

OVERVIEW of the Daf

1) The recitation of the Song at the sea (cont.)

R' Tanchum clarifies how a fetus was able to see the Divine Presence at the splitting of the sea.

2) Iyov

The Gemara questions the Mishnah's uncertainty whether Iyov served Hashem out of love when seemingly one can look at the relevant word and based on how it is written we will know whether Iyov served Hashem out of love or not.

It is demonstrated that the word לא has two meanings and thus the Mishnah's uncertainty.

A Beraisa compares the fear of Avrohom Avinu that was generated from love to the fear of Iyov.

The Gemara explains the difference between serving Hashem out of love and serving Hashem out of fear.

This distinction is unsuccessfully challenged.

A related incident is recorded.

הדרן עלך כשם שהמים

3) MISHNAH: The Mishnah begins with a discussion of the evidence of seclusion necessary to make a woman into a sotah and who is believed to testify that a woman who was caught in seclusion was adulterous. The logic that allows a single witness to testify about the sotah's infidelity is debated. The Mishnah concludes with a discussion about what happens when there is conflicting testimony regarding the sotah's alleged infidelity.

4) Confirming seclusion by a single witness

The assertion of the Mishnah that the law which states that a single witness cannot establish that a woman was in seclusion is derived from a gezeirah shavah is unsuccessfully challenged.

5) Confirming infidelity by a single witness

The Gemara infers from the Mishnah that a single witness could testify about a woman's infidelity and a Beraisa is cited that serves as a source for this principle.

Once it is established that a single witness is believed the Gemara questions how a single witness could contradict accepted testimony.

Ulla suggests one resolution to this challenge.

R' Chiya offers an alternative resolution.

R' Chiya's assertion that when two single witnesses disagree the woman would drink is challenged.

One resolution is presented.

The Gemara begins to present an alternative resolution to this challenge. ■

Distinctive INSIGHT

The testimony from the "bird that flies"

מי שקנא לאשתו ונסתרה, אפילו שמע מעוף הפורח יוציא ויתן כתובה דברי רבי אליעזר. רבי יהושע אומר עד שישאו שישאו ויתנו בו מוזרות בלבנה

There are several approaches in the Rishonim to explain our Mishnah. Rashi explains that the husband issued a warning to his wife in front of two witnesses not to be in seclusion. Once this has happened, any information that she has violated this warning is enough to incriminate her, even if it be a single witness, even if it be a slave or a maid-servant. She is prohibited to her husband, and if he does not want to bring her to drink, he must divorce her and give her the kesubah. The "bird flying by" refers to our not needing standard testimony of two witnesses. Rabbi Yehoshua disagrees, and he holds that she is only prohibited from her husband if there are two witnesses to the סתירה, but if the women of the neighborhood are speaking about it, the situation is abhorrent (מכוער), and the man must divorce her.

Tosafos explains that the woman was not caught in seclusion, but there is a rumor (some minimal type of testimony) that she acted inappropriately. Because this information follows the husband's warning, there is a basis for assuming the worst. Because the situation is abhorrent, the husband has a mitzvah to divorce her. Nevertheless, because there was no actual seclusion, she must be given her kesubah. Rabbi Yehoshua disagrees and holds that the man must divorce her only if the situation has deteriorated further such that women on the street talk about it. In this case, the woman still receives her kesubah.

Keren Orah wonders why the woman should receive her kesuba in this case. The husband is required to divorce her because she is conducting herself contrary to Jewish standards (עוברת על דת), and she has even been warned (the קינוי). ■

REVIEW and Remember

1. What is the source of Avrohom' Avinu's awe of Hashem

2. Is a mother-in-law believed to testify that her daughter-in-law committed adultery?

3. Does a sotah drink the bitter waters if there is conflicting testimony whether she was adulterous?

4. How strong is the accepted testimony of a single witness?

HALACHAH Highlight

The trustworthiness of the five women

חמותה ובת חמותה וכו' הרי אלו נאמנות ולא לפוסלה מכתובתה
אלא שלא תשתה

Her mother-in-law, her mother-in-law's daughter ... they are believed but not to disqualify her from collecting her kesubah

Poskim debate the extent of the halacha of the Mishnah that the five women who are not believed to testify that a woman's husband is dead are believed to testify that she was adulterous. Rav Akiva Eiger¹ writes that the Mishnah is teaching that in this instance these five women are fully believed to be telling the truth that the sotah was adulterous and thus if the husband was to have relations with his wife after this testimony he is in violation of the Torah prohibition and would be subject to lashes. The reason to distinguish between this testimony and testimony that the husband is dead where they are not believed relates to the origin of the allowance to accept the testimony of a single witness in the two cases. Biblically, a single witness is not believed to testify that a man died and it is only by Rabbinic

enactment that we accept the testimony of a single witness. Thus it is logical to assume that Chazal extended this enactment only to those people whom we do not expect would lie about the matter. These five women who have an ulterior or motive to lie were never included in the Rabbinic enactment. In the case of the sotah, however, the Torah itself indicates that the testimony of a single witness is believed, so who has the authority to declare that these five women are excluded from this halacha? Thus they are fully believed.

Or Sameach² disagrees and maintains that these five women are not fully believed when they testify that the sotah was adulterous. Rather, Bais Din accepts the testimony of these five women only to the extent that they will not give the sotah the bitter waters to drink but if the kohen went ahead and gave the sotah the bitter waters to drink they would have the capacity to test her innocence since technically these five women are not believed. Therefore, if the sotah was to express a willingness to drink the bitter waters and it is Bais Din that does not allow her to drink because they are suspicious that the five women are telling the truth she will be able to collect her kesubah. ■

1. שו"ת רעק"א ח"ג סיק ל"א

2. אור שמח הל' תרומות פ"ח הט"ו ■

STORIES Off the Daf

A question of glasses

כרס נעשה להן כאספקלריא המאירה וראו

Once, a chalitzta took place over which the oldest and most respected judges in the community presided, as is customary. A certain young scholar said that in his opinion, any chalitzta over which the old dayan presided was not valid because of the very first halacha in Shulchan Aruch hilchos chalitzta. It states there that a judge who presides over a chalitzta may not be blind, since he must see the proceedings with his own eyes, as the verse states: "And she shall spit before the judges' eyes." This ruling is based on the Gemara and Tosafos in Yevamos, and it is the definitive halacha.

The young talmid chacham

claimed that if a judge has poor eyesight he should be invalid even if he is wearing glasses. He claimed, "Everyone knows that he can't see without his glasses. Perhaps seeing with glasses is not the same as seeing without? After all, in the times of Chazal there was no such thing as glasses, so this dayan would surely have been disqualified. Who can say that he is permitted to be a judge if he can only see with glasses?"

As can be well imagined, this claim caused a great stir in the town, especially since other young talmidei chachamim agreed with this premise. After all, glasses are surely not discussed in Shas since there was no such thing as glasses at the time!

This question was presented to the Shvus Yaakov, zt"l, who replied: "Actually, there are cases in Shas from which we can learn the halacha of sight through glasses. In Sotah 31 we find

that fetuses sang shira with their parents at the splitting of the sea. The Gemara asks how the fetuses could sing about an event which they couldn't possibly see? It replies that their mothers' bellies became like a clear glass through which they could see. It seems clear that even though they couldn't see if it hadn't been for the glass, their seeing through the glass is considered seeing. ..."

The Shvus Yaakov concluded, "Either way, it is clear that glasses are no problem whatsoever since the very verse says 'in the eyes of the elders,' and most chachamim are older. Glasses are not a new invention. In the earlier generations, elderly dayanim with glasses presided over chalitzta. These young men should not think themselves smarter than the earlier generations of chachamim. Hashem should atone for their brazenness!" ■

