

VIII.

BABYLONIAN TALMUD

SOTAH

CHAPTER EIGHT

FOLIOS 42A-44B

8:1

- A. The anointed for battle, when he speaks to the people, in the Holy Language he did speak,
- B. as it is said, “And it shall come to pass when you draw near to the battle, that the priest shall approach” (this is the priest anointed for battle) “and shall speak to the people” (in the Holy Language) “and shall say to them, Hear, O Israel, you draw near to battle this day” (Deu. 20: 3) —
- C. “against your enemies” (Deu. 20: 3) — and not against your brothers,
- D. not Judah against Simeon, nor Simeon against Benjamin.
- E. For if you fall into their [Israelites’] hand, they will have mercy for you,
- F. as it is said, “And the men which have been called by name rose up and took the captives and with the spoil clothed all that were naked among them and arrayed them and put shoes on their feet and gave them food to eat and something to drink and carried all the feeble of them upon asses and brought them to Jericho, the city of palm trees, unto their brethren. Then they returned to Samaria” (2Ch. 28:15).
- G. “Against your enemies” do you go forth.
- H. For if you fall into their hand, they will not have mercy upon you.
- I. “Let not your heart be faint, fear not, nor tremble, neither be afraid” (Deu. 20: 3).
- J. “Let not your heart be faint” — on account of the neighing of the horses and the flashing of the swords.
- K. “Fear not” — at the clashing of shields and the rushing of the tramping shoes.
- L. “Nor tremble” — at the sound of the trumpets.
- M. “Neither be afraid” — at the sound of the shouting.
- N. For the Lord your God is with you” (Deu. 20: 4) —

- O. they come with the power of mortal man, but you come with the power of the Omnipresent.
- P. The Philistines came with the power of Goliath. What was his end? In the end he fell by the sword, and they fell with him.
- Q. The Ammonites came with the power of Shoback [2Sa. 10:16]. What was his end? In the end he fell by the sword, and they fell with him.
- R. But you are not thus: “For the Lord your God is he who goes with you to fight for you”
- S. (— this is the camp of the ark).

We commence with the exposition of the proof-text.

I.1 A. [The anointed for battle, when he speaks to the people, in the Holy Language he did speak, as it is said, “And it shall come to pass when you draw near to the battle, that the priest shall approach” this is the priest anointed for battle — “and shall speak to the people” in the Holy Language:] *What is the sense [of the proof at M. 8:1A-B]?*

- B. *This is its sense:* It is said, “...and shall speak...” Now elsewhere it is said, “Moses spoke and God answered him by a voice” (Exo. 19:19).
- C. Just as in that latter passage, it was in the Holy Language, so here too it is in the Holy Language.

I.2. A. *Our rabbis have taught on Tannaite authority:*

- B. “The priest shall approach and shall speak to the people” (Deu. 20: 2):
- C. Is it possible to suppose that at hand is a priest at any rank whatsoever?
- D. Scripture says, “And the officers shall speak” (Deu. 20: 5).
- E. Just as the officers are those who have been designated [for the present task], so the priest must be one who has been designated [for the present task, thus anointed for war].
- F. *May I propose that it must be the high priest?*
- G. *[No, for] the priest is comparable to an officer. Just as an officer is one above whom another is appointed, so it is a priest above whom another is appointed [as his superior].*
- H. *But that would just as well apply to a high priest, since the king is appointed as his superior.*
- I. *At issue [is the priest in the aspect of his divine] service [and in that context there is none above him].*
- J. *And may I propose then that it is the prefect of the priests [that is, next in rank to the high priest, who gives the battle oration]?*
- K. *The prefect of the priests is not designated, as it has been taught on Tannaite authority:*
- M. Said R. Hanina, prefect of the priests, “Why is the prefect of the priests appointed [at all]? So that, should some blemish disqualify the high priest, the prefect will enter and take up the task of service in his stead.”

II.1 A. And he will say to them, Hear O Israel [M. 8:1B]:

- B. *What makes “Hear O Israel” so special [that that is what the orator should say to the troops]?*
- C. Said R. Yohanan in the name of R. Simeon b. Yohai, “The Holy One, blessed be he, says to Israel, ‘Even if you have carried out only the duty of reciting the Shema morning and night, you will not be handed over into their power.’”

III.1 A. Let not your heart be faint, fear not [M. 8:1I]:

- B. *Our rabbis have taught on Tannaite authority:*
- C. Two times does he speak to them, once on the border, and once on the battlefield.
- D. On the border what does he say?
- E. **[42B]** “Obey the words of those who lay out the rules of battle and go home [if you are not required to be present, in line with Deu. 20:5-9].”
- F. On the battlefield what does he say? “Let not your heart be faint, fear not, nor tremble, neither be afraid” (Deu. 20: 3).
- G. [These four commandments] match the four things that idolators do [on the battlefield]. They crash their shields, blast on trumpets, shout, and trample with their horses.

Predictably, reference to a scriptural figure leads to the insertion of a sizable discussion of that figure, with the treatment not limited to the context at hand. The composite that follows has not been organized around the requirements of Mishnah-exegesis, narrowly construed, but around the topic.

IV.1 A. The Philistines came with the power of Goliath [M. 8:1P]:

- B. “The sense of the name Goliath,” said R. Yohanan, “is that he arose with arrogance [GYLWY PNYM] before the Holy One, blessed be he.
- C. “So it is said, ‘Choose a man for you and let him come down to me’ (1Sa. 17: 8).
- D. “Now the word ‘man’ refers only to the Holy One, blessed be he, as it is said, “The Lord is a man of war’ (Exo. 15: 3).
- E. “Said the Holy One, blessed be he, “Lo, I shall bring him down through the power of a son of a man, as it is said, ‘And David, son of this man of Ephrat’ (1Sa. 17:12).”

IV.2. A. Said R. Yohanan in the name of R. Meir, “At three points the statements of that wicked man entrapped him.

- B. “First: ‘Choose a man for you and let him come down to me’ (1Sa. 17: 8).
- C. “Further: ‘If he is able to fight with me and kill me’ (1Sa. 17: 9) [which David did do].
- D. “And finally: ‘Am I a dog, that you come against me with staves’ (1Sa. 17:43).
- E. “David, for his part, said to him, ‘You come against me with sword, spear, and javelin,’ (1Sa. 17:45), and then he said to him, ‘But I come against you with the name of the Lord of hosts, God of the armies of Israel, whom you have defied’ (1Sa. 17:45).”

IV.3. A. “The Philistine drew near morning and evening” (1Sa. 17:16):

- B. Said R. Yohanan, “It was so as to interrupt them from reciting the Shema morning and evening.”
- H. “And presented himself for forty days” (1Sa. 17:16):

- I. Said R. Yohanan, "It was to match the forty days on which the Torah was given."
- IV.4.** A. "And a champion (BYNYM) came forth from the camps of the Philistines" (1Sa. 17: 4):
- B. *What is the meaning of the word used for champion?*
- C. Said Rab, "He was highly developed (MBYNH) and not at all blemished."
- D. Samuel said, "He was the middle one among his brothers (BYNYN)."
- E. *A member of the house of R. Shila said, "He was built like a stronghold [building]."*

- IV.5.** A. R. Yohanan said, "He was son of a hundred fathers and one mother, 'And Goliath from Gath was his name' (1Sa. 17: 4).
- B. *R. Joseph repeated on Tannaite authority, "For all men pressed against his mother, as on a winepress (GT)."*
- C. It is written, Maaroth [out of the ranks], (1Sa. 17:23) but we read maarakhoth.
- D. *R. Joseph repeated on Tannaite authority, "For all men had sexual relations (hearu) with his mother."*

We now broaden the range of interest, but the topic of Goliath continues to govern, as No. 6 moves on to No. 7. Goliath was son of Orpah, Naomi's daughter-in-law. That is the point that is now set forth with enormous force. The power of the exegesis emerges at 7.C-D, linking Goliath to David via Orpah and Ruth, so that Goliath and David form wings of a single family, thus intensifying the confrontation and making it relevant to the time of the documents at hand: it was a messianic war.

- IV.6.** A. It is written both Harafah and Orpah (2Sa. 21:18, Rut. 1: 4).
- B. Rab and Samuel:
- C. One said, "Her name was Harafah, and why was she called Orpah? Because everybody had sexual relations with her doggie-style."
- D. The other said, "Her name was Orpah, and why was she called Harafah? Because everybody ground her like ground grain (*harifoth*).
- E. "So Scripture says, 'And the woman took and spread the covering over the well's mouth and spread ground grain on it' (2Sa. 17:19).
- F. *"If you prefer, I shall propose proof from the following verse: 'Though you should bray a fool in a mortar with a pestle among ground grain' (Pro. 27:22)."*

- IV.7.** A. "These four were born to Harafah in Gath, and they fell by the hand of David and by the hand of his servants" (2Sa. 21:22):
- B. *Who are they?*
- C. Said R. Hisda, "Saph, Madon, Goliath, and Ish Bibenob" [2Sa. 21:18, 20].
- D. "And they fell by the hand of David and by the hand of his servants" (2Sa. 21:22):
- E. As it is written, "And Orpah kissed her mother-in-law, but Ruth embraced her" (Rut. 1:14).
- F. Said R. Isaac, "Said the Holy One, blessed be he, 'Let the ones who kissed her come and fall at the hand of the sons of the one who embraced her [and Goliath was son of Orpah, Naomi's daughter-in-law].'"

- G. Raba expounded, “As a reward for the four tears that Orpah wept for her mother-in-law, she had such merit that four heroes came forth from her,
- H. “as it is said, ‘And they lifted up their voice and wept again’ (Rut. 1:14). [They thus wept twice, each time two tears from the two eyes, hence, four.]”

IV.8. A. It is written, “The arrow (HS) of his spear,” but we read, “The staff (CS) of his spear” (1Sa. 17: 7).

- B. Said R. Eleazar, “We have not yet reached even half (HSY) of the power of that wicked man.”
- C. On the basis of the passage at hand [we learn that] it is forbidden to recount the prowess of wicked men.
- D. *In that case, why bring up the subject at all?*
- E. *It is to make known the [still greater] prowess of David.*

The same principle of exegesis — amplify the topic — explains the next set as well.

V.1 A. The Ammonites came with the power of Shobach [M. 8:10]:

- B. Both Shobach and Shopach are written [at 2Sa. 10:16 and 1Ch. 19:16, respectively].
- C. Rab and Samuel:
- D. One said, “His name was really Shopach, and why was he called Shobach (SBK)? Because he was build like a dovecot (SBK).”
- E. The other said, “His name was really Shobach, and why was he called Shopach? For whoever looked at him was poured out (NSPK) [in fear] before him like a pitcher.”

V.2. A. “Their quiver (ashpah) is an open grave, they are all mighty men” (Jer. 5:16).

- B. Rab and Samuel, and some say, R. Ammi and R. Assi:
- C. One said, “When they shoot an arrow, they make piles (ashpot) and piles of corpses.
- D. “And if you might wish to explain that they were experts at battle, Scripture says, ‘All of them are mighty men’ (Jer. 5:16).”
- E. The other said, “When they defecate, they make piles and piles of shit.
- F. “And if you might wish to explain that they had stomach trouble, Scripture states, ‘All of them are mighty men’ [who eat a great deal, and that accounts for their enormous bowel movements].”
- G. *Said R. Mari, “From the foregoing, one should derive the conclusion that someone who produces a great deal of shit has bowel trouble.”*
- H. *What difference does it make?*
- I. *A man should take care of himself.*

V.3. A. “Worry in the heart of a man makes him stoop” (Pro. 12:25):

- B. R. Ammi and R. Assi:
- C. One said, “Let him put it out of mind [using the same root as the word for stoop].”

- D. The other said, “Let him speak about it to other [again using the same root].”

VI.1 A. But you are not thus [M. 8:1R]:

- B. Why [state all this]?
C. It was because the Name [of God] and all of the euphemisms for it [43A] had been placed in the ark [as at M. 8:1S].
D. And so Scripture states, “And Moses sent them to the war, a thousand from each tribe, together with Phineas, son of Eleazar, the priest, with the vessels of the sanctuary and the trumpets for the alarm in his hand” (Num. 31: 6).
E. “Them” — this is the sanhedrin.
F. “Phineas” — this is the priest anointed for war.
G. “With the vessels of the sanctuary” — this refers to the ark and the tablets that are in it.
H. “And the trumpets for the alarm” — this refers to the rams’ horns.

We proceed to further treatment of Num. 31:6, the theme of Phineas.

VI.2. A. It was repeated on Tannaite authority:

- B. It was not without purpose that Phineas went out to war. It was in order to exact justice in behalf of the father of his mother [who was Joseph].
B. For it has been said, “And the Midianites sold [Joseph] into Egypt” (Gen. 37:36). [He thus would avenge Joseph.]
C. *Does that then suggest that Phineas came from Joseph? And lo, it is written, “And Eleazar, son of Aaron, took one of the daughters of Putiel for his wife, and she bore him Phineas” (Exo. 6:25).*
D. *Does this not mean that he descended from Jethro, who fattened (PTM) calves for idolatry?*
E. No, he came from Joseph, who controlled (PTPT) his passion.
F. But did not the other tribes insult him: “Have you seen this son of Puti? A son whose mother’s father fattened calves for idolatry, who killed a prince in Israel [namely, Zimri at Num. 25:7ff].” [It follows that people did suppose Phineas was descended from Jethro.]
G. *Rather, while the father of his mother descended from Joseph, the mother of his mother descended from Jethro.*
H. *Or, if his mother’s mother descended from Joseph, then his mother’s father descended from Jethro.*
I. *You may derive that same conclusion from that which is written: “From among the daughters of Putiel” (Exo. 6:25), meaning, two [lines of ancestry] are implied.*
J. *That indeed proves the case.*

The Talmud complements selected statements of the Mishnah-paragraph, building on its themes. But only selected clauses are subjected to sustained inquiry.

8:2-4

- A. “And the officers shall speak to the people, saying ‘What man is there who has built a new house and has not dedicated it? Let him go and return to his house’ (Deu. 20: 5).”

- B. All the same are the ones who build a house for straw, a house for cattle, a house for wood, and a house for storage.
- C. All the same are the ones who build it, who purchase it, who inherit it, and to whom it is given as a gift.
- D. “And who is the man who has planted a vineyard and has not used the fruit thereof” (Deu. 20: 6) —
- E. All the same are the ones who plant a vineyard and who plant five fruit-trees,
- F. and even if they are of five different kinds.
- G. And all the same are the ones who plant such a tree, who sink them into the ground, and who graft them.
- H. And all the same are the ones who buy a vineyard, and who inherit it, and to whom it is given as a gift.
- I. “And who is the man who has betrothed a wife” (ibid.) —
- J. All the same are the ones who betroth a virgin and who betroth a widow —
- K. and even a deceased childless brother’s widow who awaits the Levir.
- L. And even if one heard during the battle that his brother had died,
- M. he returns and comes along home.
- N. All these listen to the words of the priest concerning the arrangements of battle and go home.
- O. And they provide water and food and keep the roads in good repair. — M. 8:2
- A. And these are the ones who do not return home:
- B. He who builds a gate-house, a portico, or a porch;
- C. he who plants only four fruit-trees or five barren trees;
- D. he who remarries a woman whom he has divorced,
- E. or [he who marries] a widow in the case of a high priest, a divorcee or a woman who has undergone the rite of halisah in the case of an ordinary priest, or a mamzeret or a Netinah in the case of an Israelite, or an Israelite girl in the case of a mamzer or a Netin —
- F. such a one did not go home.
- G. R. Judah says, “Also: He who builds his house on its original foundation did not go home.”
- H. R. Eliezer says, “Also: He who builds a house of bricks in the Sharon does not go home.” — M. 8:3
- A. And these are the ones who [to begin with] do not move from their place:
- B. He who had [just now] built a house and dedicated it, who had planted a vineyard and used its fruits, who had married the girl whom he had betrothed, or who had consummated the marriage of his deceased childless brother’s widow,
- C. since it is said, “He shall be free for his house one year” (Deu. 24: 5) —
- D. “For his house” — this is his house.
- E. “Will be” — this refers to his vineyard.
- F. “And shall cheer his wife” — this applies to his own wife.

- G. **“Whom he has acquired” — to include even his deceased childless brother’s widow.**
- H. **These do not [even] have to provide water and food and see to the repair of the road. — M. 8:4**

- I.1 A. **[And the officers shall speak to the people, saying What man is there who has built a new house and has not dedicated it? Let him go and return to his house:]** *Our rabbis have taught on Tannaite authority:*
 - B. “And the officers shall speak” (Deu. 20: 5):
 - C. May one think that they spoke their own words [and not the words of the priest]?
 - D. When Scripture states, “Then the officers shall speak further” (Deu. 20: 8), lo, we have reference to their own words.
 - E. How, then, shall I interpret, “The officers shall speak?” Scripture here refers to the words of the priest anointed for battle.
 - F. How so?
 - G. The priest speaks and the officer then makes [the priest’s] words heard.
 - H. *One Tannaite teaching holds that the priest speaks and the officer makes his words heard, while another Tannaite teaching maintains that the priest speaks and another priest makes his words heard, and yet a third states that an officer speaks and another officer makes his words heard.*
 - I. Said Abayye, “How so? From ‘When you draw near’ to ‘and the officers shall speak’ (Deu. 20: 3ff.), a priest speaks and another priest makes his words heard.
 - J. “From, ‘And the officers shall speak’ to ‘and the officers shall speak further’ (Deu. 20: 5-7), a priest speaks and an officer makes his words heard.
 - K. “From ‘And the officers shall speak’ to the end, an officer speaks and another officer makes his voice heard.”

II.1 A. What man is there who has built a new house [M. 8:2A]:

- B. *Our rabbis have taught on Tannaite authority:*
- C. “Who has built...”: I know only that included in the rule is one who has built a new house.
- D. **If one has purchased a house, inherited one, or had one given to him as a gift [M. 8:2C],** how do I know [that he falls under the same rule]?
- E. Scripture says, “And whoever the man is, who has built a house,” [encompassing these other categories].
- F. “A house”: I know only that the rule covers a house. How do I know that the rule encompasses **a house built for straw, a house for cattle, a house for wood, and a house for storage [M. 8:2B]?**
- G. Scripture says, “Who has built a house” — of any sort.
- H. Is it possible, then, that I should include within the rule **a gate-house, portico, or porch [M. 8:3B]?**
- I. Scripture states, “A house.” Just as a house is suitable for a dwelling, so anything that is suitable for a dwelling [is encompassed within the rule, excluding the listed items, in which people do not live].

- J. **R. Eliezer b. Jacob says, “The word house bears its standard meaning” [T. Sot. 7:18L].**

III.1 A. And has not dedicated it [M. 8:2A]:

- B. [Scripture does not say,] “And has not dedicated,” but “and has not dedicated it,”
- C. thus excluding the case of a thief. [Someone who steals a new house nonetheless has to go to war.]
- D. *May I then say that this does not accord with R. Yosé the Galilean has said, “Lo, Scripture states, ‘**And faint-hearted**’ (Deu. 20: 8), meaning to refer to one who is afraid [43B] on account of the sins that he has committed.” [T. Sot. 7:22] [A thief then would also not go to war.]*
- E. *[No,] you may say that it indeed does accord even with R. Yosé the Galilean. He would refer to the case of one who repented and paid for the house [in which case he would not go home.]*
- F. *But if it is so [that he paid for the house], then he would be in the status of a purchaser and should go home.*
- G. *Since to begin with the house fell into his possession under the rules governing theft, he would not [fall into the stated category and does not return home].*

IV.1 A. And who is the man who has planted a vineyard [M. 8:2D]:

- B. *Our rabbis have taught on Tannaite authority:*
- C. “Who has planted...”: I know only that the law applies to one who has planted a vineyard.
- D. If he **purchased a vineyard, inherited it, or was given it as a gift [M. 8:2H]**, how do I know [that he falls into the same category]?
- E. Scripture says, “And whoever is the man who has planted a vineyard” (Deu. 20: 6).
- F. I know that the rule applies only to a vineyard. How do I know that it encompasses **five fruit trees, and even if they are of five different kinds [M. 8:2E-F]**?
- G. Scripture says, “...who has planted...”
- H. Is it possible that the law also encompasses **one who plants only four fruit trees or five barren trees [M. 8:3C]**?
- I. Scripture says, “...a vineyard....”
- J. **R. Eliezer b. Jacob says, “A ‘vineyard’ is in accord with its ordinary meaning” [T. Sot. 7:18L].**

IV.2. A. [Scripture does not say,] “He has not used the fruit,” but rather, “He has not used its fruit” (Deu. 20: 6).

- B. This serves to exclude from the rule at hand one who bends or grafts [the vine].
- C. *But lo, we have learned in the Mishnah-paragraph: **All the same are the ones who plant such a tree, who sink them into the ground, and who graft them [M. 8:2G].***
- D. *Said R. Zira said R. Hisda, “There is no contradiction. In the one case, we deal with an act of grafting which is forbidden, and in the other we deal with an act of grafting which is permitted.” [If one grafts two different species, he may not*

return home, but if he grafted a branch of one species onto a tree of the same species, he may return home.]

- E. *What would be an example of an act of grafting that is permitted?*
- F. *If I propose that it is grafting a young shoot onto a young shoot, then you would have to draw the conclusion that the farmer may return home on the grounds of having planted the original shoot. [Why specify it on account of the graft?]*
- G. *Rather we deal with a case of grafting a young shoot onto an established tree. [In such a case the rule would be relevant and new.]*
- H. But has not R. Abbahu stated, “A young shoot which one grafted onto an old stump loses the status of a young shoot on account of the old trunk and does not fall into the category of the orlah-taboo [which applies to the produce in the first three years after planting. That taboo would not apply to the fruit of the young shoot, because it has been grafted onto the old stump and enters the status of the stump.”] [So why go home?]
- I. Said R. Jeremiah, “Indeed, we deal with the case of grafting a young shoot onto a young shoot, *but it is one in which the farmer planted the original shoot for the purpose of making a fence or providing beams [and not to grow fruit].*”
- J. *For we have learned in the Mishnah: **He who plants a tree for the purposes of a fence or for growing beams is exempt from the orlah-taboo [entirely, since there is no interest to produce fruit at all] (M. Orl. 1: 1).***

We now have a talmud for M. Orl. 1:1.

- IV.3.** A. *What is the difference between the graft of a young shoot onto an old stump, in which case the status of the young shoot is annulled [and the shoot enters the status of the established stump], and the case of the grafting of a young shoot onto another young shoot, in which case the grafted branch does not lose its original status?*
- B. *In the former case, if the farmer changes his mind, he cannot restore matters [since the old stump retains its status no matter what the farmer does]. But in the latter case, if the farmer changes his mind, the young shoot to which the graft is attached may revert to its former status. [Cohen, p. 217, n. 6: The planter can change his mind within the first three years and determine the purpose of the young shoot, originally grafted for timber, to be for fruit, so that it becomes itself subject to the orlah-taboo.]*
 - C. *It is, after all, comparable to the case of plants which come up on their own.*
 - D. *For we have learned in the Mishnah: **When they grow up on their own, they are liable to the orlah-taboo [M. Orl. 1: 4].***
 - E. *But why not explain the Mishnah’s rule [that one returns on account of having grafted a branch that is yet to produce usable fruit] by reference to a case of two partners, in which instance one of them returns on account of his shoot, and the other returns on account of his shoot? [One young shoot was grafted onto another, as at F].*
 - F. Said R. Papa, “[Since that is not the explanation given,] it must follow that, in the case of a vineyard belonging to two partners, the partners do not return on its account from the battle-line. [The exemption simply does not apply to them.]”

- G. *Now what is the difference between this case and the one in which one of five brothers dies [childless] in war, in which case all the other brothers return home [since one of them will be the levir for the deceased childless brother's widow]?*
- H. *[The difference is that], in that case, in respect to each of the brothers the woman may be called "his wife," while in the present case, in respect to each of the partners the vineyard may not be called "his vineyard."*
- I. *[Explaining matters in yet another way], R. Nahman b. Isaac said, "The Mishnah-rule speaks of a case in which one has grafted a tree onto a vegetable, and it follows the principle of the following Tannaite authority:*
- J. **"Concerning the graft of a tree onto a vegetable — R. Simeon b. Gamaliel permits in the name of R. Judah b. Gamda of Kepar Akko, and sages prohibit [T. Kil. 1:12].**
- K. *[But] when R. Dimi came, he said R. Yohanan [said], "In accord with which authority is this stated? It is R. Eliezer b. Jacob."*
- L. But did not R. Eliezer b. Jacob state just now, **"A vineyard' follows the usual meaning of the word," [T. Sot. 7:18L]** [In that case, he could not possibly concur now, for] here too, the sense of "plant" should be the ordinary and accepted one.
- M. Hence, if it is a case of planting, one does [get the exemption], but if it is a case of sinking down or grafting, he does not get it.

We proceed to other citations by Dimi of Eliezer b. Jacob, first those that deal with the same topic, then moving on to other topics altogether.

IV.4. A. When R. Dimi came, he said R. Yohanan [said] in the name of R. Eliezer b. Jacob, "A young shoot less than a handbreadth in length nonetheless is liable to the orlah-taboo, if it appears to be a year old. [People would think that if he used such produce, he was violating the law, so one must not do so.]

B. *"This rule applies to a case in which there are two plants opposite two others, with one protruding like a tail. [Then it appears to be a vineyard, and the taboo pertains.] But if the plants are entirely [of that character], then it is known as such, [and no one will think it is a vineyard of the prohibited sort. So the farmer may use the produce.]"*

IV.5. A. When R. Dimi came, he said R. Yohanan [said] in the name of R. Eliezer b. Jacob, "A corpse affects the four cubits around it so far as reciting the Shema is concerned [so that one may not recite the Shema within four cubits of the corpse],

B. "for it is written, 'He who mocks the poor blasphemes his maker' (Pro. 17: 5). [The corpse cannot carry out the religious duty and doing it in the corpse's space then would appear to be an act of mockery.]"

IV.6. A. Said R. Isaac said R. Yohanan in the name of R. Eliezer b. Jacob, "A step-daughter brought up among step-brothers is forbidden to marry one of the brothers, *because it might look as though she was his sister.*"

B. *But that is not the rule, because people know this sort of thing.*

- IV.7.** A. And R. Isaac said R. Yohanan [said] in the name of R. Eliezer b. Jacob, “If one has gathered into the threshing floor gleanings, forgotten sheaves, or produce left in the corner of the field, [because it was gathered in,] the produce has been subjected to [the requirement of] the separation of tithes [since people will suppose that the produce comes from the man’s field, not from some other field where it has been left for the poor and hence is not subject to tithing].”
- B. *Said Ulla, “The rule applies only to the case of a field [in the country], but if it is in a village, then that is the sort of thing people know [and there is no reason to make such a rule].*
- IV.8.** A. And R. Isaac said R. Yohanan [said] in the name of R. Eliezer b. Jacob, “In the case of a young shoot less than a handbreadth in height, it does not render seeds [in which it is located] forfeit [that is, it is not regarded as establishing a case of mixed seeds, e.g., of a vine planted in a grain field, in which case the rows of seeds are holy and not to be used for secular purposes].
- B. *“But that rule applies to a case in which two are planted opposite two others, with one protruding as a tail [in which case it looks to be a vineyard].*
- C. *“But if the whole thing consist of such shoots, then it does render the seeds planted among the shoots forfeit [as mixed seeds in a vineyard].”*
- IV.9.** A. Said R. Isaac said R. Yohanan in the name of R. Eliezer b. Jacob, **[44A]** “A corpse affects the four cubits around it so far as imparting corpse-uncleanness is concerned. [Thus whatever comes within four cubits of a corpse is assumed to have made physical contact with it and so contracted corpse uncleanness.]”
- B. *A Tannaite authority has taught along these same lines: **As to the courtyard of a grave, he who stands within it is clean,***
- C. *“and that is the rule only if there is a space of four cubits [between him and the corpse itself],” the words of the House of Shammai.*
- D. **The House of Hillel says, “Four handbreadths [suffice].”**
- E. **Under what conditions? When the entrance is above. But if the entrance is at the side, all parties concur that four cubits [define the requisite distance to avoid contamination]. [M. Oh. 15:8].**
- F. *To the contrary [if the entrance is on the side, the less strict definition should apply].*
- G. *Quite the opposite, when the entrance is on the side, the mourner just steps aside and goes out. When it is above, it is not possible that the mourner will not overshadow [the corpse]. [That is why a larger space is required, so as to avoid contamination.]*
- H. *Rather, [in line with G read as follows]: Under what circumstances? When the entrance is at the side, but when the entrance is above, a space of four cubits is required.*
- I. *And the rule at hand [that one is clean even though he stands in the space at hand] pertains only to the forecourt of a vault, where there is a clear*

marking to form a partition [between the forecourt and the actual graves], but in the case of a corpse under ordinary conditions, the [corpse] affects [four cubits].

We now turn back to the systematic exegesis of phrases of the Mishnah-paragraph.

V.1 A. And who is the man who has betrothed a wife [M. 8:2I]:

- B. *Our rabbis have taught on Tannaite authority:*
- C. “[And what man is there that] has betrothed [a wife and has not taken her? Let him go back to his house, lest he die in the battle and another man take her]” (Deu. 20: 7).
- D. **All the same are he who betroths a virgin or a widow and he who enters into Levirate marriage, and even if there is a woman awaiting Levirate marriage with one of five brothers [M. 8:2J-K],**
- E. **and even if there are five brothers who heard that their brother had died in battle, all of them return and come home [M. 8:2L] [T. Sot. 7:19A-C].**
- F. [It is not stated,] “Has not taken,” but rather, “has not taken her.”
- G. [That formulation] serves to exclude [cases of marriages in violation of the law, such as] a widow married to a high priest, a divorcee or a woman who has undergone the rite of removing the shoe married to an ordinary priest, a mamzer-woman and a netinah-woman married to an Israelite, an Israelite woman married to a mamzer-man or a netin-man.
- H. *May I say that this rule [that participants in such weddings do not return from the field of battle] does not accord with the principle enunciated by R. Yosé the Galilean?*
- I. *For, if it were in accord with R. Yosé the Galilean, [there would be a contradiction, since] lo, he has said, “‘Fainthearted’ refers to one who is afraid on account of transgressions that are in his hand” [T. Sot. 7:22B].*
- J. *[No, that conclusion need not be drawn at all, for] you may even maintain that it is the position of R. Yosé the Galilean, for in his view, the passage will accord with Rabbah’s principle.*
- K. For Rabbah said, “Under no circumstances does one become liable [for entering an improper marital relationship] until he actually has had sexual relations.” [In the present case, therefore, no transgression has as yet been committed.]
- L. What is the scriptural basis for [Rabbah’s] view?
- M. “He shall not take [in marriage]” (Lev. 21:14) so that “he shall not profane his seed” (Lev. 21:15). [The prohibition in the former instance is on account of the latter consideration, *which yields the conclusion that* one is not liable until he shall actually have had sexual relations.”

V.2. A. Our rabbis have taught on Tannaite authority:

- B. “Who has [1] built,” “Who has [2] planted,” “who has [3] betrothed” (Deu. 20: 5ff.):
- C. **Torah thereby has taught a rule of conduct:**
- D. **[In T.’s wording:] When a man gains a portion for his support, he [1] buys himself a house. [If] he gains yet a further portion for his support, he [2] buys a field for himself. [If] he gains yet a further portion for his support, he**

[3] takes a wife for himself, as it is said, “What man is there that has built a new house... And what man is there that has planted a vineyard... And what man is there that has betrothed a wife...” (Deu. 20: 5, 6, 7).

- E. And so did Solomon say in his wisdom, “Prepare your work without and make it ready for yourself in the field, and afterwards build your house” (Pro. 24:27) —
- F. “Prepare your work without” — this is a house.
- G. “And make it ready for yourself in the field” — this is a field [B.: vineyard].
- H. “And afterwards build your house” — this is a wife [T. **Sot. 7:20E-J**].
- I. Another matter:
- J. “Prepare your work without” — this is Scripture.
- K. “And make it ready for yourself in the field” — this is Mishnah.
- L. “And afterward build your house” — this is Midrash.
- M. Another matter:
- N. “Prepare your work without” — this is Mishnah.
- O. “And make it ready for yourself in the field” — this is Midrash.
- P. “And afterward build your house” — these are laws.
- Q. Another matter:
- R. “Prepare your work without” — this is Midrash.
- S. “And make it ready for yourself in the field” — these are laws.
- T. “And afterward build your house” — these are narratives.
- U. Another matter:
- V. “Prepare your work without” — these are laws.
- W. “And make it ready for yourself in the field” — these are narratives.
- X. “And afterward build your house” — this is Talmud.
- Y. R. Eliezer, the son of R. Yosé the Galilean, says, “‘Prepare your work without’ — this is Talmud.
- Z. “‘And make it ready for yourself in the field’ — this is a good deed.
- AA. “‘And afterward build your house’ — come and expound and collect your reward [for the exposition].” [T. **Sot. 7:21**].

VI.1 A. And these are the ones who do not return home: He who builds a gate-house [M. **8:3A-B**]:

- B. *It was taught on Tannaite authority:* if one has added a single row of bricks [to his house], he goes home.

VII.1 A. R. Eliezer says, “Also: He who builds a house of bricks in the Sharon does not go home” [M. **8:3H**]:

- B. *It was taught on Tannaite authority:* That is because people have to build it afresh twice in every sequence of seven years.

VIII.1 A. And these are the ones who to begin with do not move from their place: He who had just now built a house and dedicated it [M. **8:4A-B**]:

- B. *Our rabbis have taught on Tannaite authority:*
- C. “A new wife” (Deu. 24: 5).

- D. I know only that the rule applies to a new wife. How do I know that it applies to [one who has wed] a widow or a divorcee?
- E. Scripture says, “A wife” — of any sort whatsoever.
- F. If so, why then does Scripture refer to “a new wife”?
- G. It is one who is new to that particular man, excluding, then, the case of one who remarries a woman whom he has divorced, who thus is not new to him. [He does not go home.]

IX.1 A. [These do not [even] have to provide water and food and see to the repair of the road:] *Our rabbis have taught on Tannaite authority:*

- B. “He shall not go out in the army” (Deu. 24: 5).
- C. Is it possible to conclude that, while he does not go out with the army, he should provide water and food and keep the roads in good repair?
- D. Scripture says, “Nor shall he be charged with any business” (Deu. 24: 5).
- E. Is it possible that I should encompass within the rule even one who has built a house but has not yet dedicated it, planted a vineyard and not enjoyed its produce, [or] betrothed a woman but not yet taken her in marriage?
- F. Scripture says, “Neither shall he be charged,” meaning, he will not be assigned such duties, but you do assign such duties to others.
- G. And since it is written, “Neither shall he be charged,” why is it also written [in duplication], “He shall not go out with the army”?
- H. It is to indicate that should one actually do so, he is guilty of transgressing two negative admonitions.

M. 8:2’s exposition of the cited Scripture is fairly uniform, although no effort is made to achieve good balance. B and C do present four items each, to augment A; D gets a triplet, as indicated, with E bearing a gloss; and I has good illustrations at J-K, along the lines of the fundamental theory of the pericope. L-M and N are independent declarative sentences, which advance the exposition. O completes the matter; these have to cooperate in the war effort. M. 8:3 begins as if M. 8:2 had presented a list, along the lines of M. 7:1A-2A. M. 8:3B, C, and D systematically limit M. 8:2A-C, D-H, and I-L, in that they carefully follow the antecedent thematic repertoire and order. M. 8:3B qualifies M. 8:2B; M. 8:3C clearly responds to M. 8:2E-F; and M. 8:3D and M. 8:2J. That is why I treat the whole as a single, extended unit. E of course is external. If the marriage is a blemished one, then the soldier does not claim an exemption. G and H limit M. 8:2B. Judah wants a new house, and so does Eleazar. Houses in the Sharon had to be constantly under repair so were not regarded as new houses for the present purpose. M. 8:4B inadequately explains A. The reason that those who are listed here do not go out to war at all is that they have not had use of the house or vineyard or been wed for a whole year, as is clear at C. So B should have told us that the man had built the house and had dedicated it, but had not lived there for a whole year, and so on.

8:5-7

- A. “And the officers shall speak further unto the people [and they shall say, What man is there who is fearful and fainthearted? Let him return to his home]” (Deu. 20: 8).
- B. R. Aqiba says, “‘Fearful and fainthearted’ — just as it implies:
- C. “He cannot stand in the battle-ranks or see a drawn sword.”
- D. R. Yosé the Galilean says, “‘Fearful and fainthearted’ — this is one who trembles on account of the transgressions which are in his hand.
- E. “Therefore the Torah has connected all of these, [that he might (appear to) return (home) on their account].
- F. R. Yosé says, “As to a widow married to a high priest, a divorcee or woman who has undergone the rite of halisah to an ordinary priest, a mamzer-girl or a Netinah-girl married to an Israelite, an Israelite girl to a mamzer or a Netin — lo, these are the ones who are ‘fearful and fainthearted.’” — M. 8:5
- A. “And it shall be when the officers have made an end of speaking to the people that they shall appoint captains of hosts at the head of the people” (Deu. 20: 9), and at the rear of the people.
- B. They station warriors at their head and others behind them, and iron axes are in their hand.
- C. And whoever wants to retreat — he has the power to break his legs.
- D. For the start of defeat is falling back [44B],
- E. as it is written, “Israel fled before the Philistines and there was also a great slaughter among the people (1Sa. 4:17).
- F. And further it is written, “And the men of Israel fled from before the Philistines and fell down slain” (1Sa. 31: 1). — M. 8:6
- A. Under what circumstances [do the foregoing rules apply]?
- B. In the case of an optional war.
- C. But in the case of a war subject to religious requirements, everyone goes forth to battle —
- D. even a bridegroom from his chamber, and a bride from her marriage-canopy.
- E. Said R. Judah, “Under what circumstances? In the case of a war subject to religious requirement.
- F. “But in the case of an obligatory war, everyone goes forth to battle —
- G. “even a bridegroom from his chamber, and a bride from her marriage-canopy.” — M. 8:7
- I.1** A. [R. Yosé the Galilean says, “‘Fearful and fainthearted’ — this is one who trembles on account of the transgressions which are in his hand. Therefore the Torah has connected all of these, [that he might (appear to) return (home) on their account]. R. Yosé says, “As to a widow married to a high priest, a divorcee or woman who has undergone the rite of halisah to an ordinary priest, a mamzer-girl or a Netinah-girl married to an Israelite, an Israelite girl to a mamzer or a Netin — lo, these are the ones who are ‘fearful and fainthearted’:] *What principle is at issue between R. Yosé and R. Yosé the Galilean [at M. 8:5D-E vs. F]?*

- B. *At issue between them is the status of a transgression of a rule solely on the authority of the rabbis [but not resting on the authority of the Torah]. [Yosé at M. 8:7F lists marriages forbidden by the Torah, so only transgressions of laws decreed by the Torah to him are of sufficient weight to warrant draft-exemption.]*
- C. *In accord with whose position, then, does the following teaching accord, as it has been taught on Tannaite authority:*
- D. *[If] a person has talked between putting on one phylactery and putting on another [an act rabbis forbid], that constitutes a transgression, and the one who does it returns from the battle lines [in accord with the principle at hand].*
- E. *In accord with whose principle? Surely it is in accord with the principle of R. Yosé the Galilean.*
- F. *Who is the authority behind the following teaching, which rabbis have taught on Tannaite authority:*
- G. *If one has heard the voice of the trumpets and trembled, or the crash of the shields and trembled, or the clanging of swords and pissed down his knees, he returns home.*
- H. *In accord with whom? Should I not say that it accords with the view of R. Aqiba and not in accord with R. Yosé the Galilean [at M. 8:5B-C]?*
- I. *In such a case, even R. Yosé the Galilean will concur, for it is written, “Lest his brethren’s heart melt as his heart” (Deu. 20: 8).*

II.1 A. And it shall be, when the officers have made an end [M. 8:6A]:

- B. *How can it say, **For the start of defeat is falling back [M. 8:6D]**, when it should say, “For the start of falling back is defeat”?*
- C. *State [the rule in just that way]: “For the start of falling back is defeat.”*

III.1 A. Under what circumstances do the foregoing rules apply? In the case of an optional war [M. 8:7A-B]:

- B. *Said R. Yohanan, “The optional war in the view of rabbis constitutes a war fought as a religious duty in the view of R. Judah, and the war fought as a religious duty in the view of rabbis is an obligatory war in the view of R. Judah.*
- C. *Said Raba, “The wars of conquest fought by Joshua, in the opinion of all parties, constitute obligatory wars.*
- D. *“The wars of the house of David meant to enlarge [the kingdom] in the opinion of all parties constitute optional wars.*
- E. *“Where there is a dispute, it has to do with wars meant to cut down idolators, to prevent them from coming against [Israel].”*
- F. *“One authority regards it as a war fought as a religious obligation, and another authority regards such a war as an optional war.*
- G. *“The practical difference in the dispute at hand concerns the status of one who is occupied in carrying out a religious duty. [If it is a war fought as a religious duty] then he is exempt from carrying out any other religious duty [while engaged in that war].”*

The Talmud systematically works its way through the rules of the Mishnah, dealing in the chosen cases with an important issue.