

מִצְוַת
לֹא תַעֲשֶׂה
#294

 We learn this mitzvah from Parshas Ki Seitzei: (דברים כב:ז)

וְלֹנֶעֱרָה לֹא תַעֲשֶׂה דְבָר

If someone was forced to do an *aveira* (*onus*), we don't punish them because it wasn't their fault.

The Gemara in *Sanhedrin* says, “*Ones Rachmana Patrei*” — if someone was forced, the Torah makes him *patur* (exempt).

מִצְוַת
לֹא תַעֲשֶׂה
#290

 We learn this mitzvah from Parshas Mishpatim: (שמות כג:ז)

וְנָקִי וְצַדִּיק אֶל תִּהְרֹג

The *Beis Din* is not allowed to punish someone based on what we think happened. Even if we are VERY sure that a person must have done an *aveira*, the *Beis Din* is only allowed to punish him if there were at least two people who actually saw him do the *aveira*.

Once a *Beis Din* starts punishing someone who is PROBABLY guilty, then they will end up punishing someone who MIGHT be guilty!

The Torah doesn't want us to start guessing when a person should be punished. It is better that a thousand people should not be punished for their *aveiros* by *Beis Din*, than for one person to be punished when he doesn't deserve it.

We learn this from what the Torah tells us, “a person who is innocent and a *tzadik* should not be put to death.” From here we see how

careful we need to be to make sure that an innocent person is not punished.

(We don't have to worry about a person not being punished. Even if the *Beis Din* doesn't give the punishment, Hashem has many other ways to make sure that there is justice in the world!)

Rambam: Hilchos Sanhedrin

PEREK YUD-GIMMEL

The Rambam tells us how careful we are not to punish someone with death unless we are absolutely sure he deserves it! On his way to be killed, if he comes up with a good reason why he is innocent, we take him back to the *Beis Din* again and again, to see if his reason changes the *psak*.

PEREK YUD-DALED

This *perek* has more *halachos* about a person who is *chayav misa*, deserves to be killed. One *halacha* tells us that we need to be very patient, and not try to *pasken* quickly if someone deserves to be killed! If a *Beis Din* kills one person every seven years, we say that they are a bloodthirsty court.

PEREK TES-VOV

In this *perek* the Rambam lists all of the *aveiros* that can make a person deserve to be put to death by the *Beis Din*. There are 36 of these *aveiros*.