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Sanhedrin Daf 87

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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

If You Don't Know, Ask Sanhedrin

Sanhedrin (positively, and cause it to be superior to other courts).

The *braisa* states: *When something will be far from you (i.e. your understanding). This refers to the great scholar on the Beis Din (not a student). From you refers to understanding whether or not to establish a leap year. The verse indeed says: From you came the one who thought to do bad to Hashem, an evil adviser. [The Gemora's point is that the words from you appear in a verse together with word adviser. This indicates that our verse from you is referring to difficult matters that require counsel, such as establishing a leap year.] For judgment refers to things derived from a gezeirah shavah (if the person argues on this and therefore rules against the Sanhedrin Ha'Gadol, he is killed). Between blood and blood refers to arguments regarding blood of a niddah, woman who gave birth, or a woman who was a zavah. Between judgment and judgment refers to arguments regarding capital punishment cases, monetary cases, or cases punished by lashes. Between leprosy and leprosy refers to cases of leprosy on people, houses, and clothes. Words of refers to verbal dedications to cheirem, erachin, and hekdesch. Fighting refers to the sotah waters, eglah arufah, and purifying a leper. In your gates refers to leket, shich'chah, and pe'ah. And you will get up from your Beis Din. And you will go up teaches that the Beis Hamikdash is higher than Eretz Yisroel, which is higher than other lands. To the place teaches that the place affects the judgment of the*

The *Gemora* asks: It is understandable that the Beis Hamikdash is the highest place in Eretz Yisroel, as the verse states: *And you will go up*. However, how do we know that Eretz Yisroel is higher than other lands?

The *Gemora* answers: This is as the verse states: *Therefore days are coming, is the word of Hashem, and they will no longer swear by Hashem who took Bnei Yisroel out of Egypt, but rather they will swear by Hashem who raised and brought the seed of the House of Yisroel from the northern land and from all of the lands where I have pushed them, and (now) they will sit on their land. [The proof is that the verse says that he will raise them from the other lands to Eretz Yisroel.]*

The *braisa* states: A *zaken mamrei (rebellious elder)* is only liable if he rules against *Sanhedrin* in a matter which when transgressed willingly warrants *kares*, and when transgressed inadvertently warrants bringing a *chatas*. These are the words of Rabbi Meir. Rabbi Yehudah says: It is regarding something that has its roots in the Torah and is explained by the scribes. Rabbi Shimon says: It applies even regarding a small deduction made by the scribes (*i.e. scholars*).

The *Gemora* asks: What is the reasoning of Rabbi Meir? He derives a *gezeirah shavah "davar-davar."* The verse

says here: *When "a matter" will be far from you in judgment. And the verse says: And "a matter" will be hidden from the eyes of the congregation.* Just like this last verse is regarding a sin which when transgressed willingly warrants *kares*, and when transgressed inadvertently warrants bringing a *chatas*, so too a *zaken mamrei* is only regarding such sins.

The *Gemora* asks: What is Rabbi Yehudah's reasoning?

The *Gemora* answers: *According to the Torah that he will instruct you.* This implies that it must be something in the Torah that he will instruct you in.

The *Gemora* asks: What is Rabbi Shimon's reasoning?

The *Gemora* answers: *That they will tell you from that place.* This shows that a *zaken mamrei* applies to even a small deduction of the scholars.

Rav Huna bar Chinina said to Rava: Explain to me how the *braisa* quoted above (*explaining the verse, According to the Torah etc. at length*) can be according to Rabbi Meir.

Rava said to Rav Pappa: Explain this to him.

Rav Pappa said: *When something will be far from you (i.e. your understanding).* This refers to the great scholar on the *Beis Din* (*not a student*). *From you* refers to understanding whether or not to establish a leap year and leap months. This is as the *Mishna* states: They (*Rabbi Yehoshua and Rabbi Pappayis*) testified that one can make a leap year during the entire month of Adar. They had to say this because the other scholars held that a leap year could only be established until Purim. If a *zaken mamrei* would argue on either conclusion, (*that the Sanhedrin would rule is the correct conclusion*) he

would cause *chametz* to be eaten on Pesach. [*This is who the braisa can be according to Rabbi Meir, as eating chametz on Pesach is punished with kares.*]

A *matter* refers to a *halachah l'Moshe mi'Sinai*, such as the law that the blood seen during the eleven days after a woman is a *niddah* is blood of *zivah*, not *niddah*, according to Torah law. This is as it was taught: The tenth day, Rabbi Yochanan says, is like the ninth day. Rish Lakish says: It is like the eleventh day. Rabbi Yochanan says it is like the ninth day in that just as the ninth day requires watching (*as she might become a zavah if she sees three days in a row*), so too her tenth day requires watching. [*Despite the fact that she will not become a zavah, as the twelfth day is considered a day of niddah if she sees blood, she still must maintain the laws of a shomeres yom, if she sees blood on the tenth day. (Shomeres yom - If she saw blood only one day, she must observe one day in cleanness, corresponding to the day of uncleanness, i.e., she immerses on the day following the day of uncleanness, and if she does not see blood on this day, then she is clean in the evening.)*] Rish Lakish says: The tenth is like the eleventh. Just as the eleventh does not necessitate a *shomeres yom* status, so too the tenth does not necessitate a *shomeres yom* status.

If a *zaken mamrei* would argue on either conclusion, (*that the Sanhedrin would rule is the correct conclusion*) he would cause a woman who is a *shomeres yom* to have relations with her husband, which is punished with *kares*.

Judgment refers to the law, meaning one's daughter from rape. This is as Rava taught that Rav Yitzchak bar Avdimi had said to him that this is derived from the *gezeirah shavah* of "*heinah-heinah*" and "*zimah-zimah*."



Between blood and blood refers to arguments regarding blood of a *niddah*, woman who gave birth, or a woman who was a *zavah*. An example of blood of a *niddah* (*that could cause kares*) is the argument between Akavya ben Mehalalel and the *Chachamim*. The *Mishna* says: Green blood is impure according to Akavya ben Mehalalel, while it is pure according to the *Chachamim*.

An example of blood from birth (*that could cause kares*) is the argument between Rav and Levi. It was taught: Rav says that there is one spring (*of blood in a woman*) from which the Torah said certain blood is impure and certain blood is pure. Levi said: There are two springs. When the impure one is closed, the pure is open. When the pure one is closed, the impure one is open.

An example of blood from *zivah* (*that could cause kares*) is the argument between Rabbi Eliezer and Rabbi Yehoshua.

This is as the *Mishna* states: If she had seen blood for three of the eleven days while in labor, and she then did not see anything for a day and then gave birth, she is considered to have given birth while a *zavah*. [*If the blood had been because of the birth, which is not zivah blood according to Torah law, she would not have stopped bleeding for an entire day before the birth.*] These are the words of Rabbi Eliezer. Rabbi Yehoshua says: This is only if she stops for a complete night and day, like one keeps the entire night and day of *Shabbos*. Otherwise, this means she stopped due to the pain, not due to *zivah* blood. [*This is as opposed to Rabbi Eliezer who would hold that if she stops for any twenty four hour period, she would be considered giving birth as a zavah.*]

Between judgment and judgment refers to arguments regarding capital punishment cases, monetary cases, or cases punished by lashes. An example of monetary cases

is an argument between Rabbi Avahu and Shmuel. Shmuel says: If two people forcibly judge a case, their decision is valid, but they are called a brazen *Beis Din*. Rabbi Avahu says: Everyone holds their judgment is invalid. An example of capital cases is the argument between Rebbe and the *Chachamim*. The *braisa* states: Rebbe says that the verse says: *And you will give a soul for a soul* (*in a case where a person had intent to kill one person, and by accident killed a different person*). This refers to money. You say this is money. Perhaps it means literally a soul (*i.e. life*)? The verse earlier said “give” and the verse later says “give.” Just like the earlier verse means money (*regarding a person who hits a woman, causing her to miscarry*) so too this verse refers to money.

An example of lashes is the argument between Rabbi Yishmael and the *Chachamim*. The *Mishna* says: Lashes are judged by a *Beis Din* of three. In the name of Rabbi Yishmael it is said that they are judged with a *Beis Din* of twenty-three.

Between leprosy and leprosy refers to cases of leprosy on people, houses, and clothes. An example of leprosy of people is the argument between Rabbi Yehoshua and the *Chachamim*. The *Mishna* says: If a *baheres* (*mark of leprosy*) was on the skin before the white hair on it arrived, the mark is ruled to be leprosy. If it came after the white hair, it is ruled to be pure. If it is unclear which was first, it is in doubt. Rabbi Yehoshua says: Dark. What does this mean? Rava says: It is as if the mark becomes dark, and he is therefore pure.

An example of a case of house leprosy is an argument between Rabbi Elozar the son of Rabbi Shimon and the *Chachamim*. The *Mishna* says: Rabbi Elozar the son of Rabbi Shimon says that the house never is ruled impure until there is a mark that is of an area of two grains of

barley by two grains of barley. It also must be on two stones, on two different walls, in a corner, and its length must be two grains of barley long and one grain wide. What is Rabbi Elozar the son of Rabbi Shimon's reasoning? The verse says *wall* and *walls*. What is a wall that is two walls? It must refer to a corner. (87a – 87b)

DAILY MASHAL

Eretz Yisroel and the Beis HaMikdash is Higher than all other Places

Does High and Low Apply to Spherical Objects?

In our *sugya* the *Gemora* cites a verse in *Yirmyahu* (23:7) "...Who brought Bnei Yisrael up from the land of Egypt" and a verse in *Devarim* (17:8) "...then you shall arise and go up unto the place which the Lord thy G-d shall choose" to demonstrate that Eretz Yisrael is higher than any other land, and that the Beis HaMikdash is the highest point in Eretz Yisrael. The wording of the *Gemora* seems to indicate that Eretz Yisrael is physically higher. In fact, the *Yam Shel Shlomo* (*Kiddushin* Chap. 4, 1) goes so far as to say that if someone standing in Eretz Yisrael says, "I vow to go up to Chutz La'aretz," the vow is considered to be made in vain and is invalid. Leaving Yerushalayim or Eretz Yisrael is always referred to as "going down."

Many commentators maintain that our *Gemora* should not be interpreted literally. The Chasam Sofer (*Responsa, Part II, Y.D. §234*) stresses this point, writing, "...in fact, those who are somewhat familiar with the world map can see otherwise...actually the world is round, and high and low do not apply to spherical objects; from any given point one sees the skies high overhead and low on the horizon, forming a dome. Someone who approaches from a point on the horizon

appears as if he emerged from a deep pit, and high and low do not apply."

Furthermore the Maharal of Prague (in his book on Talmudic Aggados and in *Tiferes Yosef*, Chagiga 3b, s.v. Eizehu) writes that the *Gemora* is referring to the spiritual loftiness of Eretz Yisrael, and not to its physical height.

It is interesting to note that the Chasam Sofer (ibid) writes that Eretz Yisrael is said to be "higher than all other lands" because Creation began from the *even shesiya* [foundation stone] located on *Har HaBayis* (see Rashi, *Sanhedrin* 26b, s.v. *veshesiya*). Thus all eyes are raised to Eretz Yisrael and *Har HaBayis* because mankind lifts its gaze to the spot where the ground beneath its feet was first created.