

## OVERVIEW of the Daf

### 1) קינוי (cont.)

It is noted that although Reish Lakish and Abaye offer different definitions of קינוי they agree that it is prohibited for a man to issue a warning to his wife.

The Gemara explains the definition of the term קינוי according to the one who maintains that it is permitted for a man to warn his wife.

Two related expositions are recorded.

### 2) Defilement

Tanna D'vei R' Yishmael explains why a single witness is believed regarding defilement.

R' Pappa unsuccessfully challenges this exposition.

Another teaching from Tanna D'vei R' Yishmael related to Sotah is presented.

There is a disagreement whether the term רוח refers to a spirit of purity or impurity.

### 3) Warning

The dispute between R' Yishmael and R' Akiva whether there is a mitzvah for a man to issue a warning is cited.

Two additional disputes between R' Yishmael and R' Akiva related to whether activities are obligatory or optional are presented.

R' Pappa or R' Mesharsheya suggests that R' Yishmael and R' Akiva argue whether commands, in general, are obligatory or optional.

The suggestion is dismissed and it is explained that each of the three disputes relates to a pasuk.

The exact point of dispute in each of the three cases is explained.

### 4) Destructive activities

R' Chisda teaches that adultery and anger are destructive to a household.

The Gemara explains that these statements refer to when they originate from the wife.

Another teaching of R' Chisda is presented.

R' Shmuel bar Nachmani in the name of R' Yonason describes the consequence for doing a mitzvah or violating a prohibition.

R' Elazar adds a detail to this teaching.

### 5) The number of witnesses required

The Gemara quotes a Mishnah that discusses the pesukim that teach that testimony regarding seclusion requires two witnesses and testimony regarding adultery requires only one witness.

This exposition is unsuccessfully challenged.

A Baraisa is cited that defines some of the terms in the Mishnah just cited.

## Distinctive INSIGHT

### *The reliability of a single witness*

תלמוד לומר "ועד אין בה" כל שיש בה

**T**osafos (ד"ה ת"ל) questions the need for an exposition to teach that a single witness is believed when he asserts that he witnessed an act of infidelity. Since the husband warned his wife against going into seclusion and she ignored the warning by going into seclusion it is reasonable that the husband will remain silent to the witnesses claim. That said, there is no need for an exposition that a single witness is believed since the Gemara Kiddushin cites the opinion of Abaye who maintains that when a single witness claims that a woman was unfaithful and the husband is silent the testimony of the witness is believed, even though it was not preceded by the husband's warning.

The Or Sameach (חידושי ר' שמחה) suggests that one difference between Abaye's ruling and the exposition in our Gemara will be a case involving yibum. Once the Torah states that the single witness is believed in his claim that the woman was unfaithful she is treated the same as any other woman who was unfaithful and she would be exempt from yibum and chalitzah. According to Abaye's ruling where we believe the witness because the husband is silent, she can only be considered a ספק סוטה and chalitzah is required.

ספר תורת הקנאות suggests that Abaye's ruling that a single witness is believed if the husband is silent applies only when the witness has the status of being an acceptable (כשר) witness. The reason is that just as in monetary cases when the accused responds that he does not know (איני יודע) a single witness is believed to obligate an oath or even payments when the oath cannot be taken, so too when there is an accusation of infidelity a single witness will be believed when there is no denial of the charge. Accordingly, just as in monetary cases only an acceptable witness has the ability to force an oath so too in matters related to עריות only an acceptable witness should be believed in his claim. Our exposition teaches that once there was קינוי וסתירה a single witness is believed that the woman was unfaithful even if that witness would otherwise be disqualified from testifying (See Gemara . לא that rules that even a slave or a maidservant are believed to testify that the sotah was unfaithful). ■

# HALACHAH Highlight

*Is a kohen permitted to become tamei for a relative if he will not mourn?*

"לה יטמא" רשות דברי ר' ישמעאל ור"ע אומר חובה

"He will make himself tamei for her," is optional according to R' Yishmael. R' Akiva says that it is an obligation

Rav Shlomo Zalman Auerbach<sup>1</sup> was asked to render a halachic decision whether a kohen who is a chassan is permitted to become tamei for one of his relatives who died. He responded that the only sefer he found that addressed this question is called Zkan Aharon. Zkan Aharon ruled that the kohen is not permitted to become tamei in this case since he is not going to observe his period of mourning right away. He bases his position on Rambam's explanation why kohanim are permitted to become tamei to bury relatives. Rambam<sup>2</sup> writes that the basis for leniency is that the kohen should be able to be involved in the burial and mourn for him [the deceased relative.] Accordingly, since in this case the kohen who is a chasan will not observe his period of mourning for another week he loses the rationale to permit becoming tamei and thus is prohibited to become tamei.

Rav Shlomo Zalman, however, rejected this argument and one of the reasons is that although a chasan does not observe a period of full mourning during the week of sheva berachos, nonetheless, he does observe inconspicuous mourning practices and that is sufficient to allow that kohen to become tamei.

A similar type of question is asked concerning a kohen who is a minor who will not observe a period of mourning. Do

# REVIEW and Remember

1. What causes a person to sin?

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2. What is the point of dispute between R' Yishmael and R' Akiva whether it is obligatory for a man to warn his wife about seclusion?

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3. What caused the Shechina to go away?

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4. Why is it important, nowadays, for a husband to avoid warning his wife from going into seclusion with another man?

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we say that since he will not mourn he is not permitted to become tamei or perhaps the two halachos are unrelated? Shvus Yaakov<sup>3</sup> takes it for granted that a kohen who is a minor is permitted to become tamei for one of his relatives. This ruling, however, must be qualified since Rema<sup>4</sup> rules that a kohen should only make himself tamei to provide for the needs of the deceased and in general a kohen who is a minor, below the age of chinuch, is not needed to provide for the needs of the deceased. It is for minors who have reached the age of chinuch that this halacha would be relevant<sup>5</sup>. ■

1. מנחת שלמה תנינא סי' פ"ט
2. רמב"ם פ"ב מהל' אבל ה"ו
3. שו"ת שבות יעקב ח"ג סי' צ"ב
4. רמ"א יו"ד סי' שע"ג סי' ה'
5. ע' פרחי טהרה שבספר טהרת כהנים סי' שיע"ג סע' ג' ד"ה שכהן

# STORIES Off the Daf

*The spirit of folly*

אין אדם עובר עבירה אא"כ נכנס בו רוח שטות

On today's daf we find that one doesn't sin unless a spirit of folly enters him.

In today's world no one would question how a spirit of folly could enter into a person. Perhaps we might instead ask how one prevents a torrent of such spirits from entering! But not so long ago many simple people who learned this gemara felt it was quite difficult. From where would someone who fears Ha-

shem get a dose of a spirit of folly?

One person asked this question in the name of "the velt" to the Rav of Levui, zt"l who immediately replied, "A spirit of folly needn't start from what one perceives as bad. Very often this kind of spirit creeps up on one by removing his defenses through convincing him to do something out of 'frumkeit.' For example, a simple person with fear of heaven may have learned that pious people refrain from eating meat during the week. He wishes to separate himself from ta'avos so instead of eating meat he chooses to eat beans. He feels so filled with piety however, that he hardly notices himself consume three times as much

as a normal person requires. This overindulgence can cause many other problems as well... This person's entire calculation was a mistake. If he wished to keep away from ta'avos, let him eat meat. But no more than he really needs to stay healthy and have strength to serve Hashem. In short, one must eat like a Jew! This way he will be able to keep his wits about him and recite kerias shema al hamittah with proper devotion, as a Jew should. This will lead to his sleeping as a Jew.

The Rav of Levui concluded, "The Razhiner, zt"l, said that one who sleeps as a Jew awakens as a Jew, davens as a Jew, and his entire day is as the day of a Jew should be!" ■

