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Sotah Daf 24

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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

### **Mishnah**

An *arusah* and a woman awaiting *yibum* do not drink, nor do they collect their *kesuvah*. A widow married to a *Kohen Gadol*, a divorcee or one who submitted to *chalitzah* married to an ordinary *Kohen*, a *mamzeres* or a *nesinah* (*descendants of the Gibeonites; people who fooled Yehoshua into allowing them to convert; David HaMelech prohibited them from marrying into the congregation*) married to a *Yisroel*, or a daughter of a *Yisroel* married to a *mamzer* or a *nasin*, neither drink, nor collect their *kesuvah*. (*They do not drink because they are anyway forbidden from remaining with their husbands.*) These are the ones who do not drink (*the Sotah waters*) and do not get a *kesuvah*. If someone says she indeed has been defiled, or if witnesses say she was defiled, or if she says that she will not drink. If her husband says he will not make her drink, and if her husband had relations with her on the way (*to the Beis Hamikdash*), they receive a *kesuvah* but do not drink. If their husbands died before they had a chance to drink, Beis Shamai says that they take a *kesuvah* and do not drink. Beis Hillel says: Either they drink or do not take a *kesuvah*.

If someone marries his friend's pregnant ex-wife or nursing ex-wife (*he either died or divorced her*), they do not drink nor take a *kesuvah* according to Rabbi Meir (*as he is forbidden to her forever*). The Chachamim say: He can separate from her, and remarry her after awhile (*there is therefore still purpose in her drinking the Sotah waters*).

An *aylonis* (*a woman who does not exhibit signs of femininity, see Yevamos 80b*), an old lady, and a woman who cannot give birth does not drink and does not take a *kesuvah* (*as one is forbidden to marry them*). Rabbi Eliezer says: He can marry another wife who will have children (*and therefore stay married to them*). Other women either drink or do not take a *kesuvah*. A wife of a *kohen* can drink and is permitted to her husband. The wife of a *srus* (*someone who cannot have children due to problem's with his reproductive organ*) can drink the Sotah water.

One can warn his wife not to be with any of the people she is forbidden to, besides a minor and someone who is not a man.

These are people that Beis Din warns on their behalf: Someone whose husband becomes deaf, or insane, or if he was locked up in jail. This warning (*of Beis Din*) was not to make her drink the Sotah waters, but rather to make her unable to receive her *kesuvah*. Rabbi Yosi says: It can even lead to her drinking the waters, as her husband will make her drink when he comes out of jail. (23b4 - 24a3)

### **Betrothed and Awaiting Yibum**

The *Gemora* asks: When the Mishnah said that a betrothed woman's fiancé cannot make her drink the Sotah waters, this implies that she cannot drink but he can do an effective warning (*and thereby be forbidden to him*). How do we know this?

The *Baraisa* states: “Speak to Bnei Yisroel and you should say.” This teaches us to include a betrothed woman and a woman awaiting *yibum*, that they too can have kina.

The *Gemora* asks: Who is the author of our *Mishnah*? The *Gemora* answers: It must be Rabbi Yonasan. This is evident from the following *Baraisa*. The *Baraisa* states: “Under her husband,” this excludes a betrothed woman. One might think a woman awaiting *yibum* is also excluded. The verse therefore states, “Ish ish” to include such a woman. These are the words of Rabbi Yoshiyah. Rabbi Yonasan says: “Under her husband,” excludes a woman awaiting *yibum*. One might think that only a woman awaiting *yibum* is excluded but not a betrothed woman. The verse therefore says, “That a woman will turn under her husband.” This excludes a betrothed woman.

The *Gemora* explains the above argument further. Rabbi Yonasan only excluded a betrothed woman later as a betrothed woman’s bond to her fiancé is so strong that she accepted kiddushin, and gets killed if she is guilty of infidelity. Rabbi Yoshiyah does not end up excluding a woman awaiting *yibum*, as she does not even need to enter the bridal canopy to consummate her marriage.

The *Gemora* asks: What does Rabbi Yonasan learn from the verse, “Ish ish?” The *Gemora* answers: He uses it to derive that the wife of a deaf person, a crazy person, and a person in shock can have kina done (*by Beis Din in lieu of their husband*).

The *Gemora* asks: What does Rabbi Yoshiyah derive from the (*second*) verse, “under her husband?” The *Gemora* answers: He uses it to compare a man to a woman and a woman to a man (*regarding certain laws of Sotah, see 27a-b*).

The *Gemora* asks: According to both opinions, the reason that a betrothed woman does not drink is because there

is a verse teaching us this lesson. Otherwise, we would assume she would drink. However, when Rabbi Acha bar Chanina came from the south, he came and brought the following teaching. “Besides her husband,” teaches us that a Sotah only drink if her husband had relations with her before the adulterer. Otherwise, she would not drink. Wouldn’t this prevent a betrothed woman from drinking the Sotah waters (*as she has not yet had relations with her husband*)?

Rami bar Chama answers: The teachings of these Tannaim are still needed in a case where the betrothed couple had relations before they actually got married. Similarly, if a woman awaiting *yibum* would have relations with her potential *yavam*, the law would be the same.

The *Gemora* asks: How can the law be the same by *yavam*? If they had relations she would be his lawfully wedded wife, as Rav says that someone who has relations with his yevamah, for reasons other than *yibum*, acquires her for all intents and purposes as a wife!

The *Gemora* answers: This must be according to Shmuel who says that he only acquires her in such a case for the laws of husband and wife explicitly stated in the Torah regarding *yibum*. If that is so, are we to say that Rav agrees with Rabbi Yoshiyah and Shmuel with Rabbi Yonasan? — Rav can reply: I even agree with Rabbi Yonasan, because from the fact that it was necessary for the text to exclude her, it follows that she is his legal wife. Similarly, Shmuel can reply: I even agree with Rabbi Yoshiyah, because from the fact that it was necessary for the text to include her, it follows that she is not his wife at all. (24a3 – 25a1)



## INSIGHTS TO THE DAF

### **Sacred Waters**

The Rambam rules that if the *sotah* says, “I defiled myself,” the bitter waters are poured out because there is no sanctity in them.

Rav Shach in Avi Ezri asks: How can the Rambam say that there is no sanctity in the water, when he also rules that if the waters remain overnight, they will be disqualified? Evidently, the waters are sacred, for otherwise, it would not be invalidated on account of standing overnight in the ministering vessel!

He answers: When the *sotah* says that she has been defiled, there is no necessity for the waters any longer, it is therefore regarded as a *kodoshim* animal that died, which loses its sanctity.

The Mikdash Mordechai questions this from the fact that one is still obligated to treat the dead animal with sanctity! How can the Rambam rule that the waters should just be spilled out? It should be poured into the special drain designated for sacred liquids!

He answers that a sacrificial offering that died retains its sanctity because halachically the *korban* is still required to be offered, but this particular animal is not suitable to be brought any longer. However, when the woman says, “I have defiled myself,” the waters accomplished its mission; although not in the most direct manner. The *sotah* admitted because she was frightened from the affects of the water. Since the waters brought about its intended result, it has fulfilled its assignment, and therefore, it does not retain any sanctity.

## Sotah's Testimony

The Mishnah tells us that a woman who confesses to having been unfaithful is not allowed to drink the Sotah waters.

The Minchas Chinuch explains that this is based on the laws of testimony. The Torah believes a single witness in matters of marital infidelity, and whenever a single witness is believed, we also accept the testimony of others who are normally not accepted – including a woman and a relative.

He then asks on this approach from the Gemara in Nedarim 90a that a woman is not believed to forbid herself on her husband with a confession of infidelity since she is subject to an existing marital obligation. He answers that in nedarim there was no process of warning and seclusion, the essential components of a Sotah, and it is only in the case of the Sotah who has gone through the warning and subsequent seclusion that a single witness is believed.

The Minchas Chinuch asks further that our Mishnah can still not be based on the laws of testimony because we have a rule that a person cannot incriminate himself, and we must conclude that she is believed because of a different rule that a plaintiff's admission is always believed – *בעל דין כמאה עדים דמי* and because of this her existing marital obligation is lifted.

The Talmud Yerushalmi 1:3 has a different approach and explains that since the woman was warned not to seclude herself with that man, and she went ahead and did seclude herself with him, there is already grounds for the suspicion that she has been unfaithful, which adds more credence to her admission of infidelity.

## DAILY MASHAL

### Barren Women

The Mishnah lists the women who are not allowed to drink the Sotah waters. One of the lists includes an *aylonis* (a woman who does not have a womb), an elderly woman, and a woman who is unable to give birth. Rashi defines the last case as a woman who drank a potion of sterility. Tosfos asks that if so, the Mishnah is referring to an *Akoroh* but the Gemara in Kesubos 60b is very definite that an *Akoroh* is not the same as a woman who is unable to give birth. The Rashash answers based on a Rashi on 25b that an *Akoroh* is specifically a woman who was rendered sterile through a wound, and is therefore similar but not the same as a woman who is unable to give birth. The Rashash continues to say that 3 of the Matriarchs – Sarah, Rebecca and Leah - were all *Akoros*.

This is consistent with the Midrash Bereishis 53 that lists 7 barren women that correspond to the 7 days of Creation:

1. Day 1 when the heavens and earth were created - Sarah whose husband Avraham by publicizing God's existence in a sense made him the acknowledged owner of the heavens and the earth.
2. Day 2 when the firmament separated between the upper and lower waters – Rebecca who gave birth to Jacob and Esau who would forever be separate.
3. Day 3 when the vegetation sprouted – Leah whose son Reuven gathered flowers.
4. Day 4 when the sun, moon and stars were created – Rachel whose son Yosef dreamed that the heavenly bodies bowed down to him
5. Day 5 when the birds were created – Chana whose son Shmuel frequently traveled around Israel in his role of Judge before returning home, in the same way that birds will migrate to other lands but then return back home
6. Day 6 when man was created – Hatzlarpunis the mother of Shimshon whose death was caused by his wife,

Delilah, in the same way that death came to the world through the actions of Chava, the wife of Adam.

7. Day 7, the Shabbos and ultimate purpose of creation - Zion which is comforted by Isaiah with the verse: "Rejoice, o barren one"

However, this is not universally accepted, as the Gemara in Yevamos 64b brings a disagreement whether Avraham and Sarah were both *tumtumim*, or whether Sarah was an *aylonis*, both of which are defects that are present from birth.