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Sanhedrin Daf 112

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Ir Hanidachas

The *Gemora* inquires: If a city was convinced by themselves to worship idolatry, does it become an *ir hanidachas*?

The *Gemora* attempts to resolve this from the *Mishna* which rules that if women or children convince a city to serve idolatry, it does not become an *ir hanidachas*. But why? It should not be any worse than if they became subverted on their own?

The *Gemora* deflects this proof, for perhaps when they convinced themselves, their commitment is strong. This is not the case when they are convinced by women or children.

The *Gemora* discusses what is done to the individuals in a city who were convicted of worshipping idols until it is determined if the majority of the city served idolatry.

Rav Yehudah says that we judge them as individuals, sentence them to stoning, and we imprison them until the status of the city has been determined.

Ulla asks: How can we delay justice like this?

Rather, Ulla says: We judge them and stone them, judge them and stone them – until the status of the city has been determined. [*The remainder of the city will be killed by sword.*]

It was stated: Rabbi Yochanan said: We judge them and stone them, judge them and stone them – until the status of the city has been determined. Rish Lakish said: We arrange for more courts so their cases can all be investigated on one day. They are then brought up to the Great *Sanhedrin* for sentencing (*for only they can rule regarding an ir hanidachas*).

The *Gemora* cites a *braisa*: If people travelling in a donkey or camel caravan lodge in a city and serve idols together with them – if they remained there for thirty days, they are regarded as part of the *ir hanidachas*, and they are killed by sword and their possessions are destroyed. If, however, they remain there for less than thirty days, they are killed through stoning and their possessions are saved.



The *Gemora* asks a contradiction from a *Mishna*: One must live in the city for twelve months to be considered a resident, subject to the fees of the city.

Rava explains that *ir hanidachas*'s rules apply to *yoshvai ha'ir* - the dwellers of the city, which is a category attained after thirty days, while the *Mishna* is referring to a resident, which requires twelve months residency. Similarly, it has been taught in a *braisa* that if one forswears benefit from *yoshvai ir* - the dwellers of a city - he may not benefit from anyone living in the city at least thirty days, while if he forswears benefit from the people of the city, he is only prohibited from those who lived there at least twelve months.

The *Gemora* cites a *braisa* which lists *halachos* pertaining to an *ir hanidachas*, and the scriptural sources from where they are derived.

1. The possessions of the righteous that are located outside the city are spared.
2. The possessions of the righteous that are located inside the city are destroyed.
3. The possessions of the wicked that are located outside the city are destroyed.

Rabbi Shimon said: The possessions of the righteous that are located inside the city are destroyed because it was their money that caused them to live in such a city.

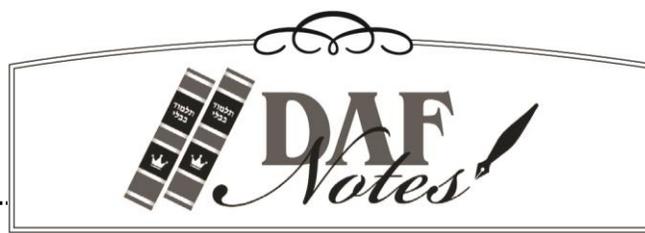
Rav Chisda ruled: The deposits of an *ir hanidachas* are permitted. He is referring to possessions belonging to people living in another city which has been deposited to people living in the *ir hanidachas*, and these people accepted responsibility for it. One might have thought

that it should be regarded as belonging to them and it should therefore be destroyed. Rav Chisda teaches us that they are permitted.

Rav Chisda said: An animal which is partly owned by a resident of an *ir hanidachas* and partly owned by another is forbidden entirely; dough which is partly owned by a resident of an *ir hanidachas* and partly owned by another is permitted. Why is this so? It is because an animal is regarded as undivided, while dough is as though it is already divided.

Rav Chisda inquired: Does the *shechitah* of an animal of an *ir hanidachas* effect to purify it from the *tumah of neveilah*? The *Gemora* leaves this question unresolved.

Rav Yosef inquired: What is done with the hair of the righteous women within an *ir hanidachas*? Raba asked: This implies that the hair of the wicked women is forbidden! Is it not written: *You shall gather ... and you shall burn*? This indicates that only that which lacks gathering and burning is forbidden and must be destroyed; however, that which needs cutting off, gathering and burning is excluded! Rather, said Rava, the inquiry refers to a wig. How so? If it is attached to her, it is like her! The inquiry is necessary only if it is hanging on a nail (*it is not being worn*): is it regarded as other possessions of the righteous within the town, and destroyed; or perhaps, since it is worn and taken off, it is as her garments? The *Gemora* leaves this question unresolved.



The *braisa* states: If the city does not have a main street, it cannot become an *ir hanidachas*. These are the words of Rabbi Yishmael. Rabbi Akiva says: If it doesn't have a main street, we make one for it. Their argument is whether a main street always had to be there or it can be created now.

The *Gemora* cites a *braisa*: If there were consecrated items in the *ir hanidachas*, that which is consecrated to the Altar (*for sacrifices*) must die; that which is consecrated for the Temple repair, must be redeemed; *terumah* must be left to rot; *ma'aser sheini* and the Holy Writings should be hidden away. Rabbi Shimon said: The Torah says: *its animals*, but not *bechor* or *ma'aser* animals. The Torah says: *its booty*. This excludes consecrated money and *ma'aser* money.

It was said: If there were consecrated items in the *ir hanidachas*, that which is consecrated to the Altar (*for sacrifices*) must die. The *Gemora* asks: But why should they die? Let them graze until they become unfit for sacrifice (*when they become blemished*), then be sold, and the money will be used for voluntary *olah* offerings! Rabbi Yochanan answered: It is written: *The sacrifice of the wicked is an abomination (which would include the redemption money)*. Rish Lakish answers: It is the property of its owner (*and therefore must be destroyed*). [*He does not agree that the redemption money would be considered an abomination.*] We are referring to consecrated animals for which the owner is responsible (*if it becomes lost or dies*), and we are following the opinion of Rabbi Shimon, who maintains that such sacrificial animals are regarded as the owner's property. The *Gemora* asks: But since the second clause of the *braisa* is Rabbi Shimon's, it follows that the first is not?

The *Gemora* answers: Rather, the reference is to *kodashim kalim* sacrifices, and it is in accordance with Rabbi Yosi haGelili, who maintains that such sacrificial animals are regarded as the owner's property. The *Gemora* asks: But what would be the *halachah* regarding sacrifices of *kodshei kodashim*? Are they to be redeemed! If so, the second clause, instead of teaching us that that which is consecrated for the Temple repair must be redeemed, it should have differentiated and taught a distinction in that very case (*animals dedicated to the altar*), and said as follows: The rule that the animals must die applies only to *kodashim kalim* sacrifices, but sacrifices of *kodshei kodashim* are to be redeemed? The *Gemora* answers: Since there is the *chatas* offering (*among the latter*) whose owner must die, and therefore the animal must die, this (*that if it is kodshei kodashim, it can be redeemed*) is not an absolute statement (*and therefore it cannot be stated as a general rule*).

Rabbi Shimon had said: The Torah says: *its animals*, but not *bechor* or *ma'aser* animals. The *Gemora* asks: To what does this refer? If it is referring to unblemished animals, then they are the "*booty of Heaven*" (*and a verse should not be necessary to exclude them*)! And if they are blemished, they are "*its booty*" (*and should be destroyed*)!? Ravina answered: He is referring to blemished animals, but only those which are eaten as "*its animals*" must be destroyed; however, those which are eaten not as "*its animals*," but as *bechor* or *ma'aser*, and regarded as the "*booty of Heaven*."

The *Gemora* notes: This answer conflicts with Shmuel, for Samuel explained Rabbi Shimon's opinion as follows: Everything can be sacrificed, and everything can be



redeemed. What does this mean? It means as follows: An offering which is sacrificed when it is unblemished, and redeemed when blemished, is excluded from being destroyed by "booty." And an offering that is sacrificed when it is unblemished, but not redeemed when blemished, as *bechor* or *ma'aser*, is excluded by "animal."

It was stated above: *terumah* must be left to rot. Rav Chisda said (*in conclusion*): This applies only to *terumah* in the hand of the *Kohen*, but *terumah* in the hand of a *Yisroel* must be given to a *Kohen* of another city.

The *Gemora* cites a *braisa*: Dough of *ma'aser sheini* is exempt from *challah*; this is the opinion of Rabbi Meir. But the *Chachamim* hold that it is liable. Rav Chisda said: This argument refers only to *ma'aser sheini* in Yerushalayim, where Rabbi Meir maintains that the *ma'aser sheini* is sacred property, while the *Chachamim* regard the *ma'aser sheini* as property belonging to the common person. But in the provinces, all agree that it is exempt from *challah* (*for it must be redeemed first, and therefore it belongs to hekdesch beforehand*).

Rav Yosef asked from our *Mishna*: *Ma'aser sheini* and the Holy Writings should be hidden away. Now, what are we referring to? If it was *ma'aser sheini* in Yerushalayim, this cannot be, for it was taught in a *braisa*: Ten things were said concerning Yerushalayim, and this is one of them: it cannot become an *ir hanidachas*. And if it was *ma'aser sheini* of another city, and it was brought up to Yerushalayim, surely its walls have taken hold of it (*and it cannot be removed from there, and cannot be redeemed, and therefore it should not be regarded as the*

booty of the ir hanidachas)! It must therefore be referring to *ma'aser sheini* of the provinces, yet it is stated: they must be hidden away!? [*According to Rav Chisda, it should be hekdesch, and permitted to eat!?*] The *Gemora* answers: In truth, it was *ma'aser sheini* of another city, and it was brought up to Yerushalayim; but we are dealing with a case where it became *tamei* (*and cannot be eaten*). The *Gemora* asks: Then let it be redeemed? The *Gemora* answers: We are dealing with food that was purchased with the *ma'aser sheini* money. The *Gemora* asks: But let them be redeemed, for we learned: If that which was purchased with the *ma'aser sheini* money became *tamei*, it can be redeemed. The *Gemora* answers: The *braisa* is in accordance with Rabbi Yehudah's opinion, who holds that such food must be buried. The *Gemora* asks: But if so, the *Mishna* should have stated an ordinary case, and not one of an *ir hanidachas* (*and according to Rabbi Yehudah can still not be redeemed*)!? The *Gemora* answers: The *Gemora* answers: Rather, the *Mishna* must be referring to a case where the produce is still *tahor* and where the walls of Yerushalayim fell (*which is why it cannot be eaten or redeemed*). And it is following Rava's opinion, for Rava said: The requirement of having the walls of Yerushalayim in order to eat *ma'aser sheini* is a Biblical one; however, the *halachah* that the walls of Yerushalayim absorb the *ma'aser sheini* (*in a way that it cannot be redeemed any longer*) is only a Rabbinical one. And the Rabbis only established this decree if the walls were still standing, but in a case where the walls are not standing, the law does not apply (*and therefore it is regarded as the booty of the city, and it must be hidden away*). (112a - 113a)