



SHOFTIM

Likkutei Sichos Vol. 29, 3

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Acquittal when Sanhedrin finds no Merit

Talmud:

A capital case where all judges saw fit to convict defendant, they acquit him. Because “suspension of the trial overnight” is required by law to create possibility of acquittal. These judges will see no further possibility to acquit him.

Consequently, he cannot be convicted. (*Sanhedrin, 17a*)

Rambam:

When all judges of a court in a capital case begin their judgment and say defendant is liable, he is acquitted; unless there are those seeking to acquit him, but the majority hold him liable, then he is executed. (*Laws of Sanhedrin, Chapter 9*)



Why acquit when entire court finds defendant guilty?

TALMUDIC ANALYSIS

Talmud: A capital case where all judges saw fit to convict defendant, they acquit him.

Because “overnighting trial” is required by law to create possibility of acquittal. These judges will see no further possibility to acquit him. Consequently, he cannot be convicted.

Approach 1: RULING IS FLAWED	Approach 2: COURT IS FLAWED
Lacks required due-diligence process of “overnighting trial”	Lacks required defense perspective: “court shall judge, court shall save” (similar to court witnessing murder)
Indications in Talmud’s wording:	
– Emphasizes “Overnighting trial” requirement – No mention of source of requirement: “court shall judge, court shall save”	– “All judges saw fit to convict” – Adds basis for “overnight” law: “Judges will see no possibility to acquit”
Halachic outcome: If court later finds merit:	
Reopen the case	Court is already disqualified

RAMBAM'S APPROACH

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Rambam:

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Approach 1: RULING IS FLAWED

- No mention of “Overnighting trial”

Approach 2: COURT IS FLAWED

“he is acquitted” (not: “they acquit him”)
“then he is executed” (not: “he is guilty”)

RAMBAM: Neither RULING nor COURT flawed.
Defendant guilty; only verdict cannot be carried out.
Let's analyze Rambam

Rambam's Thinking: Why insist neither RULING nor COURT are flawed?

Commentary suggestions on court's flaws:

- The judges are biased
- They're not fluent in the case details
- Clearly they're not well versed in the law
- Lack extrapolation and discovery skills
- They are hasty in coming to their conclusion

Rebbe: Clearly, these cannot apply to Jewish Supreme Court!

Clearly, defendant's acquittal is for another reason!

RAMBAM'S KEY FACTORS:



A. The Sanhedrin (Jewish Supreme Court) will be knowledgeable & thorough to the fullest extent.



B. Rambam's wording indicates defendant gets off "on a technicality", not that he's essentially innocent.

Hence, acquittal is not due to flawed RULING or COURT.

THE CASE UNFOLDS

Why acquit when entire court finds defendant guilty?

1&2

Approach 1 & 2: (Apparent Talmud approach) – Either **RULING** or **COURT** are flawed

BUT: Rambam is clear, neither **RULING** nor **COURT** are flawed: Supreme Court would not err.

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Approach 3: If no merits are found, “sin is beyond atonement” – **DEFENDANT** is flawed
(e.g. False witnesses who caused death aren’t put to death; one who offers all his children to ‘Molech’)

BUT: Rambam wording indicates he’s **CONVICTED** (only verdict cannot be carried out);
this defendant is **ACQUITTED**.

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Approach 4: “Every Jew has hidden goodness” – which in this case is too hidden to detect. Hence:
COURT is flawed; not through its own fault, but due to **DEFENDANT’S** flawed state

- Verdict cannot be carried out: court is flawed in not detecting goodness
- Plus: arguments for merit bring forth hidden merit & prepare atonement