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Sanhedrin Daf 44

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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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

Israel has sinned. Rabbi Abba bar Zavda said: Even though [the people] have sinned, they are still [called] ‘Israel.’

Rabbi Abba said: Thus people say: A myrtle, though it stands among reeds, is still a myrtle, and it is so called.

They have also transgressed My covenant which I have commanded them, and they have also taken [property] from the ban, and they have also stolen [it], and they have also denied, and they have also put it amongst their vessels. Rabbi Ila'a said on behalf of Rabbi Yehudah bar Masparta: This teaches us that Achan transgressed the entire Five Books of the Torah, for the word ‘gam’ is written there five times.

Rabbi Ila'a said on behalf of Rabbi Yehudah bar Masparta: Achan was someone who drew his foreskin forward (in order to conceal his circumcision). Here it is written: They have also transgressed My covenant; and elsewhere it is said: He has broken My covenant.

The Gemora asks: But is this not obvious (as he had transgressed the entire Torah)?

The Gemora answers: I might have thought that he would not practice with such abandon in respect of a precept which concerned his own body; therefore he (R. Ila'a) informs us otherwise.

And [Achan was to be killed] because he had committed an abomination in Israel. Rabbi Abba bar Zavda said: This teaches us that Achan committed adultery with a betrothed na'arah. Here it is written: And because he had committed an abomination in Israel, and elsewhere, it is said: For she has committed an abomination in Israel.

The Gemora asks: But is this not obvious (as he had transgressed the entire Torah)?

The Gemora answers: I might have thought that Achan was not so extremely licentious; therefore he (R. Ila'a) informs us otherwise.

Ravina said: He was punished as is a betrothed na'arah [who commits adultery], viz., by stoning.

The Exilarch once said to Rav Huna: It is written: And Yehoshua took Achan the son of Zerach and the silver and the garment and the wedge of gold and his sons and his daughters, and his ox and his donkey and sheep, and his tent and all that he had. If he sinned (that is why he was executed), but what sin did his sons and daughters commit (i.e., why were they executed)?

Rav Huna said to him: On your view, [one might ask:] If he sinned, what did all Israel sin, that it is written: And all Israel with him? Rather, it was to subdue them. So here too, it was to subdue them.

And they burned them with fire and they stoned them with stones. The Gemora asks: By both [forms of death]?

Ravina answered: That which was suitable for burning was burned, and that which was suitable for stoning was stoned.

And I saw among the spoils a lovely Babylonian garment, and two hundred shekels of silver. Rav said: It was a cloak of fine, white wool. Shmuel maintained: It was a cloak dyed with alum.

And [Yehoshua] laid them down before God. Rav Nachman said: He [Yehoshua] came and cast them (i.e., the booty) down before the Omnipresent, exclaiming, "Master of the Universe! For these, shall the majority of the Sanhedrin be killed (is this justifiable)?" For it is written: And the men of Ai smote of them about thirty-six men; regarding which it was taught in a braisa, i.e., literally thirty-six; these are the words of Rabbi Yehudah. Rabbi Nechemiah said to him: Were there actually thirty-six? Surely, only about thirty-six men is written. Rather, this refers to Yair the son of Menasheh, who was equal [in importance] to the majority of the Sanhedrin.

Rav Nachman said in Rav's name: What is meant by that which is written: The poor voices supplications, but the rich answers insolently? The poor voices supplications — that refers to Moshe; the rich answers insolently — to Yehoshua. Why so? Shall we say, because it is written: And he laid them down before God, which Rav Nachman interpreted: He came and cast them (i.e., the booty) down before the Omnipresent; but didn't Pinchas do the same? For it is written: Then Pinchas stood up and prayed [va-yefallel], and so the plague was stopped; and Rabbi Elozar said: It does not say vayisparallel, but va-yefallel is written; thus teaching that he had contentions

with his Creator - he came and cast them (the corpses of Zimri and his partner) before the Omnipresent and cried out, "Master of the Universe! Because of these, shall twenty-four thousand of Israel fall?" As it is written: And those that died by the plague were twenty and four thousand?

Rather, it is inferred from the following: [And Yehoshua said: Why have You brought this people over the Jordan?

The Gemora asks: Yet Moshe too spoke thus: Why have You done evil with this people?

The Gemora answers: Rather, it is derived from the following: Would that we had been content and chosen to settle on the other side of the Jordan.

It is written: And God said to Yehoshua: Raise yourself! Rabbi Shila expounded this: The Holy One, Blessed be He, said to him: Your [transgression] is greater than theirs, for I commanded: And it shall be when you have passed over the Jordan that you shall set up [these stones]; yet you advanced sixty mils [into the country before setting them up]. When he [R' Shila] had gone out, Rav set up his interpreter to speak for him, who expounded; As God commanded Moshe His servant, so did Moshe command Yehoshua, and so did Yehoshua; he left nothing undone of all that God commanded Moshe. What then do the words 'raise yourself' teach us? — God said to him: You have brought [guilt] upon them (as it was you who decided that the spoils of Yericho should be banned), and for that reason He said to him with reference to Ai: And you shall do to Ai and her king as you did to Yericho and her king, [only its spoils and its cattle shall you take as booty] (i.e., there was no ban placed on the booty).



And it came to pass when Yehoshua was by Yericho that he lifted up his eyes and looked ... And he said: No, but I am commander of the Host of God; now I have come. And Yehoshua fell on his face to the earth and prostrated himself.

The Gemora asks: But how could he do so? For Rabbi Yochanan said: One may not greet his fellow at night for fear that he may be a demon.?

The Gemora answers: There it was different, for he had [already] said: I am commander of the Host of God; now I have come, etc.

The Gemora asks: But perhaps he lied?

The Gemora answers: We have a tradition that [demons] do not utter the name of God in vain.

The verse continues: He [this stranger] said to him: This afternoon, you omitted the afternoon Tamid, and now (at night), you have neglected the study of the Torah. [Yehoshua asked him:] For which of these [offences] have you come? [The angel replied:] Now I have come. Immediately [we read]: And Yehoshua lodged that night in the midst of the valley. And Rabbi Yochanan observed: It teaches us that he spent the night delving into the depths of the Torah law.

Shmuel bar Unyah said in the name of Rav: The study of the Torah is more important than the offering of the Tamid, since it is written: Now I have come.

Abaye asked Rav Dimi: To what do you in the West relate the following verse: Do not go forth hastily to strife, for what will you do in the end, when your fellow has put you to shame. Quarrel with your fellow, but do not reveal the secrets of another.? [He answered]: When the

Holy One, Blessed be He, said to Yechezkel: Go and say to Israel: Your father was an Amorite, and your mother was a Hittite an intercessory spirit said before the Holy One, Blessed be He: Master of the Universe! If Avraham and Sarah would come and stand before You, and You would say [this] to them and put them to shame! Quarrel with your fellow (Israel), but do not reveal the secrets of another (the Patriarchs).

The Gemora asks: But has he (the angel) so much license (to speak in such a manner)?

The Gemora answers: Yes, For Rabbi Yosi son of Rabbi Chanina said: He (this angel) has three names: Piskon, Itmon, and Sigron. Piskon, because he speaks curtly toward the One Above (on behalf of Israel); Itmon, because he hides the sins of Israel; Sigron, because when he concludes a matter, none can reopen it.

The verse continues: Have you prepared your prayer before your trouble came? Rabbi Elozar said: One should always offer up prayers before misfortune comes; for had not Avraham anticipated trouble by prayer between Beth El and Ai, there would not have remained of Israel's sinners a remnant or a survivor.

Rish Lakish said: He who devotes his strength to prayer (in the world) below, has no enemies [to overcome] above.

Rabbi Yochanan said: One should always implore mercy that all [Heavenly beings] may support his effort [in prayer] so that he may have no enemies in [the World] Above.

The Mishnah had stated: And from where do we know that his confessions made atonement for him etc.



Our Rabbis taught in a braisa: From where do we know that his confessions made atonement for him? From the verse: And Yehoshua said to him (Achan): Why have you troubled us? God shall trouble you on this day - [implying] this day you are troubled, but you shall not be troubled in the World to Come. And again it is written: And the sons of Zerach: Zimri, Ethan, Heman, Calcol and Dara; five of them in all. Why the phrase 'five of them in all'? Because all five were equally destined for the World to Come.

The Gemora asks: Here he is called Zimri, but elsewhere, Achan?

Rav and Samuel [differ regarding this]: One maintains his real name was Achan, and why was he called Zimri? Because he acted like Zimri (committing a licentious act). The other maintains: His real name was Zimri, and why was he called Achan? Because he wound the sins of Israel about them like a serpent.

The Mishnah had stated: And if he doesn't know what to confess . . . Rabbi Yehudah said . . . to clear himself.

The Gemora asks: Why not let them clear themselves?

The Gemora answers: In order that they may not bring discredit upon the court and the witnesses.

Our Rabbis taught in a braisa: It happened once that a man who was being taken to be executed said: If I am guilty of this sin, may my death not atone for any of my sins; but if I am innocent of it, may my death atone for all my sins, and the court and all Israel are guiltless, but may the witnesses never be forgiven. Now, when the Sages heard of the matter they said: It is impossible to reverse the decision, since the sentence has been issued. He must therefore be executed, and may the

chain [of responsibility] ever hang on the neck of the witnesses.

The Gemora asks: But is he to be relied on?

The Gemora answers: This holds good only where the witnesses have retracted.

The Gemora asks: But even so, of what consequence is it? Once a witness testified, he cannot alter his testimony!?

The Gemora answers: It is necessary [to state this] even where they [the witnesses] give a reason for their actions as happened in the case of Ba'ya the tax-collector.