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Sotah Daf 29

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**Explaining the Dispute**

Rabbi Akiva dealt above with [the woman being prohibited to partake] of *terumah*, and Rabbi Yishmael answers him with a statement about the *Kehunah*!?! And further, from where does Rabbi Akiva derive [the rule that the sotah cannot marry into] the *Kehunah*? Should you answer that with reference to [this rule about] the *Kehunah* a Scriptural text is not necessary, since a woman about whom there is a doubt whether she is a *zonah* is treated like a *zonah*, then [for the rule about] the *terumah* a Scriptural verse should likewise be unnecessary, since a woman about whom there is a doubt whether she is a *zonah* is treated like a *zonah*!?

The *Gemora* explains the argument between Rabbi Akiva and Rabbi Yishmael: Rabbi Akiva holds that there are four available words that can be expounded (*three times the Torah states nitma’ah and one time that it adds a “vav”*). One teaches us that she is forbidden to the husband (*until she drinks*); a second one teaches us that she is forbidden to the suspected adulterer; the third one teaches us that she is forbidden to marry into the *Kehunah*; a fourth one teaches us that she is prohibited to eat *terumah*. Rabbi Yishmael holds that there are only three available expositions (*for he does not expound “vav’s”*). One teaches us that she is forbidden to the husband (*until she drinks*); a second one teaches us that she is forbidden to the suspected adulterer; the third one teaches us that she is prohibited to eat *terumah*. The *halachah* that she is forbidden to marry into the *Kehunah* is derived through a *kal vachomer*.

The *Gemora* asks on Rabbi Yishmael: How do you know that the verse is necessary to teach regarding *terumah*, and *Kehunah* is derived through a *kal vachomer*; perhaps the

third verse is necessary to teach us that she is forbidden to marry into the *Kehunah*, and it will emerge that she is permitted to eat *terumah*!

The *Gemora* answers: It would seem logical that the three expositions are all similar in nature. Just as the prohibition regarding the husband and the adulterer apply during the husband’s lifetime, so too, the prohibition regarding *terumah* applies during the husband’s lifetime. The prohibition regarding *Kehunah* only applies after the husband’s death (*for until then, she is forbidden anyway to a Kohen, since she is married; and if she becomes divorced, she is still forbidden to a Kohen*), and therefore would not be comparable to the other two.

Rabbi Akiva does not hold that all three expositions should be similar to each other (*and that is why he uses one verse to teach us that she is forbidden to marry into the Kehunah*). Alternatively, even if he maintains that they must be comparable (*and the third verse prohibits her from terumah, and the halachah that she can’t marry into the Kehunah may be derived through a kal vachomer*), nevertheless, something which may be derived through a *kal vachomer*, the Torah may anyway take the trouble to write it explicitly. (28b - 29a)

**The Ability to be Asked**

[The *Baraisa* above had stated that we derive from sotah that if a doubtful situation of tumah happened in a private domain, we rule stringently only when there are people involved who have the ability to be asked whether or not they are impure. Here, the *Gemora* cites a different source for this.] Rav Gidel said in the name of Rav: The [difference

between] a case where there is a person, who has the ability to be asked and one where there is no ability to be asked is derived from the following texts: And the meat that touches anything tamei shall not be eaten — when the thing is certainly tamei it may not be eaten; hence when there is a doubt whether it is tamei or tahor it may be eaten. Consider now the continuation: And as for the meat, all who is tahor shall eat [sacrificial] meat - [A man who is] certainly tahor may eat, but when there is a doubt whether he is tamei or tahor he may not eat! [One verse implies that *kodoshim* meat that we are uncertain if its *tamei* or *tahor* may be eaten and the end of that verse seems to imply the opposite. How can this be explained?] Is not, then, the following conclusion to be drawn from here: The second part of the verse is referring to a person, who has the ability to be asked whether he became *tamei* or not (*and that is why we rule stringently*). The first part of the verse is discussing a piece of meat, which does not have the ability to be asked (*and therefore we rule that the meat is tahor*).

The *Gemora* explains why it is necessary to have what Rav Gidel said in the name of Rav and it is necessary to derive from *sotah*: for if [it had only been based on] the teaching of Rav, I would have said that the rule was the same whether [the *tumah* occurred] in a private domain or a public place; therefore, it was also necessary to derive it from the case of a *sotah*. If, further, it [had been derived solely] from the case of the *sotah*, I would have said that the rule only applied when that which was touched had the ability to be asked and that which touched it had the ability to be asked; so it is necessary [to have Rav's teaching]. (29a)

### **Terumah becoming a Shlishi**

The Mishnah had stated: On that same day, Rabbi Akiva expounded the following verse [Vayikra 11:33]: And any earthenware vessel etc. [*where into any of them (a dead sheretz) falls, whatever is in it, shall be tamei. It doesn't say "it is tamei," but rather, it says "yitma," it can render other things tamei. This teaches us that a loaf of bread, which is a sheini (if it was inside an earthenware oven when a sheretz*

*fell in), can make other things tamei and render them a shlishi. Rabbi Yehoshua said: Who will remove the dust from your eyes, Rabban Yochanan ben Zakkai! For you used to say that another generation is destined to declare a loaf (of terumah) tahor even though it is a shlishi, since there is no verse in the Torah which states that it is tamei. But does not your student, Rabbi Akiva, cite a verse from the Torah that it is tamei, as it is said, whatever is in it, shall be tamei.]*

The *Gemora* asks: If there is no verse (*that terumah can become a shlishi*), why is it deemed to be *tamei*?

Rav Yehudah said in the name of Rav: It may be derived through the following *kal vachomer*: If a *tevul yom* (*one who was tamei, but has immersed himself in a mikvah; he is considered a tevul yom until nightfall*), who is permitted to eat *chullin* (*ma'aser sheini*), is prohibited from eating *terumah*, then a loaf which is a *sheini*, which would be unfit to be eaten by a case of *chullin* (*ma'aser sheini*), shouldn't the *halachah* certainly be that it can render something a *shlishi* by a case of *terumah*!

The *Gemora* asks: Perhaps the *tevul yom* is more stringent because he is an *av hatumah* (*whether he became tamei through corpse tumah, or if he was a zav or a metzora; and this would be in contrast to the sheini which is a much lesser degree of tumah*)!

The *Gemora* explains the *kal vachomer* to be referring to a case of a *tevul yom* who had become *tamei* through a *sheretz* (*in which case, he was a rishon l'tumah, not an av hatumah*).

The *Gemora* nevertheless asks that we cannot derive even from this case of *tevul yom*, for a *tevul yom* in general can be an *av hatumah* (*even though in this case he is not; this is in contrast to a loaf which can never become an av hatumah*)!

The *Gemora* answers: An earthenware vessel can answer your question (*for although it cannot become an av hatumah, it can nevertheless disqualify terumah; if the vessel was a rishon, it can render the terumah to be a sheini*).

The *Gemora* asks: Perhaps an earthenware vessel is different, for it can become *tamei* through its interior airspace (*but a loaf cannot!*)

The *Gemora* answers: A *tevul yom* can answer your question (*for although it cannot become tamei through its interior airspace, it can nevertheless disqualify terumah*). The characteristic of one is not like the other, and the characteristic of one is not like the other; we can therefore derive from the common characteristic to both of them (*a tevul yom and an earthenware vessel*) that they can become *tamei* (*emended text of Rashi*) and they render *terumah* unfit, shouldn't the *halachah* certainly be that a loaf which is a *sheini*, should have the ability to render *terumah* unfit!

Rabban Yochanan ben Zakkai was concerned that a future generation will ask that both a *tevul yom* and an earthenware vessel have a certain stringency to them (*a tevul yom can be an av hatumah and an earthenware vessel can become tamei through its interior airspace; this is in contrast to a loaf which does not have any stringency at all*).

Rabban Yochanan ben Zakkai himself was not concerned about this question, for he maintains that as long as they don't share the same stringency, we cannot refute the analogy. (29a – 29b)

### **Shlishi and Revi'i**

The *Gemora* cites a *Baraisa*: Rabbi Yosi said: How do we know that a *revi'i* (*fourth degree of tumah*) by *kodesh* is *pasul*? (*The term "tamei" describes something that it itself is contaminated and it can transmit tumah to another item; "pasul" means that it itself is contaminated, but it cannot transmit tumah to another item.*) He answers that this is derived through a *kal vachomer* We find by a *mechusar kippurim* (*one who is lacking atonement*) that he is permitted to eat *terumah* nevertheless, he is forbidden from eating *kodesh* this indicates that we are stricter in respect to *kodesh* than we are in regards to *terumah*); so a *shlishi*, which is

*pasul* by *terumah* should certainly have the ability to render a *revi'i* by *kodesh*.

A *shlishi* by *kodesh* is derived through the following Scriptural verse: *And any kodoshim meat that touches anything tamei shall not be eaten*. Since we are speaking about a case where the meat touched something which is a *sheini*, and the Torah states that the meat cannot be eaten. Evidently *kodoshim* meat can become a *shlishi*.

Rabbi Yochanan said: I do not understand the Great One's (*Rabbi Yosi*) reasoning, since its refutation is by its side! Food which becomes *tamei* by contact with a *tevul yom* proves the opposite (*that not everything which is disqualified from terumah can render a shlisi*), since it is disqualified in the case of *terumah*, but does not render a *revi'i* in cases of *kodoshim*.

For it has been taught in the following *Baraisa*: Abba Shaul said: A *tevul yom* is *tamei* in the first degree (*rishon l'tumah*) in respect of *kodoshim*, and can subsequently render two further degrees of *tumah* (*what he touches will be a sheini and that food can render something else a shlishi*) and one degree of disqualification (*the shlishi can render something a rev'i, which is regarded as pasul*). Rabbi Meir says: He (*a tevul yom*) can render one further degree of *tumah* (*since he maintains that a tevul yom has the status of a sheini; and therefore, he can render something a shlishi with respect of kodoshim*) and one degree of disqualification (*the shlishi can render something into a rev'i*). The *Chachamim* say: Just as a *tevul yom* disqualifies food or liquids of *terumah*, so too, he disqualifies food or liquids of *kodoshim* (*they maintain that a tevul yom has a lesser degree of tumah than an ordinary sheini; it emerges according to the Chachamim, that although a tevul yom can disqualify something with respect of terumah, it does not have the power to render something a rev'i with respect to kodoshim; this is in contrast to Rabbi Yosi's logic*).

Rav Pappa challenged Rabbi Yochanan (*in defense of Rabbi Yosi*): How do you know that Rabbi Yosi is following the

opinion of the *Chachamim*? Perhaps he holds in accordance with Abba Shaul who says that the *tevul yom* can render two further degrees of *tumah* and one degree of disqualification!

Rabbi Yochanan objects to this line of reasoning: If it will enter your mind that Rabbi Yosi holds like Abba Shaul, let him derive the laws of *revi'i* by *kodoshim* through a *kal vachomer* from the case of food that is rendered *tamei* by contact with a *tevul yom* as follows: If a *tevul yom* himself is allowed to eat *chullin* (*ma'aser sheini*), and yet you say that the food which became *tamei* through him creates a *revi'i* with respect of *kodoshim*, then that which is *tamei* as a *shlishi* through contact with a *sheini*, where the *sheini* itself is forbidden by *chullin* (*the ma'aser sheini cannot be eaten*), shouldn't the *halachah* certainly be that the *shlishi* food should render something else a *revi'i* by a case of *kodoshim*!

And if you would attempt to reply that we cannot derive from a *tevul yom* because he is more stringent due to the fact that he is an *av hatumah*, behold I can answer that Rabbi Yosi derived his *kal vachomer* (*that a shlishi can render something a revi'i by kodoshim*) from a *mehusar kippurim* (*who is also an av hatumah*) and yet, he did not raise this objection. (29b – 30a)

#### DAILY MASHAL

##### *Kal vachomer*

The *Gemora* states that something which may be derived through a *kal vachomer* (*literally translated as light and heavy, or lenient and stringent; an a fortiori argument; it is one of the thirteen principles of biblical hermeneutics; it employs the following reasoning: if a specific stringency applies in a usually lenient case, it must certainly apply in a more serious case*), the Torah may anyway take the trouble to write it explicitly.

The Bnei Yissoschar explains the reasoning for this: A *kal vachomer* is based upon logic. One might say that the reason this *halachah* (*derived through a kal vachomer*) is correct is

because it is understandable to me; it makes sense. The Torah therefore goes out of its way to write it explicitly in order to teach us that the *halachah* is correct because the Torah said so; regardless of whether it is understood or not.

The Ra"n in *Nedarim* (3a) notes that this concept is applicable by a *hekesh* (*when the halachos from one topic are derived from another one*) as well. The *Gemora* in *Bava Metzia* (61a) states that it also applies to a *gezeirah shavah* (*one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah*).

According to the explanation of the Bnei Yissoschar, we could say that the concept should only apply to a *kal vachomer*, for that is based upon logic. The Torah would not find it necessary to state explicitly a *halachah* which is derived through a *hekesh* or *gezeirah shavah*, for they are not based upon logic at all, and it would be superfluous to write it.

The *Yad Malachei* writes that if the Torah does explicitly write a *halachah* which was derived through one of the thirteen principles of Biblical hermeneutics, we must treat it more stringently than an ordinary *halachah*. This is comparable to a Rabbinical prohibition, which has a slight support from something written in the Torah. *Tosfos* in *Eruvin* (31b) rules that such a prohibition is stricter than an ordinary one, which does not have any Scriptural support.