




Comparison of Monetary and Capital Cases

Ref: *Sefer Shoftim, Hilchot Sanhedrin, Chapter 11*

	Monetary cases (including <i>tumah Vetaharah</i> etc)	Capital cases	Lashes + exile cases	<i>Shor haniskal</i> (ox that killed)	<i>Mesit</i>
Number of judges	3	23	3 for lashes 23 for exile	23	23
Statement	✓ Begin proceeding with statements of detriment or favour	Begin proceedings with statements of favour only	Begin proceedings with statements of favour only		No mercy
Majority	Majority of 1 adequate	Majority of 1 adequate Only for acquittal Majority of 2 necessary for conviction	Majority of 1 adequate for acquittal Majority of 2 necessary for conviction for exile, and one for lashes		No mercy
Trial	Case can be retried whether for defendants advantage or detriment	During the discussion stage, once a judge has presented his view to acquit, he may not present a case to convict. However, once a judge has presented his view to convict, he may not present a case to acquit. Case can be retried only for defendants benefit	During the discussion stage, once a judge has presented his view to acquit, he may not present a case to convict. However, once a judge has presented his view to convict, he may not present a case to acquit. Case can be retried only for defendants benefit		Case can be retried only for conviction No mercy
Statements	Judges and students may state their case for conviction and acquittal	Only judges may state their case for conviction. Judges and students can state for acquittal	Judges and students may state their case for acquittal. But only judges for conviction		Judges and students may state their case for conviction only. <i>Mesit</i> must offer his own defence

Decisions	Judges may change their mind either way during hearing	At the voting stage, judges may change their mind from favour to conviction (and vice versa)	Judges may change their mind only for acquittal Judges may not change mind from favour to conviction during case (he may do so at time of voting though)	At the voting stage, judges may change their mind from favour to conviction (and vice versa)	
Time of adjudication	Adjudicated during day and verdict may be delivered at night	Adjudicated during day and verdict delivered during day	Adjudicated during day and verdict delivered during day		
Verdict	On very day of judgement, verdict delivered on same day whether for acquittal or conviction	On very day of judgement, verdict delivered on same day only for acquittal Judgement on one day and verdict on next day if it involves conviction (i.e. considered further throughout the night)	On very day of judgement, verdict delivered on same day – Only for acquittal Judgement on one day and verdict on next day if it involves conviction (i.e. considered further throughout the night)		
<i>Shabbat and Yom Tov</i>	Can be judged at any time  <i>Derabanan</i> , finance cases are not judged on Friday	Not adjudicated on Fridays or <i>erev Yom Tov</i> . (Because not allowed to execute on <i>Shabbat</i> and <i>Yom Tov</i> and also forbidden to postpone execution)	Not adjudicated on Fridays or <i>erev Yom Tov</i> . (Because not allowed to execute on <i>Shabbat</i> and <i>Yom Tov</i> and also forbidden to postpone execution)		
Witnesses	Witnesses may not lay trap Defendant needs warning before committing a forbidden act	Witnesses may not lay trap Defendant needs warning before committing a forbidden act	Witnesses may not lay trap Defendant needs warning before committing a forbidden act		✓ Witnesses may be placed to trap defendant No warning needed for defendant
Order of statements	Greatest judge delivers his opinion first.	Lower stature judges deliver opinion first.	Lower stature judges deliver opinion first.		No mercy

<p>Who may judge</p>	<p>Father and son counted as 2 during discussion stage i.e. when one in <i>Sanhedrin</i> and one in student gallery.</p> <p>Can be judged by anyone including <i>mamzer</i>, someone blind in one eye cruel people, and someone whose father isn't Jewish</p>	<p>Father and son (or teacher and students) even during discussion stage counted as one i.e. when one in <i>Sanhedrin</i> and one in student gallery.</p> <p>Can be judged by Priests, Levites and Israelites with good lineage for 4 generations.</p> <p>Cannot be judged by anyone</p>	<p>Father and son (or teacher and students) even during discussion stage counted as one i.e. when one in <i>Sanhedrin</i> and one in student gallery</p> <p>Can be judged by Priests, Levites and Israelites with good lineage for 4 generations.</p> <p>Cannot be judged by anyone</p>	<p> Reminder: Pack on Lineage</p>	<p></p>
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