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Sanhedrin Daf 43

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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

Removing the Condemned

Rav Pappa says that the source for taking one sentenced to death out of all camps is from the context of the one who cursed. Speaking to Moshe, who was in the Levi camp, Hashem commanded to “remove the blasphemer,” indicating that he was to be taken out to the Yisroel camp. When the verse says again that the Jews took him “out of the camp,” this adds another level of removal, outside of the Yisroel camp.

The *Gemora* challenges this explanation, since the extra phrase of removal is necessary to indicate that the Jews followed the command of Hashem.

Rav Pappa answers that the verse already says that the Jews did exactly as Hashem commanded Moshe, so the explicit statement that they removed him is extra, indicating another level of removal. Although the Torah also explicitly states that they stoned him with a stone, Rav Pappa explains that this also teaches us something new. The Torah states that the one found violating *Shabbos* was stoned with stones, and that the blasphemer was stoned by a stone. From the two verses we learn that the execution begins with just one stone, and if that kills him, the execution is done. If it does not, more stones are used until he dies.

The *Gemora* challenges Rav Pappa from the earlier *braisa*, which cites the verses of the sacrifices removed out of the camp, since Rav Pappa’s explanation obviates the need for those verses.

Rav Pappa explains that the *braisa* is stating how we would have learned the location of the execution, if not for the fact that we can learn it from Rav Pappa’s explanation.

Rav Ashi says that the language used to command Moshe contained two phrases of removal (*remove the blasphemer; outside of the camp*), indicating that he must be removed two degrees from the Camp of the Leviim. When the verse states that the Jews removed him from the camp, it is simply teaching us that the Jews followed the command of Hashem. The general statement that the Jews did as Hashem commanded includes other aspects of the execution, including leaning on the condemned, and pushing him off a roof.

The *Gemora* asks how Rav Ashi accounts for the same two phrases used in the case of the sacrifices, but which do not teach any more degrees of removal, and leaves this question unresolved. (42b – 43a)

Whose Budget?

The *Mishna* explained that someone stood outside the Court ready with a scarf to signal to a horse rider to return the condemned to the court, in case someone has a reason to exonerate him.

Rav Huna says that it is obvious that the items used to execute the condemned are paid for by the community, since we cannot force him to pay for his own execution. However, Rav Huna asks: Who pays for the scarf? The scarf is to exonerate him, so perhaps he should pay, but the court is obligated to try to exonerate him, so perhaps they should pay.

The *Gemora* similarly questions whether the alcoholic beverage used to sedate and calm the condemned before execution is purchased by the court or the condemned.

The *Gemora* answers that this is purchased by the court, since the verse says “give an intoxicating beverage to the one who is being lost, and wine to the bitter soul,” indicating that the obligation is on the community to give it. (43a)

How Exonerating?

Rav Acha bar Rav Huna asked Rav Sheishes what the court would do if one of the students indicated that he had reason to exonerate the condemned, but then became mute.

Rav Sheishes dismissed this case, since just as we don’t worry about someone anywhere in the world who may have an exonerating argument, so we don’t worry about the student who did not have a chance to express his argument.

The *Gemora* attempts to resolve this question from a *braisa*, in which Rabbi Yosi bar Chanina says that if a student argued for exoneration, and then died, we consider him an exonerating position when counting the opinions on the court. The implication is that we only do this once the student has expressed his position.

The *Gemora* deflects this, since in the case being debated, the student did not fully express his position, but did express the fact that he had an exonerating opinion. (43a)

With or Without Merit?

The *Mishna* said that if the condemned says he has an exonerating argument, he is returned to the court. This may be done repeatedly, as long as there is merit to his claims.

The *Gemora* cites a *braisa* that states that for the first and second time, there need not be any merit to his claim, and explains that the *Mishna’s* requirement is only after the first two times.

Abaye explains that two Torah scholars went along with him, to test whether his claim has merit.

The *Gemora* explains that the first two times he may be in such trauma that he can’t clearly explain his claim, so we return him in any event. (43a)

Public Notification

The *Mishna* says that if the court finds an exonerating argument, he is freed, but otherwise the court proclaims that the condemned is going to be executed, detailing his execution, sin, and witnesses, and asking anyone with exonerating information to come forward.

Abaye explains that the proclamation includes the time and place of his sin, to enable people who may be able to place the witnesses somewhere else at that time to come forward and invalidate the witnesses.

The *Gemora* notes that the proclamation is made immediately preceding the execution, and not a long time before it.

The following text is missing in the regular Vilna edition: *The Gemora cites a braisa, which relates a case where the proclamation occurred well before the execution. The braisa says that the Sanhedrin hung Yeshu the Notzri on Erev Pesach, and a proclamation was sent out 40 days before stating that Yeshu the Notzri was going to be stoned for his sins of sorcery and incitement to idolatry, and that anyone who has exonerating information should come forward. When no one came forward, he was executed as sentenced.*

The Gemora answers that Yeshu was related to the royal family, and the Sanhedrin therefore was very reluctant to execute him. This also explains why the Sanhedrin looked for any exoneration, even though he was guilty of incitement, for which we do not seek out grounds for exoneration.

The Gemora brings a braisa listing five students of Yeshu, all of whom were similarly executed. Each student attempted to exonerate himself by citing an exonerating verse with their

name, and in response the Sages cited a condemning verse with their name. The *braisa* lists the following:

Student	Exonerating Verse	Condemning Verse
Mattai	When (<i>matai</i>) will I come and greet Hashem	When (<i>matai</i>) will he be killed?
Nakai	The innocent (<i>naki</i>) and righteous should not be killed	In the hidden areas he will kill the innocent (<i>naki</i>)
Netzer	And a branch (<i>netzer</i>) will sprout from his (<i>Dovid's</i>) root	And you were thrown from your grave like a branch (<i>netzer</i>)
Buni	My son (<i>b'ni</i>), my first born, <i>Yisrael</i>	Behold I am killing your first born son (<i>bincha</i>)
Toda	A song of thanks (<i>todah</i>)	One who slaughters a thanks offering (<i>todah</i>) will honor Me (<i>Hashem</i>)

(43a)

Service of Hashem

Rabbi Yehoshua ben Levi says that one who slaughters his evil inclination and confesses after sinning, is considered to have honored Hashem in two worlds, since the verse says *zoveach todah yechabedaneni* – one who slaughters the sacrifice of confession will honor me. The word *todah* can also mean confession, and the word for honoring is a double form of the verb, indicating a double honor to Hashem.

Rabbi Yehoshua ben Levi extols the value of humility. The verse says that a broken spirit is *zivchei Elokim* – sacrifices to Hashem. While one who offers a sacrifice has offered one sacrifice, the plural language used in reference to humility indicates that it is analogous to all the sacrifices. The continuation of the verse says that Hashem will not be disgusted with the prayer of a humble spirit. (43b)

Confession

The *Mishna* says that when the condemned is ten *amos* away from the place of stoning, he is told to confess, since generally one who is killed confesses. They explain that one who confesses before execution has a share in the World to Come, as indicated by Achan. When Achan was found to have taken from the consecrated loot of Yericho, Yehoshua convinced him to confess. When he did, Yehoshua told him that *today* Hashem has sullied him, implying that after death, he will be clean. If he does not know how to confess, they tell him to simply say that his death should be atonement for all his sins. Rabbi Yehudah adds that if he knows that he is innocent, he should add, “except for this one.” The Sages object, since all condemned will say this, to appear innocent. (43b)

Achan's punishment

The *braisa* discusses the story of Achan in more detail. When Hashem told Yehoshua that someone took from the consecrated loot, Yehoshua asked who it was. Hashem refused to speak ill of someone, so Yehoshua discovered Achan's guilt by means of a lottery. He then approached Achan, and asked him to confess, using the word *na*. The *braisa* explains that this word connotes a request (“*please*”), since Achan disputed the accuracy of the lottery. Yehoshua requested that he confess, and not malign the lottery process, since it will be used to divide *Eretz Yisroel*. He told Achan to simply confess, and Ravina explains that he did so to mislead Achan to think that once he confessed, he would be exonerated. Achan then confessed fully, saying *v'chazos v'chazos asisi* – and I did like this and like this.

Rav Assi quotes Rabbi Chanina saying that this phrase indicates that there were two more consecrated loots that Achan took from, in the days of Moshe. Rabbi Yochanan quotes Rabbi Elozar the son of Rabbi Shimon saying that there were four more, since each connecting “v” – and adds another instance.



The *Gemora* asks why the community was not punished for the earlier sins of Achan. Rabbi Yochanan answers in the name Rabbi Elozar the son of Rabbi Shimon that the community was not punished for the private sins of an individual until the Jews crossed the Jordan into *Eretz Yisroel* proper.

The *Gemora* explains that this is a dispute of *Tannaim*, citing a *braisa*. The *braisa* explains the verse which says *hanistaros lashem elokainu – the hidden sins are for Hashem [to punish], v'haniglos lanu ul'vanainu ad olam – and the revealed ones are for us and our children forever*, with dots on the letters of *lanu ul'vanainu – we and our children*, and the first letter of *ad – until*. Rabbi Yehudah says that the dots limit the responsibility placed on the community (*we and our children*) for the hidden sins, with that beginning only after they crossed the Jordan. Rabbi Nechemiah disputes that Hashem ever punishes the community for hidden sins. Rather, the dots indicate that the community was only responsible for the known sins after crossing the Jordan. The *Gemora* explains that according to Rabbi Nechemiah, the community was punished for Achan after Yericho because at that point his wife and children found out, making the sin a known one. (43b – 44a)

INSIGHTS TO THE DAF

Communal Punishment

The *Gemora* cites a *braisa* with a dispute about the parameters for communal punishment for an individual's sins. Rashi explains that Rabbi Yehudah says that the community was always punished for an individual's public sins, but was only punished for the individual's private sins after they crossed the Jordan River.

Tosfos cites Rabbeinu Tam, who says that Rabbi Yehudah says that the community was not punished for any individual's sins until they crossed the Jordan.

See Rashi (43b v'haniglos) and Tosfos (43b melamed, amar) for details on how these positions are related to the dots on the words in the verse.

DAILY MASHAL

Who Dunnit?

The *Gemora* relates that when Hashem told Yehoshua that someone took from the consecrated loot of Yericho, Yehoshua asked Hashem who it was. Hashem answered that he does not tell gossip, so Yehoshua would have to discover who it was himself, by using a lottery.

Rav Moshe Feinstein (YD 2:103) discusses whether a teacher, who knows that one of his students did something wrong, may ask the students to reveal who it was. He says that this case is not exactly parallel to the case of Yehoshua, since Yehoshua had an alternate way of discovering who took, and Hashem did not need to tell him. However, in the case of a teacher, if no student reveals who did it, the teacher may never discover his identity. In fact, if the teacher and students were exclusively motivated by the pure desire to correct the ways of the student who did it, the teacher would be able to ask the students to reveal his identity. However, we cannot assume that all people nowadays are acting with totally pure intentions, and therefore it is improper for the teacher to query the students.