

Teacher's Guide For Rambam Sefer Hamitzvos - Shoftim

Pre-Lesson Introduction & Activities - Mitzva 1

- This מצוה should take two days (twenty minute sessions) to teach.

Day One

- Introduce the תלמידים/תלמידות to the ספרים of the רמב"ם upon which the curriculum is based: the יד החזקה and the ספר המצות¹. Describe the structure of the רמב"ם². Explain that we are going to begin to study the section of ספר שופטים which deals with the הלכות of סנהדרין. These מצוות have thirty.
- Open up a חומש and show the תלמידים/תלמידות the פסוקים inside. Ask them to read the פסוק and רש"י and describe the difference between שופטים and שוטרים. You can then discuss with them the difference between the רמב"ם in יד החזקה and the רמב"ם in ספר המצות regarding whether שוטרים are included in the מצוה (See additional information #1).
- Explain the idea of עבודת ה' in שופטים תתן בכל שערך. The seven שערים are the two eyes, two ears, two nostrils and the mouth. All of these gates need to be in sync with the directives of תורה as expressed by the שופט הדור, נשיא הדור (משיחת שופטים תשנ"א).
- Once you've introduced the general concept of שופטים, before teaching the information, try to involve the תלמידים/תלמידות by asking the following questions: How many דיינים does a בית דין have? Where was the סנהדרין located? What are the areas of law with which בית דין deals? Many of the students have some previous knowledge regarding this subject. Write all correct answers on the board and create a chart or a graph with all the information. Hopefully, you will have covered a lot of the information regarding the מצוה without even opening up the book. This should be more interesting than initially reading from the text. For homework ask the תלמידים/תלמידות to review the information by reading the מצוה and answering questions 1-5 on page four.

Day Two

- In הלכות סנהדרין (2, 7) the רמב"ם shows how all the seven qualities are derived from Pesukim (Devarim 1:13)³. It is recommended that you open a חומש and show the תלמידים/תלמידות how

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1. In ספר המצות which the רמב"ם wrote as an introduction to the יד החזקה, he describes the mitzvos more briefly than he does in יד החזקה.
 2. The יד החזקה consists of fourteen ספרים. Each of the ספרים has sub-categories. Each sub-category has a certain amount of מצוות.
 3. רמב"ם הלכות סנהדרין פרק ב הלכה ז
בית דין של שלשה אף על פי שאין מודקדקין בהן בכל אלו הדברים צריך שיהא בכל אחד מהן שבעה דברים ואילו הן: חכמה, וענוה, ויראה, ושנאת ממון, ואהבת האמת, ואהבת הבריות להן, ובעלי שם טוב, וכל אלו הדברים מפורשין הן בתורה, הרי הוא אומר אנשים חכמים ונבונים הרי בעלי חכמה אמור, וידועים לשבטיכם אלו שרוח הבריות נוחה מהם, ובמה יהיו אהובים לבריות בזמן שיהיו בעלי עין טובה, ונפש שפלה, וחברתן טובה, ודבורן ומשאן בנחת עם הבריות, ולהלן הוא אומר אנשי חיל אלו שהן גבורים במצות ומדקדקים על עצמם וכושבין את יצרן עד שלא יהא להן שום גנאי ולא שם רע ויהא פרקן נאה, ובכלל אנשי חיל שיהיה להן לב אמיץ להציל עשוק מיד עושקו כענין שנאמר ויקם משה ויושיען, ומה משה רבינו עניו אף כל דין צריך להיות עניו, יראי אלהים כמשמעו, שונאי בצע אף ממון שלהם אינן נבהלין עליו, ולא רודפין לקבץ הממון, שכל מי שהוא נבהל להון חסר יבואנו, אנשי אמת שיהיו רודפין אחר הצדק מחמת עצמן בדעתן, אוהבין את האמת ושונאין את החמס ובורחין מכל מיני העול.

the qualities are derived from the פסוקים.

- In סנהדרין (2, 1) הלכות סנהדרין the רמב"ם identifies additional qualities which a member of the סנהדרין must have.⁴ Ask the תלמידים/תלמידות if they have any idea as to what those qualities might be. Make a list on the board and then open up the רמב"ם and compare what the רמב"ם actually writes to the list which you compiled on the board.

Hebrew Terms and Concepts:

שופטים	שוטרים	סנהדרי קטנה	סנהדרין	בית דין הגדול
לשכת הגזית	סמיכה	מלקות	חוץ לארץ	בית דין סמוכין
דיינים	מדאורייתא			

4. רמב"ם הלכות סנהדרין פרק ב הלכה א

אין מעמידין בסנהדרין בין בגדולה בין בקטנה אלא אנשים חכמים ונבונים, מופלגין בחכמת התורה בעלי דיעה מרובה, יודעים קצת משאר חכמות כגון רפואות וחשבון ותקופות ומזלות ואיצטגנינות ודרכי המעוננים והקוסמים והמכשפים והבלי ע"ז וכיוצא באלו כדי שיהיו יודעים לדון אותם, ואין מעמידין בסנהדרין אלא כהנים לויים וישראלים המיוחסים הראויים להשיא לכהונה, שנאמר והתיצבו שם עמך בדומין לך בחכמה וביראה וביחס.

הלכות סנהדרין

(1) מצוה 540 - Students edition

המצוה למנות שופטים

To appoint judges.⁵

המקור

שָׁפְטִים וְשׁוֹטְרִים תִּתֵּן לְךָ בְּכָל־שְׁעָרֶיךָ אֲשֶׁר ה' אֱלֹהֶיךָ נָתַן לְךָ לְשִׁבְטֶיךָ וְשָׁפְטוּ אֶת־הָעָם מִשְׁפַּט־צֶדֶק (דברים ט"ז:ח)

You shall appoint judges and enforcing officers in all your cities.

ביאור המצוה

It is a mitzva to appoint judges (שָׁפְטִים) in every Jewish community to settle all disputes in accordance with halacha.⁶ It is also a mitzva to appoint enforcing officers (שׁוֹטְרִים) to enforce the ruling of the judges and the proper observance of mitzvos.⁷

פרטים באופן קיום המצוה

1. There were three levels of בְּתֵי דִינִים:

- A בְּתֵי דִין which consisted of three דִינִים⁸ (judges) and was involved mainly in judging money matters.⁹ This level בְּתֵי דִין was found in every community regardless of its size.
- A higher level בְּתֵי דִין which consisted of twenty three judges and was authorized to also judge cases involving the death penalty. A community with a population of at least 120 people was required to have a בְּתֵי דִין of this level. This was known as סִנְהֶדְרֵי קִטְנָה.
- The highest level was the סִנְהֶדְרֵי גְדוּלָה, also known as בְּתֵי דִין הַגְּדוֹל, which consisted of 71 חכמים.¹⁰ They were mainly involved with matters of national concern such as appointment of a king and the Kohen Godol and deciding difficult Halachic problems. They also were responsible to appoint judges for the סִנְהֶדְרֵי קִטְנָה.¹¹ The בְּתֵי דִין הַגְּדוֹל was located in the לְשַׁכַּת הַגְּזִית in the בֵּית הַמִּקְדָּשׁ.

2. In order to be authorized to judge cases involving the death penalty, מִלְקוֹת and fines, the members of the בְּתֵי דִין were required to have received סְמִיכָה in Eretz Yisroel.¹²

3. Members of בְּתֵי דִין must have the following qualities: 1) wisdom, 2) humility, 3) fear of ה', 4) dislike of money, 5) love of truth, 6) loved by the people, 7) a good reputation.

5. See additional information #1

6. If one goes to a non-Jewish court, rather than to a בְּתֵי דִין, he displays a denial of ה' and eventually a denial of the complete תּוֹרָה.

7. In addition, the שׁוֹטְרִים also verified that storekeepers were dealing honestly with their prices, weights and measures. See Encyclopedia Talmudis volume three ערך בית דין.

8. The בַּה"ג and other ראשונים are of the opinion that מדאורייתא there is no obligation to appoint a ב"ד of three.

9. So long as they have סְמִיכָה, a בית דין of three also have the power to deal with cases involving מִלְקוֹת and קנסות (financial penalties.) such as the double payment that a גַּנֵּב pays.

10. The greatest member of the סנהדרין was called the נשיא or ראש ישיבה. The second greatest member was called the אב בית דין.

11. See additional information #2

12. They needed to have received סְמִיכָה from a בית דין of three which at least one of the דִינִים must have received מִפִּי אִישׁ מִפִּי אִישׁ extending back to the בית דין of משה רבינו. (See additional information #3)

הא' נופלת	את' נופלת	פ'ן נופלת
On the community. The בית דין appointed the סנהדרין הגדול קטנה.	מדאורייתא, when there are individuals who can trace their semicha back to Moshe Rabeinu. ***** According to רבנן at all other times.	אֶרֶץ יִשְׂרָאֵל, מדאורייתא ***** According to רבנן also in חוץ לאֶרֶץ

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Additional Information - Mitzva 1

1. In the מצוה, the רמב"ם does not include שופטים as part of the מצוה while in יד החזקה he does¹⁵. The רמב"ם explains that the main מצוה is definitely the appointment of שופטים. The שופטים are only there to assist the שופטים in enforcing their rulings. Although in the מצוה we only mention שופטים, in the ביאור מצוה we include שופטים as part of the מצוה.
2. The גמרא (סנהדרין ט"ז) writes that משה stood in the place of the סנהדרין גדולה since he was appointed by Hashem. Just like we find (שמות יח:כה) that משה was the one who appointed the סנהדרין קטנה likewise it is the job of the סנהדרין גדולה to appoint the סנהדרין קטנה. During the time בני ישראל were in the מדבר they were not living in cities so there was no need for משה to appoint courts of three. Therefore it never became the responsibility of the סנהדרין גדולה to appoint courts of three. These courts were therefore appointed by the people living in the city. (ביאורים של הרב ירוחם פישל פערלא על ספר המצות להרש"ג)
3. There is the well known opinion of the רמב"ם that it may be possible even בזמן הזה to give סמיכה¹⁶. In his פירוש המשניות the רמב"ם explains his rationale for this ruling. One of the things he writes is that if סמיכה is no longer possible it will never be possible for a סנהדרין to exist again. How then will the נבואה of "ואשיבה שופטין כבראשונה" be fulfilled? The רמב"ם remained uncertain whether this ruling should be accepted or not. In the year 5298 (1538) in צפת there was an attempt to establish the סנהדרין. There were rabbonim, particularly the רלב"ח, who opposed this. The two sides turned to the רדב"ז who was the chief rabbi in Egypt who

13. See additional information #4 and #5.

14. The גמרא writes that although the chain of סמיכה has been broken, today's דיינים act as שלוחים of the deceased דיינים. They authorized us to act on their behalf in certain matters. The expression in the גמרא is "אנן שליחותיהו קא עבדינן"

15. In the מצוה שופטים are included in the ספר המצות להרמב"ם מהדורת רבי חיים העליר.

16. רמב"ם הלכות סנהדרין פרק ד הלכה יא.

הרי שלא היה בארץ ישראל אלא סומך אחד מושיב שנים בצדו וסומך שבעים כאחד או זה אחר זה ואחר כך יעשה הוא והשבעים בית דין הגדול ויסמכו בתי דינים אחרים, נראין לי הדברים שאם הסכימו כל החכמים שבארץ ישראל למנות דיינים ולסמך אותם הרי אלו סמוכים ויש להן לדון דיני קנסות ויש להן לסמך לאחרים, אם כן למה היו החכמים מצטערין על הסמיכה כדי שלא יבטלו דיני קנסות מישראל, לפי שישראל מפוזרין ואי אפשר שיסכימו כולן ואם היה שם סמוך מפי סמוך אינו צריך דעת כולן אלא דן דיני קנסות לכל שהרי נסמך מפי בית דין, והדבר צריך הכרע.

ultimately ruled that the סנהדרין should not be established. In more recent times there have been other attempts to start a סנהדרין. The Rebbe¹⁷ disapproved of the idea.

4. There is a מחלוקת whether there is a תורה obligation to appoint דינים in חוץ לארץ. In הלכות סנהדרין (1, 7) the רמב"ם seems to imply that there is a תורה obligation. The רמב"ן states, that there is no obligation to establish courts in חוץ לארץ. He maintains that the רמב"ם would accept this ruling.¹⁸ In the student addition we presented the רמב"ן's view of the רמב"ם as it is the most straightforward, and easiest for the children to understand¹⁹.
5. The חינוך writes that this מצוה is upon the ציבור. In the next mitzva both the רמב"ם and the חינוך write that if the סנהדרין, מלך²⁰ or ריש גלותא appoint a judge who is not fitting the person who does the appointing is עובר on a לאו. It would seem that the ציבור's obligation was to appoint the סנהדרין or the מלך. Once that was in place the סנהדרין or מלך would appoint the lower courts.

17. חלק ט page 319.

18. The רמב"ן evidently understands the רמב"ם in הלכות סנהדרין to be talking about מדרבנן.

19. The רמב"ם writes that the obligation in חוץ לארץ is in every city but not in every region. This is quite difficult as it seems to contradict the גמרא in מכות which implies just the opposite that the minimal requirement is to establish regional courts and not individual cities. The לחם משנה maintains that the text in the רמב"ם should be reversed and read as in מכות. In order to stay away from these difficulties we presented the רמב"ן's view.

20. The חינוך does not mention מלך.

Pre-Lesson Introduction & Activities - Mitzva 2

- Open a חומש and ask the talmidim to translate the פסוק literally. It seems that the תורה is instructing the דיינים to decide the issues before them and ignore the personalities of the litigants.²¹ Then learn the רש"י which brings the ספרי that this פסוק is speaking about the appointment of דיינים: no consideration other than knowledge and competence may be employed in appointing דיינים. The שפתי חכמים explains that the פסוק can not be explained literally since the תורה has already instructed the דיינים to judge righteously - “ושפטתם צדק”, one פסוק earlier. This פסוק must be instructing those who are appointing the דיינים.



Students edition - מצוה 541 (2)

המצוה

שלא למנות דין שאינו יודע דרך המשפט

Not to appoint a judge who is not expert in the laws of Torah.

המקור

לא תפירו פנים במשפט (דברים א"י)

You shall not show favoritism in judgement.

ביאור המצוה

Selection of judges must be based on knowledge of תורה and Jewish Law and not on other criteria, such as physical strength, wealth, or good looks.

פירוש	הא' נופלת	את' נופלת	פ'ן נופלת
There is no מלקות.	Whoever has the authority to appoint דיינים	At all times	In all places

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21. The ספר יראים actually explains this mitzva as an instruction to the dayanim to treat both litigants equally.

22. It would seem that the reason there is no מלקות is because it is a מעשה בראשית. We did not write that in the students edition as we did not find a source. The מנחת חינוך explains that the reason there is no מלקות is because it can not be determined definitively if this person is or is not a חכם. Hence we are never sure if the לאו was transgressed.

23. See mitzva 1 additional information #5

Pre-Lesson Introduction & Activities - Mitzva 3 and 4

- It is recommended that mitzvos three and four be taught together as they both deal with the concept of ruling like the opinion of the majority.
- There is a גמרא²⁴ in סנהדרין מס' which can be used as an introduction to these two מצות. The גמרא cites a ברייתא which details how the judicial system worked. Initially one would go to the בית דין in his city. If they would not know how to rule, the case would be heard by the nearest בית דין to that city. If they also didn't know how to rule, the case would be heard by the בית דין of 23 which was situated by the פתח הר בית. If it remained unresolved it would be heard by the בית דין of 23 which was situated by the פתח העזרה. From there it would go to the סנהדרין who would vote on the matter and the ruling would be like the majority. When the תלמידים of שמאי and הלל began following their own opinions and stopped following the above procedure the תורה almost became like two תורות. This is why the תורה instructs not to follow this which seems logical in one's own mind²⁵ but rather we follow the majority as this guarantees that the תורה remains one.
- There are differences between דיני ממונות (civil) and דיני נפשות (capital). In דיני ממונות a majority of one is sufficient while in דיני נפשות the majority must be more pronounced with a majority of at least two.²⁶ Mitzva three deals with disputes regarding financial matters or questions of what is forbidden and what is permitted, what is טהור and what is טמא in which a majority of one is sufficient. Mitzva four deals with דיני נפשות cases in which a majority of at least two is needed in order to find the person guilty.

24. תניא, אמר רבי יוסי: מתחילה לא היו מרבין מחלוקת בישראל, אלא בית דין של שבעים ואחד יושבין בלשכת הגזית, ושני בתי דינים של עשרים ושלושה, אחד יושב על פתח הר הבית ואחד יושב על פתח העזרה, ושאר בתי דינים של עשרים ושלושה יושבין בכל עיירות ישראל. הוצרך הדבר לשאול - שואלין מבית דין שבעיר, אם שמעו - אמרו להן, ואם לאו - באין לזה שסמוך לעירן. אם שמעו - אמרו להם, ואם לאו - באין לזה שעל פתח הר הבית. אם שמעו - אמרו להם, ואם לאו - באין לזה שעל פתח העזרה. ואומר: כך דרשתי וכך דרשו חבירי, כך למדתי וכך למדו חבירי. אם שמעו - אמרו להם, ואם לאו - אלו ואלו באין ללשכת הגזית, ששם יושבין מתמיד של שחר עד תמיד של בין הערבים. ובשבתות ובימים טובים יושבין בחיל. נשאלה שאלה בפניהם, אם שמעו - אמרו להם, ואם לאו - עומדין למנין. רבו המטמאים - טמאו, רבו המטהרין - טהרו. משרבו תלמידי שמאי והלל שלא שמשו כל צרכן - רבו מחלוקת בישראל, ונעשית תורה כשתי תורות. (סנהדרין דף פח עמוד ב)

25. It is important to point out to the תלמידים talmidim that although all of ישראל generally have the same מצות. We all daven three times a day etc. There is still room for variations between yidden when it comes to מנהגים, נוסח התפלה etc.

26. In actuality there will usually be a majority of 3 as a case of דיני נפשות must be heard by a בית דין of at least 23 and if there is not a majority of two we add an additional two דיינים and only if both join the majority will there be a ruling in accordance with the view of the majority (14 to 11). Otherwise an additional two דיינים will be added until there is a determination. The only case where there will be a majority of two is when one of the judges says, "I don't know." There is now 11 who vote to acquit and 11 who vote for guilt. We add two more and if they both agree for guilt there will be a majority of two.

Students edition - מצוה 542 (3)

המצוה

לנטות אחרי רבים אם נחלקו השופטים

To follow the majority opinion when the judges disagree.

המקור

לֹא־תִהְיֶה אַחֲרֵי־רַבִּים לְרַעַת וְלֹא־תִעֲנֶה עַל־רֹב לְנִטּוֹת אַחֲרֵי רַבִּים לְהָטוֹת (שמות כ"ג:ב)

To follow the majority.

ביאור המצוה

When judges have different opinions regarding a halachik matter²⁷ we must follow the opinion expressed by the majority of the group.²⁸

בְּכָל מוֹפֵאֵת	אֶת מוֹפֵאֵת	בְּאִי מוֹפֵאֵת
In all places	At all times	Men and women



Students edition - מצוה 543 (4)

המצוה

שֶׁלֹא לְהַרְגוֹ אִם רַבּוֹ הַמַּחֲבִיבִין בְּאִישׁ אֶחָד, עַד שִׁיְהִיו יָתֵר שְׁנַיִם

In a case involving the death penalty the accused cannot be killed by בית דין, unless there is a majority of at least two declaring his guilt.

המקור

לֹא־תִהְיֶה אַחֲרֵי־רַבִּים לְרַעַת וְלֹא־תִעֲנֶה עַל־רֹב לְנִטּוֹת אַחֲרֵי רַבִּים לְהָטוֹת (שמות כ"ג:ב)

You shall not follow the majority to do bad.

ביאור המצוה

In a judgement involving the death penalty we do not follow a majority of only one to kill the accused, there must be a majority of at least two. For example, if 12 judges decide that the accused is guilty and 11 say that he is innocent, the accused can not be killed based on this decision. Rather, two more judges are added until a judgement is reached with the appropriate majority

פרטים באופן קיום המצוה

Forty years before the destruction of the second המקדש בית דין, בית דין was no longer able to rule on matter dealing with the death penalty as the סנהדרין was no longer situated in the לשכת הגזית.²⁹

27. This includes disputes regarding financial matters or questions of what is forbidden and what is permitted, what is טהור and what is טמא.

28. This applies only if both contending groups are relatively equal in Torah wisdom. However, in a case where a small group of superior חכמים are opposed by a greater number of people, possessing a lesser degree of Torah knowledge, we then follow the תורה scholars even though they are a minority.

29. So long as the סנהדרין was situated in the לשכת הגזית בית דין could rule on דיני נפשות. Forty years before the destruction of the המקדש בית המקדש there were alot of murderers, the judges of the סנהדרין abandoned their quarters in the בית המקדש in order to deprive the courts the authority to judge cases involving דיני נפשות.

פירוש	בא' נופלת	את' נופלת	פ'כן נופלת
There is no מלקות.	of 23 or בית דין more	As long as the בית המקדש was standing and the סנהדרין was situated in the לשכת הגזית	In all places

30

31

30. Find the reason why there is no מלקות.

31. So long as the סנהדרין was situated in the לשכת הגזית, בית דין can rule on דיני נפשות even in חוץ לארץ as long as they received their סמיכה in ארץ ישראל.

Pre-Lesson Introduction - Mitzva 5

- The following mitzva has numerous details. The **חינוך** shows how all of these details are derived from the posuk **וְלֹא-תִעָנֶה עַל-רֵב לְנֹטָת**:³²
 - A. The fact that one must not rely on the opinion of another **דיין** is indicated by translating the **פסוק** as follows: “Do not say anything about a controversy inclining to follow,” i.e. merely by following the words of another **דיין** but not through your own understanding.
 - B. The fact that one who argued to acquit may not turn around and argue to convict is indicated by translating the **פסוק** as follows: “Do not say anything about a controversy which would veer away (from your original view of acquittal).”
 - C. The fact that we do not begin capital cases with the greater dayan is indicated by translating the **פסוק** as follows: “Do not say anything about a controversy as a response to someone greater (but rather let him respond to you-you are to speak first.)”
- A more basic introduction to the **מצוה** would be to bring the reason for the **מצוה** also mentioned in the **חינוך**. **השם** did not want to give over the verdict on a man’s life to one person’s view.

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המצוה

הַאֲזָהָרָה שֶׁהַזֶּהָר הַדִּין מִלִּילָךְ אַחֵר סִבֵּרַת דִּין אַחֵר דֶּרֶךְ הַסַּמְכּוֹת עָלָיו בַּחֲיוֹב הַמַּחֲבִיב אוּ זִכּוּי הַזָּכָאִי³³

A judge is forbidden to rely on the opinion of a fellow judge. His opinion must be reached based on his own examination and analysis according to halacha.

שֶׁלֹא יִלְמַד חוֹבָה מִי שְׁלִימֵד זְכוּת בְּדִינֵי נַפְשׁוֹת

A judge who presented arguments for innocence in matters dealing with the death penalty cannot afterwards present arguments for guilt.³⁴

המקור

לֹא-תִהְיֶה אַחֲרֵי-רֵבִים לְרָעוֹת וְלֹא-תִעָנֶה עַל-רֵב לְנֹטָת אַחֲרֵי רֵבִים לְהִטָּת (שמות כ"ג:ב)

You shall not speak up in a dispute to turn aside (see teachers addition)

ביאור המצוה

- A judge is forbidden to rely on the opinion of a fellow judge. His opinion must be reached based on his own examination and analysis according to halacha.
- A judge who during the deliberation process, presented arguments to acquit the accused, may not change his mind and argue for conviction.³⁵
- This Mitzva applies only in cases involving capital punishment.³⁶

32. The differences in the first and second interpretation are based on the different meanings of the word "לנטות". The third interpretation is based on interpreting the word ריב (argument) as רב (גדול שבדיינים).

33. Although generally we use the Rambam's listing of the מצוה as found in the ספר היד, here we added a this line, taken from the ספר המצות, which gives the rationale for the Halacha **שֶׁלֹא יִלְמַד חוֹבָה מִי שְׁלִימֵד זְכוּת בְּדִינֵי נַפְשׁוֹת**

34. The Rambam does not count this as a מצוה explaining that since the דיין is ultimately permitted to change his mind, the fact that he cannot reverse his position during the debate is not sufficient to be considered as a מצוה.

35. He may however change his opinion from conviction to acquittal.

36. The מנחת חינוך writes that in דיני ממונות it is also forbidden to rely on the opinion of another judge without his

פרטים באופן קיום המצוה

1. Although the judges who argued for innocence are not permitted to change their arguments to guilty, once the deliberations and discussions are finished and it is time for the judges to vote, those judges which argued for acquittal may change their view and vote to convict.
2. The following are included in this mitzva:
 - A. Before any arguments can be presented, bais din begins by calming the accused by saying, if you did not commit the sin you do not have what to fear.
 - B. In cases involving capital punishment, the chief judge does not speak first because the other judges might not see themselves as worthy to argue against him.³⁷

פזוש	הא' נוללת	את' נוללת	פ'כן נוללת
There is no מלקות because this is a לאו שאין בו מעשה	of 23 or בית דין more	As long as the בית המקדש was standing and the סנהדרין was situated in the הגזית	In all places

own examination and analysis. This is included in the lav of "שלא לעוול במשפט"-Not to commit a perversion of justice. When it comes to דיני נפשות, due to its severity there is an additional לאו.

37. In sefer hamitzvos the Rambam includes this in the lav. In yad hachazoko the rambam uses the words mpi hashmua which implies that it is not included in the lav (mincha chinuch)