

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah presents certain cases where a woman does not drink and does not collect her kesubah, cases where she drinks but does collect her kesubah and a number of cases where there is a dispute whether the sotah will collect her kesubah. After presenting additional laws related to sotah, the Mishnah concludes with cases where the Jewish court will issue the warning to the woman against going into seclusion with another man.

2) The ארוסה and yevamah

A Baraisa is cited that identifies the source that an ארוסה or yevama could be warned against seclusion even though she will not drink the bitter waters.

The Gemara explains that the Mishnah follows the position of R' Yonason for this matter.

The relevant dispute between R' Yonason and R' Yoshiyah is explained.

The implication is that were it not for an exposition, an ארוסה would drink the bitter waters. This is challenged from another exposition that teaches that a sotah does not drink unless the husband had relations with his wife before the adulterer, which is not the case here.

Rami bar Chama suggests a resolution to the question.

This explanation is unsuccessfully challenged.

It is suggested that Rav and Shmuel dispute the same point that is disputed by R' Yonason and R' Yoshiyah.

The Gemara explains why Rav rejects this assertion. ■

REVIEW and Remember

1. What is an example of a sotah who does not drink the bitter waters but still collects her kesubah?
2. What is the point of dispute between R' Yonason and R' Yoshiyah?
3. How can there be a case of an ארוסה who drinks the bitter waters?
4. What is the disagreement between Rav and Shmuel?

Today's Daf Digest is dedicated
 By Embassy BankCard Solutions and Mr. & Mrs. Barry Bass
 in memory of their mother
 Mrs. Toby Bass O'BM
 מרת טובה בת ר' משה ע"ה

Distinctive INSIGHT

Believing a woman's confession

והאומרת טמאה אני

Why is a married woman believed when she claims that she is prohibited to her husband due to having committed adultery? This is self-incriminating remark, and as a result of it the woman will have to be divorced from her husband and forfeit her kesubah. Perhaps we should suspect that the woman is lying in order to exit from the marriage, which is a strategic move which she cannot normally initiate. Why, then, is this woman automatically believed with this terrible claim?

Minchas Chinuch (Mitzvah 365, #11) explains that if a woman who is accused of being a sotah claims that she is guilty, she does not drink the bitter waters. The argument to explain this is that the Torah lends credibility to a single witness in this case if he testifies that he knows that the woman committed adultery while in seclusion. Wherever we find a single witness is believed, we also find that a woman or relative is also believed, as well as anyone who would otherwise be disqualified due to a technicality or due to having a bias to the case. Therefore, the woman herself is trusted as well, just as we find that a woman herself is believed regarding the death of her husband. This is similar to the rule that a single witness is trusted in cases of prohibitions (עד אחד נאמן באיסורין) where we trust a woman as well.

Minchas Chinuch asks, however, how this is understood in consideration of the Gemara (Nedarim 90a) which states that if a wife claims that she committed adultery and is prohibited to her husband, she is not believed to be prohibited to him. A woman is subject to the marriage obligations, and she is not able to undermine this obligation with an unsubstantiated claim. We also cannot say that in our case of sotah that the woman's bond to her husband has been severed due to her having been warned by him, followed by her being caught in seclusion. This is not the case, as we know that if she is innocent, she will return to her husband. This proves that the marriage bond is still valid.

Minchas Chinuch answers that the statement from Nedarim is speaking in a case where the husband had never warned his wife, and she was never caught in seclusion with a strange man. Here, a single witness would not be credible, and the woman herself is certainly not believed to prohibit herself from her husband. Here, however, we must say that the marriage bond has been damaged due to the warning and seclusion. This condition of רגלים לדבר sets the stage for the woman to be believed based upon the principle of הודאת בעל דין—where a confession of the defendant is accepted. ■

HALACHAH Highlight

Covering the hair of an ארוסה

הא לוא הכי הוה אמינא ארוסה שתיה וכו'

Were it not for the exposition I would have thought that an ארוסה drinks...

Teshuvah Mahari Halevi¹ ruled that a woman who is an ארוסה is obligated to cover her hair just as a married woman. He cites our Gemara as proof to this position. The Gemara derives from an exposition that an ארוסה does not drink the bitter waters. Argues Mahari Halevi, if an ארוסה is not obligated to cover her hair how could the Gemara even entertain the possibility that she would drink the bitter waters? The Torah states that the kohen is to uncover the hair of the sotah, and if she did not have her hair covered that part of the procedure could not be fulfilled. Accordingly, we have proof that an ארוסה is obligated to cover her hair. תשובת די השב² rejects this proof because it is based on the assumption that the kohen uncovering the hair of the sotah is essential. This, however, is not the case because Rosh³ holds that uncovering the sotah's hair is not essential to the

procedure, and thus that issue would not be a reason for an ארוסה to not drink the bitter waters. Similarly, Teshuvah Yosef Ometz⁴ writes that the Torah's instruction to uncover the hair of the sotah addresses a sotah who is married since the majority of sotahs are married. However, it was not intended to teach that anytime the sotah's hair will not be uncovered that she will not drink the bitter waters. Therefore, even an ארוסה would be able to drink the bitter waters even though she does not have her hair covered.

Be'er Heitev⁵ cites the opinion of Shvus Yaakov who maintains that a woman who is betrothed is not required to cover her hair, but Chavos Yair ruled that a woman who is betrothed is obligated to cover her hair. Mishnah Berurah⁶ also follows the strict position and writes that a woman who is betrothed is obligated to cover her hair. ■

1. שו"ת מהר"י הלוי סי' ט'
2. שו"ת די השב אבה"ע סי' ד'
3. מובא דברי הרא"ש בשיט"מ ח
4. שו"ת יוסף אומץ סי' צ"ח
5. באר היטב אה"ע סי' כ"א סק"ה
6. מ"ב סי' ע"ה ס"ק י"א ■

STORIES Off the Daf

"I am impure..."

האומרת טמאה אני

On today's daf we find that if the sotah admits her guilt, she is not forced to drink the sotah waters. When someone acts in a way that he later realizes is a mistake, he should promptly admit it!

In the year תקצ"ה a man named Dr. Finer approached the Chasam Sofer, zt"l, with a novel proposition. "I wish to translate the Talmud into German in order to draw our distant brothers closer to Hashem. Our brothers in Germany know only German and have had no exposure to the Talmud. If they would only be able to

experience the depth of Gemara, it may help them return to the fold."

Dr. Finer was dressed in a Rabbinic manner and was an eloquent and very smooth talker. He requested an approbation from the Chasam Sofer, and he received it.

When a different great Rav learned that this very same Dr. Finer was a maskil and translated the Talmud merely to try and prove that it was no different from any other ancient text, he spoke out against the man. The Rav was shocked when he was confronted with the approbation of the Chasam Sofer.

This Rav immediately wrote the Chasam Sofer to protest his approbation published with the wicked doctor's work. In his letter, this Rav expressed his great shock that any genu-

ine person would give this maskil an approbation of any sort.

The Chasam Sofer immediately replied that he had made an error in judgment. He withdrew all support for the doctor, freely admitted his mistake, and requested that this letter should be made public so people should no longer erroneously think that Dr. Finer was a kosher Jew.

The man who related this anecdote summed up, "It seems to me that this is similar to the Gemara which states that Dovid HaMelech only erred to teach that the individual can always do teshuvah. The Chasam Sofer erred to teach us to be unafraid to publicly admit to our errors!" ■

