

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah continues its discussion of cases when the sotah's korban is burned. This topic leads the Mishnah to present differences between a male and female kohen, and from there to present legal differences between males and females in general.

2) The Korban Minchah of a kohen's wife

A Baraisa elaborates on the topic of a kohen's wife's Korban Minchah.

The Baraisa's ruling that the leftovers of the kohen's wife's Korban Minchah are burned on the altar is challenged.

Yehudah the son of R' Shimon ben Pazi suggests a resolution.

It is noted that this resolution is limited to one opinion and another explanation is necessary for the other opinions.

3) Clarifying the Mishnah

The Gemara identifies the sources for many of the rulings recorded in the Mishnah.

הדרן עלך היה נוטל

4) **MISHNAH:** The Mishnah begins to list different categories of women who do not drink the bitter waters. ■

REVIEW and Remember

1. Why is the Korban Mincha of a Kohen's wife burned?
2. What is a permitted method of burning the leftover Korban Minchah?
3. What is the source that only a father may make his son a nazir?
4. Why doesn't an ארוסה drink the bitter waters?

Today's Daf Digest is dedicated
 By Mr. Martin Samber and family

In loving memory of their father, grandfather and great grandfather
 ר' אברהם בן ר' משה ע"ה

Today's Daf Digest is dedicated
 In loving memory of our father and grandfather
 הלל נפתלי בן אריה לייב
 by the Karp family, Far Rockaway, NY

Today's Daf Digest is dedicated
 in memory of
 Elyahoo ben Yosef, Eden ben Uri and Yosef ben Rabbi Shimon

Distinctive INSIGHT

A woman is not sold as a maidservant due to her theft

בגניבתו ולא בגניבתה

The Mishnah had listed the legal differences between men and women. One of these legal differences is that if a man steals and cannot make restitution, he is subject to being sold as a Jewish slave. This is not the case for a woman who steals and cannot pay back. This is learned from the verse (Shemos 22:2): "אם אין לו—ונמכר בגניבתו—he shall be sold for his theft." The Gemara derives from this phrase that only a male thief is sold for his theft, but not a woman for "her" theft.

Tosafos notes that this verse is analyzed thoroughly in the Gemara (Kiddushin 18a), and from it we learn that a person can be sold as a Jewish slave only if he cannot afford to pay the principal (גניבתו), but not if he is able to pay the amount he stole but cannot pay the double (כפל). We also learn from this verse that a person is subject to be sold as a Jewish slave if he cannot pay back money that he actually stole, but he will not be sold in a case where he owes money as a penalty for having conspired to have someone owe money, but was caught (עד זומם). Here, the conspiring witness is required to pay the money he illicitly sought to have his victim pay. In this case, if the conspiring witness is not able to pay, he is not sold as a slave—בגניבתו ולא בזממו. Now that the verse is fully analyzed, what is the justification to also learn from this phrase that a woman is excluded from the halacha of being sold as a slave?

He answers that perhaps we would learn all these lessons from the same word בגניבתו. It is not unusual that many lessons can be derived from one word, when all the lessons are basically parallel, which is the case here.

Tosafos (ד"ה בגניבתו) asks that the Gemara (Kiddushin 15a) teaches that a woman is not eligible to have her ear pierced in order to remain as a maidservant until yovel. This is derived from a verse (either from אזנה and not אזנה, or from ואם יאמר העבד and not האמה.) The question is why there is any need for a special verse to teach this, when the only slave who is able to remain beyond the initial six years of his service is one who is sold by the court for not being able to repay a theft (ibid., 14b), not a slave who sells himself due to poverty. Once we know from our Gemara in Sotah that a woman is never sold by a Jewish court, she is automatically excluded from the law of remaining enslaved beyond six years, and the entire law of piercing her ear is inapplicable.

Tosafos answers that when a young girl is sold by her father, we might have considered this as a case where the court sells her, and we might have applied the rule of having her ear pierced. This is why the verse has to exclude a woman from the law of having her ear pierced to remain as a maidservant beyond six years. ■

Today's Daf Digest is dedicated
 By Mr. & Mrs. Dennis Ruben in memory of
 הילדה רבקה דינה ע"ה בת ר' דוד שיחי

HALACHAH Highlight

The tumah of the "lands of nations"

ואין כהן מטמא למתים

And a kohen does not make himself tamei for corpses

Shulchan Aruch¹ rules that it is prohibited for a kohen to make himself tamei by entering the "lands of the nations," meaning the lands outside of Eretz Yisroel. Taz² asserts that this prohibition was in force when people were particular about matters of tumah and taharah in Eretz Yisroel, but nowadays when people do not observe these halachos, it is permitted for kohanim to travel outside of Eretz Yisroel. Shach³ also asserts that this halacha only applied during those times that Eretz Yisroel was in a state of taharah. This implies that the rationale for kohanim to be lenient in our days is that in the time of the Tannaim it was known exactly where all the bodies were buried and all the other places in Eretz Yisroel were considered tahor. Consequently, it was prohibited for a kohen to travel from a place that he knew was certainly tahor to a place that might become tamei. Nowadays, since even in Eretz Yisroel we are not certain where all the bodies are buried there is no reason to prohibit leaving Eretz Yisroel since as far as these

matters are concerned there is no difference between Eretz Yisroel and other lands⁴.

Pischei Teshuvah⁵ cites Teshuvos Shevus Yaakov who prohibits kohanim from leaving Eretz Yisroel even nowadays, and this is also the implied position of the Rishonim who cite this halacha without qualifying it in any way. Rav Akiva Eiger suggests another reason for leniency, namely, the need to leave Eretz Yisroel to pursue a livelihood outweighs the prohibition against leaving Eretz Yisroel. Modern Poskim⁶ rule that kohanim should not leave Eretz Yisroel unless it is order to perform a mitzvah, and certainly to leave Eretz Yisroel for a vacation is prohibited.

Sefer Taharas Kohanim⁷ notes that kohanim who live outside of Eretz Yisroel are prohibited to enter within four amos of a corpse. Even though a kohen is in a state of tumah by living outside of Eretz Yisroel, nonetheless, we do not make parallels between different Rabbinic decrees in this fashion and thus the kohen is not permitted to violate another Rabbinic prohibition. ■

1. שו"ע יו"ד סי' שס"ט סע' א'
2. ט"ז שם סק"ד
3. ש"ך שם סק"ב
4. שפר טהרת כהנים שם בפרחי טהרה ד"ה ארץ העמים
5. פת"ש שם סק"ה
6. שפר טהרת כהנים שם ס"ק י"ח
7. ספר טהרת כהנים שם בפרחי טהרה ד"ה ארץ העמים ■

STORIES Off the Daf

Oppressing the widow

בגניבתו ולא בגניבתה

Acertain widow once stole merchandise from someone in her hometown. She then approached a neighbor and requested that she take some of the goods as a pikadon. The woman, who wished to ease the plight of the unfortunate widow in any way she could, readily agreed. The widow deposited part of the stolen goods by this good neighbor.

Meanwhile, the woman whose things were stolen heard that part of what were clearly her stolen goods had been deposited by this widow at her neighbor's house. This widow didn't own much of value, but she did own

certain garments that were quite valuable. This wronged woman immediately seized the widow's most expensive garment as a security against her stolen goods. The widow complained that although she shouldn't have stolen from her friend, it is a clear Torah prohibition to take possession of the garment of a widow.

This question was brought before the Rav of the town, but he couldn't answer it. He decided to consult with the author of Shu"t Maharif, zt"l. After hearing the entire story, the Maharif replied: "In Sotah 23 we find that a woman is not sold to repay her theft. Although on the surface this seems to imply that just as a woman's body is not subjugated to repay a debt incurred by stealing, her money is also not subjugated. However, this is not the case at all. "We learn from the verse, 'Bnei

Yisrael are my slaves,' that we are slaves to Hashem and not to anyone else. Despite the fact that one who owes money incurred by a loan isn't sold as a slave to pay it back, one who actively sinned by stealing who can't afford to pay for his sin does indeed render his body hefker to pay his debt. How much more so is this true of his property! Although a woman is not sold by Beis Din, her property is definitely rendered hefker to pay back any debt incurred by the sin of stealing." The Maharif concluded, "In addition, the entire prohibition of removing something from another's house is only regarding doing this for repayment of a loan, as Rashi says in Bava Metzia 115. This prohibition is irrelevant regarding seizing a security to pay for stolen goods!" ■

