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Intro

Today we will Be"H begin the Fourth Perek, and learn אדן Today we will Be"H begin the Fourth Perek, and learn אוויס פוט הידים מסכת סוטה מסכת סוטה ב"ד

Some of the topics we will learn about include:

לא שותות ולא נוטלות כתובה

The Mishnah lists several women who do NOT drink the bitter waters, but rather, they must get divorced. In many cases, they do NOT receive their כתובה, such as ארוסה ושומרת יבם

If someone warns his ארוסה, his wife who did not yet have a יבם, and a יבם who is warned by her יבם; or אלמנה לכהן גדול

גרושה וחלוצה לכהן הדיוט

A woman in a forbidden marriage; and האומרת טמאה אני

A woman who admitted to her guilt;

Then there are those who are נוטלות כתובה ולא שותות

They also do not drink and must get divorced, but they DO receive their כתובה, such as אמר בעלה איני משקה

Her husband does not want her to drink; or

שבעלה בא עליה בדרך If they were intimate after she became a ספק סוטה.

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B Some additional concepts שקדמה שכיבת הבעל לבועל

A woman only drinks the waters if she was intimate with her husband prior to the suspected adultery.

הבא על יבמתו

Any relations between the יבמי and the יבמי, even for promiscuous purposes, constitute a valid יבום. It is a יבום if this is only true regarding certain Halachos or if they are fully married.







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1 So let's review...

Zugt di Mishnah ארוסה ושומרת יבם לא שותות ולא נוטלות כתובה

A ארוסה who is warned by her future husband, or a widow who is warned by her late husband's brother who is waiting to marry her through יבום, does not drink the מים. They therefore remain a ספק סוטה who are forbidden to their husbands and must divorce, and do not receive their סתובה.

The Mishnah here teaches three Halachos: לא שותות אסורה לבעלה אסורה לבעלה ולא נוטלות כתובה

> לא שותות שנאמר אשר תשטה אשה תחת אישה פרט לארוסה ושומרת יבם

The Pasuk says איתחת אישה ; the woman strays from her husband, which excludes ארוסה ושומרת יבם, who are not fully married. Therefore, they do not drink the waters. However,

אסורה לבעלה

As the Gemara explains;

מישתא הוא דלא שתייא

הא קנוי מקני לה

They do not drink, but they DO become forbidden if they were warned, because the Pasuk regarding קינוי says דבר אל בני ישראל ואמרת אליהם

The extra phrase ואמרת אליהם includes ארוסה ושומרת יבם.

ולא נוטלות כתובה

Rashi explains that whether or not she receives her כתובה depends on whether

היא גרמה לעצמה

She sinned, causing herself to become forbidden, in which case she forfeits her כתובה; or

הוא גרם לה

If his actions precipitated the divorce, he DOES pay her the כתובה.

Now, if an ארוסה was secluded, she is certainly forbidden to her husband due to her own actions.

Regarding the שומרת יבם, on the other hand, it is a מחלוקת whether

שומרת יבם שזינתה אסורה ליבמה

או מותרת ליבמה

Whether she becomes forbidden to the 'through seclusion? However, even if she is permitted to him, he is certainly justified if he chooses NOT to marry her.

Therefore, in both of these cases,

ארוסה ושומרת יבם

היא גרמה לה

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And so, she forfeits her כתובה.

ארוסה ושומרת יבם לא שותות ולא נומלות כתובה

ארוסה

A engaged woman waiting to marry

שומרת יבם

A widow waiting to marry her deceased husband's brother through They do not drink the מים המאררים. Therefore they remain

a משק סוטה and are forbidden to their husbands and must divorce.











The Gemara now explains that the Mishnah is actually the subject of a מחלוקת.

רבי יונתן agrees with the Mishnah that both

ארוסה ושומרת יבם

לא שותות

However, רבי יאשיה holds

ארוסה

לא שותה

ושומרת יבם

שותה

The Gemara explains that this Machlokes is based on how we apply the following three Pesukim:

One Pasuk says

ואם לא שטית טומאה תחת אישך

Another Pasuk says

אשר תשטה אשה תחת אישה

A woman becomes a סוטה if she strays from her husband. Each Pasuk is a טיעוט, which excludes a woman who is not married.

A third Pasuk says

איש איש כי תשטה אשתו

This Pasuk is a ריבוי. The double usage of the word איש means any man; which includes even a situation that we might have reason to exclude.

Now, רבי יונתן holds

תחת אישך פרט לשומרת יבם

We first exclude a שומרת יבם, since she is not married to the יבם. However, we do not exclude ארוסה from this Pasuk even though she's not fully married to the בעל, because מר אלימא ליה ארוסה

דקידושי דידיה

וסוקלין על ידו

ארוסה ארוסה רבי יונתן considers the relationship of the רבי יונתן ארוסה stronger, because he betrothed her directly and she is subject to the death penalty if she sins. As opposed to שומרת יבם, who comes to him ע"י, through his brother, and is merely חייבי לאוין.

Therefore, ארוסה could possibly be considered תחת, and we therefore need a second exclusion

תחת אישה פרט לארוסה

To teach us that ארוסה is NOT considered תחת אישה, because she is nevertheless not fully married to him, and she therefore does NOT drink either.

רבי יונתן, derives from איש איש

לרבות אשת חרש

ואשת שוטה

ואשת שעמום

To teach that בית דין will warn a woman if her husband is incapable of doing so.

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The Gemara has shown that all agree that ארוסה is excluded from drinking the waters.

The Gemara questions this from a ברייתא: The Pasuk says;

ויתן איש בך את שכבתו מבלעדי אישך

משקדמה שכיבת בעל לבועל ולא שקדמה שכיבת בועל לבעל

A woman who had not yet had relations with her husband before the suspected adultery does not drink the bitter waters. Apparently, this Pasuk already excludes a ארוסה who is not married yet. Why, then, do we need תחת אישך to exclude her?

The Gemara answers כגון שבא עליה ארוס בבית אביה

The Pasuk is needed in the event that she had relations with her betrothed before they were married.

The Gemara has shown that all agree
that ארוסה is excluded from drinking the waters

She did not yet
have relations
with her husband
before the
suspected adultery

She does not drink the bitter waters

This Pasuk already excludes an ארוסה is not married yet.

Why, then, do we need "תוֹת אִישֹר"
to exclude her?

The Pasuk is needed in the event
that she had relations with her betrothed
before they were married

According to חחת אישך who says that חחת אישך excludes a חחת אישר mext give the same answer that it's needed for a case of שבא עליה יבם בבית חמיה.

She had relations with her pay without intending for it to

She had relations with her יבם without intending for it to consummate their marriage.

According to רבי יונתן who says that
"שומרת יבם who says that
"בגון שבא עליה יכם בבית חמיה

The Pasuk is needed in the event
that she had relations with her יבם

without intending for it
to consummate their marriage.



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However, this should depend on a מחלוקת רב ושמואל: הבא על יבמתו בין בשוגג בין במזיד

If someone had relations with his במה accidentally, or for promiscuous purposes, שמואל holds

לא קנה אלא לדברים האמורים בפרשה

He is only married

לקום על שם אחיו בנחלתו

ולפוטרה בגט

In regard to his brother's inheritance and to require a valid גט if they divorce; but they are not considered full married:

However, בר holds

קנה לכל

They are fully married. Therefore, he inherits her, and if he is a Kohein she may eat הדומה.

The Gemara suggests

רב דאמר כרבי יאשיה

רב follows the opinion of רבי יאשיה that a שומרת יבם DOES drink, in a case of

שבא עליה יבם בבית חמיה

ושמואל דאמר כרבי יונתן

שמואל follows the opinion of רבי יונתן that a שומרת יבם does NOT drink even in a case of

שבא עליה יבם בבית חמיה



However, the Gemara explains that these two מחלקות are NOT interdependent:

רב can also agree with רבי יונתן, because מדאיצטריך קרא למעוטה

מכלל דאשתו מעלייתא היא

The שומרת יבם is indeed considered fully married, and מסברא should drink the waters; and that is why we NEED a Pasuk to specifically exclude her.

Also, according to Rav, רבי יאשיה does not actually need a Pasuk to include שומרת יבם; and he cites the Pasuk איש איש איש איש איש as an אסמכתא בעלמא, a mere allusion.









Similarly, שמואל can also agree with רבי יאשיה, because מדאיצטריך קרא לרבוייה מכלל דלאו אשתו היא כלל

The שומרת יבם is indeed NOT considered fully married, and מסברא should NOT drink; and that is why we need the

Also, according to Shmuel, רבי יונתן does not actually need a Pasuk to exclude her, and he cites the Pasuk תחת אישך as an אסמכא בעלמא.

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Pasuk איש איש to include her.

The Mishnah continues: אלמנה לכהן גדול גרושה וחלוצה לכהן הדיוט ממזרת ונתינה לישראל בת ישראל לממזר ולנתין

If someone marries a woman who is forbidden to him, and she becomes a סוטה,

לא שותות ולא נוטלות כתובה

She does not drink, but rather receives a divorce WITH-OUT her כתובה.

רש"י cites מפרי that learns this from the Pasuk כי תשטה אשתו

בראויה לאישות הכתוב מדבר

The water is used only when the couple is in a permitted marriage.

If someone marries a woman who is forbidden מחלמנה לכהן גרול אלמנה לכהן גרול גרושה וחלוצה לכהן הדיום ממזרת ונתינה לישראל בת ישראל לממזר ולנתין לא שותות ולא נומלות כתובה כי תשלה אשתו הראום בראות בראום בראות בר



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The Mishnah continues

ואלו לא שותות ולא נוטלות כתובה

The following women also do not drink, and do not receive their כתובה:

האומרת טמאה אני לך

ושבאו עדים שהיא טמאה

If she admits, or witnesses testify, to her defilement; or והואמרת איני שותה

She refuses to drink.

In all of these cases.

היא גרמה לו

She caused herself to become forbidden, and so she does not receive her כתובה.

However,

אמר בעלה איני משקה

ושבעלה בא עליה בדרך

נוטלות כתובה ולא שותות

If her husband refuses to have her drink, or if her husband was intimate with her after she became a סוטס, she does NOT drink; but she DOES receive her כתובה, because הוא גרם לה, he caused her to be forbidden.

The rest of the Mishnah will be reviewed with the Gemara in the subsequent Dafim.





