



בס"ד Intro

We are beginning מסכת סוטה Be"H.

Although a confirmed adulteress is also called a סוטה, the term more commonly refers to a סוטה, a woman suspected of committing adultery, which is basically the subject of this Masechtah.

However, this status is achieved only AFTER קינוי וסתירה

Warning and seclusion -

A woman, who is warned by her husband not to seelude herself with a specific man, who then seeludes herself with him despite the warning, is a plot.

At this point our suspicions are strong enough, and sufficient grounds for her to become forbidden to her husband, unless she passes the test administered in the בית המקדש, that of drinking the סמים, the bitter waters, which would confirm or disprove these suspicions, as described in detail in the Gemara.

The first Mishnah records a מדי whether קינוי וסתירה require פיני עדים; whether it is necessary to corroborate her seclusion with two witnesses, and the Gemara brings a similar מחלוקת regarding the warning as well.

However, after קינוי וסתירה are confirmed, a single witness is then believed for טומאה, to say that she was defiled, regarding that she does NOT drink the מים המאררים.

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Some of the terms and concepts we will learn about in $\mbox{\ensuremath{\square}}$ 'rinclude;

מזווגין לו לאדם

The Gemara discusses whether a person's spouse is determined by his or his qualities.

עדות לדבר ערוה

One is generally required to present two witnesses to corroborate an event. This is stated explicitly in the Torah regarding דיני מכוונות, capital offenses and monetary matters, and is extended to matters of עד as well. Where we do accept an עד regarding סוטה, are exceptions based on Pesukim

אסור לקנאות

The Gemara records a dispute whether it is forbidden for a husband to warn against seclusion.

קינוי בזמן הזה

The Gemara cautions against instigating the process of קינוי during times when it is not possible to prove her innocence with the מי סוטה.

The Gemara explains that מסכת follows the preceding מסכת follows, because, as ביי explains;

למה נסמכה פרשת נזיר לפרשת סוטה

לומר לך שכל הרואה סוטה בקלקולה

יזיר עצמו מן היין

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The Parsha of נזיר is written immediately after the Parshah of סוטה, so that one who observes the disgrace of the סוטה shall refrain from drinking wine, because wine in excess causes levity which can lead to immoral behavior.

Although, based on this reasoning, the Gemara too should teach מסכת סוטה BEFORE מסכת סוטה However,

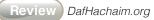
איידי דתנא נדרים תנא נזיר דדמי לנדרים

א, which is a form of a נדרים, follows כוטה; therefore, סוטה; therefore, נזיר FOLLOWS נזיר.











So let's review...

Our Mishnah discusses the number of witnesses needed to verify קינוי, the husband's warning for her not to seclude herself with a specific individual, and סחידה, her seclusion with that person.

Zugt di Mishnah

המקנא לאשתו

A husband who warns his wife not to seclude herself with a certain man;

רבי אליעזר אומר מקנא לה על פי שנים

He must warn her in front of two witnesses. Otherwise, she does not become a סוטה, and is permitted to her husband and she does not drink the מי סוטה.

However, if he does have two witnesses that she was warned;

ומשקה לה על פי עד אחד

או על פי עצמו

He can then compel her to drink the מי סוטה even if he can only produce one witness to the seclusion; or by claiming that he personally witnessed the seclusion.

רבי יהושע disagrees, רבי יהושע אומר מקנא לה על פי שנים ומשקה על פי שנים

Two witnesses are necessary both for the warning and the seclusion.

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The Gemara first cites an Aggadic introduction to the topic of סוטה:

אין מזווגין לו לאדם אשה אלא לפי מעשיו

A couple is matched based on their qualities. As רש"י explains;

צנועה לצדיק ופרוצה לרשע

Only a רשע will marry an immodest woman.

Therefore,

וקשין לזווגן כקריעת ים סוף

It is as difficult, so to speak, for הקב"ה to arrange such marriages, as the supernatural event of the splitting of the sea.

The Gemara questions this idea from the following statement of ב־:

ארבעים יום קודם יצירת הולד

בת קול יוצאת ואומרת בת פלוני לפלוני

Forty days before a person is born a Heavenly voice proclaims who he will marry; and as "שר explains; קודם יצירתם אין נודע רשעו וזכותו

A person's future merits or misdeeds are not known before he is born, since he has free will; clearly, marriages are not based on one's virtue? The Gemara answers

הא בזוג ראשון

הא בזוג שני

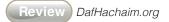
The first marriage is predetermined; and a second marriage is based on his merits.

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The Gemara proceeds, and first deals with a סוטה ודאי, a woman who is definitely defiled, and determines the number of witnesses required to establish her status:

בטומאה עד אחד מהימן

As the ברייתא says

עד אחד אומר

אני ראיתי שנטמאת

לא היתה שותה

After קינוי וסתירה, one witness suffices to establish that a woman is defiled, regarding that she does not drink the מי סוטה.

The source of this Halachah is the Pasuk;

'ושכב איש אותה גו

ונסתרה והיא נטמאה

ועד אין בה

והיא לא נתפשה

She is considered defiled even if עד, there is no 'עד'. The Gemara explains that

ועד אין בה

בשנים הכתוב מדבר

'refers to TWO witnesses, because there is a Pasuk לא יקום עד אחד באיש

One witness does not suffice for most testimonies. The superfluous word 'אחד' teaches us that

כל מקום שנאמר עד

הרי כאן שנים

עד שיפרוט לך הכתוב אחד

The word 'עד' itself refers to two witnesses, unless the Pasuk explicitly states ONE, as it does in this Pasuk. Therefore, ועד אין in reference to סוטה, means

תרי לית בה אלא חד

There aren't TWO witnesses, but there IS one witness. And והיא לא נתפשה

אסורה

Since she was not coerced, she is forbidden, because the single witness is believed.

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The Gemara now returns to explain the modified in the Mishnah whether one witness suffices for סתירה, to establish seclusion: The Pasuk says אין, and we explained that ONE witness for מומאה is believed.

רבי יהושע explains that the extra word בה tells us בה ולא בקינוי

בה ולא בסתירה

One witness only suffices for defilement, but not for the warning or seclusion.

רבי אליעזר, on the other hand, says that the Pasuk only excludes קינוי, however, one witness DOES suffice for סתירה, because סתירה איתקיש לטומאה

Seclusion is compared to defilement. As the Pasuk says ונסתרה והיא נטמאה

Even though it also says

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וקנא את אשתו והיא נטמאה regarding קינוי?

However, it's more logical to assume that the exclusion of בה refers to seclusion, to treat it more stringently, because סתירה עדיפא דאתחלתא דטומאה היא

The seclusion actually precipitates the איסור. Therefore, we assume that the exclusion of בה, requiring TWO witnesses, refers to the warning.











The Gemara now brings a third opinion:

רבי יוסי בר' יהודה אומר משום רבי אליעזר

המקנא לאשתו

מקנא ע"פ עד אחד או ע"פ עצמו

He does not need two witnesses to verify the warning. ומשקה לה על פי שנים

But he DOES need two witnesses to testify to the סתירה.

The Gemara explains that he understands the Pasuk בת to refer to the סתירה. However, קינוי does not need two witnesses, because it's compared to הטמאה, as the Pasuk says אונסתרה והיא נטמאה. The Pasuk וקנא את אשתו והיא נטמאה, on the other hand

לכמה שיעור סתירה

כדי טומאה

הוא דאתא

It teaches us that she only becomes forbidden if they were secluded long enough for her to be defiled. The **G**emara on 7 7' elaborates on this requirement.

However, the חכמים disagree, and they argue that if so; לדברי רבי יוסי בר' יהודה

That מקנא ע"פ עצמו, that קינוי does not require witnesses; אין לדבר סוף

דזימנין דלא קני ואמר קנאי

His ability to take advantage of her is unlimited, because without a warning, she will not avoid סתירה, and so whenever the husband is provoked he can prove her seclusion, and claim that he had previously warned her.

The Gemara adds

ואף למשנתינו

Even according to רבי אליעזר's opinion in our Mishnah that משקה לה על פי עצמו

That סתירה does not require witnesses; אין לדבר סוף

זמנין דלא איסתתר ואמר איסתתר

There is also reason for concern; because, although התחיל שלא ע"י כעס, we have no reason to doubt the validity of his warning, however, if he subsequently became angry he can simply claim that she was secluded.

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Before we continue, let's briefly review these three opinions:

רבי יהושע holds that both קינוי וסתירה ע"פ שנים

רבי אליעזר, recording to the משנה, holds קינוי ע"פ שנים וסתירה ע"פ עד אחד או ע"פ עצמו

רבי אליעזר, necording to רבי יוסי בר', holds רבי יוסי בר', קינוי ע"פ עד אחד או ע"פ עצמו וסתירה ע"פ שנים

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Based on these Halachos, the **G**emara cautions; לא לימא איניש לאיתתיה בזמן הזה לא תיסתרי בהדי פלוני

Now that there is no בית המקדש, one should not privately warn his wife against seclusion, because according to רבי הודה, this would constitute a valid warning; and if she subsequently secludes herself,

וליכא האידנא מי סוטה למיבדקה וקאסר לה עילויה איסורא דלעולם

He will have no means of ascertaining her innocence since we don't have מי סוטה, and she will be permanently forbidden to him.

לא לימא איניש לאיתתיה בזמן הזה לא תיסתרי בהדי פלוני בית המקדש Since there is no וליכא האידנא מי סוטה למיבדקה וליכא האידנא מי סוטה למיבדקה וקאסר לה עילויה איסורא דלעולם He will have no means of ascertaining her innocence and she will be permanently forbidden to him



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The Gemara now explains that the word קינוי indeed means warning, but also means jealous anger; and the warning causes strife in one of two ways, depending on the Machlokes of whether

קינוי על פי עצמו

OR

קינוי על פי שנים עדים

According to the opinion of קינוי על פי עצמו, it is דבר המטיל קנאה בינה לבין אחרים

It causes discord between her and her acquaintances, because, since the warning is valid without witnesses, כולי עלמא לא ידעי דקני לה כולי עלמא לא ידעי דקני לה

ואמרי מאי דקמא דקא בדלה

ואתו למיעבד קנאה בהדה

Since others are not aware of the warning, they will be upset that she no longer socializes with them in order to avoid seclusion.

According to the opinion of קינוי על פי שנים עדים it is דבר המטיל קנאה בינה לבינו

It causes strife between her and her husband, because since the warning requires two witnesses,

כולי עלמא ידעי דקני לה

ואיהו הוא דאתי למיעבד קנאה בהדה

Since others WILL know of his warning, she will instigate fights with him for suspecting her and embarrassing her, which in turn will cause him to be angry with her.

Now, both of these approaches indicate אסור לקנאות

It is forbidden to be מקנא, since it causes strife. Indeed, our Mishnah's expression

את אשתו, one who warns, and not טקנא אדם אשתו, one warns his wife, also indicates בדיעבד אין לכתחילה לא

It is forbidden to be מקנא.

However, there is an opinion that מותר לקנאות

It is permitted to warn one's wife. He will explain אין קינוי אלא לשון התראה

קינוי merely means warning.





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