



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

Sanhedrin Daf Pey Ches

SHLOSHA BATEI DININ...

- **R' Kahana** said, if the zaken says he heard his opinion from his rabbei'im and the Sanhedrin say that they heard their opinion from their rabbei'im, he is not killed as a zakein mamrei. If he said his opinion is based on his own view (not from his rabbei'im) and the Sanhedrin say their opinion is based on their own view, he is also not killed as a zaken mamrei. Certainly if he said his opinion is from his rabbei'im and the Sanhedrin say their view is based on their own reasoning. He is only put to death when he said that his opinion is based on his own view and the Sanhedrin say that their opinion is based on their rabbei'im. This must be the case as we find that **Akavya ben Mahalalel** was not killed (because he argued based on an opinion that he had from his rabbei'im). **R' Elazar** said, even if the zaken said his opinion is based on his rabbei'im and the Sanhedrin say that their opinion is based on their own view, he is put to death. This is done so that there not be many machlokes in Klal Yisrael. The reason that **Akavya** was not killed was because he did not pasken that way in practice,
 - **Q:** The Mishna said that the zaken says, "this is how I darshened and this is how Beis Din has darshened, this is how I taught and this is how they taught". This seems to mean that he based his view on his rabbei'im, whereas they based their opinion on their own view. This supports **R' Elazar!**? **A:** It may be that the Mishna means that the zaken based his opinion on his own reasoning and the Beis Din based their view on their rabbei'im.
 - **Q:** There is a Braisa that states the reason for putting a zaken mamrei to death, so as to ensure that there is not a lot of machlokes in Klal Yisrael. This clearly supports **R' Elazar** and refutes **R' Kahana!**? **TEYUFTA.**
- A Braisa says, **R' Yose** said, initially there were not many machlokes in Klal Yisrael. The Sanhedrin of 71 would sit in the Lishkas Hagazis, and two Batei Dinim of 23 would sit, one at the entrance to the Har Habayis and one at the entrance to the Azarah. The other Batei Dinim of 23 would sit in all the cities of the Yidden. If something had to be asked of Beis Din, the person would go to his local Beis Din. If they had heard what the correct ruling should be, they tell him. If they have not heard what it should be, they go to the Beis Din in the next city. If they also didn't know, they would go to the Beis Din at the entrance to the Har Habayis. If they also didn't know, they would go to the one at the entrance to the Azarah. At that point the zaken would tell them, "This is how I darshened and this is how the Beis Din darshened, this is how I taught and this is how the Beis Din taught". If they also did not know what the correct answer should be, they all go up to the Sanhedrin at the Lishkas Hagazis, where Beis Din would sit from the morning Tamid until the afternoon Tamid, and on Shabbos and Yom Tov they would sit in the Cheil. If the Sanhedrin knew the answer they would tell him. If not, they would vote and decide based on the majority. However, when the talmidim of **Shammai and Hillel** increased, and they did not learn enough, there began to be more machlokes among the Yidden, to the point that it seemed that there were two Torahs. From the Sanhedrin they instruct the lower courts to appoint people who are wise, humble, and accepted by the people, to become judges in those courts. From the lower courts they would appoint judges to the Beis Din at the entrance to the Har Habyais, from there they would appoint for the Beis Din at the entrance to the Azarah, and from there to the Lishkas Hagazis.
 - They sent from EY, the person destined for Olam Habbah is a person who is modest, humble, who enters and leaves when bowing, who learns Torah constantly and does not take credit for it. When the **Rabanan** heard this, they looked at **R' Ulla bar Abba** (as one who possessed all these qualities).

CHAZAR L'IRO V'SHANA

- A Braisa says, a zakein mamrei is not chayuv unless he himself acts according to his psak, or paskens for others according to his psak.
 - **Q:** The second part of this Braisa makes sense as to why he is only chayuv for doing so after he was told otherwise by the Sanhedrin, because giving a psak to others does not normally make one chayuv misah. However, if he follows his own psak, and it was a matter that carried capital punishment, he would be chayuv misah even before the Sanhedrin told him otherwise!? **A:** Before being told by the Sanhedrin he would have to be warned to be chayuv. After hearing from the Sanhedrin he no longer has to be warned.
 - **Q:** What if the zaken mamrei is a meisis, in which case he does not have to be warned? **A:** As a meisis we would listen to him if he had a reason to acquit himself. As a zaken mamrei we do not.

MISHNA

- There is a chumra of a D'Rabanan over a D'Oraisa (with respect to a zaken mamrei). For example, if he says there is no mitzvah of tefillin in order to be oiver on the words of the Torah, he would be patur. If he says "there are five compartments in the tefillin" in order to add onto the words of the **Rabanan**, he would be chayuv.

GEMARA

- **R' Elazar in the name of R' Oshaya** said, he is only chayuv for arguing in a matter which is primarily taught in the Torah and explained by the **Rabanan**, and which can be added to, and if one adds to it he makes it not effective for the mitzvah. The only example of this is tefillin. This ruling follows the view of **R' Yehuda**.
 - **Q:** What about the mitzvah of lulav, which is primarily taught in the Torah and explained by the **Rabanan**, and it can be added to, and if one adds to it he makes it not effective for the mitzvah!? **A:** If we follow the view that the minim need not be bound together, then adding an extra does not make it passul, because it is considered separate than the ones truly needed. If we follow the view that they need to be bound together, then as soon as he picks it up it is already passul. We need something that is initially valid and then becomes passul through the addition.
 - **Q:** What about the mitzvah of tzitzis, which is primarily taught in the Torah and explained by the **Rabanan**, and it can be added to, and if one adds to it he makes it not effective for the mitzvah!? **A:** If we follow the view that the upper knot is not required D'Oraisa, then each string is considered separate and would not become passul if an extra is added. If we follow the view that upper knot is D'Oraisa, then it is passul right away. We need something that is initially valid and then becomes passul through the addition.
 - **Q:** Tefillin is the same – if it was added later it is considered separate, and if it was initially made with 5 compartments, it was never valid!? **A:** **R' Zeira** has said that if a 5th compartment is added to the tefillin it becomes passul.