



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

Sotah Daf Mem Gimmel

MISHNA

- The pasuk says that the shotrim say to the Yidden (going out to war), whoever just built a house and has not yet lived in it should leave now and return home... This includes one who built a barn to store straw, one who built a barn for cattle, one who built a woodshed, and one who built a storehouse for wine, oil or grain. It also includes one who builds a house, one who buys a house, one who inherits a house, and one who receives a house as a gift.
 - The pasuk then says "A man who planted a vineyard and did not yet redeem it..." This includes one who planted a vineyard, or one who planted 5 fruit trees – even if they are of different fruit types. This includes one who planted these, one who was "mavrich" (he bends a branch of the tree into the ground, where it forms its own roots and he later cuts it off from the mother tree), one who grafted a tree, one who bought a tree, one who inherited a tree, and one who received a tree as a gift.
 - The pasuk then says "A man who gave eirusin to a woman..." This includes one who gave eirusin to a besulah, one who gave eirusin to a widow, and even to a yavam who has a shomeres yavam waiting for yibum, and even one who just heard that his brother died without children, does not go out to fight but rather returns home.
 - All these people must travel out with the army to hear the exemptions from the Mashuach Milchama and they then return home. They still must provide food and water for the troops and repair the roads, and are thus not totally exempt.
- The following people do not become exempt from going out to fight: someone who builds a gatehouse, an unwallled entranceway, or a porch, someone who plants 4 fruit trees or even 5 trees if they are not fruit trees, and someone who remarries his own divorcee.
 - If a Kohen Gadol gave eirusin to a widow, or a regular Kohen gave eirusin to a divorcee or a cholutza, or a Yid who gave eirusin to a mamzeres or nesina, or a Yisraelis who got eirusin from a nasin or mamzer, in all these cases the husband would not become exempt from fighting.
 - **R' Yehuda** says that someone who rebuilt a house on its original footprint would also not be exempt. **R' Eliezer** says, someone who built a house using bricks from Sharon (which have a rather short useful life) is also not exempt.
- The following people need not even travel out with the army in the first place: someone who built a house and began to live in it, but did not yet live there for a full year, someone who planted a vineyard and redeemed it, but did not yet do so for a full year, someone who entered into nisuin, but did not yet live with this woman for a full year, and one who married his yevama, but did not yet live with her for a full year.
 - This is based on the pasuk that says "naki yihiyeh l'beiso shana echas..." – "l'beiso" refers to an exemption for a house, "yihiyeh" refers to a vineyard, "v'simach es ishto" refers to his wife, and "asher lakach" refers to his yevamah.
 - These people do not even have to provide food and water for the troops or repair the roads.

GEMARA

- A Braisa says, the pasuk says "v'dibru hashotrim". We would think that the shotrim are therefore the ones who announce all the exemptions. However the pasuk then says "v'yasfu hashotrim", which means that they add something later and are not the ones who make the

initial announcement. Rather, it must mean that with regard to the exemption announcements the Kohen says them and the shotrim repeat them loudly for all to hear.

- One Braisa says that the Kohen says the exemptions and the shotrim repeat them loudly. A second Braisa says that the Kohen says them and a Kohen announces them for all to hear. A third Braisa says the shoter says them and the shoter announces for all to hear. **Abaye** explains, the pesukim of “v’nigash” until “v’dibru” are said and announced by the Kohen. The pesukim of “v’dibru” until “v’yasfu” are said by the Kohen and announced by the shotrim. From that point on, they are said and announced by the shotrim.

MI HA’ISH ASHER BANAH BAYIS CHADASH...

- A Braisa says, “asher banah” seems to teach that the exemption only applies to one who built a house. The extra word of “mi ha’ish” teaches that the exemption includes one who buys, inherits, or receives a house as a gift. “Bayis” would suggest that the exemption only includes one who now has a new house. Since the pasuk says “asher banah bayis” instead of saying “asher bayis banah”, the pasuk teaches that the exemption includes one who now has a new barn for straw, for cattle, a woodshed or a storehouse as well. We would think to even include someone who has a new porch, entranceway or gatehouse. The pasuk therefore says “bayis”, which teaches that it must be a structure fit for living in. **R’ Eliezer ben Yaakov** argues and says that “bayis” teaches that only a house exempts, and a new barn or storehouse would not. The pasuk then says “v’lo chanacho”, although it could have said “v’lo chanach”. This comes to teach that the exemption of having a new house does not apply to a thief who stole a house.
 - **Q:** Maybe we should say that this last teaching argues with **R’ Yose Haglili**, because he says that “v’rach haleivav” teaches that one who has aveiros should not go and fight. If so, the thief is exempt from fighting anyway!? **A:** We can say that the Mishna is discussing where the thief did teshuva and then paid for the house that he stole. Therefore, he does not have the aveirah, but he does have a new house. However, since he initially got the house via thievery, it cannot serve to exempt him from fighting.

UMI HA’ISH ASHER NATAH KEREM...

- A Braisa says, “asher natah” teaches that the exemption only applies to one who plants. The extra word of “umi ha’ish” teaches that it even applies to one who buys, inherits, or receives a vineyard as a gift. The word “kerem” would suggest that it only applies to a vineyard. Since the pasuk says “asher natah kerem” instead of saying “asher kerem natah”, it teaches that it includes one who plants 5 fruit trees, even if they are each a different fruit. The word “kerem” serves to exclude one who plants four fruit trees or even more non-fruit trees. **R’ Eliezer ben Yaakov** argues and says that “kerem” teaches that only a vineyard exempts, not any other fruit trees. The pasuk then says “v’lo chililo” when it could have just said “v’lo chilel”. This comes to exclude from the exemption one who was mavrich or grafted a vineyard.
 - **Q:** Our Mishna says that one who was mavrich or grafts is exempt!? **A: R’ Zeira in the name of R’ Chisda** said, the Mishna is discussing a permissible grafting and the Braisa is discussing one that is assur.
 - **Q:** What is the case of the permissible grafting? If it is a tree less than 3 years old being grafted onto another tree less than 3 years old (in which case orlah still applied), then this grafter is anyway exempt because of the “mother” tree!? If the case is where the mother tree was beyond its orlah years and the tree to be grafted was still in its orlah years, **R’ Avahu** has said that in that case the new tree becomes batul to the status of the “new mother tree” and would therefore no longer be subject to orlah, and would not serve as an exemption from going to fight!? **A: R’ Yirmiya** said, the case is where a young tree (within 3 years old) was grafted onto another young tree, but the new mother tree was initially planted not for its fruit (but rather to use as a fence or for its wood), in which case it was never subject to orlah (as stated in a Mishna). Since the tree to be grafted was planted for its fruit, it is subject to orlah, and only it can serve as the basis for an exemption from going to war.

- **Q:** Why is it that in **R' Avahu's** case the grafted tree takes on the status of the "mother tree" and in **R' Yirmiya's** case it does not?!? **A:** The difference is, in the case of **R' Avahu** that mother tree can never become subject to orlah (it is beyond its orlah years). In this case, if the owner now decides to use it for its fruit, it *will* become subject to orlah. Since it may itself become subject to orlah, it cannot make the new tree's orlah status batul.
- **Q:** Why doesn't **R' Yirmiya** say that the Mishna is discussing a case of a partners, where one person owns the mother tree and the other owns the branch to be grafted, and therefore the mother tree can serve as an exemption for its owner and the new graft can serve as an exemption for its owner? **A: R' Pappa** said, since this case was not given we can learn that a single vineyard cannot serve to exempt more than one person.
 - **Q:** Why is this different than the case of a man who dies without children, in which case *all* of his brothers become exempt from war because of the yevama!? **A:** In that case any one of them may end up with the yevama as his wife. In the case of the vineyard, no one person can call it "karmo".
- **R' Nachman bar Yitzchak** said, the Mishna can be discussing a case where one grafted a tree onto herbs. Herbs are not subject to orlah and therefore cannot serve as the basis for an exemption, but the grafted tree may serve as the basis.
 - This would follow the view of **R' Shimon ben Gamliel**, who said in the name of **R' Yehuda ben Gamda of Akko** that such grafting is permitted.
- **R' Dimi in the name of R' Yochanan** said, the Braisa that says that grafting and mavrich do not serve as the basis for an exemption, follows the view of **R' Eliezer ben Yaakov**, and just as he says that "kerem" teaches that only a vineyard can serve as the basis for an exemption, he will also say that "natah" teaches that only true planting, and not mavrich or grafting, can serve as the basis for an exemption.
 - **R' Dimi in the name of R' Yochanan in the name of R' Eliezer ben Yaakov** said, a tree that is less than a tefach tall will always be subject to orlah as a gezeirah, because it looks like it is less than 3 years old. However, this is only if there are a total of 5 such trees. If the entire field is made of these trees, such a field will be known to have these small trees and it will not be subject to orlah beyond its third year.
 - **R' Dimi in the name of R' Yochanan in the name of R' Eliezer ben Yaakov** said, one should not say kriyas shema within 4 amos of a meis, because it is viewed as mocking the meis who no longer has the ability to do mitzvos.
 - **R' Yitzchak in the name of R' Yochanan in the name of R' Eliezer ben Yaakov** said, a girl who grew up with step brothers may not marry any of those step brothers, because it looks like she is their true sister.
 - The Gemara says this is not so, because such a case is a known situation and will not lead to this misunderstanding.
 - **R' Yitzchak in the name of R' Yochanan in the name of R' Eliezer ben Yaakov** said, if leket, shikcha, or peyah is put into a pile it becomes chayuv in maaser (D'Rabanan, because people will think the pile is from produce from his field, which should be chayuv in maaser).
 - **Ulla** said, this is only true if the pile is out in the field. However, if it is in the city, people will know what it is and therefore maaser need not be given from it.
 - **R' Yitzchak in the name of R' Yochanan in the name of R' Eliezer ben Yaakov** said, a vine less than a tefach tall does not make the plants that grow near it into klayim D'Rabanan, because the **Rabanan** were not goizer with so insignificant a vine. However, this is only true if there are

a maximum of 5 of these vines. If the entire field is full of these vines, it is considered to be significant and therefore will create klayim D'Rabanan.

- **R' Yitzchak in the name of R' Yochanan in the name of R' Eliezer ben Yaakov** said, a person becomes tamei from a meis as soon as he gets to within 4 amos of it, even if he doesn't touch it or pass over it.
 - We see this from a Mishna which says that if a person is separated from a meis by some type of partition, then he does not become tamei just based on the fact that he is within 4 amos of the meis. This suggests that if there is no partition, he is tamei as soon as he enters the 4 amos of the meis.