



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Sanhedrin Daf Mem Gimmel

ECHAD OMEID...

- **R' Huna** said, it is obvious that the stones used for the death penalty, and the pole from which the person is then hanged, and the sword used for the death penalty of sayif, and the scarf used for the death penalty of chenek, are all paid for from communal funds, because we would not force the person himself to have to pay for the instruments that will be used to put him to death. **R' Huna** asked, what about the kerchief that is used to wave from in front of Beis Din and the horse that is used to chase the accused and stop the death penalty so that they can return to Beis Din to hear a new argument of acquittal – who pays for those? Do we say that since these are being used to save his life, it is he who must pay for them, or do we say that since Beis Din is chayuv to try and save this person these items also come from the communal funds? Additionally, when **R' Chiya bar R' Ashi in the name of R' Chisda** said that we mix "levonah" into wine and give it to drink to the person who is being put to death so that he become somewhat intoxicated, and a Braisa said that these ingredients would typically be donated by the prestigious women of Yerushalayim, who would have to pay for them if these women did not donate them? The Gemara says regarding this last question, that it would surely come from the communal funds, because a pasuk says "tenu" – give wine and intoxicating drinks to the one who is lost. It instructs the tzibbur to give.
- **Q: R' Acha bar Huna** asked **R' Sheishes**, what would happen if one of the talmidim said they have an argument to acquit, but before he could articulate the argument he became mute? Do we disregard it, or do we say that Beis Din can no longer judge this case, because we don't know the argument that was to be made? **A: R' Sheishes** made a dismissive motion and said, if we are concerned for that argument we would have to be concerned that in every capital case there is someone in the world who may have an argument to acquit and therefore we could never convict.
  - **Q:** Maybe we can answer from a Braisa. The Braisa says, **R' Yose bar Chanina** said, if one of the talmidim in a capital case argued to acquit and then died, we view him as if he was still alive and maintaining his view to acquit. Now, this suggests that we do so only because he actually stated his argument to acquit, but if he had not yet done so, we would not!? **A:** This does not answer **R' Acha's** question, because the question is whether the Braisa means to include the case where he said he has an argument but did not yet articulate it, and the reason the Braisa does not speak of that case is that it is more unusual than the other case.

AFILU HU...

- **Q:** The Mishna seems to say that even the first 1 or 2 times that he makes an argument on his own behalf, we only return to Beis Din if there is substance to his argument. However, a Braisa says, that the first 2 times we bring him back to Beis Din even if there is no substance to his words!? **A: R' Pappa** said, explain our Mishna as referring to after the second time.
- **Q:** How do the people that are taking him out to be put to death know whether there is substance to his words? **A: Abaye** said, we send along a pair of Rabanan with them, and they decide whether there is substance to his argument.
  - **Q:** Why do they wait until after the 2<sup>nd</sup> time to send a pair of Rabanan? Why not send immediately? **A:** Initially the person is overcome with the fear of his impending death and cannot fully articulate his argument. Therefore, we bring him back to Beis Din so that he can calm down a bit and make the argument. After the second time, we no longer need to do so.

## MISHNA

- If they found a reason to acquit him, they acquit him. If not, they take him out to be stoned (in a case where the punishment is stoning). They would announce before him, "Ploni ben Ploni is being taken out to be stoned, because he was oiver this aveira, and Ploni and Ploni are the witnesses. Whoever knows a reason to acquit him should come and put forth the argument".

## GEMARA

- **Abaye** said, they must also announce the day that the aveira was done, the time of the day, and the place in which it happened, so that people could then possibly use that information to make the witnesses into eidim zomeimim.

## V'KAROZ YOTZEI LIFANAV

- This suggests that it is only done as he is being taken to his death, and not at any earlier point in time.
- **R' Yehoshua ben Levi** said, whoever kills his Yetzer Harah and admits to the aveiros that he did is considered by the pasuk to have honored Hashem in Olam Hazeh and Olam Habah.
  - **R' Yehoshua ben Levi** said, in the times of the Beis Hamikdash, if a person brought an Olah he would get credit for bringing that Olah, or whatever korban he brought. However, a pasuk teaches, that a person who regrets his aveiros is considered as if he brought *all* of the korbanos, and his tefilos will not be looked at as disgusting by Hashem.

## MISHNA

- When they reached about 10 amos away from the place where the skila would take place, they would tell the person to admit to his aveiros, as this is the practice of all people who are put to death, because anyone who confesses to his aveiros before dying gets a share in Olam Habah.
  - We find this by Achan (who took from the spoils of Yericho after Yehoshua said that noone is to take from them), where Yehoshua told him to please give honor to Hashem and confess to what he had done. The pasuk says that Achan said, "In truth I have sinned to Hashem, and this and this is what I have done". We see that this confession brought him a kaparah, because the pasuk says that Yehoshua told him "You shall be ruined on this day", which suggests that in Olam Habah he will not be "ruined", because he has a kaparah.
- If the person does not know how to admit to his aveiros we tell him to say, "Let my death be a kaparah for all my aveiros". **R' Yehuda** said, if he knows that he is innocent of the aveirah for which he is being put to death and that the witnesses are truly false witnesses, he should say "Let my death be a kaparah for all my aveiros except for this aveirah". The **Rabanan** said to **R' Yehuda**, if we allow that, then every person will say that in order to clear his reputation, even if he was truly guilty!

## GEMARA

- A Braisa says, Yehoshua told Achan to "please" confess. The reason he pleaded with him to confess is as follows. When Hashem told Yehoshua, "the Yidden have sinned" (by taking from the spoils of Yericho), Yehoshua asked Hashem who it was that took. Hashem said, "I am not a tattletale, go and make a gorel". Yehoshua went and made a gorel and it chose Achan. Achan challenged the effectiveness of a gorel altogether. Yehoshua said to him, "I am pleading with you not to question the effectiveness of a gorel, because EY will be divided by gorel, so please admit to your guilt".
  - **Ravina** said, Yehoshua bribed him with words, because Achan thought that if he admits his guilt he would not be put to death. That is why he admitted.
  - **R' Assi in the name of R' Chanina** said, Achan said "I have sinned, and this and this is I have done". This teaches that Achan actually took from 3 spoils from which noone was supposed to take – two in the days of Moshe and one in the days of Yehoshua. **R' Yochanan in the name of R' Elazar the son of R' Shimon** said that he took from 4 in the days of Moshe and one in the days of Yehoshua (the two uses of "and" in the pasuk suggest an additional two aveiros).
    - **Q:** Why was he not punished until this taking? **A:** **R' Yochanan in the name of R' Elazar the son of R' Shimon** said, because Hashem did not punish the tzibbur for

the hidden aveiros of other people until after they crossed the Yarden and entered EY.

- This is the subject of a machlokes among Tanna'im in a Braisa, where **R' Yehuda** darshens a pasuk to teach that the Yidden only began to be punished for the hidden sins of other Yidden once they entered EY. **R' Nechemya** said, Yidden never get punished for the hidden sins of other Yidden, rather the pasuk teaches that before entering EY the Yidden were not responsible for any sins of other Yidden – whether committed openly or hidden. When they entered EY they began to be responsible for the open sins of other Yidden.
  - **Q:** If so, why were the Yidden punished for the hidden sin of Achan? **A:** His wife and children knew of the sin, and therefore it was not considered to be hidden.