be subordinate to Yehoshua, because there can only be one leader for each generation.
- A Braisa says, we need three for *"zimun"*.
 - **Q:** What is zimun? It can't refer to the bracha of zimun (for birchas hamazon) because a Braisa says that zimun and birchas zimun require 3 people. We see that zimun is not birchas zimun!? We can't say that they are the same and the Braisa is explaining itself, because there is another Braisa which more clearly says that they are different things!?! **A:** Rather, zimun is a summons by Beis Din. As **Rava** said, that if the shaliach of Beis Din gives a summons in the name of one dayan, it has no effect as a summons, until it is given in the name of all three dayanim.
 - The Gemara says, this is only when it is not a normal day for Beis Din to be in session. However, if a summons was given in the name of only one dayan on a day that Beis Din is in session (e.g. Mondays and Thursdays), it would be effective.

TASHLUMEI KEIFEL...

- **R' Nachman bar R' Chisda** asked **R' Nachman bar Yaakov**, how many dayanim are needed to decide on cases involving a penalty? [The Gemara asks, our Mishna clearly says that 3 are required!?! The Gemara answers, he was asking whether a single expert judge can judge cases involving penalty or not]. He answered, we can learn this from our Mishna when it says that

cases of keifel and daled v'hey require 3. Now, this can't refer to three non-experts, because it was said in the name of **Rav** that even 10 people who are non-experts are not fit to try cases involving penalties. Rather, the Mishna is referring to experts, and still the Mishna requires 3.

VACHACHOMIM OMRIM MOTZI SHEM RAH B'ESRIM USHLOSHA

- **Q:** Since this case is one only involving monetary matters (i.e. her kesubah payment) why should it matter whether there are other cases of motzi shem rah that involve capital matters, which the **Rabanan** say is the reason that a Beis Din of 23 is needed even in this monetary case? **A: Ulla** said, the machlokes between **R' Meir and the Rabanan** is whether we are concerned that when people hear about this monetary case, word will spread and eventually there will be two witnesses who come forward and testify to her act of znus, which would then be a capital case. **R' Meir** says we are not concerned for this, and the **Rabanan** say that we are, and since this case may become a capital case we need to have a Beis Din of 23. **A2: Rabbah** said, all would agree that we do not have this concern. The machlokes is where the husband initially took his wife to a Beis Din of 23, claiming to have witnesses to her act of znus. It then turned out that he did not have proper witnesses and wants to then make the case a monetary one regarding her kesubah. The **Rabanan** feel that since 23 dayanim were brought together for this case, we must keep them together so as not to slight their honor by asking 20 of the 23 to leave. **R' Meir** says, we don't have to worry about this and can therefore remain with a Beis Din of 3.
 - **Q:** A Braisa says that the **Rabanan** say that if he is only claiming money, he only needs a Beis Din of 3, but if he is looking for capital judgment, he needs a Beis Din of 23. According to **Rabbah** this can make sense, that if he even initially only sought monetary relief from the kesubah, he only needs a Beis Din of 3, but according to **Ulla** the **Rabanan** always say that a Beis Din of 23 is needed!? **A: Rava** said, I and **R' Chiya bar Avin** explained the Braisa that if "he" is only claiming money is referring to the father of the girl in a case where he disproved the husband's witnesses and is now entitled to collect a fine of 100 shekel. Since that case is only monetary, only a Beis Din of 3 is needed. The Braisa then says that if the husband is making a monetary claim for the kesubah then he needs a Beis Din of 23, because that may spread the word and bring witnesses to the znus, making this a capital case.
 - **Abaye** answers that all agree that we are concerned that the monetary case will lead into a capital case, and all also agree that we are concerned for the honor of the judges. The reason that **R' Meir** holds that 3 is sufficient is because the case is that the witnesses who warned the wife before her znus, warned her in a general fashion (without specifying the type of death that she would be subject to), and he holds like **R' Yehuda** in a Braisa who says that such a warning is not valid and could not be used as a basis for putting the woman to death. Therefore, according to **R' Meir** this is only a monetary case and therefore only needs a Beis Din of 3.
 - **R' Pappa** answers that there was no warning given by the witnesses to the wife, but the wife was a "chaver". The **Rabanan** hold like **R' Yose bar Yehuda** in a Braisa, that a chaver does not need to be given a warning in order to be put to death, and therefore this is a capital case. **R' Meir** holds that a chaver does need to be warned, and therefore this case is only monetary.
 - **R' Ashi** answers that the case is that the witnesses only warned her that she would get malkus, not death, in which case she would only be subject to malkus, and the machlokes between **R' Meir and the Rabanan** is like the machlokes between **R' Yishmael and the Rabanan** in our Mishna, whether a case of malkus needs a Beis Din of 23 or only 3.