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Sanhedrin Daf 48

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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

### ***Is Designation Significant?***

It was stated: If one wove shrouds for a corpse, Abaye holds that one may not benefit from it; whereas Rava maintains that one may benefit from it.

The *Gemora* explains: Abaye forbids, because designation is significant; whereas Rava permits it, because designation has no effect.

Abaye learns a *gezeirah shavah* “sham-sham” from *eglah arufah*. Just like the calf is forbidden through designation (*once it is taken to the valley*), so too here, all matters designated for a corpse are forbidden.

Rava learns the *gezeirah shavah* “sham-sham” from idolatry. Just like an object that is designated to be used for idolatry is not forbidden (*until one actually serves with it*), so too here, all matters designated for a corpse are permitted.

The *Gemora* asks a question on Rava from a *braisa*. The *braisa* states: If a scarf was impure because it was sat upon by someone who was impure, and he then dedicated it to be a cover for a *sefer torah*, it no longer has this type of impurity. However, it still has the impurity of coming in contact with something impure. [*While the first type of impurity is void because it has now been dedicated for a purpose where it will never be sat upon, the second type of impurity remains. This shows that merely designating it for this purpose is sufficient to take away the first impurity, as per Abaye’s opinion that designation is significant.*]

The *Gemora* answers: It must be the *braisa* means that he designated it and wrapped the *sefer torah* in it.

The *Gemora* asks: Why would both (*designation and physically wrapping it*) be required?

The *Gemora* answers: This is based on Rav Chisda’s opinion. Rav Chisda says: If a turban was designated to be used as a cover for *tefillin* and it indeed was used in this fashion, one cannot wrap money in it. If it was designated but not wrapped, or wrapped but not designated to be used constantly for this purpose, one can wrap money in it.

According to Abaye who says that designation is significant, designation without wrapping it would be enough. If he wrapped it, it is only forbidden for use with money if he designated it, not if he did not designate it.

The *Gemora* asks a question on Rava from another *braisa*. The *braisa* states: If a person built a tomb for a person who is still alive, it is permitted to derive benefit from the tomb. If he added a row of stones to the tomb for someone who is dead, it is forbidden to benefit from the tomb. [*This implies even preparation for a dead person makes it forbidden from benefit.*]

The *Gemora* answers: The case is where the dead person was placed in the tomb.

The *Gemora* asks: If so, why should he have to add a row of stones to make the tomb forbidden from benefit? Even



without this added row, it should be forbidden from benefit!?

The *Gemora* answers: The *braisa* is teaching that even if the corpse was removed afterwards, the tomb is still forbidden (*from benefit*).

Rafram bar Pappa says in the name of Rav Chisda: If he knew which row of stones was placed for the dead person, he can take it away, and it is then permitted to benefit from the tomb.

The *Gemora* asks another question on Rava from a *braisa*. The *braisa* states: If a person dug out a grave for his father and then ended up burying him in a different grave, he should not bury anyone in the first grave.

The *Gemora* answers: This is not because of designation, but rather out of respect for his father. This is logical, as the end of that *braisa* states that Rabban Shimon ben Gamliel says that even if a person merely broke some stones off a mountain to use for a grave for his father, he should not use them for another grave. If this is a law because of his father's honor, this is understandable. However, if it is a law due to designation, it is very difficult. Nobody says that designation applies to making the threads that one will use for the clothes used to bury the dead (*as this is too far removed from the purpose to be called designation*)! [*Making stones is similar to making threads.*]

The *Gemora* asks a question on Abaye from a *braisa*. The *braisa* states: One may benefit from a new grave (*the Gemora at this point understands this means a grave dug for a dead person*), but not if a child under thirty days was buried there. This implies that if he was not buried there, it is permitted (*even though it was designated*).

The *Gemora* answers: In fact, it is forbidden from benefit even if the child was not placed there. This is just excluding the opinion of Rabban Shimon ben Gamliel that a child

under thirty days does not make a grave forbidden. [*The case of the braisa actually is when a grave was dug for someone who is still alive.*]

The *Gemora* asks a question on Abaye from a *braisa*. The *braisa* states: If they collected money to bury the dead, the leftover money should be used to bury other dead people. If they collected the money for a dead person, the rest of the money goes to the inheritors. This is explained in another *braisa*. The *braisa* states: What is the case? If they collected money to bury the dead in general, the leftover money should be used to bury other dead people. If they collected the money for a specific dead person, the rest of the money goes to the inheritors. [*This implies that designation is not significant, as the money goes to the inheritors.*]

The *Gemora* answers: According to your reasoning, how do you learn the second part of this *braisa*? The *braisa* states: Rabbi Meir says the money should not be used until Eliyahu comes. Rabbi Nassan says: He should use it to make a tomb over his grave, or sprinkle wine before his grave.

Rather, the *Gemora* explains, Abaye and Rava explain this *braisa* according to their positions. Abaye explains that everyone holds designation is significant. The *Tanna Kamma* holds that whatever is needed for the dead person is designated for him, as opposed to what is not needed. Rabbi Meir is unsure, and therefore says that they should not be used until Eliyahu comes. Rabbi Nassan says that they all of the money is designated, and therefore it should be used for a tomb (*or to sprinkle wine before his grave*). Rava explains that everyone understands designation is not significant. The *Tanna Kamma* understands that the person who is dying accepts that whatever is not necessary for himself from the embarrassing collection for him can go to the inheritors. Rabbi Meir understands that it is not clear if the dead person waives his right to the money, and therefore the money should not be touched until Eliyahu comes. Rabbi Nassan says that he does not waive his right



to the money, and therefore a tomb should be built or wine sprinkled before his grave.

The *Gemora* attempts to ask a question on Abaye from a different *braisa*. The *braisa* states: If a person died, and his father and mother threw clothes and vessels on his body (*to show that they did not want their possessions anymore and that they should be buried with their son*), it is a *mitzvah* for others to save the clothes from being buried with him.

The *Gemora* answers: This is because they are just acting out of bitterness (*and do not really want all of their possessions to be buried with their son*).

The *Gemora* asks: How does this fit with Rabban Shimon ben Gamliel's statement about this case? He says that this is only the law if the clothes did not touch the bed. If they did, they are forbidden from benefit.

The *Gemora* answers: Ulla explains that Rabban Gamliel is talking about clothing thrown on the bed upon which he will be buried. The clothes become forbidden, as people will otherwise end up saying that one can have benefit from the garments that the dead are buried in. [*They are not forbidden because they are designated for him.*]

The *Gemora* asks another question from a *braisa*. The *braisa* states: A bag that was made to hold *tefillin* cannot be used to hold money. If *tefillin* were put in the bag, it can still be used for money. [*This implies designation is significant!*]

The *Gemora* answers: The first case is actually where he made it for *tefillin* and put in the *tefillin*. He can no longer put in money, as per the opinion of Rav Chisda.

The *Gemora* asks another question from a *braisa*. The *braisa* states: If a person told a worker to make him a cover for his *sefer torah* or a case for his *tefillin*, he may use it for

a mundane purpose before he has actually used it with its holy purpose. Once he has used it for its holy purpose, he can no longer use it for its mundane purpose. [*This implies designation is insignificant!*]

The *Gemora* answers: This is actually an argument among *Tannaim*. The *braisa* states: If a person coated his *tefillin* with gold or with the skin of non-kosher animals, they are invalid. If he coated it with the skin of kosher animals it is valid, even if they were not made into leather for the sake of being used for *tefillin*. Rabban Shimon ben Gamliel says: Even the skin of non-kosher animals is impure unless it was made to be used for *tefillin*.

Ravina asked Rava: Is there any place where the dead are already dead, and they then start making clothes for him? [*In other words, what is the case of your argument with Abaye?*]

Rava answered: Yes, like the dead of Harpanya (*a city of poor people who only collected money for clothes to bury the dead after they died.*)

Mereimar taught: The law follows Abaye. The Rabbis taught: The law follows Rava. The *Gemora* concludes that the law follows Rava. (47b – 48b)

### ***The Property of the Executed***

The *braisa* states: People killed by the king have their estate go to the king. People killed by *Beis Din* have their estate go to their inheritors. Rabbi Yehudah says: Even people killed by the king have their estate go to their inheritors. They said to Rabbi Yehudah: Doesn't the verse say: *Isn't he is in the vineyard of Navos, whom he went down to inherit?* [*This was after Achav killed Navos.*] He answered: Achav was the nephew of Navos, and therefore was able to inherit him because he was family. They asked him: Didn't Navos have many sons who would have inherited before Acha? He answered them: Achav killed all

of them. This is as the verse states: *If not for the blood of Navos and all of his children that I have seen* etc. The Rabbis understand that this verse is referring to children who were supposed to be fathered from Navos in the future.

The *Gemora* asks: The verse, “*Navos blessed God and the king*” is understandable according to the opinion that those killed by the king have their possessions go to the king. [*The verse says he cursed the king to show that his rebellion against the king was why he was killed and his possessions seized by the king.*] However, according to the opinion that their possessions go to their inheritors, why did the verse bother to say he cursed the king?

The *Gemora* answers: According to you, why did it even bother to say he cursed Hashem? Rather, it is coming to give reason for the anger against Navos. So too, saying he cursed the king is giving reason why there was anger against Navos.

The *Gemora* asks: The verse, “*And Yoav ran to the tent of Hashem and grabbed onto the horns of the Altar... and he said, no, for I will die here*” is understandable according to the opinion that a person killed by the king has his possessions go to the king. [*Yoav did not want to be killed by the king, as his estate would be lost.*] However, according to the opinion that his estate goes to his inheritors, why did he care?

The *Gemora* answered: He was trying to stall his death.

*And Benanyahu returned to the king with the message that this is what Yoav said, and this is how he replied to me.* He said: Do not do two injustices to me. If you kill me (for killing Avner and Amasa), you will be forced to accept your father’s curse upon yourself. If not, let me live, and I will receive the curse of your father. *And the king said, do as he says and kill him and bury him.* Rav Yehudah says in the name of Rav: All of the curses that David cursed Yoav came true to David’s descendants.

David said, “*It should not cease from the house of Yoav that there will be a zav, a metzora, one who holds a cane, one who is killed by the sword, and one who is missing bread.*”

The curse regarding a *zav* came true regarding Rechavam. The verse states: *And king Rechavam tried to go on a “merkavah” -- “chariot” to run to Yerushalayim.* The verse also states: *And all of the “merkav” that a zav will go on shall be impure.* [*This implies that Rechavam was a zav, as it uses the same word as stated by a zav.*]

Uziyahu was a *metzora*. This is as the verse states: *And with his strength he became haughty so that he acted corruptly, and he committed treachery against Hashem his God, for he came to the Sanctuary of God to offer incense on the Altar of Incense.* The verse says (that after he did this): *The tzaraas broke forth from his forehead.*

A holder of a cane came true regarding Asa, as the verse states: *When he was in his old age, his feet became diseased.* Rav Yehudah says in the name of Rav: He was afflicted with *podagra* (in his legs). Mar Zutra, the son of Rav Nachman, asked Rav Nachman: What is this affliction like? He answered: It is like a needle going into live flesh.

The *Gemora* explains how he knew: Either he himself had this sickness. Some say that he was taught this by his teacher. Some say that this is as the verse states: *The secret of Hashem is to those who fear him, and His covenant is to inform them.*

One who falls by the sword came true regarding Yoshiyahu. This is as the verse states: *And the archers shot at King Yoshiyahu.* Rav Yehudah says in the name of Rav: They made his body like a sieve.

One who is missing bread came true regarding Yechoniah, as the verse states: *And his meal was always provided to him (by Nevuchadnezer, as he had nothing of his own).*



Rav Yehudah said in the name of Rav: This is what people say, "You should be one who is cursed, but not one who curses" (*for David's curses backfired against him*). (48b – 49a)

## INSIGHTS TO THE DAF

### HALACHOS FROM RABBI NEUSTADT

**Question:** What are the rules for disposing of *tashmish d'tashmishai kedushah* and *tashmish d'tashmishai mitzvah* objects?

**Discussion:** This lowest category of ritual objects includes those items which are not directly involved in either the *kedushah* itself or in the direct performance of a mitzvah. The basic halachah holds that once these items are no longer fit for use, or once the mitzvah that they were used for is no longer applicable, they have no significance whatsoever and require no special method of disposal. It is still recommended by many *poskim*, however, that in order to show honor and respect to a mitzvah, it is appropriate to dispose of these items in a dignified manner only.

The following items may be discarded in any manner, but it is recommended that they be disposed of with respect:

- A Kiddush *cup* ("*becher*") — used for Kiddush and Havdalah only
- A *bimah*
- A *bimah* cover, plastic

A bookcase (used exclusively for *sifrei kodesh*)

### DAILY MASHAL

Rabbi Shlomo Elyashiv writes: "The main obligation of a Jew is to believe with perfect faith that all that is found within the words of the rabbis, either in halachah, Aggados of Shas (midrashim within the Talmud), and the Midrashim,

are "the words of the Living G-d." All they have said is with the Divine Spirit which has spoken through them, as it says, "the Secrets of G-d to those who fear Him" (Sanhedrin 48b)." (Drushei Olam HaTohu, 2:4:19:6)

In other words, there is something special about the rabbis who recorded the Mishnah and the Talmud, and certainly those who preceded them in the Talmudic chain. It wasn't just their sterling character traits or prowess of intellectual ability, but something called "Ruach HaKodesh," which literally means "holy spirit" but which, in this case refers to a kind of supernatural connection to Heaven.

Thus, on the outside they may appear merely like great rabbis, but on the inside there is a supernatural pipeline to Heaven that guides their thinking and provides them with insights the average person cannot know. As a reward for developing their fear of G-d, that is, their belief in the hand of G-d in all that occurs, G-d shares with them Heavenly secrets. Even to this day, G-d shares "secrets" with those who fear Him - acknowledge His Existence and live each day with the reality of It.