

OVERVIEW of the Daf

1) The sotah receiving yibum or chalitzah (cont.)

A third version of the exchange between R' Yosef and Abaye about a sotah doing yibum is recorded.

Rava asserts that a kal v'chomer indicates that a sotah should not do yibum.

An unsuccessful challenge to Rava's reasoning is presented.

Abaye puts forward another unsuccessful challenge.

2) **MISHNAH:** The Mishnah presents a list of women who become permanently prohibited from eating terumah.

3) Witnesses to adultery

R' Amram reports that R' Sheishes taught that if there is a witness to a woman's adultery anywhere in the world the bitter waters will not test her. He cited our Mishnah as proof to this ruling.

R' Yosef rejects the proof R' Sheishes offered from the Mishnah.

The Gemara explains that R' Sheishes and R' Yosef disagree about Rabbi's comment regarding the progressive wearing away of a sotah who has merit.

R' Shimi bar Ashi unsuccessfully challenges R' Sheishes's ruling.

Rav presents another challenge to R' Sheishes's ruling.

R' Yehudah of Diskarta defends R' Sheishes.

R' Mesharshiya challenges this explanation.

Three resolutions to this challenge are recorded.

R' Meri unsuccessfully challenges the assertion of R' Pappa (who offered the third resolution) that there is a Rabbinic obligation to burn korbanos that were erroneously sanctified in a kli shares.

A Baraisa is cited that supports the ruling of R' Sheishes although it does not reflect his rationale.

The Gemara uses the above discussion to unsuccessfully challenge R' Shimon's position whether there could be a halacha that negates the effectiveness of the bitter waters. ■

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Distinctive INSIGHT

The power of the husband's accusation

ואלו אסורות מלאכול בתרומה ... ושבעלה אינו רוצה להשקותה

The Mishnah presents numerous examples of women who become prohibited to eat terumah and a Mishnah later in the massechta (24a) enumerates women who become prohibited to their husbands. Commentators debate whether the women mentioned in these mishnayos also become prohibited to the suspected **בוועל**. Rambam (Hilchos Sotah 2:12) and Tur (Even HaEzer 11) write that in cases where the husband does not want his wife to drink the bitter waters she becomes prohibited to the suspected **בוועל** as well. Chelkas Mechokeik (Even HaEzer 11:1) asserts that the position of Rambam and Tur requires proof. If she is claiming her innocence and is willing to drink the bitter waters why should the husband have the ability to prohibit her from the suspected **בוועל**? Just as when he refuses to have her drink he is obligated to pay her kesubah so too he should not have the ability to prohibit her to the suspected **בוועל**.

Mishnah LaMelech (Hilchos Sotah 2:12) answers that once a woman who was previously warned goes into seclusion she becomes prohibited. If she drinks the waters and demonstrates her innocence she becomes permitted again to her husband but until that time she remains in a prohibited state of being. He cites as proof to his position our Mishnah. The Mishnah rules that a woman is prohibited to eat terumah if her husband refuses to have her drink. This ruling applies, asserts Mishnah LaMelech, not only to the wife of a kohen but even to a woman who is the daughter of a kohen who will return to her father's home since she will not be able to drink the bitter waters to establish her innocence. Accordingly, just as the husband has the ability to prohibit her from eating terumah so too it is not unreasonable that he should have the ability to prohibit her from the suspected **בוועל**. ■

REVIEW and Remember

1. Do the sotah waters test a woman if there are witnesses somewhere in the world?
2. Why does R' Shimon reject the premise that a woman's merit could protect her from the harmful affects of the bitter waters?
3. What is done with a korban that was erroneously sanctified?
4. What is done to the korban mincha if the woman dies before the leftovers of her korban are eaten?

HALACHAH Highlight

Forced Relations

אונס בישראל מישראל שרי

A violated woman is permitted to her husband who is a non-kohen

Rambam¹ rules that if the wife of a non-kohen is violated (נאנסה) she remains permitted to her husband but she becomes disqualified from marrying a kohen in the future. It does not matter whether she was violated against her will (אונס) or whether it was inadvertent (שוגג) and whether the violator was a Jew or a non-Jew, she will remain permitted to her husband. Be'er Heitev² writes in the name of Shvus Yaakov that although the woman who was violated is permitted to her husband she should, nevertheless, immerse in the mikvah before she returns to her husband. Precedent for this practice is derived from Esther who would immerse in the mikvah after being with Achashveros before she would return to Mordechai.

Poskim note that the allowance for a woman to return to her husband after she was violated applies only when she was forced to have relations, but if she chose to have relations in order to relieve herself from another pressure she is prohibited to her husband. For example, if someone was threatening to kill her or a member of her family and she struck a deal to allow herself to have relations in order to save her life or the

life of her family member she will be prohibited to her husband. The reason is that in this scenario she was not forced to have relations; rather she had relations to achieve another goal and it is thus considered voluntary³. Noda B'Yehudah⁴ cites authorities who maintain that a married woman who chooses to have relations in order to save the lives of others has made a correct choice and perhaps has even performed a mitzvah by saving others but nonetheless she becomes prohibited to her husband. Support for this can be found in the Purim story where Esther made the decision to be with Achashverosh in order to save the Jewish People and despite the fact that she made the correct choice, she nevertheless became prohibited to Mordechai. Noda B'Yehudah disagreed with the assertion that a woman who chooses this course of action has made a correct choice and writes that just as one is not permitted to violate the prohibition against illicit relations for medicinal purposes⁵ so too one may not violate the prohibition against illicit relations to save the life of another. Regarding the proof from Esther he asserts that one cannot invoke that incident as proof since it involved saving the entire nation and was done with the approval of Mordechai and the Sanhedrin. ■

1. רמב"ם פכ"ד מהל' אישות הי"ט
2. באר היטב אה"ע סי' ו' סק"כ
3. ע' פת"ש שם ס"ק י"א
4. שו"ת נודע ביהודה יו"ד מהד"ת סי' קס"א
5. גמ' פסחים כה ■

STORIES Off the Daf

The Merit of Torah

"רבי אומר זכות תולה במים המרים..."

Rebbi Yehudah HaNasi says on today's daf that great merit protects a Sotah from punishment. The Rambam rules that if she has the merit of Torah, for example if she enabled another's learning, this protects her.

A certain well known sinner died suddenly. Understandably, people had been very upset by this sinner's behavior. One incensed young Torah scholar actually slapped the dead sinner's face to show his disdain toward the rebel who had rejected Toras Moshe. The funeral proceeded and everyone forgot about the matter.

That night, the Torah scholar had a terrifying dream. He dreamt that the sinner came to him and said, "You dared hit me in public? Come join me for adjudication for this terrible offense!"

The young man awoke trembling with fear, it had seemed so real. When he told his father he merely replied, "Don't think a moment about this. It was a nightmare that could happen to anyone which has no meaning." The next night the dream recurred. On the third night the sinner was significantly more menacing which caused the young man even more alarm and despondency. As a different version of the same kind of dream continued to recur night after night, the young man spent virtually every waking hour dreading them. It is not surprising that he fell ill and his family feared for his life. The Maharsha, ז"ל,

ordered the boy moved to his house.

The next day, he sent the young man home. The last time he had the dream was the night at the Maharsha's house.

When the family asked the Maharshah what had happened, he explained, "The rashah once saved a talmid chacham from drowning and even supported this person in learning for many years. It was this zechus that protected him from punishment. I reasoned with the spirit of the dead man that if his threats frightened your son to death it would allow all the accusing angels to pierce the barrier of this zechus since they would have an ironclad claim that although he saved a talmid chacham, he also killed one. Naturally, the deceased immediately stopped hounding your son!" ■

