



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

### Sanhedrin Daf Mem Vuv

HA'ISH NITLH...

- The **Rabanan** darshen the pasuk "v'salisa oso" – *he* is hanged, but not her. **R' Eliezer** darshens to pasuk that the person is hanged while unclothed. The **Rabanan** agree that this pasuk is needed for the drasha, so they darshen the pasuk of "v'chi yihiyeh b'ish cheit" to teach that it only applies to a man, not a woman. **Reish Lakish** explains that **R' Eliezer** would darshen this pasuk to exclude a ben sorer umoreh from being hanged.
  - **Q:** A Braisa says that **R' Eliezer** holds that a ben sorer umoreh *is* hanged!? **A: R' Nachman bar Yitzchak** said, **R' Eliezer** darshens this pasuk to *include* ben sorer umoreh as needing to be hanged as well. The pasuk says "ish", which would exclude a "ben" and says "cheit" which would also exclude a ben sorer umoreh, who is not killed for his current sins but rather for his future ones. An exclusion followed by an exclusion comes to include, and therefore a ben sorer umoreh is included in the hanging requirement.

AMAR LAHEN R' ELIEZER...

- **R' Chisda** said, a Beis Din may not judge two capital cases with two different forms of death penalty on the same day, but they may judge multiple cases of the same death penalty on the same day.
  - **Q:** The story with **Shimon ben Shatach** was many cases of the same death penalty, and yet the **Rabanan** said that it should not have been allowed!? **A:** Rather, **R' Chisda** must have said the following. Beis Din may not judge multiple capital cases on the same day if they involve different aveiros, even if they carry the same death penalty (and the case of **Shimon ben Shatach** was where the women had done different aveiros). However, if multiple cases have the same aveirah and death penalty, they may take place on the same day.
    - **Q: R' Ada bar Ahava** asked, a Braisa says that Beis Din may not try two capital cases on one day, even if the two cases are the two adulterers involved in one incident of zenus!? **A: R' Chisda** explained the Braisa to be talking about the daughter of a Kohen who was mezaneh, or a daughter of a Kohen and a second set of zomeimem witnesses (the witnesses who made the original witnesses into zomeimem later themselves became zomeimem). In this case, the daughter of the Kohen is put to death with sreifah and the man or the witnesses are put to death with chenek. That is why they cannot be tried on the same day, because there are two different death penalties at play.
    - A Braisa says, **R' Elazar ben Yaakov** said that he heard that Beis Din may give malkus and even misah for issurim D'Rabanan when the situation calls for it. We see that the Rabanan may uproot a D'Oraisa.

MISHNA

- How do they hang him? They stick a beam into the ground and a crossbeam comes out from it. They take the person's two hands and put one on top of the other and hang him from his hands on the beam. **R' Yose** says, the beam is leaned against a wall and they hang him on it like the way that butchers do.
- They then immediately untie him and bury him. If they leave him hanging overnight they are oiver a lav of "lo salin nivlaso ahl ha'eitz ki kavor tikbirenu". The pasuk then says "ki kililas Elokim taluy" – meaning to say, that people will say the reason this person was hanged was because he cursed at Hashem and thereby made a chilul Hashem.

- **R' Meir** said, when a person suffers for his aveiros the Shechina says, "I have pains in My head, I have pains in My arm". Now, if Hashem has such pain when the resha'im are being killed, kal v'chomer to the pain He has when the tzaddikim are killed.
- The lav is not only transgressed for letting someone hang overnight, rather the **Chachomim** said that anyone who allows a meis to wait overnight before being buried is oiver on this lav. However, if he was left overnight for his own honor – to bring him a coffin, or tachrichin, he is not oiver the lav.
- The person who was killed with the death penalty is not buried in his family plot. Rather, there were two cemeteries that were prepared for use by Beis Din – one for those put to death with sayif and chenek, and one for those put to death with skila and sreifa. After the flesh of this person has decomposed, they would gather the bones and bury them in the person's family plot.
- After the death penalty has been carried out, the relatives of the person put to death come and ask about the judges and the witnesses, as if to say that they hold no grudge against them, because the case was judged correctly. They did not act as aveilem for the relative who was put to death, but they could act as an onein, because that is something that is only in the heart.

#### GEMARA

- A Braisa says, if the pasuk would have said "if a man commits a sin you shall hang him", we would have thought to first hang him and then stone him, which is how the goyim do it. The pasuk therefore says, "he shall be put to death and you shall hang him", which teaches that he is first put to death and then hanged. How is this done? Beis Din holds off giving the verdict until close to sunset, at which point they give the verdict and put him to death, and they then hang him. One person hangs him and immediately the next person unties him. He is not left there for longer than that, because the mitzvah of hanging him has been fulfilled.
- A Braisa says, the pasuk says he is hanged on an "eitz". This can mean something that is attached to, or detached from, the ground. The pasuk then says "ki kavor", which teaches that the beam must be something that can be immediately buried with the person, and does not have to first be cut in order for it to be buried. **R' Yose** says this even excludes something that is stuck into the ground. The **Rabanan** hold that pulling something out that was stuck in the ground is not a significant act.

#### KILOMAR MIPNEI MAH ZEH TALUY MIPNEI SHEBEIRACH...

- A Braisa says, **R' Meir** said that a mashal was given – of twins, one who was the king and the other who was a thief. The king decreed that his brother be hanged. When people saw him hanging they thought it was the king hanging, so the king ordered that he be taken down. The same is with Hashem – when man is hanging it is a disgrace to Hashem and the person is therefore taken down immediately.

#### AMAR R' MEIR...

- **Abaye** explains that **R' Meir** interprets the word "kililas" to mean "heavy". **Rava** said, he interprets it to mean "light" (also meaning heavy, but said in a euphemistic way).
- **Q:** How could **R' Meir** darshen the word "kililas" when it is needed to teach that one who curses Hashem or commits similar aveiros must be hanged!? **A:** For that the pasuk could have said "mikalel". The fact that it says "kililas" teaches both things. It can't be only to teach what **R' Meir** said, because then the pasuk should have said "kilas".

#### V'LO ZU BILVAD...

- **R' Yochanan in the name of R' Shimon ben Yochai** said, how do we know that one who leaves a meis overnight without burial is oiver a lav? The pasuk says "lo salin nivlaso". How do we know he is also oiver an assei? The pasuk says "ki kavor tikbirenu". **Others** say that **R' Yochanan in the name of R' Shimon ben Yochai** said, we find a "remez" to the concept of burial in the Torah from the pasuk of "ki kavor tikbirenu".
  - Shvor Malka asked **R' Chama**, how do we know from the Torah that a meis must be buried? **R' Chama** did not know what to answer. **R' Acha bar Yaakov** said, he could have answered from the pasuk of "ki kavor"! The Gemara says that is not a good answer, because that may mean that putting him in a coffin is enough. It doesn't show that he must be put into the ground. But, maybe he could have used the next word in the pasuk – "tikbirenu"? The Gemara says, Shvor Malka would not have accepted a drasha based on a double verbiage.

- **Q:** Why couldn't he answer that we see this from the pesukim that tell of the tzaddikim who were buried!? **A:** He would have said that the custom is to bury people in the ground, but that doesn't show it is a requirement in the Torah.
  - **Q:** Why couldn't he answer that we see this from the fact that Hashem buried Moshe? **A:** He would say that Hashem did that so as not to depart from the custom.
  - **Q:** The pasuk tells of the nevuah of Achiya Hashiloni, and tells how Aviyah will be buried (as opposed to the rest of his family who won't receive burial) because of his good deeds. We see that burial is proper in the eyes of Hashem!? **A:** Again, that may be so as not to depart from the custom.
  - **Q:** The pasuk says that resha'im will not merit burial, which is considered to be a curse, which means that burial is proper!? **A:** It may be a curse only because it deviates from the custom.
- **Q:** Is burying a meis done to avoid disgracing the meis and his family (when the body decomposes) or is it done as a kapara for the meis? The difference would be where a person says he does not want to be buried – if it is to avoid disgrace, he cannot refuse burial and disgrace his family, but if it is for a kapara he is allowed to say he that he does not want the kapara. **A:** From the fact that the tzaddikim were buried it must be that it is due to disgrace, because they certainly did not need a kaparah!
  - That is no proof, because the pasuk says that there is no tzaddik that does only good and never sins.
  - **Q:** From the fact that only Aviyah was allowed burial it must be that it is to prevent disgrace, because if it is for kaparah, why did his family not merit burial to get a kaparah? **A:** It is because he was a tzaddik that he merited to have a kaparah, but the resha'im in his family did not merit getting a kaparah.
  - **Q:** The pasuk regarding the resha'im not getting burial shows it must be to avoid disgrace! **A:** It may be that they just don't merit to get a kaparah.
- **Q:** Is a hesped given in honor of the living relatives or in honor of the meis? The difference would be if a person says he doesn't want a hesped made for him, or whether we can make the heirs pay for someone to give a hesped. **A:** The pasuk says that Avrohom came to give a hesped for Sarah. Now, if it is done for the honor of Avrohom, would he have been allowed to delay her burial for his honor?
  - This is no proof, because it may be that Sarah would want her burial to be delayed to bring honor to Avrohom.
  - **Q:** The pasuk says that Aviyah would be given a hesped. His relatives were resha'im, so Hashem would not have had people give him a hesped in their honor! **A:** Tzaddikim like when other people get honor through them.
  - **Q:** The pasuk regarding the resha'im says they will not get a hesped. Now, if it is for the honor of the living relatives, why shouldn't their righteous relatives receive that honor? **A:** That is because tzaddikim don't want honor that comes to them through resha'im.
  - **Q:** The pasuk tells how Yirmiyah assured Tzidkiya that he would receive a hesped. Now, if it is done for the honor of the living, why would Tzidkiya care whether or not he was given a hesped? **A:** Yirmiya was telling him that all of Klal Yisrael will receive honor through you, just as they did from the hespeidem given to your forefathers.
  - **Q:** We learn that King Chizkiyahu had his father's bones dragged through the streets to disgrace his father, because his father was a rasha. Now, if after death the honor, and therefore the disgrace, is really for the living relatives, why would Chizkiya have done this and thereby disgrace himself!? **A:** He did so to try to bring a kapara for his father. Although this brought disgrace to all of Klal Yisrael, the Yidden were okay with giving up their honor for Chizkiya, so that he could bring a kaparah for his father.
  - **Q:** When **Rabbeinu Hakadosh** was dying he told his children to make sure that he is only given a hesped in the large cities, not the small towns. Now, if a hesped is for the honor of the living relatives, why would he care? **A:** He may have said that to bring more honor to the Yidden.

- **Q:** Our Mishna seems to say that a hesped is for the honor of the meis, because it says that a coffin and tachrichin are for the honor of the meis? **A:** The Mishna means that they are for the honor of the living relatives.
  - **Q:** Is it possible that the Mishna would allow a meis to remain unburied overnight for the honor of a living relative? **A:** The issur is only when the meis is being left overnight for no good reason. When there is a reason, there is no issur.
- **Q:** A Braisa seems to say that gathering a crowd for the funeral and all other funeral needs are for the honor of the meis and therefore there is no issur if he is left unburied overnight for that purpose!? **A:** The Braisa means that whatever is done for the honor of the living removes the issur of leaving the meis unburied overnight.
- **R' Nossan** has taught that it is a good siman for a meis who does not receive a proper hesped or burial, because it shows that he is paying for his aveiros in this world rather than the next. This clearly shows that a hesped is for the honor of the meis. **SHEMA MINAH.**