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Sotah Daf 16

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### ***Earth from the Sanctuary Floor***

The *Mishna* had stated: There was a place one *amah* by one *amah*, with a marble flagstone into which a ring was attached. He raised that stone and took earth from underneath it and put in enough into the container to be visible on the water.

The *Gemora* cites a *braisa*: It is derived from the Scriptural verses that it is preferable for the earth to be taken from the Sanctuary floor. If that cannot be accomplished, he may take earth from outside and place it on the Sanctuary floor.

Another *braisa* is cited: It is derived from the Scriptural verse that he may bring earth from outside the Sanctuary (*and he is not required to place it on the floor*). Issi the son of Yehudah says: The verse teaches us that the floors of Shiloh, Nov and Givon and the Beis HaMikdash are included. Issi the son of Menachem said: It is not necessary to include these from this verse, for we can apply the following logic: If with respect to a lenient *tumah* (*one who enters the Temple while tamei will be liable for kares, and not a capital punishment*), no distinction is made (*between the Mishkan and the Beis Hamikdash*), then with respect to the severe *tumah* of a married woman (*which involves a capital punishment*), there certainly should not be any distinction. The verse is therefore necessary to teach us that he may not bring earth inside from a box (*of earth*) that he had outside (*unless he places it down on the Sanctuary floor first*). (15b – 16a)

### ***Ashes***

They inquired: If no earth was available, can ashes be used instead? The *Gemora* elaborates: According to Beis Shamai, this is not a question at all, for he says that we never find ashes to be referred to as earth (*with reference to the mitzvah of covering the blood with earth after the slaughtering of a bird or non-domesticated animal*). The inquiry would only be in accordance with Beis Hillel, who maintains that ashes can be referred to as earth.

The *Gemora* attempts to resolve this inquiry from that which Rabbi Yochanan said in the name of Rabbi Yishmael: There are three places that a *halachah l’Moshe mi’Sinai* trumps the simple meaning of a verse: The Torah states that the blood must be covered with earth, and yet, the *halachah* is that it may be covered with anything (*providing that it is something in which plants can grow*). The Torah forbids a *nazir* from cutting his hair with a razor, and yet, the *halachah* is that he may not cut it with anything. The Torah says that a *get* (*bill of divorce*) must be written on parchment, and yet, the *halachah* is that it can be written on anything. And if it would be true that ashes can be used for the bitter waters (*even though the Torah states “earth”*), this case should be mentioned as well!

The *Gemora* rejects this proof by saying that perhaps Rabbi Yishmael left out this case.

The *Gemora* asks: What else did he leave out, which will legitimize your claim that he left out this case?

### Visible

The *Gemora* answers: It has left out the *halachah* of a *metzora*. For a *braisa* has derived through a “generalization, specification and generalization” (*k’lal p’rat u’k’lal*) that we are required to shave all the hair of a *metzora* (by his second shaving) which is gathered and visible. This includes his pubic hair, but excludes his hair by the armpits (for they are not visible) and the hair on his arms and legs (for they are not gathered). And yet, the *halachah* is that a *metzora* is should be shaved until his skin is smooth as a gourd (meaning that all his hair is cut; it emerges that this is another case where the *halachah* trumps the verse)!

Rav Nachman bar Yitzchak disagrees and states that Rabbi Yishmael only mentioned cases where the *halachah* trumps an explicitly written verse; by *metzora*, the *halachah* is overriding a Rabbinical exposition!

Rav Pappa suggests another reason why the *metzora* case is not mentioned: Rabbi Yishmael only mentioned cases where the *halachah* trumps and uproots a verse; by *metzora*, the *halachah* is overriding, but adding to the verse (by ruling that more hair needs to be cut).

Rav Ashi suggests another reason why the *metzora* case is not mentioned: Rabbi Yishmael would hold that not all of the *metzora’s* hair is required to be cut, for Rabbi Yishmael expounds the verses with a different method (and therefore it produces a different halachic result).

The *Gemora* attempts to resolve the inquiry from that which Rav Huna bar Ashi said in the name of Rav: If there is no earth available, he may bring the dust of a decayed vegetable and sanctify it. [Seemingly, ashes could be used as well!]

The *Gemora* disagrees with the comparison: the dust of a decayed vegetable is regarded as earth, but ashes are not! (16a – 16b)

The *Mishna* had stated: He raised that stone and took earth from underneath it and put in enough into the container to be visible on the water.

The *Gemora* cites a *braisa*: Three things are required to be visible: The earth of the *sotah*, the ashes of the red heifer (when it is mixed with the water), and the spit of the *yevamah* (when her deceased husband’s brother submits to *chalitzah*). In the name of Rabbi Yishmael it was said that the blood of the *metzora’s* bird also must be visible (when it drips into the water mixture).

The *Gemora* explains the reasoning for the argument between Rabbi Yishmael and the *Chachamim* based on Scriptural verses. (16b)

### D’ror Bird

Rabbi Yirmiyah inquired of Rabbi Zeira: What is the *halachah* if the bird is so large that its blood engulfs the water, or if the bird is so small that its blood is engulfed by the water?

Rabbi Zeira replied: Have I not told you not to take yourself outside the halachic decisions (do not raise questions about exaggerated points)! The *Chachamim* (when ruling that a *revi’is* of water is required) measured using a *d’ror* bird, and you will not find one that is so large that its blood will engulf the water, and you will not find one so small that its blood will be engulfed by the water! (16b)

### Correct Procedure

The *Gemora* cites a *braisa*: If he puts the earth in the container before the water, it is invalid; but Rabbi Shimon allows it. The *Gemora* explains how each one of them



expounds the Scriptural verses as the basis for their respective opinions. (16b)

## INSIGHTS TO THE DAF

### An imperfect floor

The Mishna on 15b informs us that the earth used for the Sotah waters had to be taken from the floor of the Courtyard. The Mishna details that in the Temple Mount Courtyard, there was a flagstone of one square *amoh* with a ring that was lifted up in order to retrieve earth from underneath it.

Our Gemara elaborates that the law that this requirement was applicable wherever the Sanctuary was located – Nov, Gibeon, Shiloh and Yerushalayim.

Maimonides in Beis Habechirah 1:10 writes that if a flagstone in the Courtyard was uprooted, even if it remains in its place it becomes invalidated, and R' Chaim Brisker elucidates further that if a Kohen performs the *Avodah* while standing on that flagstone, his *Avodah* is invalid. He explains that the defect of that flagstone is that place no longer has the holiness of the Temple Mount and is no longer considered to be the fulfillment of the verse 'במקום אשר יבחר ה'.

The Brisker Rav asks that this seems to conflict with our Gemara as it is unlikely that all the Kohanim were careful to avoid that specific flagstone performing the *Avodah*. Therefore he disagrees with R' Chaim and understands the reason why Maimonides invalidates a broken flagstone is not because it is a defect in that piece of land, it is a defect in the flagstones of the floor of the Courtyard. However, for this specific flagstone, where its ability to be detached is not an imperfection but is by design in order to facilitate the Sotah process, it does not constitute a defect that would invalidate the *Avodah* performed on it.

## DAILY MASHAL

### *Halachah Trumps a Verse*

Rabbi Yochanan said in the name of Rabbi Yishmael: There are three places that a *halachah l'Moshe mi'Sinai* trumps the simple meaning of a verse: The Torah states that the blood must be covered with earth, and yet, the *halachah* is that it may be covered with anything (*providing that it is something in which plants can grow*). The Torah forbids a *nazir* from cutting his hair with a razor, and yet, the *halachah* is that he may not cut it with anything. The Torah says that a *get* (*bill of divorce*) must be written on parchment, and yet, the *halachah* is that it can be written on anything.

The Vilna Gaon in Aderes Eliyahu quotes our *Gemora* and provides other examples besides those mentioned in our *Gemora*. It is written with respect to a Jewish slave [Shmos 21:6]: *His master shall bring him to the judges, and he shall bring him to the door or to the doorpost, and his master shall bore his ear with a tool, and he shall serve him forever*. Based upon the textual reading of the verse, the doorpost would be a valid place to bore his ear, but *halachah* overrides the verse. Rashi states: I might think that the doorpost is a valid place on which to bore the slave's ear. Therefore, the Torah says [Devarim 15:17]: *"And you shall thrust it into his ear and into the door."* This means that it should be "into the door," but not "into the doorpost." What then does "or to the doorpost" mean? The Torah is comparing "the door" to "the doorpost." Just as the doorpost is upright (*attached to the house*), so too, the door must be upright. [*If the door is detached, it may not be used for the ritual of ear boring.*]

The Gaon continues by citing the *Gemora* in Makkos (22b): How foolish are those who rise for a Torah scroll (*to honor it*), but they do not rise for a Torah scholar.