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Sanhedrin Daf 42

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Rabbi Acha bar Chanina said in the name of Rav Assi in the name of Rabbi Yochanan: Until what day of the month may the blessing over the new moon be recited? It may be recited until its cavity is filled up (*afterwards, it is not regarded as new anymore*). And how long is that? Rabbi Yaakov bar Idi said in the name of Rav Yehudah: Seven days into the month. The Nehardeans said: Sixteen days into the month. And they both hold like Rabbi Yochanan (*that it can be recited until its cavity is filled up*), but Rav Yehudah understands that to mean until it is filled to its bowstring, whereas the Nehardeans explain it to mean until it is full (*round*) like a sieve.

Rav Acha of Difti asked Ravina: Yet (*even according to Rav Yehudah*), should not one recite the blessing of “who is good and does good”? [*Although the brachah of mechadesh chadashim cannot be recited, for it is not new any longer, but let the brachah of hatov v’hameitiv be recited, for that is said when someone hears something which is beneficial to him and to others!?*]

He replied: But when it is diminishing, do we say the blessing of “the true judge” [*the brachah of dayan ha’emes is recited when one hears of bad events*] that now we should recite the blessing of “who is good and does good”?

The *Gemora* asks: But perhaps both blessings should be recited!?

The *Gemora* answers: Since it is the regular way of the moon, neither of these blessings are recited.

Rabbi Acha bar Chanina said in the name of Rav Assi in the name of Rabbi Yochanan: Whoever recites the blessing over the new moon in its due time is as if he is greeting the

Shechinah, for one verse states: *This month*, and elsewhere it is written: *This is my God, and I will glorify Him*.

In the Academy of Rabbi Yishmael it was taught: Had Israel been privileged only to greet the presence of their Heavenly Father once a month (*if this would have been their only mitzvah performed*), it would be sufficient. Abaye said: Therefore we must recite it standing. Mereimar and Mar Zutra would be supported on the shoulders (*of their servants*) when they recited the blessing.

Rav Acha said to Rav Ashi: In *Eretz Yisroel*, the recited the blessing as follows: Blessed ... Who renews the months.

Rav Ashi said to him: Such a blessing even our women (*who cannot remember a long blessing by heart*) could recite!?! Rather, the blessing should be recited in accordance with Rav Yehudah, who formulated it as follows: Blessed ... Who created the heavens with His word, and all their legion with the breath of His mouth. He gave them decrees and times that they should not change their appointed task. They rejoice and are glad to do the will of their Creator. They work truthfully, for their work is truth. The moon He instructed that each month it should renew itself as a crown of splendor for those borne by Him from the womb, and who will, like it, be renewed in the future, and to glorify their Maker in the name of the glory of His kingdom. Blessed are You, Hashem, Who renews the months. (41b – 42a)

Mistake in Sunrise

The *Mishna* had stated: If one witness said that the offense occurred in the second hour of the day and one says that it occurred in the third hour of the day, their testimony is valid.



Rav Simi bar Ashi said: This was taught only with regards of hours; however, if one testified that it occurred before sunrise, and the other testified that it took place after sunrise, their testimony is invalid.

The *Gemora* asks: Is this not obvious?

The *Gemora* amends his qualification: If one testified that it occurred before sunrise, and the other testified that it took place during sunrise, their testimony is invalid.

The *Gemora* asks: But is this not also obvious?

The *Gemora* answers: We might have thought that the witness (*who testified that it occurred during sunrise*) was standing in the glow before sunrise and what he saw was the rays from the sun (*which he thought to mean that it was after sunrise*); he therefore teaches us otherwise (*that people do not make such mistakes*). (42a)

The *Mishna* concluded: If thirty-six vote for conviction and thirty-five favor acquittal, they debate each other, until one of those favoring conviction sees the words of those favoring acquittal.

The *Gemora* asks: But what if they do not agree?

Rabbi Acha answers: They acquit him. And Rabbi Yochanan said likewise.

Rav Pappa asked Abaye: Then he should be acquitted in the first place (*why compel one of them to change when there is a chance that he will be convicted*)!?

Abaye answered: Rabbi Yochanan said: It is in order that they should not leave the Court in confusion. [*We would prefer that a verdict should be reached.*]

Some have the following version of the discussion: Rav Pappa asked Abaye: Why add to begin with? Let him be acquitted by the first Court (*of twenty-three*)!?

Abaye replied: Rabbi Yosi agrees with you. For it has been taught in a *braisa*: Rabbi Yosi said: Just as a court of seventy-one is not increased, so too, a court of twenty-three may not be increased.

The *Gemora* cites a *braisa*: In monetary cases, a declaration is made that the judgment became old, but it cannot be said regarding capital cases.

The *Gemora* asks: If that means that the case is difficult, surely, the reverse should have been taught (*for when one's life is at stake, they would deliberate even more*)!?

Rav Huna bar Manoach said in the name of Rabbi Acha the son of Rav Ikka: We should reverse the statement. [*It is difficult by capital cases, but not by monetary ones.*]

Rav Ashi said: Really, you do not need to reverse it; what is meant by "the judgment became old" is that the case was wisely decided. [*This is not said regarding capital cases, for the verdict can still be reversed.*]

The *Gemora* asks from a *braisa*: The most eminent judge declares, "The judgment became old." Now, if you say that it means that the case was wisely decided, it is understandable that the most eminent judge makes this declaration. But if you maintain that it means that the case was difficult, is it only suitable if the most eminent judge says it? Surely, in doing so, he is actually disgracing himself!

The *Gemora* answers: There is no comparison between embarrassing oneself and being embarrassed by others (*so he would rather do it himself*).

There is another version of the above question: Now, if you say that it means that the case was difficult, it is understandable (*why it is the most eminent judge who*

declares that), for there is no comparison between embarrassing oneself and being embarrassed by others. But if you maintain that it means that the case was wisely decided, should he be the one to praise himself? Is it not written: *Let another man praise you, and not your own mouth!*?

The *Gemora* answers: It is different regarding judicial matters, since the most eminent judge has that obligation, for it was taught in a *Mishna*: When a verdict has been reached, they are admitted, and the most eminent judge declares, "So-and-so, you are not liable," or, "So-and-so, you are liable." (42a)

WE SHALL RETURN TO YOU, HAYU BODKIN

Mishna

When the verdict has been reached (*that the defendant should be stoned*), they take him out to stone him. The place of stoning was outside the Court, as it is written: *Bring out the one who has cursed*. One person stands at the entrance to the Court and holds a kerchief in his hand, and another man rides a horse at some distance from him, provided that he (*the one riding the horse*) will see him (*the one holding the kerchief*). If one of the judges says, "I can argue for his acquittal," the one (*holding the kerchief*) waves with the kerchief, and the horse runs and stops them (*from performing the execution*). And even if he himself says, "I can argue for my acquittal," they return him, even four and five times, provided that there is substance to his words. (42b)

Source for the Place of Stoning

The *Gemora* asks: Was the place of stoning right outside the Court, and not further away? But it was taught in a *braisa*: The place of stoning was outside the three encampments?

The *Gemora* answers: It is true that the place of stoning was outside the three encampments, yet the *Mishna* is teaching us that even if the *Beis Din* went and stationed itself outside the three encampments, the place of stoning still had to be at a distance from the Court, in order that the Court should not

appear murderously inclined, or alternatively, that there might be a possibility of saving him (*by having to walk to the place of stoning, someone might find a reason for acquittal in the meantime*).

The *Gemora* cites the Scriptural source which proves that the place of stoning was located outside the three encampments. It is derived through a *gezeirah shavah* from the bulls that are burned (*sacrifices where the meat is not eaten, nor is it burnt on the altar*). Just like their burning (*where it is written: outside the camp*) was outside the three encampments, so too, the place of stoning (*where it is written: outside the camp*) was outside the three encampments.

The *Gemora* cites the Scriptural source which proves that the place where the bulls were burnt was located outside the three encampments.

The *Gemora* asks: Why do we choose to derive the place of stoning from the burned bulls? Let us derive its location from the laws of (*the prohibition of*) slaughtering an offering outside of the Temple (*where it is written: outside the camp*)! Just as there, the words "outside the camp" refer to one camp, so too regarding the place of stoning, it should mean "one camp"!? Accordingly, we would say that the place of stoning can be situated in the Camp of Leviim!

The *Gemora* offers four reasons why we should compare the case of the blasphemer (*who is executed by stoning*) to the bulls that are burned:

1. Remove – the same term is used by both.
2. To a place outside the camp - the same term is used by both.
3. Something that prepares – the person is taken out in order to be executed, and the bulls are taken out in order to be burnt.
4. Something that atones – stoning atones for his sin, and the burning of the bulls atone for the sin of the *Kohen Gadol* or the community.

[*All of these do not apply by the prohibition of slaughtering an offering outside of the Temple.*]



The *Gemora* asks: On the contrary! Let us compare the case of the blasphemer to the prohibition of outside slaughter, for they are similar in the following four ways:

1. A person – they both involve people.
2. A sinner – they both involve sins.
3. A life – they both involve the ending of life.
4. Piggul – an intent to eat from a *korban* after its proper time – this does not apply by both of these, but would apply by the burning of the bulls.

The *Gemora* answers: The comparison that both the blasphemer and the burning of the bulls involve a preparation for a *mitzvah* is more of a significant comparison than any of the others. (42b)

INSIGHTS TO THE DAF

Renewal

By: Rabbi Avi Lebowitz

There seems to be a very interesting paradox that we find in the *brachah* of *kiddush levanah*. On one hand the *brachah* focuses on the predictability of the moon and its obedience to the will of Hashem - *He gave them decrees and times that they should not change their appointed task*. Yet, there is an excitement - *They rejoice and are glad to do the will of their Creator*. Beyond the excitement, there is even a focus on the renewal, the *chiddush* - *The moon He instructed that each month it should renew itself*.

The moon on one hand symbolizes absolute robotic devotion without any slight deviation, but at the same time it symbolizes *hischadshus*. It represents an ability of renewal and rejuvenation, that is accompanied with a gladness and rejoicing. How can the two concepts co-exist?

Human nature is to always seek excitement which is defined as something novel - that has never been explored before. The joy comes from the ability to create or reveal a concept

or idea that was previously hidden. Very little joy is found in the monotonous repetition and revisiting a road that is well traveled and fully explored. The moon teaches us that this may be human nature and a self-serving method of serving our creator, but in the eyes of Hashem, *chiddush* is not the “be all” and “end all.” The moon manages to find its joy in the service of Hashem. The rejoicing and the gladness is not self-serving; it is not happiness that emanates from a feeling of accomplishment; rather, it is completely tied and dependent on the doing the will of the Creator. The moon finds joy in the awareness that it is doing the will of its Creator day-in and day-out. Surely, *chiddush* is important and Hashem wants man to be a creator, but that is only a possibility after the basics have been established. *Chiddush* in Torah for example can only exist after a mastery of the basic material that has been learned a thousand times before. The true service of Hashem is to master the original material, so that we have the tools to build and be *me'chadesh* with.

Furthermore, the moon represents a *chiddush* that emanates directly from a very predictable existence. The moon serves as an example for *Klal Yisroel* that only through complete and total devotion to Torah and *mitzvos*, to a point where we are *not changing from our appointed task*, will Hashem reward us with *a crown of splendor for those borne by Him from the womb*, renew our existence by taking us out of the exile that we are in *to glorify their Maker in the name of the glory of His kingdom*, and restore the glory to the great name of Hashem.