

שִׁילֹה, נֹב וְגִבְעוֹן, וּבֵית עֹלָמִים.

Shiloh, Nob, and Gibeon,<sup>NB</sup> and also the Eternal House, i.e., the Temple in Jerusalem. The dust for the *sota* is still brought from the ground of the Sanctuary wherever it is located, even after the Jewish people are no longer in the wilderness.

אִיִּסִי בֶן מְנַחֵם אוֹמֵר: אֵינוּ צָרִיךְ.  
וְמָה בְּטוֹמְאָה קְלָה לֹא חֵלֶק הַכֶּתֶב, וְ  
בְּטוֹמְאָת אִשֶׁת אִישׁ חֲמוּדָה לֹא  
כָּל שֶׁבֶן! אִם כֵּן, מָה תִּלְמוּד לֹמַר  
”בְּקִרְקַע הַמִּשְׁכָּן?” שְׁלֹא יָבִיא מִתּוֹךְ  
קוֹפְתוֹ.

Isi ben Menahem says: **There is no need to derive this halakha** from the verse. It may be learned by an *a fortiori* inference: **With regard to the prohibition against entering the Sanctuary in a state of impurity, a lenient matter for which there is no court-imposed capital punishment, the Torah does not differentiate.** It is prohibited for an impure person to enter the Tabernacle no matter where it stands. Therefore, **with regard to the impurity of a married woman, which is stringent and carries the penalty of strangulation, all the more so is it not clear that the Torah does not differentiate?** The dust must be brought from the Sanctuary no matter where it stands. **If so, what is the meaning when the verse states:** “And of the dust that is **on the floor of the Tabernacle**”? It teaches **that one should not bring dust from his own basket** and place it directly into the water; he must first place it on the floor.

אִיִּבְעִיָּא לְהוּ: אֵין שָׁם עָפָר, מְהוּ שְׂוִיתֵן  
אֶפְרָ? אֲלִיבָא דְבֵית שְׁמַאי לֹא תִיבְעִי  
לָךְ, דְּאִמְרִי: לֹא מְצִינֵי אֶפְרָ שְׁקָרִי  
”עָפָר.”

A dilemma was raised before the Sages: **If there is no dust there, what is the halakha?** May one place ashes in the vessel instead? The Gemara responds: **There is no need to raise the dilemma** if one holds in accordance with the opinion of Beit Shammai, as they say: **We never find ashes referred to as dust in the Torah.**

#### BACKGROUND

Shiloh, Nob, and Gibeon – שִׁילֹה נֹב וְגִבְעוֹן: Prior to the establishment of the Temple in Jerusalem, the Jewish people erected the Tabernacle from the wilderness in Shiloh, located in the land of the tribe of Ephraim (see Judges 21:19). Shiloh is located about thirty-five km north of Jerusalem on the ancient moun-

tain ridge road that crosses the country from north to south. The remaining foundations of the Tabernacle have been found, and a modern synagogue has been built commemorating it. After Shiloh was destroyed (see I Samuel, chapter 4), the Tabernacle was moved to Nob and then to Gibeon.

#### NOTES

Shiloh, Nob, and Gibeon – שִׁילֹה נֹב וְגִבְעוֹן: Rashi possessed a textual variant that refers only to the Temple in Jerusalem. He explains that Shiloh need not be included, as it was the home of the Tabernacle itself. Nob and Gibeon need not be included because they contained only the great altar, on which primarily communal offerings were brought. Since the meal-offering of a *sota* could not be brought there, they were not used for the *sota* ritual at all. However, according to *Tosafot* Nob and Gibeon should be included, as Isi ben Yehuda might hold that the *sota* ritual could be performed there (see also Meiri). According to *Tosefot HaRosh*, Shiloh should be included as well. Although the Tabernacle there was built on the basis of Tabernacle in the wilderness, there were also stone additions, and it was therefore distinct from the Tabernacle of the wilderness and needed to be included separately.

We do find ashes referred to as dust – מְצִינּוֹ אֶפְרָ שְׁקָרוֹי – עֶפְרָ: Some commentaries mention that according to Rabbeinu Tam, even Beit Shammai hold that ashes from burnt wood are considered dust. They disagree with regard to other kinds of ashes. Others dispute this opinion (see *Tosefot HaRash*).

**Halakha supersedes [okevet] the verse** – הלכה עוקבת המקרא: Rashi explains that *okevet* is derived from *ekav*, meaning heel, and connotes the dislodging of a heel from its grounding. According to the *Arukh*, *okevet* is related to the biblical word *vayakeveini*, meaning to supplant (Genesis 27:36). The most fitting definition appears to be that of the Meiri, who interprets *okevet* as being related to *okefet*, meaning to bypass. In this sense, the *halakha* bypasses the straightforward meaning of the verse and settles on a different meaning.

**The Torah states, razor, etc.** – התורה אַמְרָה בְּתֵרֵר וכו': Rashi and other commentaries find the inclusion of this example difficult to understand. The *halakha* does not countermand the verse but merely adds ways in which a nazirite may not remove his hair. Rashi answers that according to the *halakha*, if the nazirite were to shave his hair without a razor he would be liable to receive lashes. However, as it is prohibited to administer lashes unlawfully, that *halakha* is therefore viewed as countermanding the Torah. The *Hiddushei Batra* challenges this explanation, as there are numerous recorded cases in which the Sages sentenced a person to lashes due even to infractions of rabbinic law. Because of the difficulty with the case of the nazirite, it is understandable that Rashi prefers a textual variant of the Jerusalem Talmud that lists another case instead: According to the Torah, a Hebrew slave who foregoes his emancipation must have his ear pierced with an awl; the *halakha* is that the ear may be pierced with anything.

**Consider this as well** – ליתשוב נמי האי – The early commentaries disagree as to whether one might answer simply that Rabbi Yishmael agrees with the opinion of Beit Shammai that ashes are not considered dust (see *Tosafot* and *Tosefot HaRosh*).

כי תיבֵּעֵי לָךְ – אֲלִיבָא דְבֵית הַלֵּל, דְּאִמְרֵי: מְצִינּוֹ אֶפְרָ שְׁקָרוֹי "עֶפְרָ", מֵאִי? אִף עַל גַּב דְּאִיקְרֵי עֶפְרָ – הַכָּא "בְּקִרְקַע הַמִּשְׁכָּן" בְּתֵיב, אוּ דִילְמָא הָאִי "בְּקִרְקַע הַמִּשְׁכָּן" – לְכַדְאִיסֵי בְּןֵי הַיְהוּדָה וְלְכַדְאִיסֵי בְּןֵי מְנַחֵם הוּא דְאִתֵּי?

תא שמע: דאמר רבי יוחנן משום רבי ישמעאל: בשלשה מקומות הלכה עוקבת מקרא.

התורה אַמְרָה בְּעֶפְרָ, וְהִלְכָה בְּכָל דְּבָר; התורה אַמְרָה בְּתֵרֵר, וְהִלְכָה בְּכָל דְּבָר; התורה אַמְרָה סֶפֶר, וְהִלְכָה בְּכָל דְּבָר;

ואם איתא, ליתשוב נמי האי!

תנא ושיירי. ומאי שייר דהאי שייר? שייר מצורע; דתנא: "והיה ביום השביעי יגלח את כל שערו" – כלל, "את ראשו ואת יקנו ואת גבת עינו" – פרט; ואת כל שערו יגלח" – חזר וכלל. כלל ופרט וכלל – אי אתה דן אלא בעין הפרט: מה פרט מפורש מקום כינוס שער ונראה, אף כל מקום כינוס שער ונראה;

מה רבי? רבי שער הרגלים. מאי מיעט? מיעט דבית השחי ודכוליה גופיה.

When you raise the dilemma, it is in accordance with the opinion of Beit Hillel, who say: We do find ashes referred to as dust<sup>N</sup> in the context of the red heifer (Numbers 19:17). They likewise hold that ashes may also be used instead of dust to cover the blood of a slaughtered bird or undomesticated animal (see Leviticus 17:13). What is the *halakha* here, with regard to the water of a *sota*? May ashes replace dust? Although elsewhere ashes may be referred to as dust, here it is written: "On the floor of the Tabernacle," indicating that dust in particular is required, since dust comes from the ground. Or perhaps the phrase "on the floor of the Tabernacle" comes only to teach that the *halakha* is in accordance with the teaching of Isi ben Yehuda or in accordance with the teaching of Isi ben Menahem. If so, perhaps ashes are acceptable as well.

Come and hear evidence from that which Rabbi Yoḥanan says in the name of Rabbi Yishmael: In three instances the *halakha* supersedes the verse,<sup>N</sup> i.e., the tradition alters the straightforward meaning of the verse.

The Torah states: "And whatsoever man ... that takes in hunting any beast or fowl that may be eaten, he shall pour out the blood thereof, and cover it in dust" (Leviticus 17:13), but the *halakha* is that the blood may be covered in anything<sup>H</sup> similar to dust. The Torah states with regard to the nazirite: "All the days of his vow of nazirite-ship there shall be no razor<sup>N</sup> come upon his head" (Numbers 6:5), but the *halakha* is that the nazirite may not remove his hair with anything.<sup>H</sup> The Torah states: "That he writes her a bill [*sefer*] of divorce" (Deuteronomy 24:1). The word *sefer* denotes a scroll, but the *halakha* is that the husband may inscribe the bill of divorce on anything<sup>H</sup> that is detached from the ground and suitable to be written upon, not only on a scroll.

And if it is so that ashes may be placed in the water of a *sota* despite the verse's stipulation of dust, consider this fourth case as well<sup>N</sup> to be a *halakha* that supersedes the verse. Since it is omitted from Rabbi Yishmael's statement, it seems that ashes may not be used.

The Gemara responds: Rabbi Yishmael taught some cases and omitted others; his list is not exhaustive. The Gemara asks: What else did he omit that he omitted this? It is not reasonable that he would provide a list lacking only one item. The Gemara answers: He omitted the leper, as it is taught in a *baraita* (*Tosefta*, *Nega'im* 1:9): In the verse: "And it shall be on the seventh day, that he shall shave off all his hair" (Leviticus 14:9), the phrase "all his hair" is a generalization. The phrase that follows: "His head and his beard and his eyebrows," is a detail. And with the following phrase: "Even all his hair he shall shave off," the verse then generalized again. In any case of a generalization, and a detail, and a generalization, you may deduce that the verse is referring only to items similar to the detail. Just as the detail is explicitly referring to areas where there is a collection of hair which is visible, so too all areas on the leper that have a collection of hair which is visible must be shaven.

To what otherwise excluded case does this *baraita* extend the *halakha*? It extends the *halakha* of hair to include pubic hair. What does the *baraita* exclude? It excludes armpit hair, which is not visible, and body hair that is not collected. This is the straightforward meaning of the verse.

#### HALAKHA

**In dust, but the *halakha* is in anything** – בעפר והלכה בכל דבר: Although the verse states that one must cover the blood of a slaughtered animal with dust, it may be covered with any substance used for growing seeds, or with any substance called dust, including eroded gold and ashes (Rambam *Sefer Kedusha*, *Hilkhot Shehita* 14:11–13; *Shulhan Arukh*, *Yoreh De'a* 28:23).

**Razor, but the *halakha* is with anything** – ותלכה בכל – בתער, והלכה בכל – בתער, והלכה בכל – בתער: A nazirite is liable to receive lashes if he cuts even one of

his hairs, with a razor or with scissors, (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:11).

**A bill of divorce, but the *halakha* is on anything** – ספר והלכה – ספר, והלכה – ספר, והלכה – ספר: It is permitted to write a bill of divorce on any item detached from the ground that is suitable to be written upon (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 4:2–3; *Shulhan Arukh*, *Even HaEzer* 124:1–2).

Shaves like a gourd – מְגַלַּח כְּדֹלֵעַת: After the leper has been purified by the ritual of the two birds, the priest shaves off all his body hair, including his pubic and armpit hair, leaving him smooth as a gourd (Rambam *Sefer Tahara, Hilkhhot Tumat Tzara'at* 11:1).

The second shaving is like the first shaving – תְּגַלַּחַת – שְׁנֵי שְׁנֵי בְּתַגְלַחַת רֵאשׁוֹנָה: Seven days after the initial purification of the leper, the priest shaves him again (Rambam *Sefer Tahara, Hilkhhot Tumat Tzara'at* 11:2).

And yet the *halakha* is: The leper shaves like a gourd,<sup>h</sup> i.e., his entire body must be shaved. As we learned in a mishna (*Nega'im* 14:2): When the priest comes to shave the leper, he passes a razor over all of his flesh. And in the latter clause, the mishna teaches: On the seventh day he shaves the leper again. The second shaving is just like the first shaving.<sup>h</sup> The verse previously analyzed is referring to the second shaving, and its straightforward meaning is that not all of the leper's flesh needs to be shaved. However, the mishna states that the leper must shave all of his flesh in the second shaving as well. This is another instance where the *halakha* supersedes the straightforward meaning of the verse, yet it is omitted from Rabbi Yishmael's list.

Rabbi Nahman bar Yitzhak said: Rabbi Yishmael consciously omitted the *halakha* of the leper because he counted only instances where the *halakha* supersedes the straightforward meaning of the verse. This *halakha* of the leper, however, is an instance where the *halakha* supersedes only an exegetical interpretation of the Sages.

Rav Pappa said: Rabbi Yishmael counted only cases where the *halakha* both supersedes and uproots the straightforward meaning of the verse. This, however, is an instance where the *halakha* supersedes and adds. The *halakha* does not overrule the verse but rather adds an additional requirement, i.e., that the whole body must be shaved.

Rav Ashi said: This *baraita*, which teaches that only certain parts of the body must be shaved, is in accordance with whose opinion? It is in accordance with the opinion of Rabbi Yishmael, who interprets verses by means of the principle of generalizations and details. According to this interpretation, only collected areas of hair that are visible must be shaven.

וְהִלְכְתָּא: מְגַלַּח כְּדֹלֵעַת, דְּתַנְּן: כָּאִלּוּ לְהַקְיֵי אֶת הַמְצוּרֶע – מְעַבֵּיר תַּעַר עַל כָּל בְּשָׂרוֹ. וְקָטְנֵי סִיפָא: וּבְיוֹם הַשְּׁבִיעִי מְגַלַּח, תְּגַלַּחַת שְׁנֵי שְׁנֵי בְּתַגְלַחַת רֵאשׁוֹנָה.

אָמַר רַב נַחְמָן בְּרַי יִצְחָק: כִּי קָא חָשִׁיב – הִלְכָּה עוֹקֶבֶת מְדַרְבְּנָן הֵיא. – עוֹקֶבֶת מְדַרְבְּנָן הֵיא.

רַב פַּפָּא אָמַר: כִּי קָא חָשִׁיב – הִלְכָּה עוֹקֶבֶת וְעוֹקֶרֶת, הֵיא – עוֹקֶבֶת וּמוֹסַפֶּת הֵיא.

רַב אֲשִׁי אָמַר: הָא מִתְנַתָּא מִנִּי – רַבִּי יִשְׁמַעֵאל הֵיא, דְּדַרְשֵׁי כְּלָלִי וּפְרָטִי.

## Perek II

### Daf 16 Amud b

כְּדֹלֵעַת, מִנִּי? רַבִּי עֲקִיבָא הֵיא, דְּדַרְשֵׁי רִיבּוּי וּמִיּוֹעוּטִי, דְּתַנְּנָא: "וְהָיָה בְּיוֹם הַשְּׁבִיעִי יְגַלַּח אֶת כָּל שְׂעָרוֹ" – רִיבָּה; "אֶת רֵאשׁוֹ וְאֶת זְקָנוֹ וְאֶת גְּבוֹת עֵינָיו" – מִיּוֹעוּט; וְאֶת כָּל שְׂעָרוֹ יְגַלַּח" – חוֹר וְרִיבָּה, רִיבָּה וּמִיּוֹעוּט וְרִיבָּה – רִיבָּה הַכֹּל.

מֵאִי רִיבָּה? רִיבָּה דְּכוּלֵּיהּ גּוּפִיהּ, וּמֵאִי מִיּוֹעוּט? מִיּוֹעוּט שִׁיעָר שְׁבִתוֹךְ הַחוּטִם.

מֵאִי הוּי עֵלְהָ? תָּא שְׁמַע, דְּאָמַר רַב הוּנָא בְּרַ אֲשִׁי אָמַר רַב: אִין שָׁם עָפָר, מִבֵּיא רְקוּבּוּבִית יִרְק וּמְקַדָּשׁ.

By contrast, the mishna states that the leper must be shaven like a gourd. In accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Akiva, who interprets verses by means of the principle of amplifications and restrictions.<sup>n</sup> As it is taught in a *baraita*: In the verse: "And it shall be on the seventh day, that he shall shave off all his hair," the phrase "all his hair" is an amplification. The phrase that follows: "His head and his beard and his eyebrows," is a restriction. In the final phrase: "Even all his hair he shall shave off," the verse then amplified again. The verse is therefore an instance of amplification and restriction and amplification, which includes everything.

What does it include? It includes the hair of all of the body. What does it nevertheless exclude? It excludes nose hairs,<sup>h</sup> which do not need to be shaved. Since the mishna presents only the opinion of Rabbi Akiva, it poses no challenge to Rabbi Yishmael's list.

The Gemara asks: What conclusion was reached about it,<sup>n</sup> i.e., whether ashes may be used instead of dust for the water of the *sota*? Come and hear evidence from that which Rav Huna bar Ashi says that Rav says: If there is no dust available for the *sota* water, the priest brings decomposed vegetable matter,<sup>h</sup> and he consecrates<sup>n</sup> the water with it. This indicates that it is permitted to substitute other substances for dust.

## HALAKHA

It excludes nose hairs – מִיּוֹעוּט שִׁיעָר שְׁבִתוֹךְ הַחוּטִם: When the priest shaves the leper's hairs he does not shave the hair in his nostrils, since it is not visible (Rambam *Sefer Tahara, Hilkhhot Tumat Tzara'at* 11:1).

Brings decomposed vegetable matter – מִבֵּיא רְקוּבּוּבִית יִרְק – If no dust is available, one may place decomposed vegetables in the water of a *sota* because they are like dust, in accordance with the statement of Rav (Rambam *Sefer Nashim, Hilkhhot Sota* 4:12).

## NOTES

Amplifications and restrictions – רִיבּוּי וּמִיּוֹעוּטִי: The hermeneutic principle of amplifications and restrictions and that of generalizations and details are similar in their applications. Both methods are applied to biblical verses in which there is a general statement followed by specific examples of the same *halakha*. They differ, however, in the hermeneutic weight afforded to the specific detail or restrictive phrase. The principle of generalizations and details interprets the detail mentioned in the verse as limiting the entire application of the rule to like cases. In this instance, the detail indicates that only visible collections of hair need to be shaved. The method of amplification and restriction, however, treats the restrictive phrase only as an indication that certain extreme cases should be excluded. In this case, the restrictive phrase comes only to exclude nose hair.

What conclusion was reached about it – מֵאִי הוּי עֵלְהָ: This phrase is used when the discussion has addressed comparable cases to the issue at hand but has not yet offered a definitive answer to the original query (see *Tosafot*).

And he consecrates – וּמְקַדָּשׁ: The water of a *sota* is not truly consecrated. Rashi explains that the decomposed vegetables may be placed in the water only after having been placed on the Temple floor. According to this explanation, the word consecrates means to connect the mixture to the Temple by means of its dust.

Ashes will not become dust – אפר לא יהוי עפר: One may not place ashes in the water of a *sota*, in accordance with the conclusion of the Gemara (Rambam *Sefer Nashim, Hilkhot Sota* 4:12).

The dust of the *sota* – עפר סוטה: Enough dust must be placed in the water of a *sota* for the dust to be visible in it (Rambam *Sefer Nashim, Hilkhot Sota* 3:10).

The ashes of the red heifer – אפר פרה: Enough ashes must be placed in the waters of purification for them to be visible in the mixture (Rambam *Sefer Tahara, Hilkhot Para Aduma* 9:1).

The spittle of a *yevama* – רוק יבמה: The spittle of a *yevama* must be visible to the judges who oversee the *halitza* ritual (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:7; *Shulhan Arukh, Even HaEzer* 169:38).

That the blood of the bird will be recognizable within it – שדם ציפור ניפר בהן: For the purification process of the leper, a quarter-log of water is brought, and the blood of the bird must be recognizable in it (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'at* 11:1).

ולא היא. רקבובית ירק הוא דהויא עפר. אפר לא יהוי עפר.

”בדי שיראה על המים”. תנו רבנן – שלשה צריכין שיראו: עפר סוטה, ואפר פרה, ורוק יבמה; משום רבי ישמעאל אפרו: אך דם צפור.

מאי טעמא דרבי ישמעאל? דכתוב: “וטבל אותם בדם הצפור” וגו', ותניא: “בדם” – יכול בדם ולא במים, תלמוד לומר: “במים”. אי מים, יכול במים ולא בדם? תלמוד לומר: “בדם”. הא ביצוד? מביא מים שדם ציפור ניפר בהן. וכמה? רביעית.

ורבנן? ההוא לגופיה, דהכי קאמר רחמנא: אטביל בדם ובמים.

ורבי ישמעאל? אם כן, לכתוב רחמנא “וטבל בהם”; “בדם...ובמים” למה לי? לניפר.

ורבנן? אי כתב רחמנא “וטבל בהם”, הוה אמנא האי לחודיה והאי לחודיה. כתב רחמנא “בדם...ובמים” לערבן.

ורבי ישמעאל? לערבן – קרא אחרינא כתיב: “ושחט את הצפור האחת” וגו'.

The Gemara responds: But that is not so. Decomposed vegetable matter is permitted because it will become dust, but ashes will not become dust.<sup>H</sup>

The mishna states: He would take loose dust from underneath the tablet and place it into the vessel with the water, so that the dust would be visible upon the water. The Sages taught (*Tosefta* 1:8): Three items are required to be seen:<sup>N</sup> The dust of the *sota*<sup>H</sup> must be visible in the water, the ashes of the red heifer<sup>H</sup> must be visible when placed in the waters of purification, and the spittle of a woman whose husband, who has a brother, died childless [*yevama*]<sup>H</sup> must be visible. The *yavam*, brother-in-law of the *yevama*, is bound by Torah law to marry her, and this bond is dissolved through the ritual of *halitza*, in which she spits before him in the presence of judges. In the name of Rabbi Yishmael they said: Even the blood of the bird used in a leper’s purification ritual is required to be visible in the vessel.

The Gemara asks: What is the reasoning of Rabbi Yishmael? As it is written with regard to the process of the purification of a leper: “And he shall take the cedar wood, and the hyssop, and the scarlet, and the living bird, and dip them in the blood of the slain bird, and in the running water” (Leviticus 14:51). And it is taught in a *baraita*: Had the verse stated only the phrase “in the blood,” one might have thought that these items must be dipped only in the blood and should not be dipped in the water at all. Therefore, the verse also states: “In the running water.” If the verse had stated only the phrase “in the running water,” one might have thought they should be dipped only in the water and not be dipped in the blood at all. Therefore, the verse also states: “In the blood.” How can these texts be reconciled? One must bring little enough water so that the blood of the bird will still be recognizable<sup>N</sup> within it.<sup>H</sup> And how much water is this? It is a quarter-log.

And the Rabbis, who do not require that the blood of the bird be visible in the water, how do they understand the verse? That verse is necessary for its own sake, as this is what the Merciful One is saying: Dip the objects both in blood and in water together. The blood need not be visible.

And why does Rabbi Yishmael reject this straightforward understanding of the verse? It is because if this understanding were so, then the Merciful One should have written simply: And dip in them, i.e., dip the cedar wood, hyssop, scarlet wool, and live bird in the blood and water, as the blood and water have already been mentioned beforehand. Why do I need the verse to list explicitly: “And dip them in the blood of the slain bird, and in the running water”? This is to teach that the blood must be recognizable in the water.

And what would the Rabbis respond to this? If the Merciful One had written simply: And dip in them, then I would say the items should be dipped in this liquid separately and in that liquid separately. Therefore, the Merciful One writes: “And dip them in the blood of the slain bird, and in the running water,” to teach that one must mix them together.

And from where does Rabbi Yishmael derive that one must mix them together? Another verse is written: “And he shall slaughter one of the birds in an earthen vessel over running water” (Leviticus 14:50). This indicates that the blood of the bird must fall directly into the water below, and the blood and the water will become mixed together.

NOTES

Are required to be seen – צריכין שיראו: Apparently, a sufficient measure of dust or ashes must be added so that they will not immediately disappear in the water. Although the dust will inevitably settle, it should initially be visible. With regard to the spittle of the *yevama*, the term refers not to a requisite

amount of spittle; rather, it means that it must be spat visibly. The blood of the leper’s bird must merely be recognizable in the water; there is no requirement of a specific measure of blood (*Devar Shaul*).

So that the blood of the bird will still be recognizable – שדם ניפר ניפר: This does not mean merely that a red color should be recognizable in the water; that would occur even in a large amount of water. Rather, the blood should be recognizable as blood (*Devar Shaul*; see *Tosafot*).

**Grasp the veins** – **נִינְקְטִינְהוּ לְוֵרִידֵין**: In slaughtering birds it is sufficient to cut either the windpipe or the gullet. It is therefore possible to leave the veins intact, even though it is proper *ab initio* to cut them as well (see, e.g., Rabbi David Luria and *Minha Hareva*). This explains the case described in the Gemara here, where the bird is slaughtered next to one vessel and bleeds into a different vessel.

**Not to take yourself** – **לֹא תִפִּיק נִפְשְׁךָ**: This is a reference to Rabbi Yirmeya's frequent practice of raising questions about borderline issues in *halakha*, particularly with regard to the limits of legal measurements. See *Bava Batra* 23b, which relates that on one occasion he was evicted from the study hall for raising a question of this type. According to the Ritva, Rabbi Zeira holds that although measures must be clearly defined, one should not raise objections from borderline cases, since there is no end to such questions.

**The Torah altered its usage** – **שִׁינָה הַכְּתוּב בְּמִשְׁמְעוֹ**: Beit Hillel conclude from this verse that ashes may be used in place of dust for the mitzva of covering blood. Still, the terminology of the verse is unique and teaches this verbal analogy as well (*Tosefta HaRash*).

**If he desires, etc.** – **רָצָה וְכוּ**: *Tosefta HaRosh* assert that this is not a halakhic prescription. It means that had there been only two phrases, then one could decide based on personal preference. However, in fact the verbal analogy cited earlier teaches the proper order.

## BACKGROUND

**Sparrow** – **צִיפור דָּרוֹר**: The sparrow, *Passer domesticus*, is one of the most common birds and can be found in almost every place where people live. It is brown-gray in color, and the males have a black spot on their necks. Sparrows can grow up to 14 cm long. Although they live alongside humans, they cannot be tamed. The Gemara (*Beitza* 24a) itself says that sparrows do not accept human authority and evade capture even in a house. In a temperate climate they lay eggs a few times a year. Although the chicks mature quickly, reaching full size after two to three weeks, the parents continue to care for them for some time.



Male house sparrow



Female house sparrow

And why do the Rabbis not learn it from that verse? If one were to learn it from that verse, I would say that one should slaughter the bird adjacent to the vessel holding the water, and one should grasp the opened veins<sup>N</sup> to ensure that no blood escapes immediately and then collect the blood in a different vessel. The blood and water would therefore be in separate vessels. Therefore, this first verse teaches us that the blood and water must be mixed together.

**Rabbi Yirmeya raised a dilemma before Rabbi Zeira**: If the bird is big and contains such a large amount of blood that it effaces the water, rendering it indistinguishable, or if the bird is small and contains so little blood that its blood is effaced due to the water and indistinguishable, what is the *halakha*?

**Rabbi Zeira said to him: Haven't I told you not to take yourself<sup>N</sup> out of the bounds of the practical halakha?** Do not ask questions about impossible eventualities. The Sages measured the ratio of blood to water specifically with regard to a sparrow.<sup>B</sup> There is no sparrow big enough to efface the water, nor is there one small enough to be effaced due to the water.

**S The Rabbis taught (Tosefta, Para 6:6)**: If one places the dust in the vessel before the water,<sup>H</sup> the mixture is unfit; but Rabbi Shimon deems it fit. The Gemara asks: What is the reasoning of Rabbi Shimon?

It is as it is written with regard to the red heifer: "And for the unclean they shall take of the dust of the burning of the purification from sin, and running water shall be put thereto in a vessel" (Numbers 19:17). And it is taught in a *baraita* that Rabbi Shimon said: Is it dust [*afar*] that is taken? But isn't it really ashes [*efer*]? Evidently the Torah altered its usage<sup>N</sup> and referred to ashes as dust in order to derive a verbal analogy from it. Dust is stated in the verse here, and dust is stated there, with regard to the *sota*. Just as there, with regard to the *sota*, the verse teaches that the dust must be placed on top of water, so too here, with regard to the red heifer, one learns that the dust, i.e., ashes, must be placed on top of the water.

And likewise, just as here, with regard to the red heifer, if one places the dust in the vessel before the water, it is fit after the fact, so too there, with regard to the *sota*, if one places the dust in the vessel before the water, it is fit.

The Gemara asks: And there, with regard to the red heifer, from where do we derive that the mixture is fit even if the dust is placed first? Two phrases are written in the verse. It is written that the water must be put: "Thereto." Therefore, apparently, the ashes should be placed first. And it is written that the running water must be placed: "In a vessel." Apparently, the water should be placed in the vessel first, while it is still empty. How can these texts be reconciled? If he desires<sup>N</sup> to place the water first he places it, and if he desires to place the ash first he places it.

And how do the Rabbis, who deem the mixture unfit, interpret the verse? The verse states: "In a vessel,"<sup>H</sup> specifically. The water must be placed first. When the verse states: "Thereto," it teaches only that it is required to mix the ashes with the water.

## HALAKHA

**Places the dust before the water** – **הַקָּדִים עֵפֶר לַמַּיִם**: If the dust is placed in the vessel before the water, the mixture is disqualified for the *sota* ritual, in accordance with the opinion of the Rabbis (Rambam *Sefer Nashim, Hilkhot Sota* 4:12).

**In a vessel** – **אֵל כֵּלִי**: When preparing the purifying waters of

the red heifer, one must first place the water in a vessel and then place ashes upon it, in accordance with the opinion of the Rabbis. If one reversed the order the mixture is unfit. The verse, which states: "In a vessel," is understood to mean that one must mix the ashes in the water (Rambam *Sefer Tahara, Hilkhot Para Aduma* 9:1).

וְרַבְנָן? אִי מֵהֵוּא. הֲוֵה אֲמִינָא לִישְׁחָטִיה סְמוּךְ לַמַּנָּא, וְנִינְקְטִינְהוּ לְוֵרִידֵין וְלִקְבֻלְיָה לְדָם בְּמַנָּא אַחֲרֵינָא. קָא מְשַׁמְעֵ לָן.

בְּעָא מִינְיָה רַבִּי יִרְמְיָה מְרַבִּי יוֹרָא: גְּדוּלָה וּמְדַחַת אֶת הַמַּיִם, קִטְנָה וְנִדְחִית מִפְּנֵי הַמַּיִם, מַהוּ?

אָמַר לֵיהּ, לָאו אֲמִינָא לָךְ: לֹא תִפִּיק נִפְשְׁךָ לְבַר מֵהֵילְכְתָּא? בְּצִפּוֹר דָּרוֹר שִׁיעֵרוּ רַבְנָן: אִין לָךְ גְּדוּלָה שְׂמַדְחַת אֶת הַמַּיִם, וְאִין לָךְ קִטְנָה שְׂנַדְחִית מִפְּנֵי הַמַּיִם.

תְּנו רַבְנָן: הַקָּדִים עֵפֶר לַמַּיִם פְּסוּל, וְרַבִּי שְׁמַעוֹן מְכַשֵּׁר. מַאי טַעְמָא דְרַבִּי שְׁמַעוֹן?

דְּכָתוּב: "וְלָקְחוּ לְטָמֵא מֵעֵפֶר שְׂרִיפַת הַחֲטָאת", וְתִנְיָא. אָמַר רַבִּי שְׁמַעוֹן: וְכִי עֵפֶר הוּא? וְהֵלֵא אֶפֶר הוּא! שִׁינָה הַכְּתוּב בְּמִשְׁמְעוֹ לְדוֹן הֵימְנוּ גְזִירָה שְׂוָה: נֶאֱמַר בְּאֵן "עֵפֶר", וְנֶאֱמַר לְהֵלֵן "עֵפֶר", מַה לְהֵלֵן עֵפֶר עַל גִּבֵּי מַיִם, אִף כֵּן עֵפֶר עַל גִּבֵּי מַיִם.

וּמַה בְּאֵן, הַקָּדִים עֵפֶר לַמַּיִם – כְּשֵׁר, אִף לְהֵלֵן, הַקָּדִים עֵפֶר לַמַּיִם – כְּשֵׁר.

וְהָתָם מְנָלָן? תִּירֵי קְרָאֵי כְּתוּבֵי. כְּתוּב: "עֲלִיו", אֲלֵמָא אֶפֶר בְּרִישָׁא, וְכְתוּב: "מִיִּם חִיִּים אֵל כֵּלִי", אֲלֵמָא מִיִּם בְּרִישָׁא. הָא כִּיִּצֵּד רָצָה – זֶה נוֹתֵן, רָצָה – זֶה נוֹתֵן.

וְרַבְנָן? "אֵל כֵּלִי" – דְּוָקָא: "עֲלִיו" – לְעֵרְבָן.

וַאֲמַרְתָּ: "עָלְיוֹ" דְּוָקָא, "אֶל כְּלִי" –  
שְׂתֵּהָא חִיּוּתָן בְּכֵלִי!

מַה מְצִינוּ בְּכָל מְקוֹם מִכְשִׁיר לְמַעְלָה,  
אֶף כֵּן מִכְשִׁיר לְמַעְלָה.

The Gemara asks: **But** one could just as easily say the opposite: “**Thereto**” should be understood **specifically**, and the ashes must be placed first. The phrase “running water shall be put... **in a vessel**,” should indicate only **that** the water **must run directly into the vessel** and that it may not be brought from the spring by means of another vessel.

The Gemara answers: **Just as we find in every instance** that the **facilitating item** goes **above** the primary item, e.g., in the case of a *sota* the dust goes on top of the water, **so too here**, in the case of the red heifer, the **facilitating item** must go **above** the primary item. The water must be placed first, and only then the ashes.