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Sotah Daf 44

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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

### ***Four Amos of a Corpse***

Rabbi Yitzchak said in the name of Rabbi Yochanan, who said in the name of Rabbi Eliezer ben Yaakov: A corpse affects four *amos* with respect to *tumah* (*the Rabbis decreed that a person will be rendered tamei if he comes within four amos of the corpse; this was instituted in order for people to maintain a safe distance away from a corpse and not become tamei*).

The *Gemora* cites a *Mishna* as proof to this: Whoever stands within a courtyard of a burial vault is *tahor* (*for the person and the corpse are in two separate areas*), provided that there is a space of four *amos* in the courtyard (*for then it is regarded as its own distinct area*); these are the words of Beis Shamai. Beth Hillel holds: It only requires a space of four *amos*.

The (*emended*) *braisa* qualifies the words of Beis Hillel: This *halacha* applies only if the entrance is from the side (*he remains tahor even if the courtyard is only four tefachim*); but when it is from above, all agree that a space of four *amos* is necessary (*only then will he remain tahor*).

The *Gemora* now explains the proof: Now, by the courtyard of a burial vault, he remains *tahor* (*even if he is within four amos*) because the partitions separate the courtyard from the corpse; however, in general, a corpse affects four *amos* with respect of *tumah*. (43b – 44a)

### ***The Betrothal Exemption***

The *Mishna* had stated: *And who is the man who has betrothed a woman*, etc. This applies to one who betroths a virgin, a widow, or even one who is awaiting *yibum*, or even if he heard that his brother died in this battle, he returns home.

The *Gemora* cites a *braisa*: It is written: *who did erusin*. We can derive from there that whether he betroths a virgin, a widow, or one who is awaiting *yibum* or even where there are five brothers and one of them dies, they all may return from the battle.

Since the Torah wrote *and has not taken her*, we derive from there that a *Kohen Gadol* who marries a widow, an ordinary *Kohen* who marries a divorcee or a *chalutzah*, a *Yisroel* who marries a *mamzeres* or a *nesinah*, a *mamzer* or a *nasin* who marries the daughter of a *Yisroel*, will not be exempt from participating in the battle.

The *Gemora* notes that this would seemingly be at odds with the opinion of Rabbi Yosi Hagelili, for he maintains that the verse “and faint of heart” excludes someone who is afraid about his sins (*and since in all of the aforementioned cases, he has violated a prohibition, he would be exempt from going to battle*).

The *Gemora* states: The *braisa* can be following Rabbi Yosi HaGelili’s opinion as well, for the *braisa* is following the opinion of Rabbah, who states that a *Kohen* will not incur lashes for marrying a woman prohibited to the *Kehunah* unless he cohabits with her. [*The case was that he only*



performed erusin and therefore, he did not sin yet; he would therefore be required to remain at the battlefield even according to Rabbi Yosi Hagelili.] (44a)

### **When to Marry**

The *Gemora* cites a *braisa*: The order of the verses written in the Torah teaches us a rule of conduct: A man should build a house, plant a vineyard and then marry a wife.

Solomon also stated in his wisdom [Mishlei 24:27]: *Prepare your work outside and prepare for yourself in the field; afterward build your house. Prepare your work outside* refers to a house. *And prepare for yourself in the field* – this is a vineyard. *Afterward build your house* is referring to marriage.

Another explanation of that verse is that it is referring to the study of Scripture, *Mishna* and *Gemora*. [*One should first study Scripture and Mishna and only then should he begin to study Gemora.*]

Another explanation of that verse is that it is referring to the study of Scripture and *Mishna*, *Gemora* and performing good deeds. [*One should be well versed in Torah before performing good deeds.*]

Rabbi Eliezer the son of Rabbi Yosi HaGelili understands the verse to be referring to the study of Scripture, *Mishna* and *Gemora*, the performance of good deeds, and then he should expound on Torah and receive reward. (44a)

### **The Marriage Exemption**

The *Mishna* had stated: And the following do not move from their place (*they don't even go to the battleground*): One who built a house and dedicated it; one who planted a vineyard and redeemed it, one who married (*nisuin*) his betrothed; or one who married his *yevamah*. These do not provide water and food, and do not repair the roads.

The *Gemora* cites a *braisa*: Concerning one who marries a virgin, or even a widow or divorcee, he is exempt from going to war the first year. However, if he remarries his divorcee, he is not exempt, for she is not new to him.

The *Gemora* cites a *braisa*: One, who married his betrothed, does not go out to battle and is not required to provide water and food, and does not repair the roads. However, one who built a house but did not inaugurate it, or who planted a vineyard but did not redeem it, or one who betrothed a woman but did not marry her, is required to provide water and food, and he must repair the roads. (44a)

### **Mishna**

*And the officers shall speak further to the people etc., (and they shall say: Who is the man that is fearful and faint of heart? Let him go and return to his house, so that he doesn't melt the hearts of his brethren like his heart).*

Rabbi Akiva says: *Fearful and faint of heart* is meant literally, that he cannot stand the rigors of warfare and gaze upon a drawn sword.

Rabbi Yosi HaGelili says: *Fearful and faint of heart* refers to the one who is afraid because of the sins that he carries. Therefore, the Torah has hangs all these with him, so that he might return on their account (*and this way, he will not be embarrassed*).

Rabbi Yosi says: A *Kohen Gadol* who marries a widow, an ordinary *Kohen* who marries a divorcee or a *chalutzah*, a *Yisroel* who marries a *mamzeres* or a *nesinah*, a *mamzer* or a *nasin* who marries the daughter of a *Yisroel* - he is the one who is fearful and faint of heart.

It is written: *And it shall be, when the officers have concluded their address to the nation, that leaders of*

legions shall be appointed in front of the people. And (the *Mishna* adds) at the rear of the people. They stationed men in front of them (to assist and raise up any warrior who falls; they would likewise inspire the troops with words of encouragement), and others behind them with axes of iron in their hands, and if any sought to turn back, he was empowered to sever his legs, for flight is the beginning of defeat, as it is said [I Shmuel 4:17]: *Israel has fled before the Philistines, and there has been also a great slaughter among the people.* A verse further on states: *And the men of Israel fled from before the Philistines, and fell down slain.*

When do these words (the exemptions mentioned in the *Mishna*) apply? It is only with respect to a voluntary war; however, with respect to wars of *mitzvah*, everyone is required to go out, even a bridegroom from his chamber and a bride from her *chupah*.

Rabbi Yehudah says: These words were only said with respect to wars of *mitzvah*; however, with respect to an obligatory war, everyone is required to go out, even a bridegroom from his chamber and a bride from her *chupah*. (44a – 44b)

### Exemptions

The *Gemora* asks: What is the difference between Rabbi Yosi and Rabbi Yosi HaGelili?

The *Gemora* answers: The difference between them would be regarding one who violates a Rabbinic prohibition.

The *Gemora* cites a *braisa*: One who talks between putting on the arm *tefillin* and the head *tefillin* (without reciting a second blessing), has violated a Rabbinic prohibition, and therefore, he returns from the battlefield. This *braisa* will be in accordance with Rabbi

Yosi HaGelili, who maintains that one is exempt from war even if he has merely violated a Rabbinic prohibition.

The *Gemora* asks: Which *Tanna* taught the following *braisa*? If one heard the sound of trumpets and was stricken with terror, or the clash of shields and was stricken with terror, or he saw the dazzle of swords and urine discharged itself upon his knees, he returns home? Shall we say that it is in accordance with Rabbi Akiva and not Rabbi Yosi HaGelili (for there are no sins in these cases)?

The *Gemora* states that in these circumstances, even Rabbi Yosi HaGelili admits that he returns home, because it is written: *So that he doesn't melt the hearts of his brethren like his heart.* (44b)

### Different Type of Wars

The *Mishna* had stated: When do these words (the exemptions mentioned in the *Mishna*) apply? It is only with respect to a voluntary war; however, with respect to wars of *mitzvah*, everyone is required to go out, even a bridegroom from his chamber and a bride from her *chupah*.

Rabbi Yehudah says: These words were only said with respect to wars of *mitzvah*; however, with respect to an obligatory war, everyone is required to go out, even a bridegroom from his chamber and a bride from her *chupah*.

Rabbi Yochanan explains the dispute: The *Chachamim's* voluntary war is Rabbi Yehudah's war of *mitzvah* (and the exemptions apply), and the *Chachamim's* war of *mitzvah* is Rabbi Yehudah's obligatory war (and the exemptions do not apply). [Their only dispute is regarding which type of war is regarded as a *mitzvah*; the halachic difference would be with respect to the principle of one who is

*engaged in one mitzvah is exempt from performing another mitzvah.]*

Rava says: The wars that Yehoshua fought to conquer *Eretz Yisroel*, everyone agrees that they were regarded as obligatory wars. The wars that King David fought for gain (*that those lands should be annexed to Eretz Yisroel*) were regarded as voluntary wars. They argue with respect to the wars fought with the intent of reducing the amount of idolaters, in order to prevent them from attacking. Rabbi Yehudah holds that these wars are regarded as wars of *mitzvah*, whereas the *Chachamim* maintain that these wars are voluntary wars.

The difference would be with respect to the principle of one who is engaged in one *mitzvah* is exempt from performing another *mitzvah*. (44b)

WE SHALL RETURN TO YOU, MESHUACH MILCHAMAH

## INSIGHTS TO THE DAF

### ***Women in Battle***

The *Mishna* had stated: When do these words (*the exemptions mentioned in the Mishna*) apply? It is only with respect to a voluntary war; however, with respect to wars of *mitzvah*, everyone is required to go out, even a bridegroom from his chamber and a bride from her *chupah*.

Rabbi Yehudah says: These words were only said with respect to wars of *mitzvah*; however, with respect to an obligatory war, everyone is required to go out, even a bridegroom from his chamber and a bride from her *chupah*.

The commentators ask: What does the *Mishna* mean when it says, “even a bride from her *chupah*”? Women are not obligated to go to war! The *Chinuch* (§ 403) writes with

respect of the *mitzvah* of erasing Amalek’s name that it is only applicable to men, but not to women, for it is the practice of men to wage war against their enemies, not women. The *Radvaz* on the *Rambam* also rules like that, and he bases it upon the verse: *The complete glory of the princess is within*. Accordingly, he asks from our *Mishna*, which would seem to indicate that they do go out for war! They also ask from the *Gemora* in *Nazir* (59a) which states: Rabbi Eliezer ben Yaakov said: How do we know that a woman shall not go out wearing weapons of war? It is because it’s written: *A man’s attire shall not be on a woman*.

The *Radvaz* answers: The *Mishna* simply means that when the bridegroom goes to fight, the bride will leave the *chupah*, but not to go to war.

Alternatively, he answers that she does go to war, but not to fight. They provide water and food for their husbands. The *Reshah* adds that they go to the battlefield to cook and to bake for the soldiers. (*The Tzitz Eliezer understands that the Radvaz and the Reshah are arguing if the women supply food only to their husbands or to all men.*)

The *Ben Yehoyadah* writes that she goes out to war to guard the weapons.

In the *sefer Hon Ashir*, he writes that even if a woman is confident that she can stand up to the enemy and she will not back down; we do not allow her to fight.

The *Minchas Chinuch* writes that according to our *Gemora*, a woman would be obligated to fight in all wars of *mitzvah* and to wage war against Amalek. Evidently, this *mitzvah* overrides the prohibition of wearing weapons of war.

## DAILY MASHAL

### **Farmer’s investment**



“Prepare your work outside, and prepare for yourself in the field, afterward build your house” – Mishlei 24:27.

Our Gemara has a number of different approaches to explain the meaning in this verse. The fourth and final approach is – Prepare your work outside – refers to the study of the Mishna and Gemara. Prepare for yourself in the field – these are good deeds. Afterward build your house – D’rosh vekabel sechar, expound on the Torah and receive reward.

The Ohr Torah explains this to be a reference to the well-known maxim that this world is the antechamber for the next world and what we do in this world determines what will be waiting for us in the next world. The primary purpose of Torah study is to learn in order to know how to fulfill the Torah. So the study of the Mishna and Gemara, which leads to good deeds are comparable to the investment a farmer puts into plowing, sowing and cultivating his land. When a person dies, he gathers his crop to take with him to his house in the Afterlife. The primary reward in Paradise is the pleasure of basking in the glory of the Shechinah, where Hashem will reveal to us the secrets of the Torah. This is the meaning of the final section of expound (words of Torah) and receive reward; the expounding of the Torah is itself the reward.

The Tzemach Tzadik asks from the Mishna in Avos 1:3 that we are not supposed to be serving Hashem for the sake of the reward? He therefore has a slightly different understanding. As stated above, the purpose of Torah study is to know how to conduct a lifestyle in keeping with the will of Hashem, and following the path of the just, or Yashar. This is also the purpose of drush – to straighten the corruption of the heart, as is hinted to by the gematria of drush being the same as yashar. This is the meaning of the Mishna in Avos 4:2 “the reward of a Mitzvah is another Mitzvah” – the reward referenced in our Gemara is drush which leads to the vekabel sechar of being yashar.

The Dor Yesharim has a different approach to understand the three levels alluded to in this Gemara. There is an ideal of a person selecting a specific Mitzvah that he will excel in. The Yehudi Hakadosh of Peshischa selected the mitzvah of tzedakah from the positive commandments, and the sin of adultery from the negative commandments. When the Torah commands us not to commit adultery, the simple meaning is the first level. The Mishna added a safeguard and advises us not to converse unnecessarily with a woman (Avos 1:5). Then the Gemara added an additional safeguard with a story of R’ Yosi Haglili who was asked by a woman for directions to travel to Lod, and he was weighed his response carefully so as not to utter a single letter that was unnecessary.