



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

Sanhedrin Daf Pey Aleph

MISHNA

- If a person is chayuv two types of misah, he should be given the more stringent form. If a person is chayuv 2 types of misah for being oiver one aveirah, he should be given the more stringent one. **R' Yose** says he should be given the one that he had the first connection to.

GEMARA

- **Q:** It seems obvious that he would get the more stringent of the 2!? Would you think that just because he is also chayuv a more lenient misah he should benefit from that and get the easier misah!? **A: Rava** said, the case is that someone did a lesser aveira and the verdict was finalized for a more lenient misah, and he then committed a more severe aveira which carries a more severe misah. We would think that since his verdict was already finalized for the more lenient misah, that is what he should get, because at that point he is considered to be a dead man and anything later should not have an effect on that judgement. The Mishna therefore teaches that he becomes chayuv in the more stringent misah.
- The brother of **R' Yosef bar Chama** asked **Rabbah bar Nosson**, how do we know the halacha that the **Rabanan** said, that if someone is chayuv 2 different misos, he is to get the more stringent one? He answered, the pasuk in Yechezkel describes someone who was a murderer and therefore chayuv sayif, was an adulterer and therefore chayuv chenek, and worshipped avoda zara and therefore chayuv skila, and the pasuk then says that he gets skila.
 - **Q: R' Nachman bar Yitzchak** asked, maybe the pasuk is referring to a ben sorer umoreh (not a murderer), and to one who was meznaeh with a naara hame'orasa, and to one who worshipped avoda zara, and therefore he was only chayuv skila? **A:** Yechezkel would not have listed all these if he wasn't teaching us something. Therefore it must be that the person was chayuv different types of misah.
 - **R' Acha the son of R' Chanina** darshened a pasuk that describes a person: "he did not eat on the mountains" refers to one who doesn't need the zechus of his forefathers; "he did not lift his eyes to the idols" refers to one who does not walk with his head held high; "he did not defile his friend's wife" refers to one who did not go into his friend's line of business; "he did not go close to a woman when she was a nidah" refers to one who did not benefit from tzedakah; about such a person the pasuk then says "he is a tzaddik, he will surely live".
 - When **R' Gamliel** would reach this pasuk he would cry and say, it seems that only someone who does all these things shall live, but doing only one of them will not bring life. **R' Akiva** told him, the pasuk regarding arayos says, "do not become tamei through any of these". Is that to mean that it is only a problem if someone does *all* of them, but doing some of them would be fine? Of course not. Rather, it means that he should not do any one of these things. Similarly, the other peskum means that a person who does any one of those good things will live.

AVAR AVEIRA

- A Braisa says, what does **R' Yose** mean that he should be judged with the one that he had the first connection to? If a woman was assur to a man as his mother in law and she then got married and is now assur as a married woman as well, if he is mezaneh with her he is judged as having had zenus with his mother in law. If she was first a married woman and then became his mother in law, he would be judged for having zenus with a married woman, not with a mother in law.

- **Q: R' Ada bar Ahava** asked **Rava**, in the case where she is first his mother in law and then becomes a married woman, **R' Yose** should hold that he is also chayuv for being mezaneh with a married woman, because **R' Avahu** has said that **R' Yose** agrees that when a more extensive issur ("issur mosif") is placed on a less extensive issur, the more extensive issur applies as well!? **A: Rava** said, it is true that the second issur will take effect in this case, but he can only be killed once and we will therefore put him to death with the more stringent of the two misos (i.e. the one that comes for being mezaneh with a mother in law).

MISHNA

- If someone already got malkus twice (and then does another aveira), Beis Din locks him into a room and feeds him barley until his stomach bursts.

GEMARA

- **Q:** Just because he has already gotten malkus twice they lock him up to die? **A: R' Yirmiya in the name of Reish Lakish** said, the Mishna is discussing malkus given for aveiros that carry kares. This person (who continues to do such aveiros) will be subject to kares and is therefore considered to already be a dead man. We simply bring his death at a quicker pace.
- **R' Yaakov** said to **R' Yirmiya bar Tachlifa**, the Mishna is referring to where he did the same aveira multiple times. However, if the punishments are for different aveiros, he is a person who gives in to his yetzer harah, but is not someone who deserves to die.

MI SHELAKA V'SHANA

- **Q:** The Mishna says that getting malkus twice is enough to establish him as being fit to die, even without getting malkus a third time. The Mishna seems not to follow **R' Shimon ben Gamliel**, who says that a chazaka is not established until something happens three times? **A: Ravina** said, the Mishna can follow **R' Shimon ben Gamliel**, because it is the doing of 3 aveiros that creates the chazakah, not the getting of the malkus.
 - **Q:** A Braisa says, if someone does an aveira that carries malkus, we give him malkus the first and second time, but for the third time we lock him in a room and leave him to die. **Abba Shaul** says, we give him malkus the third time as well, and if there is a 4th time we lock him in a room to die. Now, presumably they all agree that it is the malkus that create a chazaka and the machlokes is like that between **Rebbi and R' Shimon ben Gamliel** whether two times creates a chazaka or three times creates a chazaka. We see that it is the malkus that create the chazakah!? **A:** It may be that all agree with **R' Shimon** that three times are needed for a chazakah, and the machlokes is whether it is the aveiros that create the chazakah or the malkus that create the chazakah.
 - **Q:** A Braisa says, if a person is warned for malkus and he remains quiet and does the aveira, we warn him the first two times he does the aveira and the third time we lock him in a room to die. **Abba Shaul** says, we warn him the third time as well and the fourth time we lock him up to die. Now, there is no malkus given in this case, because the person never accepted the warning upon himself, so it can't be that **Abba Shaul** holds that it is the malkus that creates the chazakah!?
 - **Q:** Based on this, what is the machlokes between the **T"K and Abba Shaul**? **A: Ravina** said, they argue as to whether the person has to be warned regarding being locked up in the room. **Abba Shaul** says he does, and that is why we need him to do a fourth aveira.
 - **Q:** What is the room like? **A: R' Yehuda** said, it is the height of the person (so he is tightly fit inside)

MISHNA

- If one murders without witnesses being there, Beis Din locks him in a room and feeds him small amounts of bread and water.

GEMARA

- **Q:** If there are no witnesses, how do they know that he killed someone? **A: Rav** said the Mishna is talking about where there were witnesses who didn't see each other at the time, in which case the testimony is not valid. **Shmuel** said the Mishna is referring to where there was no

warning. **R' Chisda in the name of Avimi** said the case is where the witnesses contradicted each other in the bedikos, but not in the chakiros.

UMACHILIN OSO LECHEM TZAR UMayim LACHATZ

- **Q:** Why is this murderer given bread and water whereas the previous Mishnayos discussed giving other people barley until their stomachs burst? **A: R' Sheishes** said, all these people are first given small amounts of bread and water to shrink their stomachs, and are then given barley to make their stomachs burst.

MISHNA

- If a person steals a “kasvah”, or curses Hashem with an avoda zara that he says has powers, or is mezaneh with a non-Jewish woman, the “kana'im” may kill him.
- If a Kohen does the Avodah while tamei, the other Kohanim do not bring him to Beis Din. Rather, the young Kohanim take him outside the Azarah and split his head open by beating him with sticks.
- If a non-Kohen does the Avodah in the Beis Hamikdash, **R' Akiva** says he gets chenek and the **Chachomim** say he is left to die at the Hands of Heaven.

GEMARA

- **Q:** What is a “kasva”? **A: R' Yehuda** said it is the “klei shareis” used in the Beis Hamikdash. The pasuk of “v'lo yavo'u lir'os kivala es hakodesh vameisu” teaches that this person should be killed by kana'im.

V'HAMIKALEL BAKOSEIM

- **R' Yosef** said this refers to one who says, “let the koseim hit the One Who gave it its power (i.e. Hashem)”. The **Rabanan** (or **Rabbah bar Mari**) said, that it refers to one who says, “let koseim hit my enemy, and his Creator, and his Provider (both referring to Hashem).”