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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 *Mishnah* 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 *Baraisa*: And of the earth that is etc. — it is possible to think that [the Kohen] may prepare [earth] from outside and bring it in; therefore there is a text to state, On the floor of the tabernacle. If 'on the floor of the tabernacle', it is possible to think that he may dig for it with an axe; therefore there is a text to state 'that is'. How was it done? If [earth] is there, take of it; if none is there, put some there [and take of it].¹

Another *Baraisa* is cited: And of the earth that is etc. — this teaches us that he may prepare the earth from outside the Sanctuary and bring it in (*and he is not required to first place it on the floor*). On the floor of the tabernacle - Issi the son of Yehudah says: This 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. If so, what does the Torah teach us with the words 'on the floor of the Mishkan'?

It teaches 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*). (15b3 – 16a1)

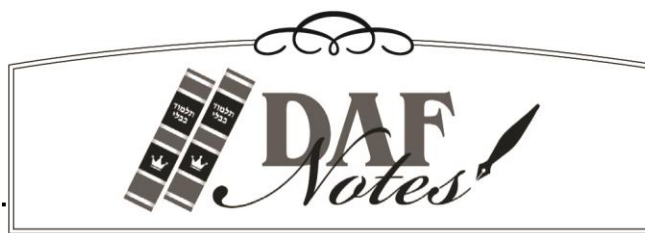
Ashes

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. How is it then? Although the word 'ashes' is called 'earth,' it is here written 'on the floor of the Tabernacle'; or perhaps, however, the phrase 'on the floor of the Tabernacle' is intended to be understood according to the interpretation of Issi ben Yehudah and Issi ben Menachem?

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*

¹ 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.



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?

The *Gemora* answers: It has left out the *halachah* of a *metzora*. For a *Baraisa* was taught: And it shall be on the seventh day that he shall shave all his hair — that is a generalization; off his head and his beard and his eyebrows — that is a specification; even all his hair he shall shave off — that is again a generalization. Now [the rule is]: when there is a general proposition, followed by the enumeration of specifics, and this is followed by a general proposition, include only that which resembles the specifics. As the specifics refer to a part [of the body] where the hair grows and is visible, so every place where the hair grows and is visible [comes within the scope of the law]. What does it include? It includes the pubic hair. What does it exclude? It excludes that of the armpits and the whole body [which is normally covered]. 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*)! For it was taught in a Mishnah: When [the Kohen] comes to shave the *metzora*, he passes a razor over all his flesh; and it continues: On the seventh day he shaves the second shaving after the manner of the first.

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*).

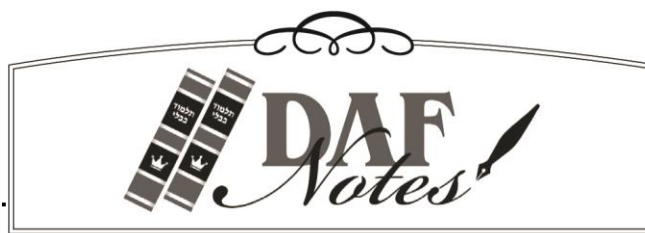
Rav Ashi suggests another reason why the *metzora* case is not mentioned: According to whom is this teaching [that only the visible parts of the body are to be shaved]? It is Rabbi Yishmael who expounds [the Torah] by the rule of generalization and particularization. According to whom [is the teaching that he must be shaved the second time] as smooth as a gourd? It is Rabbi Akiva who expounds [the Torah] by the rule of amplification and limitation; for it has been taught: ‘And it shall be on the seventh day that he shall shave all his hair’ — that is an amplification; ‘off his head and his beard and his eyebrows’ — that is a limitation; ‘even all his hair he shall shave off’ — that is again an amplification. Now [the rule is]: Where there is an amplification, followed by a limitation, and this is followed by an amplification, the amplification applies to the whole. In which respect is there an amplification? It includes all the body [to be shaved]. In which respect is there a limitation? It excludes the hair which grows inside the nostril.

How is it, then, with our original question [whether ashes may be used when there is no earth]? — 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! (16a2 – 16b1)

Visible

The *Mishnah* 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 *Baraisa*: 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*).

What is Rabbi Yishmael's reason? — Because it is written: And he shall dip them in the blood of the bird etc.; and it has been taught: 'in the blood' — it is possible [to think that they must be dipped] in blood and not in water; therefore the text declares 'into the water'. If Scripture [had only mentioned] 'water', it would be possible [to think that they must be dipped] in water and not in blood; therefore the text declares 'in the blood'. What, then, was the procedure? He brings water in which the blood of the bird can be discerned. What is the quantity? A quarter [of a log]. And [why is this instance not included in their enumeration by] the Rabbis? — That was needed for the law itself; for thus said the Merciful One: Dip in blood and water. [How is this argument met by] Rabbi Yishmael? — In that case, the Merciful One should have written: And he shall dip in them; so why [is it stated] in blood and in water? That [the blood] must be discernable. And [how is this argument met by] the Rabbis? — If the Merciful One had written: And he shall dip in them, I might have imagined [that he was to dip] in each separately; therefore He wrote 'in blood and in water' to indicate that they must be mixed. [How does] Rabbi Yishmael [answer this point]? That they are to be mixed [is learned from] another verse; it is written: And slaughter one of the birds in an earthen vessel over spring water. [How do] the Rabbis [answer this point]? — If [we had to learn it] from that passage, we might have thought that he is to slaughter it near a vessel, pinch the veridin (i.e., the main blood vessels of the neck) and receive the blood in another vessel. Hence we are informed [by this verse that the killing must be done over the vessel containing the water]. (16b1 – 16b2)

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! (16b2)

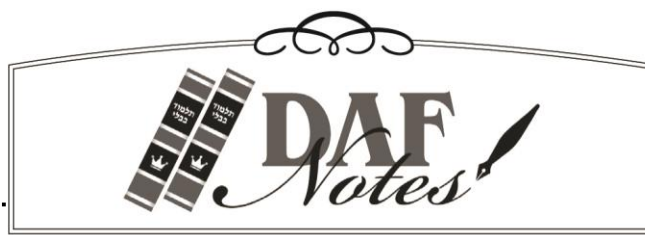
Correct Procedure

The *Gemora* cites a *Baraisa*: If he puts the earth in the container before the water, it is invalid; but Rabbi Shimon allows it. What is the reason of Rabbi Shimon? — Because it is written: And for the tamei person they shall take of the ashes² of the burning of the chatas; and it has been taught: Rabbi Shimon said: Was it earth and not ashes? The text changes the expression to indicate that a conclusion was to be drawn from it by the rule of a *gezeirah shavah*: it is mentioned here (regarding parah adumah) 'affar', and there (in the procedure of the sotah) it is also mentioned 'affar'; as in the second instance the affar (earth) should be placed over the water, so also here the affar (ashes) should be placed over the water; and further, as it is valid here (by parah adumah) if he put the ashes on before the water, so also there (in the procedure of the sotah) it is valid if he put the earth on before the water. — from where is this derived there (by parah adumah)? — There are two texts: It is written: upon it; evidently the ashes are first; and it is written: spring water in a vessel, evidently the water is first. So what was the procedure? He can put either in first. [How is this interpretation answered by] the Rabbis? — 'In a vessel' — precisely so; 'upon it' - that they are to be mixed. But say rather that 'upon it' means precisely so; and 'in a vessel' means that the water must be poured directly into the vessel from the spring! — As we find that everywhere it is the qualifying element which is on top,³ so also here (by parah adumah) the qualifying element must be on top. (16b2 – 16b3)

² The text, strangely, has the word for earth, not 'ashes'.

³ In the case of a sotah, and of a metzora, the qualifying elements — i.e., the earth which gives the water of bitterness its efficacy

and the blood of the bird — must be placed on top as indicated by the plain meaning of the Scriptural texts.



INSIGHTS TO THE DAF

An imperfect floor

The Mishnah on 15b informs us that the earth used for the Sotah waters had to be taken from the floor of the Courtyard. The Mishnah 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.