

20 Iyar 5783  
May 11, 2023



Sotah Daf 43

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### **Mishnah**

[The Mishnah discusses other verses that were spoken to the nation before they went out to wage war.]

It is written: *And the officers shall speak to the nation, saying: Who is the man who has built a new house, and has not dedicated it? Let him go and return to his house.*

This applies to one who builds a house for straw, a barn for cattle, a shed for wood, or a house for storage. It applies to one who builds, buys, inherits, or it is given to him as a gift.

*And who is the man who has planted a vineyard, and has not yet redeemed its fruits, etc.* This applies to one who plants a vineyard, or plants five fruit trees, even if they are of five species. It applies to one who plants, layers or grafts. It applies to one who buys, inherits, or it is given to him as a gift.

*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.

All of these hear the words of the *Kohen* while at the battle front, and then they return home. They must provide water and food for the soldiers and repair the roads for the army.

And the following people do not return: One who builds a gatehouse, portico or gallery; one who plants four fruit

trees, or five trees that do not bear fruit; one who remarries his divorcee.

Concerning 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 does not return.

Rabbi Yehudah says: One who rebuilds his house (*and does not add anything to it*) does not return. Rabbi Eliezer says: One who builds a house of bricks in Sharon (*which are of inferior quality and the house will not last*) does not return (*since it is regarded as a temporary house*).

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*.

It is written: *He shall be free for his house for one year, and he shall gladden his wife that he has taken.* “For his house” is referring to his house; “He shall be” denotes his vineyard. “And he shall gladden his wife” exempts him on account of his wife; “That he has taken” includes his *yevamah*. These do not provide water and food, and do not repair the roads. (43a)

### **Speak and Repeat**

The *Gemora* cites a *Baraisa* (which derives from a Scriptural source that officers first repeat to the nation

that which the *Kohen* already said and then they add their own words). And the officers shall speak — it is possible to think that this refers to their own words; but when it states: And the officers shall speak further, behold this is to be understood as their own words; so how am I to explain ‘And the officers shall speak’? Scripture alludes to the words of the *Kohen* Anointed for Battle. So what was the procedure? A *Kohen* speaks [the words] and an officer proclaims them [to the army].

The *Gemora* cites three *Baraisos*: One *Baraisa* states: The *Kohen* addresses the nation and the officers let his words be heard. A second *Baraisa* states: The *Kohen* addresses the nation and a *Kohen* lets his words be heard. And a third *Baraisa* states: An officer addresses the nation and an officer lets his words be heard.

Abaye said: What, then, was the procedure? The first verses - from ‘when you draw near’ down to ‘and the officers shall speak’ were spoken by the *Kohen* and repeated by a *Kohen*. The middle verses - ‘and the officers shall speak’ down to ‘and the officers shall speak further’ were spoken by the *Kohen* and repeated by the officers. The last verse – from ‘and the officers shall speak’ onwards was spoken by an officer and repeated by an officer. (43a)

### **The New House Exemption**

The *Mishnah* had stated: It is written: *And the officers shall speak to the nation, saying: Who is the man who has built a new house, and has not dedicated it? Let him go and return to his house.*

It was taught in a *Baraisa*: ‘Who has built’ — I have here only the case where he built; from where is it known [that the law applies also to a case where] he purchased, inherited or somebody gave it to him as a present? There is a text to state: What man is there that has built a house. I have here only the case of a house; from where is it known that it includes a barn for straw, a stable for cattle,

a shed for wood and a storehouse? There is a text to state ‘that has built’ — i.e., whatever [structure be erected]. It is possible to imagine that I am also to include one who built a gatehouse, portico or gallery; there is a text to state ‘a house’ — as ‘house’ implies a place suitable for habitation so every [building for which exemption may be claimed must be] suitable for habitation. Rabbi Eliezer ben Yaakov says that the term “house” in the Torah is referring to its simple meaning (*i.e. a house, but a barn or a storehouse will not be included in the exemption*).

Since the Torah wrote “and he did not dedicate it,” we derive from there that if the house was stolen, he is not 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 (*hence, if he stole a house, he would be exempt from going to battle*).

The *Gemora* states: The *Baraisa* can be following Rabbi Yosi HaGelili’s opinion as well, for the *Baraisa* is referring to a case where he repented and paid for the house (*he is not regarded as a sinner any longer, but he will be exempt from going to battle, for it is a stolen house*).

The *Gemora* asks: If so, shouldn’t he be regarded as a purchaser (*and be exempt because of that*)?

The *Gemora* answers: Once the house came into his hands as stolen property, it is not regarded as a sale later on. (43a – 43b)

### **The Grafting Exemption**

The *Mishnah* had stated: *And who is the man who has planted a vineyard, and has not yet redeemed its fruits, etc.*

It was taught in a Baraisa: ‘That has planted’ — I have here only the case where he planted; from where is it known [that the law applies also to a case where] he purchased, inherited or somebody gave it to him as a present? There is a text to state: And what man is there that has planted a vineyard. I have here only the case of a vineyard; from where is it known that it includes five fruit-trees and even of other kinds [of plantings]? There is a text to state ‘that has planted’. It is possible to think that I am also to include one who planted four fruit-trees or five trees which are not fruit-bearing; therefore there is a text to state ‘a vineyard’. Rabbi Eliezer ben Yaakov says that the term “vineyard” in the Torah is referring to its simple meaning (*i.e. a vineyard, but an orchard or other trees will not be included in the exemption*).

Since the Torah wrote “and he did not redeem it,” we derive from there that if it is layered or grafted, he is not exempt from participating in the battle.

The *Gemora* asks: But the *Mishnah* explicitly states that it applies to one who plants, layers or grafts?

Rabbi Zeira answers in the name of Rav Chisda: The *Baraisa* is discussing a case where the grafting was prohibited (*two different species*), and the *Mishnah* is discussing a case where the grafting was permitted.

The *Gemora* asks: What is the case of the permitted grafting? If it is referring to a case where a young tree (*within the first three years*) was grafted onto another young tree, he should be exempt from going to battle because of the first young tree (*which has not been redeemed; why is the grafting necessary*)? Rather, it must be referring to a case where a young tree was grafted onto an old tree. But Rabbi Avahu said: If a young tree (*whose fruits were still forbidden due to orlah, the Torah prohibition against eating the fruits of tree that has not yet reached three years old*) is cut and grafted onto an old tree, the young tree becomes nullified by the old tree, and

it does not have a *halacha* of *orlah*!? [*The fruits do not need to be redeemed, and therefore, this grafting would not exempt him from going to battle!*]

Rabbi Yirmiyah answers: The *Mishnah* is referring to a case where a young tree was grafted onto another young tree, but the first tree will not exempt him from going to battle, for it was planted to be used for a fence or for beams, and we learned in a *Mishnah* that the fruits which grow from such a tree are exempt from *orlah* (*and therefore will not exempt a person from going to war; the grafting of the new tree, however, will exempt him*).

The *Gemora* asks: Why don’t we say that the young tree should be nullified by the original tree (*and the fruits which grow should be exempt from orlah because the host tree was planted for a fence or for beams*) in the same manner that the young tree becomes nullified by the old tree?

The *Gemora* answers: There, by the old tree, it cannot return to an *orlah* state, but here (*by the tree which was planted with the intent of being used for a fence*), he can change his mind (*that it should be used for growing fruit*) and it will return to its *orlah* state (*and therefore it will not nullify the young tree*), since it is then analogous to [plants which] grow of themselves; for we have learned: When they grow of themselves they are liable to *orlah*.

The *Gemora* asks: Why didn’t Rabbi Yirmiyah explain the *Mishnah* to be referring to a case where there are two partners in the vineyard (*one of them owns the host tree and the other owns the grafts*)? One would be exempt from going to battle because of the tree, and the other would be exempt because of the grafts!

Rav Pappa says: This proves that a vineyard owned by two partners will not exempt them from going to battle.

The *Gemora* asks: Why is it different than a case where one brother dies and his four brothers may return from the battle (*so too, here two people can be exempt on account of one field*)?

The *Gemora* answers: There, she is regarded as “his wife” to any of the four brothers. Here, it is not regarded as “his vineyard” (*when there is more than one owner*).

Rav Nachman bar Yitzchak explains the *Mishnah* to be referring to a case where he is grafting a tree onto an herb (*which is exempt from orlah, and therefore, he will only be exempt from going to war because of the grafting*). This would be according to the opinion of Rabban Shimon ben Gamliel, who permits the grafting of a tree onto an herb. The *Chachamim* forbid this.

Rav Dimi, when he came to *Eretz Yisroel*, answered the original question (*on the contradiction between the Mishnah and the Baraisa with respect to grafting*) in the name of Rabbi Yochanan: The *Baraisa* is following the opinion of Rabbi Eliezer ben Yaakov. Just like he understands the word “vineyard” in the Torah according to its simple meaning (*and not any other type of trees*), so too, he understands the word “planted” in the Torah according to its simple meaning, which will exclude layering or grafting (*they will not exempt him from going to battle*). (43b)

#### **Other Teachings**

Rav Dimi, when he came to *Eretz Yisroel*, said in the name of Rabbi Yochanan, who said in the name of Rabbi Eliezer ben Yaakov: A young shoot less than a tefach in height is liable for *orlah* so long as it appears to be a year old; but this only applies where there are two plants with two other plants parallel to them and one in front. Should, however, the entire vineyard [consist of such shoots], then it is known (that it is different, and there is no concern on account of *orlah*).

Rav Dimi, when he came to *Eretz Yisroel*, 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 the recital of the *shema* (*since the dead are not obligated to observe mitzvos, if someone would perform a mitzvah within a close vicinity of them, it is as if he is mocking them*).

Rabbi Yitzchak said in the name of Rabbi Yochanan, who said in the name of Rabbi Eliezer ben Yaakov: A stepdaughter who grew up with her stepbrothers cannot marry them, for she looks like a sister.

The *Gemora* rules that the *halachah* does not follow that opinion, for it is public knowledge that she is not a sister.

Rabbi Yitzchak said in the name of Rabbi Yochanan, who said in the name of Rabbi Eliezer ben Yaakov: If *leket* (*one or two ears of grain that fall from his hand while harvesting must be left for the poor*), *shihc'chah* (*produce that is left behind during the harvesting are left for the poor*) and *pe'ah* (*leaving over a corner of the field for the poor*) are gathered into a pile, they become subject to *ma'aser* (*since people will think that this is a regular harvest*).

Ulla said: This *halacha* is only if it was piled in a field, but not if it was piled in the city, for it is public knowledge that he is a poor man (*and not a regular harvest*).

Rabbi Yitzchak said in the name of Rabbi Yochanan, who said in the name of Rabbi Eliezer ben Yaakov: A shoot which is less than a tefach in height does not make the seeds forfeit (regarding *kilayim*), but this only applies when there are two plants with two other plants parallel to them and one in front. Should, however, the entire vineyard [consist of such shoots] it does make [the seeds] forfeit. (43b)



## INSIGHTS TO THE DAF

### **Reasons for the Exemption**

The *Mishnah* states: One, who builds a house, betroths a woman or plants a vineyard is exempt from going to battle.

There are various reasons to explain these exemptions: The Rashbam states: These people are similar to the ones who are faint of heart. They are concerned that they will not merit inaugurating their house, marrying their wife or redeeming their vineyard. They are scared that they will die during battle and are therefore exempt from going to war.

The Ibn Ezra explains: These people are preoccupied with their desire to inaugurate their house, marrying their wife or redeeming their vineyard, and will therefore not pay attention completely to the war. This will cause them to retreat during the heat of the battle and will constitute a danger to the remainder of the army.

The *Mishnah* enumerates all the various people that may return from the battle. The *Minchas Chinuch* (§ 526) writes that it is not clear from the *Gemora* or the Rambam if these people have the option of remaining at the battlefield or not. He states that it is logical to assume that the faint of heart are required to go home, for otherwise, he will cause the hearts of the others to melt. He adds that according to Rashi, who writes that these people will definitely die during the war if they do not heed the words of the *Kohen*, they would not have the option of staying.

Seemingly, according to the reasons mentioned above, they would not be allowed to remain at the battlefield, for according to the Rashbam, they are similar to the faint of heart, and they are required to go home. And according to the Ibn Ezra, they would also be required to return home, for otherwise, they would constitute a danger to the other soldiers.

## DAILY MASHAL

Our Gemara debates the genealogy of Pinchas, and proves his descent from Yisro with the verse in Shemos 6:25 “And Elazar, son of Aharon, took (a wife) for himself from the daughters of Putiel”. The Gemara explains that Putiel is an allusion to Yisro who fattened (she’pitem) calves for idolatrous sacrifices.

The Igra D’Kallah asks two questions on this. First, why does the Gemara use a derogatory reference? Second, why does the verse use the plural form when referring to the daughters of Putiel?

He answers that Yisro was a gilgul (reincarnation) of Kayin, who needed to receive a tikkun for two separate aveiros. Aside from the murder of Hevel, he also sacrificed to idols. Originally Kayin had brought a lower level offering of fruits that had been disregarded by Hashem in favor of the animals offered by Hevel. Eventually Kayin started offering sacrifices to the heavenly bodies instead of to Hashem.

Moshe was the gilgul of Hevel and the Egyptian he killed represented the evil part of Kayin. Initially, before the Egyptian was killed, Yisro was still rebelling against Hashem, and was offering calves as idolatrous sacrifices, the opposite of Hevel who sacrificed animals to Hashem. After Moshe killed the Egyptian and met up with Yisro, the potential for purity was able to manifest. Yisro forsook idolatry, gave Moshe his daughter as a wife, and completed the tikkun for idolatry.

However, he still needed a tikkun for the murder of his brother, which was the first death in the world. This he received when he gave another daughter to Elazar. That marriage produced Pinchas who was also Eliyahu Hanavi, through whom the era of the Moshiach will be ushered in – the era of techiyas hameisim.