



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Receipt

The *Mishna* had stated: If she admits that she was defiled, she writes a receipt for her *kesuvah* and goes out (*with a get*).

The *Gemora* states: It may be inferred from our *Mishna* that in general, we write receipts for the debtor (*and we do not force the lender to return the loan document; even though, there is now a burden on the debtor to safeguard the receipt*).

Abaye said: The *Mishna* should be read as follows: She tears up her *kesuvah*.

Rava asked: But the *Mishna* stated explicitly that she writes a receipt?

Rather Rava said: The *Mishna* is referring to a locality where they did not generally write a *kesuvah* (*it is for this reason that we allow her to write a receipt for the husband*). (7b)

Move her About

The *Mishna* had stated: If she insists that she is pure, she is brought up to the eastern gate (*on the bottom of the Temple Mount*) opposite the gate of Nikanor.

The *Gemora* asks: Do we bring her up? Isn't she already there (*when she was brought to the Great Sanhedrin, which was at the top of the Temple Mount*)?

The *Gemora* answers: We bring her up and down in order to tire her out (*so that she should admit*).

The *Gemora* cites a *braisa* (*where a similar concept is seen*): Rabbi Shimon ben Elozar says: *Beis Din* moves the witnesses (*where they are offering testimony concerning a capital offence*) from place to place in order to confuse them, so that they will retract their testimony (*if in fact they were testifying falsely*). (7b – 8a)

Nikanor Gate

The *Mishna* had stated: The Nikanor Gate is the place where the *sotah's* are given to drink, and women who gave birth and *metzoraim* are purified there.

The *Gemora* asks: We know the Scriptural source which teaches us that a *sotah* is given to drink there, and we know the source that a *metzora* is purified there, but why are the women who gave birth purified there? If it is because they are required to stand over their *korbanos*, as we learned in a *braisa* that a person's *korban* is not offered unless he is standing over it, then a *zav* and a *zavah* should also stand by the Nikanor Gate (*when they are bringing their korbanos as part of the purification process, and yet, the Mishna does not mention them*)!

The *Gemora* answers: The *halacha* would be the same by a *zav* and *zavah* as well. The *Mishna* only bothered to mention one of them (*the woman who gave birth*). (8a)

Two Sotahs at Once

The *Gemora* cites a *braisa*: We do not give two *sotahs* to drink simultaneously, for one's heart will become emboldened by the other (*the Name of Hashem is erased into the waters and we try to convince the woman to admit; if we would allow two sotahs to drink at the same time and one of them was innocent, this will encourage the guilty one to be persistent in her denial*). Rabbi Yehudah says: This is not the correct reason for this. It is because it is written: *And he shall give her to drink*. We give "her" to drink and not two wives.

The *Gemora* asks: Why doesn't the *Tanna Kamma* derive this *halacha* from the word "her"?

The *Gemora* answers: The *Tanna* of this *Mishna* is Rabbi Shimon, who expounds the reasoning of the Torah, and here he stated his *halacha* in a "what is the reason" format. Why does the Torah rule that only one *sotah* is given to drink by herself? It is in order that her heart will not become emboldened by the other.

The *Gemora* asks: What is the difference between the two opinions?

The *Gemora* answers: The difference between them would be in a case where the *sotah* is trembling with fear. [*Rabbi Shimon would allow her to drink together with another, for she will not become emboldened, whereas Rabbi Yehudah would maintain that this is forbidden, for our rationale for the Torah's halacha cannot change the law in any situation.*]

The *Gemora* asks: Will we give the trembling woman to drink (*together with another woman*)? But we do not perform *mitzvos* in bundles? For we learned in the following *braisa*: We do not give two *sotahs* to drink simultaneously, nor do we purify two *metzoraim* at once, nor do we bore the ears of two slaves simultaneously (*if a*

Jewish slave wishes to stay by his master past six years), nor do we break the necks of two calves at the same time (*in a case where a person was found murdered between two cities*), for we do not perform *mitzvos* in bundles.

Abaye, and others say it that it was Rav Kahana who answers: This *braisa* is referring to one *Kohen* (*under no condition can he give two sotahs to drink at once, for mitzvos cannot be performed in bundles*), and the first *braisa*, we are referring to two *Kohanim* (*where there is no concern about mitzvos being performed in bundles, because the mitzvos are being performed by two different Kohanim; the only concern is the sotah's confidence; in a case where she is trembling, there is no concern*). (8a)

Unclothed

The *Mishna* had stated: The *Kohen* takes hold of her clothes. If they tear, they tear. If they tear greatly, they tear greatly (*meaning that the kohen is not doing anything wrong when he tears her clothes*), until he reveals her heart. He then undoes her hair.

The *Gemora* brings a *braisa* which cites the Scriptural sources for the *Mishna's* laws.

Rabbi Yehudah (*in the Mishna*) had stated: If her heart was comely, he does not reveal it, and if her hair was pretty, he does not unbraid it.

The *Gemora* notes that it would seem that Rabbi Yehudah is concerned about the onlookers' impure thoughts, and the *Chachamim* are not. The *Gemora* cites the following *braisa* (*where it emerges that their opinions are reversed*): [The following is the procedure for stoning a person by *Beis Din*] A man is covered with one piece of cloth in front, and a woman is covered with two pieces, one in front and one behind, because all of her is considered *ervah* (*nakedness*). These are the words of Rabbi Yehudah. The

Chachamim say: A man is stoned unclothed, but not a woman (*she is stoned while wearing clothes*).

Rabbah answers: Rabbi Yehudah's reason here is because the *sotah* might leave the *Beis Din* after being found innocent, and the young *Kohanim* who became aroused by observing her will then pursue her, but there (*in the case of the stoning*), she has been stoned (*and there is no concern of anyone acting immorally with her*). And if you will say that perhaps after becoming aroused, they will pursue another woman; Rava has stated that the Evil Inclination only bears influence over what a person sees with his own eyes.

Rava asks: But you have not answered the contradiction of the *Chachamim*!

Rather, Rava answers: The answer for Rabbi Yehudah is like Rabbah suggested. The *Chachamim* can be explained as follows: The *sotah* is punished publicly because of a Scriptural verse (*cited above 7b, in order to influence other woman to act modestly, and this takes precedence over the concern that the men will act improperly after observing her*), but with respect to the stoning, there is no punishment greater than that (*her execution, and there is no purpose of publicly humiliating her*). And if you will say that we should execute her and humiliate her, Rav Nachman said in the name of Rabbah bar Avuha that it is written in the Torah: *And you shall love your fellow as yourself*. This teaches us that we should choose for the condemned person a favorable death (*and not humiliate him in the process*).

The *Gemora* asks: Is Rav Nachman's *halacha* a Tannaic dispute (*for it would seem that Rabbi Yehudah, who holds that the woman is stoned naked does not hold of this*)?

The *Gemora* answers that Rabbi Yehudah holds that his body's suffering is more important to him than his humiliation (*and being naked will lessen her pain*). The

Chachamim hold that a person is more concerned with his degradation than his pain. (8a – 8b)

Material for the Rope

The *Mishna* had stated: Afterwards, a rope made from a palm tree is brought and it is tied above her chest.

Rabbi Abba inquired of Rav Huna: Must the rope be made from this material precisely? Is the purpose of the rope solely that her clothing should not fall down, and even a small belt would suffice? Or perhaps, the main purpose of the rope is based on the following statement: She dressed herself for the adulterer with a belt, and therefore (*measure for measure*) the *Kohen* brings a rope made from a palm tree (*which is big and thick and will humiliate her*) and ties it above her chest. Therefore, this exact rope must be used.

He answered by citing a *braisa* which states that the primary purpose of the rope was to keep her clothes from falling down (*and therefore the material was not essential*). (8b)

Onlookers

The *Mishna* concluded: Whoever wants to see this is allowed to, besides her servants and maidservants, as she is haughty in their presence (*and she will not admit even if she is guilty*). All women are permitted to see her, as the *passuk* states, "And all the women will learn a lesson from this, and they will not do as their promiscuity."

The *Gemora* asks an apparent contradiction: The first statement of the *Mishna* seems to indicate that men and women are allowed to watch the proceedings, but the latter statement seems to say that only women are permitted!?

Abaye answers: The *Mishna* means that only women are allowed to observe the *sotah* during this process.

Rava asked him: But the *Mishna* says, “whoever”?

Rava answers: Anyone is allowed to watch, but women are obligated to watch, for they will be influenced to act modestly. (8b)

Mishna

Heaven measures a person according to his actions. The *sotah* adorned herself with the intention of sinning; the Omnipresent humiliates her (*by the Kohen tearing her clothing and unbraiding her hair*). She uncovered herself with the intention of sinning; the Omnipresent reveals her sin to all. She sinned with her thigh and then her stomach; she gets punished with the thigh and then her stomach. The rest of her body does not escape punishment (*for her entire body derived pleasure during the sin*). (8b)

Capital Punishment Nowadays

Rav Yosef said: Although *Beis Din* does not administer capital punishment any longer, the principle of the measure has not ceased.

For Rav Yosef said and Rabbi Chiya also taught the following: Since the day of the destruction of the *Beis Hamikdash*, although the Sanhedrin ceased (*and they no longer could administer capital punishments*), the judgment of the four forms of capital punishment have not ceased. The *braisa* explains: One, who would have been sentenced to stoning, would either fall off a roof or a wild beast will throw him down (*similar to stoning, which would involve being pushed off a cliff and then stones were thrown at him*). One, who would have been sentenced to burning, would either fall into a fire or a snake would bite him (*and the snake venom would burn his insides*). One, who would have been sentenced to

beheading, would either be delivered to the government or bandits would attack him (*in which case, he will be killed by a sword*). One, who would have been sentenced to strangulation, would either drown in the river or die from suffocation. (8b)

INSIGHTS TO THE DAF

Two cups

The Gemora cites a *braisa*: We do not give two *sotahs* to drink simultaneously, nor do we purify two *metzoraim* at once, nor do we bore the ears of two slaves simultaneously (*if a Jewish slave wishes to stay by his master past six years*), nor do we break the necks of two calves at the same time (*in a case where a person was found murdered between two cities*), for we do not perform *mitzvos* in bundles.

The Ritva (in *Brachos*) in the name of Tosfos, explains why we use two different cups of wine after a sheva berachos. One is used for bentching and the other is used for the recital of the sheva berachos. The reason one cup is not sufficient for both is because of the principle that we do not perform *mitzvos* in bundles.

What about at the wedding itself? May one use the same cup of wine for the blessing of eirusin (betrothal, said by the mesader kiddushin under the bridal canopy) and the sheva berachos of nisuin (marriage)?

The Ritva quotes Rabbeinu Meshulam who indeed used to use one cup. However, Rabbeinu Tam did not. He explained that often times the blessings of eirusin were said long before the blessings of nisuin. They therefore should be considered two separate blessings. Additionally, the kesuvah is often read between the berachos. Therefore two cups should be used. [The custom is to use two cups for both.]

DAILY MASHAL

The Judgment of the Four Death Punishments has not been Abrogated

Our *Gemora* says that though there is no longer a *Sanhedrin*, the four death punishments still exist: A person who commits a transgression punishable by death gets killed by Hashem Himself. According to our *sugya*, some believe that preference should be given for saying *kaddish* to the son of someone killed over the son of someone who died a natural death (see *Misgeres HaZahav* on *Kitzur Shulchan 'Aruch*, 26, and *Mateh Efrayim*, *Dinei Kaddish* in the footnotes to *Halachah* 5). A person who died unnaturally apparently needs atonement and therefore his son should be given preference in saying *kaddish* for him. Still, all the *halachic* authorities reject this opinion, just as the Chasam Sofer opposed the wish of the *chevra kadisha* to bury those dying of unnatural causes separately, claiming they should be regarded as having been killed by the *Sanhedrin* (Responsa, *Y.D.* 333). He explained that though anyone committing a transgression punishable by the death penalty is eventually killed by Hashem Himself, we cannot say that anyone dying from an unnatural cause was a sinner (in accordance with the opinion of the *Perishah*, *Y.D.* 345, and *Sedei Chemed*, *Ma'areches Aveilus*, 169).

Reintering a sinner: A Jew married a gentile and transgressed many other prohibitions. He was killed in a plane crash in South Africa and buried in a gentile cemetery. His relatives referred to HaGaon Rav Yitzchak Weiss *zt"l* as to if they were allowed to move his body to a Jewish cemetery and in his Responsa *Minchas Yitzchak* (VI, 137) he asserted that they may reinter him since, as the Chasam Sofer declared, he is not regarded as having been killed by the *Sanhedrin*. Still, no one is obligated to take such action since reintering the dead to a more

honorable place is done to honor the deceased and "as he did not care about his own honor while alive, others are not responsible for his honor in his death."

The boy who killed but was hanged for theft: HaGaon Rav Yair Bachrach, author of *Chavos Yair*, was required to judge a similar instance from another viewpoint. About 300 years ago a quarrel between boys became violent and one of them killed another with a knife. Shortly after, he became the leader of a gang of thieves and when caught by the Russian police, was condemned to death for theft. Rabbi Bachrach was asked if efforts should be made to save him, but meanwhile he was hanged. Nonetheless, he addressed the topic, stressing that his statements should not be construed as *halachah*. In his long responsum (§146) he relates to our *sugya*, that Hashem visits the death penalty on intentional sinners. Therefore, he asserts, if a **forewarned** murderer is in danger of his life, we should make no effort to save him. This boy, however, killed another in a fit of anger, without being warned, and is not in the same category. Had he been condemned for the murder, a doubt could arise if we should try to free him as it would be more apparent that he is being punished for such but in our case he was condemned for theft and should be rescued as we cannot determine if the punishment is regarded as an actual death penalty as judged by the *Sanhedrin*.