



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

Sotah Daf Mem Daled

MI HA'ISH ASHER EIRAS ISHA...

- A Braisa says, "asher eiras" comes to include one who gave eirusin to a besulah, to an almanah, to a shomeres yavam, and even to five brothers where one died without children in which case all the brothers are exempt from going to fight in the war. The pasuk could have said "v'lo lakach" and instead it says "v'lo l'kacha". This teaches to exclude from the exemption a case where the eirusin was prohibited (although effective), such as a Yid giving eirusin to a mamzeres, etc.
 - **Q:** The Braisa seems to argue with **R' Yose Haglili**, who says that a pasuk teaches that one who has aveiros is exempt from going to war, and if so, the person who entered into this prohibited eirusin would be exempt from going to war!? **A:** The Braisa holds like **Rabbah**, that the person who gives the prohibited eirusin is not oiver an aveirah until he has bi'ah with the woman. Therefore, even **R' Yose Haglili** would hold that this person would not be exempt at this point, because the aveirah has not yet been committed.
- A Braisa says, the order of the exemptions in the pasuk is first regarding building a house, then planting a vineyard, and then marrying a woman. The Torah is teaching proper conduct that a person should first build a house, then plant a vineyard, and then get married (i.e. he should first attain a level of financial stability and then get married). We see this from Shlomo Hamelech in Mishlei as well, where he writes "hachein bachutz milachticha" – referring to preparing a house, then "v'atida basadeh lach" – referring to planting the vineyard, and then "achar uvanisa veisecha" – referring to getting married. Another way to explain this pasuk is that "hachein bachutz milachticha" – refers to learning Mikra, then "v'atida basadeh lach" – referring to learning Mishna, and then "achar uvanisa veisecha" – referring to learning Gemara. Another way to explain this pasuk is that "hachein bachutz milachticha" – refers to learning Mikra and Mishna, then "v'atida basadeh lach" – referring to learning Gemara, and then "achar uvanisa veisecha" – referring to doing good deeds. **R' Eliezer the son of R' Yose Haglili** darshened the pasuk to mean, "hachein bachutz milachticha" – refers to learning Mikra, Mishna, and Gemara, then "v'atida basadeh lach" – refers to doing good deeds, and then "achar uvanisa veisecha" – refers to getting reward for darshening the Torah.

V'EILU SHE'EINAN CHOZRIN HABONEH BEIS SHAAR...

- A Braisa taught, if one adds even one row of bricks to his house, it is considered to be a "new house" and would make him exempt from fighting the war.

R' ELIEZER OMER AHF HABONEH BEIS LIVEINIM BASHARON...

- A Braisa taught, the reason for this is because a house built with these bricks would have to be rebuilt twice in 7 years. Therefore it is considered more of a temporary structure and does not exempt him from going to war.

V'EILU SHE'EIN ZAZIN MIMKOMAN...

- A Braisa says, "isha chadasha" would seem to suggest that only marrying a besulah would exempt from army service. When the next pasuk uses the seemingly unnecessary word "isha" again, it teaches that even marrying a widow or divorcee would exempt from army service. Therefore, when the earlier pasuk says "chadasha" it means to teach that it must be a new wife for him, which would exclude from the exemption one who remarries his own divorcee.
- A Braisa says, "lo yeitzei batzava" would suggest that the person who entered nisuin but did not yet live with his wife for a year, does not go out to war, but must still be in service by providing food for the troops and repairing roads. The pasuk therefore then says "v'lo yaavor alav l'chol

davar”, teaching that he is to be put in no service at all. We would think that this even includes a person who did not yet begin living in his house, or did not yet eat from his fruit, or did not yet enter into nisuin. The word “alav” teaches that only the person who has already begun to live there, or to eat the fruit, or has already entered into nisuin, is fully exempt from any service. If so, once we have the pasuk of “lo yaavor” why does the Torah need to also write “lo yeitzei latzava”? That was done to make him be oiver on 2 laavim if he does go out to war.

MISHNA

- The pasuk says “v’yasfu hashotrim l’daber ehl ha’am...hayarei v’rach haleivav” (they say that if someone is frightened he should go back home and not make the other Yidden frightened as well). **R’ Akiva** says this refers to one who is simply scared to go and fight. **R’ Yose Haglili** says this refers to one who is afraid because of aveiros that he has done, which is why the Torah provided for other exemptions, so that when a sinner goes home he does not need to be embarrassed, because people can think that he is exempt for building a new house, etc. **R’ Yose** agrees that it refers to a sinner, and says it refers to a Kohen Gadol who marries a widow, a Kohen who marries a divorcee or chalutza, a Yisrael who marries a mamzeres or nesina, or a Yisraelis who marries a mamzer or nasin.
- The pasuk says that when the shotrim were done speaking they shall appoint leaders in front of the people. The Mishna says they would put leaders behind the people as well. The leaders in the front were there to help pick up the people who have fallen, and the leaders in the back had metal axes with them, and they had free choice to use it on anyone of the Yidden who tried to run away from the army, because the beginning of running away is a downfall as can be seen from pesukim.
- All the exemptions listed only apply to a discretionary war. However, if the war is a “milchemes mitzvah”, everyone must go out and fight, even a chosson is taken from his chuppah. **R’ Yehuda** says the exemptions only apply for a milchemes mitzvah. However, if it is a “milchemes chova” (obligatory) then all must go and fight, even a chosson straight from his chuppah.

GEMARA

- **Q:** What is the difference between **R’ Yose** and **R’ Yose Haglili** in the Mishna? **A:** The difference is regarding an aveirah D’Rabanan. According to **R’ Yose** that would not provide for an exemption, and according to **R’ Yose Haglili** it would.
 - A Braisa says, if one speaks between putting on the tefillin shel yad and the tefillin shel rosh it is an aveirah and would exempt one from going to war. Based on the above, this Braisa must follow the view of **R’ Yose Haglili**.
 - A Braisa says, if one becomes frightened from the war he becomes exempt and leaves. This would seem to only follow **R’ Akiva**. The Gemara says that **R’ Yose Haglili** may agree that this reason also exempts one from going to war so as not to instill fear into the hearts of others. It may be that he only adds another exemption, which exempts one who has done aveiros.

V’HAYA KICHALOS HASHOTRIM...

- **Q:** The Mishna says that “the beginning of running away is a downfall”. What the Mishna should have said is that “the beginning of downfall is running away”!? **A:** Change the words of the Mishna to say that.

BAMEH DEVARIM AMURIM B’MILCHAMOS HARESHUS...

- **R’ Yochanan** said, the “discretionary war” referred to by the **Rabanan** is what **R’ Yehuda** refers to as a milchemes mitzvah, and the milchemes mitzvah referred to by the **Rabanan** is what **R’ Yehuda** refers to as a milchemes chova (so they argue regarding classification, not regarding end result).
 - **Rava** said, the war fought by Yehoshua to conquer Eretz Yisrael would be considered by all as a milchemes chova. The war fought by Dovid to expand the territory would be considered by all as a milchemes hareshus. The machlokes would be regarding a war fought in a pre-emptive way to reduce the number of goyim so that they not start a war with us. **R’ Yehuda** would call this a mitzvah and the **Rabanan** would call this a reshus.

The difference would be whether fighting this war is called a mitzvah and therefore makes a fighter patur from doing another mitzvah at that time.

HADRAN ALACH PEREK MASHU'ACH MILCHAMA!!!

PEREK EGLAH ARUFAH -- PEREK TESI'I

MISHNA

- The statements made during an eglah arufah process must be said in Lashon Hakodesh, based on the pasuk that says “ki yimatzei chalal ba’adama...v’yatzu zikeinecha v’shoftecha”.
- Three judges of the Sanhedrin from Yerushalayim would go out to where the dead body was found (to measure the distance to the nearby cities). **R’ Yehuda** says 5 would go – “zikeinecha” refers to 2, “shoftecha” refers to 2, and we can’t have an even number of judges, so we add one more to make 5.
- If the body is found covered by a pile of stones, or hanging from a tree, or floating in water, the eglah arufah process would not be done. We learn this from the words in the pasuk – “ba’adama” and not covered, “nofeil” and not hanging, “basadeh” and not floating on water.
- If the body was found near the border in Eretz Yisrael, or near a city that was mostly goyim, or near a city that had no Beis Din, the eglah arufah process would not be done. They would only measure to a city that had a Beis Din.

GEMARA

- **Q:** How does the pasuk quoted by the Mishna teach that the statements must be made in Lashon Hakodesh? **A:** **R’ Avahu** said, the Mishna should be understood as if it says as follows. By eglah arufah it says “v’anu v’amru”, and by the brachos and klalos it says “v’anu v’amru”. The gezeirah shava teaches that just as there it was said in Lashon Hakodesh, so too by eglah arufah it must be said in Lashon Hakodesh. The Mishna then continues and asks, what is the eglah arufah process? To that, the Mishna begins to answer with the pasuk quoted and says that 3 of the Sanhedrin must go...

R’ YEHUDA OMER CHAMISHA...

- A Braisa says, **R’ Yehuda** says – “zikeinecha” refers to 2, “shoftecha” refers to 2, and we can’t have an even number of judges, so we add one more to make 5. **R’ Shimon** says “zikeinecha” is two, and we can’t have an even number of judges, so we add one more for a total of 3.
 - **Q:** What does **R’ Shimon** darshen from the word “v’shoftecha”? **A:** He says that teaches that it must be from the choicest of judges – i.e. from the Great Sanhedrin. **R’ Yehuda** learns this from the fact that the pasuk could have said “ziknei” (which is also plural) and instead says “zikeinecha”. **R’ Shimon** says the word “ziknei” would have meant any elders in the marketplace. “Zikeinecha” teaches that it must be judges from a Beis Din. Still, we would think they can even be from a Beis Din of 23 judges. The word “shoftecha” teaches that they must be from the Great Sanhedrin of 71 judges. **R’ Yehuda** learns a gezeirah shava from eglah arufah to the case of “par helam davar shel tzibbur” – just as there the “ziknei” refer to judges of the Great Sanhedrin, the same is here as well.
 - **Q:** If he learns the gezeirah shava, why doesn’t he learn from there in its entirety, including that there must be 5 judges. Why do we need the words of “zikeinecha” and “shoftecha” altogether? **A:** **R’ Yehuda** does not learn the gezeirah shava. He also only learns from the word “shoftecha”. However, he darshens the vav of “v’shoftecha” to require an additional two judges, thus making for 4 judges, and one is added to arrive at an odd number. **R’ Shimon** doesn’t darshen the vuv and is thus left with a total of 3 judges.
 - **Q:** If the plural words mean to add two judges, then when the pasuk says “v’yatzu” it should be understood to add another two judges and “umadidu” should add two more, which according **R’ Yehuda** would create a total of 9 necessary judges, and according to **R’ Shimon** would necessitate 7 judges!? **A:** Those words are needed for another drasha.

“V’yatzu” teaches that the judges themselves must measure, and they cannot send messengers. “Umadidu” teaches that a measurement must be made even if the body is clearly closer to one of the cities, because the measuring itself is a mitzvah.