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Sotah Daf 6

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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

### ***Chalitzah and Yibum***

The *Mishna* had stated: And if the husband died childless, she submits to *chalitzah*, but cannot be taken in *yibum*.

The *Gemora* asks: Why can she not be taken in *yibum*?

Rav Yosef answers: It is written [Devarim 24:2]: *And she (a woman who was divorced because the husband had suspicions about her faithfulness) leaves his house and goes and marries another man.* We derive from here that the *sotah* may marry *another man*, but not the *yavam*.

Abaye asks: If so, she should not require *chalitzah* either?

Rav Yosef answers: If the husband would be alive, would a *get* be necessary? (*Obviously, yes!*) Now also, she is required to submit to *chalitzah*.

The *Gemora* cites a different version of the above discussion: Rav Yosef said: The Torah writes: *And she leaves his house and goes and marries another man.* The Torah instructs the husband to divorce her lest she will destroy his house! Would you think then that the brother should take her in *yibum*?

Abaye asked: Accordingly, she should not be allowed to marry anyone!?

Rav Yosef answers: We are not forcing another man to marry her (*it is done willingly; yibum is a compelling mitzvah – that, the Torah will not command*).

The *Gemora* cites another version: Rav Yosef said: The Torah calls the second husband “another” (*and not, “a second man”*) because he is not the equal to the first husband, since the first husband removed wickedness from his house (*by divorcing her*), whereas the other introduces wickedness into his house; and you wish that she should be taken in *yibum*!

Abaye asked: Accordingly, if she would marry another man and he would die childless, we should not permit her to be taken in *yibum*, for the Torah called the *yavam* as “another man.”

Rav Yosef answered: With respect to the second husband, she has maintained a spotless reputation.

Rava suggests an alternative source for the *Mishna’s* prohibition against the *sotah* be taken in *yibum*: We can say the following *kal vachomer* (*literally translated as light and heavy, or lenient and stringent; an a fortiori argument; it is one of the thirteen principles of biblical hermeneutics; it employs the following reasoning: if a specific stringency applies in a usually lenient case, it must certainly apply in a more serious case*): If to the one she was permitted to initially (*her husband*), she became forbidden (*after she became a sotah*), certainly in regards to the man that she was always forbidden to (*her husband’s brother*), she should certainly be forbidden.

Abaye asked: Accordingly, if a *Kohen Gadol* illegally married a widow and then died childless, and he has a

brother, a regular *Kohen*, she should not be permitted to be taken in *yibum*! For we can say: If to the one she was permitted to initially (*her husband, the Kohen Gadol*), she became forbidden, certainly in regards to the man that she was always forbidden to (*her husband's brother*), she should certainly be forbidden.

Rava asks: Did the widow become prohibited? She was always forbidden to the *Kohen Gadol*! And furthermore, you said that she was once permitted; she was always forbidden to him!

Abaye presents a different case: If the wife of an ordinary *Kohen* was violated (*and therefore becomes forbidden to him*) and he died childless, and he has a brother who is a *chalal* (*a desecrated Kohen; a child born from a union between a Kohen and a woman who is forbidden to Kohanim; the child becomes disqualified from Kehunah and is allowed to marry women who are forbidden to Kohanim*), she should not be permitted to be taken in *yibum*! For we can say: If to the one she was permitted to initially (*her husband, the Kohen*), she became forbidden (*after she was violated*), certainly in regards to the man that she was always forbidden to (*her husband's brother*), she should certainly be forbidden.

Rava answers: Since a violated woman is permitted to a *Yisroel* (*and to a Kohen who is a chalal*), it is regarded as if there is no prohibition whatsoever to the *chalal* brother! (5b2 – 6a2)

### **Mishna**

The following women are forbidden from eating *terumah*:  
 A woman who says to her husband, "I am defiled to you";  
 a woman about whom witnesses testified that she is defiled;  
 a woman who says that she will not drink;  
 a woman whose husband does not want her to drink;  
 a woman whose husband cohabited with her on the way up

to the Beis Hamikdash (*for the bitter waters will not test her any longer*). (6a2)

### **Witnesses Overseas**

Rav Amram said: Rav Sheishes told us the following matter, and he enlightened our eyes from our Mishna. He said: A *sotah*, about whom there are witnesses overseas (*who can testify that she committed adultery*), the bitter waters will not check her. What is the reason for this? It is written: *And she had been secluded and had become defiled and there was no witness about her*. We can infer from this verse that the waters will check her only in a case where there are no witnesses that she committed adultery; however, in this case, there are witnesses and therefore the water will not check her.

He enlightened our eyes from our *Mishna* which states: A woman about whom witnesses testified that she is defiled (*is forbidden to eat terumah*). When did these witnesses come? If they came before she drank, she is a *zonah* (*an adulteress, and it is obvious that she cannot eat terumah*)! Rather, the *Mishna* must be referring to a case where the witnesses arrived after she drank. If you maintain that the waters will not check her if there are witnesses overseas (*that she committed adultery*), the *Mishna's* ruling is understandable (*for we believe the witnesses that she committed adultery, and the waters were not effective on account of the witnesses overseas*). However, if you say that the waters will effectively check her (*even if there are witnesses overseas*), it should be retroactively revealed that these witnesses are false (*by the fact that she survived the bitter waters; she should therefore be permitted to eat terumah*).

Rav Yosef told him back: Perhaps the waters do check her when there are witnesses overseas, but the reason that she survived the waters is because of some merit that she possessed which caused the water to suspend its effect.

The *Gemora* asks: What is the point that they are arguing about? It is in the matter of her wasting away, according to the teaching of Rebbe. For we learned in the following *Mishna*: Rebbe says: A merit may cause the bitter waters to suspend its effect, and she will not bear a child or thrive, but she gradually wastes away and finally dies through that very death (*her belly will swell and her thighs will fall*). Rav Sheishes is of the opinion that both in the view of Rebbe and of the *Chachamim*, she wastes away (*and the Chachamim only disagree with him on the question whether she dies; in any event, our Mishna is referring to a case where she does not begin to waste away and therefore it cannot be attributed to her merit, but to the fact that there are witnesses overseas*). Rav Yosef is of the opinion that in the view of Rebbe she immediately begins to waste away, but in the view of the *Chachamim*, she does not (*and therefore our Mishna can be following the opinion of the Chachamim, and that is the reason why the witnesses are believed even though she survived the waters*).

Rav Simi bar Ashi questioned Rav Sheishes from the beginning of the *Mishna* cited above: Rabbi Shimon said: A merit does not cause the bitter waters to suspend its effect, for if you would say that it does, you discredit the water in the case of all the women who drink it (*and she will not admit her guilt, but rather, she will rely on her merits*) and defame the innocent woman who drank it, since people will say that she was actually defiled, but their merit caused the water to suspend its effect upon them. Now, if you (*Rav Sheishes*) are correct that witnesses overseas prevent the waters from checking, you will be defaming the innocent women who drank, for people will say that she was actually defiled, but witnesses overseas prevented the waters from having the correct effect!

The *Gemora* answers: In the same manner that Rabbi Shimon holds that a merit will not cause the bitter waters

to suspend its effect, so too, witnesses overseas will not prevent the waters from being effective.

Rav questions Rav Sheishes from the very same *Mishna*: The following are cases where the *sotah's minchah* (*flour-offering*) must be burned: A woman who says to her husband, "I am defiled to you"; a woman about whom witnesses testified that she is defiled (*we do not give her the waters to drink in these cases, so her minchah cannot be brought on the Altar; hence, it must be burned*). When did these witnesses come? If they came before the *minchah* was sanctified (*by being placed in a Temple ministering vessel, which provides the minchah with a physical sanctity, which cannot be redeemed*), let the *minchah* go out to *chullin* (*non-sanctity*) through redemption (*since it was only verbally sanctified, it only has a monetary sanctity, which can be redeemed*)! Rather, the *Mishna* must be referring to a case where the witnesses testified after the *minchah* was already sanctified in a ministering vessel. If you maintain that the waters will check her if there are witnesses overseas (*that she committed adultery*), the *Mishna's* ruling is understandable, for the *minchah* can be sanctified and brought on the Altar (*even if there are witnesses overseas*), and the initial sanctity of the *minchah* was a valid one. Her *minchah* therefore must be burned. However, if you say that the waters will not effectively check her (*if there are witnesses overseas*), it should be retroactively revealed that the initial sanctity of her *minchah* was an erroneous one, and the *minchah* should go out to *chullin*!

Rav Yehudah of Diskarta said: The *Mishna* is referring to a case where she committed adultery in the Temple Courtyard (*after her minchah was sanctified*) and the initial sanctification of her *minchah* was a valid one (*for she is drinking on account of a prior seclusion, and the witnesses are testifying about something else*).



Rav Mesharshiya asks: How could she commit adultery in the Temple Courtyard when the young *Kohanim* are escorting her throughout the entire process?

The *Gemora* answers: She committed adultery with the young *Kohanim* themselves.

Rav Ashi answers: The *Mishna* is referring to a case where she needed to relieve herself.

Rav Pappa answers: The reason why the *minchah* cannot go out to *chullin* is because of a Rabbinical decree, lest it should be said that we may take the *minchah* out of the ministering vessel for secular use.

Rav Mari asked on Rav Pappa from the following *braisa*: If her *minchah* became *tamei* before it became sanctified in the ministering vessel, it is like all *minchah* offerings, and it can be redeemed. If however, it became *tamei* after it had been sanctified in the ministering vessel, it is like all *minchah* offerings and it is burned.

The *braisa* continues: If the *kometz* (scoopful of flour taken from the *minchah*) was sanctified, but there was not sufficient time to offer it before the husband died or she died, it is like all the *minchah* offerings and must be burned.

If the *kometz* had been offered, but there was not sufficient time for the *Kohen* to eat the remainder before the husband died or she died, it is like all the *minchah* offerings and is eaten. This is because this *minchah* is brought from the beginning in connection with a matter of doubt; it indeed atoned for the doubt which is now ended.

If witnesses testified that she had defiled herself, her *minchah* offering is destroyed.

If these witnesses were found to be *zomemin* (when witnesses offer testimony and other witnesses refute them claiming that the first set of witnesses could not possibly testify regarding the alleged crime since they were together with them at a different location at the precise time that they claimed to witness the crime somewhere else; The Torah teaches us that we believe the second pair in this instance; the first witnesses are called "eidim zomemim" "scheming witnesses," and they receive the exact punishment that they endeavored to have meted out to the one they accused.) her *minchah* offering is non-sacred. [Why don't we apply the Rabbinical decree, lest it should be said that we may take the *minchah* out of the ministering vessel for secular use?]

The *Gemora* answers: The fact that they were *zomemin* is public knowledge (and therefore there was no need for the Rabbinical decree).

The *Gemora* cites a *braisa* in support of Rav Sheishes, but not for the same reason: The extra word "pure" in the Torah teaches us that only if she is really pure will she conceive (as a result of drinking the bitter waters and emerging innocent), but not if there are witnesses overseas (teaching us that in that case, the waters will not check her). And the extra "vav" teaches us that only if she is really pure will she conceive, but not if a merit caused the bitter waters to suspend its effect. And the word "she" teaches us that only if she is really pure will she conceive, but not because women who spin by moonlight were discussing her (to be talked about by them was a sufficient disgrace to suspend the effect of the water).

The *Gemora* concludes that even Rabbi Shimon agrees that witnesses overseas will prevent the waters from being effective, but he is not concerned about this case (that it will defame the innocent women), for it is highly uncommon. (6a2 – 7a1)

## INSIGHTS TO THE DAF

### *Raglayim L'davar*

By: Reb Avi Lebovitz

The Gemora says that either witnesses overseas who are aware that she is guilty, or a merit, or having relations with her husband on the road are all viable possibilities as to why the Sotah waters would not kill her even if she is in fact guilty. R' Shimon rejects the notion of a merit suspending her punishment, because it will cause people to mock the effectiveness of the water and claim that even innocent women are guilty, just that a merit protected them from the waters taking effect, but, he nevertheless agrees that witnesses overseas and having relations on the road would prevent the waters from taking effect [but since they are uncommon, it will not lead to mocking the sotah waters and claiming that the innocent are in fact guilty (Rashi and Tosfos).

Tosfos (6b d.h. U'tehora) writes that immediately after she drinks the sotah waters she is permitted to her husband. The question is: Why should she be permitted after drinking, since it is still possible that she is guilty, just that the sotah waters didn't take effect for one of the reasons mentioned above?

Meshech Chachmah (Parshas Naso) quotes himself in the Ohr Sameach (Issurei Biah 18:10) where he explains that prior to drinking we have a 'raglayim l'davar', a strong indication that she is in fact guilty. The Gemora 3a explains that this raglayim l'davar which is due to the fact that she has undergone kinui (warning) and setirah (seclusion), is the rationale for an individual witness to be believed on the infidelity, rather than requiring two witnesses. However, after drinking, although it is possible that she is guilty and one of the above mentioned reasons prevented the waters from taking effect, the raglayim

l'davar no longer exists. The raglayim l'davar is not negated due to the ineffectiveness of the water, because there can be other causes for their ineffectiveness; but the fact that she had the nerve to drink the waters knowing good and well that if she is guilty it may be an act of suicide, nullifies the raglayim l'davar of her guilt, and we return her to her chezkas kashrus of innocence. This explains why after drinking she is permitted to her husband, because the raglayim l'davar indicating guilt is negated, and she returns to a chezkas kashrus.

Additionally, this would explain why Tosfos (6a d.h. vi'shebau) suggests that perhaps if one witness testifies that she committed adultery after she already drank from the sotah waters, he would not be believed to disqualify her from eating terumah, because the one witness is only believed so long as the raglayim l'davar is still in force, but after she willingly drinks, it is gone.

## DAILY MASHAL

### *Merit*

Rav Shlomo Zalman Auerbach, zt"l, taught that if a person has a great zechus to his credit, even if he is otherwise spiritually bankrupt, his merit remains.

In the Daf we find that even if a woman was guilty of adultery, the sotah waters would not immediately work if she had a merit. Let us not forget this poignant lesson: Let's refrain from allowing the negative to obscure the positive!