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Sotah Daf 3

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Daf Notes is currently being dedicated to the neshamot of

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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

Rish Lakish said: What is the meaning of the term kinui (which usually means jealousy or anger; regarding Sotah, it means a warning)? It (the term kinui) means a matter which causes anger between her and others.

The Gemora notes: Evidently, he holds that the warning can be on the husband's personal testimony (with no one else present); and since not everybody knows that he gave her a warning they will say, "What has happened that she has separated herself from society?" They will therefore proceed to become angry with her.

And Rav Yeimar bar Shelemia said in the name of Abaye: It (the term kinui) means a matter which causes anger between him (her husband) and her.

The Gemora notes: Evidently, he holds that the warning must be on the testimony of two witnesses; and since everybody is aware that he gave her a warning, and it is he (the husband) who proceeds to cause anger with her.

The Gemora notes further: Conclude from here (from both opinions) that they hold that it is forbidden to give a warning (for there is a commandment for everyone to love their fellow Jew, and here he is causing anger).

The Gemora asks: But according to the one who says that it is permissible to give a warning, what is the meaning of kinui?

Rav Nachman bar Yitzchak said: Kinui means nothing but a warning, and the verse states: *Then Hashem will issue a warning about His land.* (2b5 – 3a1)

Sinning in Private

The *Baraisa* quotes Rabbi Meir as stating: A person sins in private and Hashem makes it known in public. This is as the verse states: "And a spirit of jealousy will pass over him." The word "v'avar" used in this verse also implies announcement, as it says in another verse, "Moshe commanded, "va'Yaviru" – "and they passed on" a sound in the camp."

Rish Lakish says: A person does not sin unless a spirit of foolishness enters him. This can be derived from the verse, "If a man's wife will turn away." The verse uses the term "sisteh," which can also be read "sishteh," meaning that she will become foolish. (3a1)

A Single Witness

A Tanna in the academy of Rabbi Yishmael taught the following *Baraisa*: Why did the Torah believe one witness regarding a *sotah* (*that she indeed had committed adultery*)? This is because there were legs to the matter (there was reason to assume that she did commit adultery), as her husband warned her (not to seclude herself with him) and she did seclude herself anyway, and one witness testifies that she is defiled.

Rav Pappa asked Abaye: When the Torah mentions the warning, it does so only after the seclusion and defilement that it is written? [*Accordingly, why don't we say that when the Torah implies that even one witness is believed, it is even if there was no prior warning?*]

Abaye said to him: When the verse refers to the warning, it says, "and it will pass over him," implying that it already passed over him (*before the seclusion*). [*Abaye means that it*



is as if the Torah stated the warning right before the seclusion.]

The Gemora asks: If so, when the verse states: and every armed man among you will pass over, can it possibly mean that this already happened? [Obviously it did not happen, as Moshe was telling the tribe of Reuven and Gad that it would be necessary for them to do this in the future.]

The Gemora answers: Being that there it is clearly written: and the land will be conquered before Hashem and then you will return," it is clear that the word (ve'avar) refers to the future. However, here (regarding Sotah), if it would enter your mind that it (the word ve'avar) means as it is written that ve'avar (the warning) was after the defilement and the seclusion, what would be the necessity for a warning? (3a1 – 3a2)

Spirit of Purity or Impurity?

A Tanna in the academy of Rabbi Yishmael taught the following Baraisa: A person does not warn his wife (in this manner) unless a spirit (from Above) enters him, as it is said: And a spirit of jealousy had passed over him and he had warned his wife. What type of spirit is he referring to? The Chachamim say it is referring to a spirit of impurity, while Rav Ashi said: A spirit of purity.

The Gemora notes: And it is more understandable that it is a spirit of purity. This is as indicated by the following Baraisa: And he warned his wife. He has permission; these are the words of Rabbi Yishmael. Rabbi Akiva says: This is obligatory. Now, if you say that a spirit of purity (passed over him), it (the cited Baraisa) is understandable, however, if you will say that it is a spirit of impurity, how could there be an argument whether there is permission or an obligation to bring onto oneself a spirit of impurity? (3a2 – 3a3)

Rabbi Akiva and Rabbi Yishmael

The Gemora discusses the previous statement. And he warned his wife. He has permission; these are the words of Rabbi Yishmael. Rabbi Akiva says: This is obligatory.

[The next verse is discussing a Kohen, whose close relative has died.] He will contaminate himself for her. He has permission; these are the words of Rabbi Yishmael. Rabbi Akiva says: This is obligatory.

[The next verse is discussing a Canaanite slave.] You shall work them forever. He has permission; these are the words of Rabbi Yishmael. Rabbi Akiva says: This is obligatory (and they are not to be freed).

Rav Pappa said to Abaye, and some say that Rav Mesharshiya said to Rava: Does this mean that in the entire Torah (whenever there is a positive command), one master (R' Yishmael) says that there is permission (to do so), while one master (R' Akiva) says that everything is obligatory! [Accordingly, there would be no positive commandments according to R' Yishmael?]

He said to him: No, here (these three topics) they are arguing how to interpret the verses.

And he warned his wife. He has permission; these are the words of Rabbi Yishmael. Rabbi Akiva says: This is obligatory. What is Rabbi Yishmael's reasoning?

The Gemora answers: He holds like this other Tanna, for it was taught in a Baraisa. Rabbi Eliezer ben Yaakov says: When the Torah states: One should not hate his brother in his heart, one might have thought that it includes a situation such as this (sotah)? The verse therefore states: And a spirit of jealousy had passed over him and he had warned his wife. [This implies that there is permission to warn one's wife, as opposed to a transgression of hating.]

The Gemora asks: How does Rabbi Akiva understand this?

The Gemora answers: Another 'warning' is written (which imparts that it indeed is an obligation).

The Gemora asks: How would Rabbi Yishmael respond?

The Gemora answers: Being that it was necessary to write “and she had become defiled,” and “and she had not become defiled” (to teach us that even though the matter is in doubt, she is nevertheless prohibited to her husband), it also said “and he warned his wife” a second time. This is in accordance with a Baraisa that a Tanna in the academy of Rabbi Yishmael taught: Whenever a passage in the Torah was stated and repeated, it was repeated only for the purpose of the new teaching in it. [Accordingly, not every word mentioned again is extra, and nothing can be derived from there.]

He will contaminate himself for her. He has permission; these are the words of Rabbi Yishmael. Rabbi Akiva says: This is obligatory.

What is the reasoning of Rabbi Yishmael? The Gemora answers: Being that it was written: *Speak to the Kohanim, the sons of Aharon, and say to them: Each of you shall not contaminate himself for a dead person among his nation, it was necessary to write: he will contaminate himself for her* (to teach that he can contaminate himself for his seven close relatives).

The Gemora asks: How would Rabbi Akiva respond? The Gemora answers: The verse already qualifies: *besides for his relatives* etc. Accordingly, why is it necessary to state: *he will contaminate himself for her?* It must mean that he is obligated to do so.

The Gemora asks: How would Rabbi Yishmael respond? The Gemora answers: *he will contaminate himself for her*, but he may not contaminate himself for her limbs that were cut off.

The Gemora asks: What does Rabbi Akiva respond? The Gemora answers: If so, the Merciful One should only write *for her*, and be silent; why is it necessary to state: *he shall contaminate himself?* Derive from here (that he is obligated to contaminate himself to those relatives).

The Gemora asks: What does Rabbi Yishmael respond to this? The Gemora answers: Once the Torah wrote *for her* (to teach us that he may not contaminate himself for her limbs that were cut off), it also wrote he will contaminate himself. This is in accordance with a Baraisa that a Tanna in the academy of Rabbi Yishmael taught: Whenever a passage in the Torah was stated and repeated, it was repeated only for the purpose of the new teaching in it. [Accordingly, not every word mentioned again is extra, and nothing can be derived from there.]

You shall work them forever. He has permission; these are the words of Rabbi Yishmael. Rabbi Akiva says: This is obligatory (*and they are not to be freed*).

The Gemora asks: What is Rabbi Yishmael’s reasoning? Once the Torah states, “Do not allow any soul to live (*kill all the seven Canaanite nations*),” it must therefore state, “You should always work them.” This permits you to buy the son of a man from other nations (*not from the seven Canaanite nations*) who marries a Canaanite as a slave. This is taught explicitly in the following Baraisa. The Baraisa states: How do we know that if a male from any nation (*other than the seven nations of Canaan*) cohabited with a Canaanite woman and had a child; one is permitted to purchase that child as a slave (*and he is not obligated to kill him; there is a requirement to kill anyone from the nations of Canaan*)?

The Baraisa answers: It is written [Vayikra 25:44]: *And also from among the children of the residents who live with you, from among them you may purchase slaves.* One might have thought that even if a Canaanite male cohabited with a woman from any of the other nations and had a child; one would be permitted to purchase that child as a slave. It is therefore written [ibid.]: *...whom they begot in your land.* The Torah teaches us that one may purchase slaves only from those who were born in your land to Canaanite mothers from non-Canaanite fathers, but not from among those children who were born abroad to non-Canaanite mothers from Canaanite fathers, and who later returned to reside in your land with their fathers. (*Women, generally*

remain in the lands of their birth, and that is why, when the Torah states “born in your land,” it is referring to the children of Canaanite mothers. These verses establish that in respect to other nations, we follow the father’s status.)

The Gemora asks: What does Rabbi Akiva say to this? The Gemora answers: He derives this from, “From them you may buy.” The extra verse, “You should always work them,” implies that you are obligated to work them (*and not free them*).

The Gemora asks: What does Rabbi Yishmael respond? The Gemora answers: “From them,” implies not from your brothers (*a Jewish slave must be treated with respect*).

The Gemora asks: What does Rabbi Akiva say to this? The Gemora answers: Not to work our brothers in the same manner is derived from a later verse, “And with your brothers, the Children of Israel, you shall not subjugate him through hard labor.”

The Gemora asks: What does Rabbi Yishmael respond? The Gemora answers: Once the verse says, “And with your brothers,” it also says, “in them.” This is in accordance with a Baraisa that a Tanna in the academy of Rabbi Yishmael taught: Whenever a passage in the Torah was stated and repeated, it was repeated only for the purpose of the new teaching in it. [*Accordingly, not every word mentioned again is extra, and nothing can be derived from there.*] (3a3 – 3b2)

Adultery

Rav Chisda says: When there is adultery in a house, it is like a sesame-eating worm to sesame (*the adultery destroys the house*).

And Rav Chisda says: Anger in a house is like a sesame-eating worm to sesame.

The Gemora comments: Both are referring to the woman (*for if she is occupied with her unfaithfulness, she will neglect her household chores*), not the man.

And Rav Chisda said: Originally, before the Jewish people sinned, the Divine Presence resided amongst everyone, as it says, “For Hashem, your God, is walking amongst your camp.” Once they sinned, the Divine Presence removed itself from them, as it says, “And he will not see in you a promiscuous thing and will go away from you.”

Rabbi Shmuel bar Nachmeini says in the name of Rabbi Yonasan: Whoever does one *mitzvah* in this world, it precedes him into the World to Come. This is as it says: *And your righteous deeds will precede you, the glory of Hashem will gather you in*. Whoever sins one sin, it encompasses him and goes before him to the Judgment Day. This is as the verse says: *Their ways will encompass them; they will enter wasteland and be lost*.

Rabbi Elozar says: His sin is tied to him like a dog. This is as it says: *And he did not listen to her, to sleep with her and to be with her*. This implies: “*To sleep with her,*” in this world, “*To be with her,*” in the next world. (3b2 – 3b3)

Witnesses for Tumah

The *Mishnah* states: It is understandable (*that one witness should not be believed*). If the first testimony (*that she was secluded with this man*) that does not forbid her forever requires two witnesses, certainly the second testimony (*that she had an affair*) should require two witnesses! The verse therefore states, “There is no witness about her,” implying that as long as there is one witness, that is sufficient.

Once we know this, we should derive a *kal v’chomer* in the opposite fashion. If regarding the second testimony that forbids her forever, one witness is sufficient, certainly the first testimony that does not do so, should suffice with one witness! The verse therefore states, “Because he has found in her a promiscuous “davar” – “matter,” and another verse states, “By the testimony of two or three witness will stand a “davar” – “matter.” This teaches us that just the “davar” in the latter verse requires two witnesses, so too the “davar” here requires two witnesses.

The Gemora asks: Is this deduction to be drawn from the words: *Because he has found in her a promiscuous matter?* It ought to be derived from *about her* - i.e., about her (one witness is believed), but not in the matter of warning; about her, but not in the matter of seclusion?

The Gemora answers: The Tanna said as you say: Therefore we derive *about her* - i.e., about her (one witness is believed), but not in the matter of warning; about her, but not in the matter of seclusion. And from where is it derived that merely in a case of defilement, where there had been no warning or seclusion, one witness is not believed? It is stated here: *Because he has found in her a promiscuous matter*, and elsewhere it states: *By the mouth of two witnesses, or at the mouth of three witnesses, shall a matter be established*; just as in the 'matter' mentioned in the latter case, two witnesses are required, so also here (where there has been defilement without warning and seclusion), two witnesses are required. (3b3 – 3b4)

DAILY MASHAL

Spirit of Foolishness

Rish Lakish says: A person does not sin unless a spirit of foolishness enters him.

Reb Chaim Shmuelitz asks: If so, why should a man be guilty for committing a transgression? If a spirit of foolishness entered him, it should be regarded as if it was unavoidable and he should be exempt from any punishment! It should be compared to a person who is standing on the edge of a pit and a strong wind blows and he falls into the pit. Is that his fault?

Reb Chaim explains that yes it is! It was his fault that he was even in the vicinity of the edge of the pit. Immediately, when he realized that he was near the boundary of the pit, he should have distanced himself from there. If he would have been far away from the pit, no wind, no matter how strong, would have been able to propel him into the pit. So too, it is

with the spirit of foolishness that enters a person and causes him to sin. He obviously was too close to the sin in the first place that when a spirit of foolishness entered him, it was able to overpower him and cause him to sin.