



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

### Sanhedrin Daf Mem Zayin

LO HAYU KOVRIN...

- **Q:** Why is it that the person cannot be buried with his family? **A:** We do not bury a rasha next to a tzaddik. We are taught this by **R' Acha bar Chanina** from the pasuk that tells that when a rasha was accidentally buried near Elisha, the rasha came back to life. This shows that Hashem didn't want a rasha to be buried next to a tzaddik.
  - **Q: R' Pappa** asked, maybe the person came back to life only in fulfillment of Elisha's request that he receive a double portion of the spirit of Eliyahu. Now, since Eliyahu did techiyas hameisim once, it would seem that Elisha would have to do it twice in fulfillment of his request, and since we only find that Elisha did it once, this would be the second time!? **A:** The pasuk says that the rasha immediately died again once he moved away from Elisha. If this was supposed to be the fulfillment of his request, the person would not have immediately died again.
    - **Q:** Where do we find that Elisha did techiyas hameisim a second time? **A: R' Yochanan** said, he healed Naaman from tzaraas, and someone with tzaraas is referred to in a pasuk as a meis.
- The reason Beis Din had to have 2 separate cemeteries is, that just as a rasha may not be buried near a tzaddik, a worse rasha may not be buried next to a better rasha. That is why those who were chayuv skila or sreifa had to be separated from those chayuv only sayif or chenek.
  - **Q:** If so, why didn't they have 4 separate cemeteries, one for each of the types of death penalty? **A:** We have a kabbalah that they only need to have two.
- **Ulla in the name of R' Yochanan** said, if someone ate "cheilev" and separated a korbon chatas to bring as a kaparah for the aveirah, and then became a "mumar", and he then came back to Judaism, he cannot use that korbon, because once it was pushed away it remains pushed away. Similarly, **R' Yirmiya in the name of R' Avahu in the name of R' Yochanan** said, if someone ate "cheilev", separated a korbon chatas to bring for the aveirah, and then became a shoteh, and he then became sane again, he cannot use that korbon, because once it was pushed away it remains pushed away.
  - Both of these cases are needed. If we would only have the first one, we would say that in that case he is the one who made the korbon passul, but in the second case it happened on its own (so maybe it does not remain passul). If we would only have the second case we would say it remains passul, because he does not have the ability to regain his sanity, but in the first case he can decide to come back to Judaism (so maybe it does not remain passul).
  - **R' Yosef** said, we have learned this in a Braisa as well. The Braisa says that animals of an ihr hanidachas that had been designated as korbanos may not be brought as korbanos. Now, the people of the city received a kaparah when they were killed, so why can't their animals be brought as korbanos? It must be that since they were pushed away when the people were still mumrim, they continue to be pushed away.
    - **Q: Abaye** said this is no proof, because someone who dies as a rasha does not receive a kapara via his death. We see this from **R' Shmaya** who taught that a Kohen may not become tamei to his father if his father was a mumar, because the pasuk says "b'amav". We see that after death the father is still considered to be a mumar! **A: Rava** said, this case cannot be compared to the case of a person who is killed. When a rasha is killed, it brings him a kappara. When he dies a natural death, it does not bring him a kappara. In fact, we see this from a pasuk which refers to resha'im who were killed by the government as servants of Hashem.

- **Q: Abaye** said, you can't compare this case, where a person was unjustly killed by the king and therefore gets a kapara from this death, to one who is justly killed by Beis Din, and therefore does not get a kapara from the death. In fact, we must say this, because if not, why does our Mishna say that after being put to death by Beis Din he must be buried in a separate cemetery? It must be that it does not bring him a kaparah! **A:** The Gemara says, it may be that his kapara only comes with death *and* burial, and before the burial they are still resha'im.
  - **Q: R' Ada bar Ahava** asked, the Mishna says that the relatives do not mourn as aveilim for a person who was put to death. Now, if the death and burial bring a kapara, why don't they mourn for him? **A:** Kapara only comes with the decomposition of the flesh. In fact, the Mishna even says that once the body has decomposed the bones are gathered and buried in his family burial place.
  - **R' Ashi** said that aveilus is supposed to begin with the closing of the casket, but kapara doesn't come until later – until the body begins to decompose. Since aveilus could not begin at the normal time, it does not apply at all.
    - **Q:** If the kapara comes at the beginning of the decomposition, why don't they transfer the body to the family burial place at the beginning of the decomposition period? **A:** It is practically impossible to move the body at that stage, so they wait until the body has fully decomposed.
- People would take earth from the grave of **Rav** to cure their one day old fever. When this was told to **Shmuel** he said it was not a problem to do so, because it is simply earth, which is not assur. **Shmuel** learns this from a pasuk that compares graves to avodah zara – just like avoda zara is not assur when it is attached to the ground, so too something used for burial is not assur if it is attached to the ground.
  - **Q:** A Braisa says, if someone dug a grave for his father, but ended up burying him in a different grave, the son may never be buried in the unused grave. This suggests that the earth of a grave is assur!? **A:** The Braisa is talking about a grave that was built with materials, not just dug into the earth.
  - **Q:** A Braisa says, a new grave is mutar to benefit from, but once even a neifel has been put into it, it becomes assur. This suggests that the earth is assur!? **A:** This Braisa is also talking about a grave that was built with materials, not just dug into the earth.
  - **Q:** A Braisa discusses different types of graves and says that some of them are assur to benefit from!? **A:** This Braisa is also talking about a grave that was built with materials, not just dug into the earth.
- If one weaves tachrichin for a meis (but has not yet put it on a meis), **Abaye** said it becomes assur to use for anything but a meis, because the act of designation is itself significant, and **Rava** said it is mutar, because the act of designation is not significant. **Abaye** learns his view from a gezeira shava from egalh arufah to Miriam's burial and learns that just as eglah arufah becomes assur to use for anything else once it is designated, the same is true for items used for burial. **Rava** learns a gezeira shava from avodah zara, and just as avoda zara doesn't become assur from designation, the same is true for items used for burial.
  - **Q:** Why doesn't **Rava** learn a gezeira shava from eglah arufah? **A:** He rather learn one accessory from another, and not learn from eglah arufah, which is the actual thing, not an accessory.
  - **Q:** Why doesn't **Abaye** learn a gezeira shava from avodah zara? **A:** He rather learn something that is normal for a Yid (i.e. mutar) from something that is normal for Yid, and not learn from avoda zarah, which is something that is not normal for a Yid to do.