

OVERVIEW of the Daf

1) The bitter waters testing the man (cont.)

The Gemara continues to try to clarify which man is tested with the bitter waters.

The conclusion is that the waters test the alleged adulterer.

The Gemara inquires whether the exposition that includes the adulterer in the test is derived from an extra "ו" or from the repetition of the word באו.

After one failed attempt, the Gemara demonstrates that the exposition is derived from the extra "ו".

The Gemara elaborates on the dispute between Rabbi and R' Akiva.

2) "Defilement"

A Baraisa presents a dispute regarding the different expositions derived from the words נטמאה.

The same Baraisa teaches that the uncertainty that the sotah committed adultery is enough to create a prohibition.

The Baraisa proceeds to apply these rules to the case of tumah, although numerous qualifications are added to the rule.

3) Clarifying the dispute between R' Akiva and R' Yishmael

The Gemara presents numerous questions related to the dispute between R' Akiva and R' Yishmael. ■

REVIEW and Remember

1. Which man is tested by the bitter waters?

2. What is derived from the three appearances of the word נטמאה?

3. How do we know that cases of doubtful tumah are treated stringently?

4. Why is doubtful tumah in a public domain treated leniently?

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 By the Geller family
 In loving memory of their grandfather
 ר' יהודה לייב בן ר' יהושע, ע"ה

Distinctive INSIGHT

Doubtful טומאה in the public domain

ברשות הרבים ספיקו טהור

Tosafos (ד"ה מכאן) cites the discussion of the Gemara (Chullin 9b) which identifies the episode of Sotah to be the source of the halacha that uncertainty regarding impurity in the public domain is deemed pure (ספק טומאה ברשות הרבים טהור). In other words, the actions and circumstances of a sotah woman are treated with scrutiny and suspicion, but this is only because the nature of her actions were done in a secluded place. This teaches us that if a situation regarding ritual impurity occurs in a public area, and there is uncertainty whether the outcome is טמא or טהור, we do not treat it strictly, but, instead, we are lenient and we deem the condition to be טהור.

Tosafos then asks why do we need a special source to teach that we treat a case of uncertainty in the public domain with leniency? Would we not automatically conclude that such a situation with leniency using regular guidelines of חזקה? When we begin with an item that has a status of טהור, even when a doubt is introduced, we use the חזקה (status quo) and continue its last known legal position until we know otherwise. Why, then, does the Gemara only determine that the law is טהור by using the law of Sotah?

Tosafos answers that without the lesson from Sotah, we would have thought that once the Torah teaches that ספק טומאה is treated strictly (as we find regarding a sotah woman), we would apply this rule to all cases of ספק טומאה and deem them טמא even in a public domain, and even where it would reverse a חזקה of טהרה. Even though the Torah specifically describes the ordeal of a sotah woman as being "in seclusion—(ונסתרה), we would have understood this as a function of context, and not as a critical factor in the ruling.

We see that Tosafos holds that uncertainty regarding tumah in the public domain is טהור is learned from the law of Sotah, and not based upon חזקה.

Yet, this view of Tosafos stands in contrast to Tosafos in Nazir (57a, ד"ה באמר), who learns that if the item has a previous status of being tahor, if a doubt later surfaces, we deem it to remain טהור based upon logic (חזקה). We only use the lesson from Sotah regarding an object in the public domain if there is no previous חזקה. ■

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 By Dr. Dan & Shoshana Lender
 in memory of Dan's father
 Simcha ben Aharon

HALACHAH Highlight

לחיים!

The Mishnah actually refers to the adulterer etc.

Sefer **אלפא ביתא**¹ cites in the name of other authorities that the custom to wish לחיים and to bless others with salvation and good health can be traced to our Gemara. The Gemara elaborates on the Mishnah's statement that "just like the waters test the sotah, so too they test the man." This means that, assuming that they are guilty, when the sotah drinks the bitter waters the adulterer will also begin to deteriorate. This indicates that it is possible for one person to take a drink and for another person to be harmed. Following the principle that goodness is dispensed in greater measure than punishment it is logical to conclude that one can direct salvation and good health to someone by wishing them לחיים and blessing them with salvation and good health.

Another explanation of this custom is mentioned in Tikunei Zohar². Tikunei Zohar notes that the custom amongst Jews is that when drinking wine one blesses his

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friend with the word לחיים and the friend responds with the words לחיים טובים ולשלום. The reason for the custom is that it is an attempt to rectify the sin of Adam who introduced death into this world by drinking wine. Therefore, when drinking wine that the Torah permits we wish one another לחיים to state that this consumption should be for life in contrast with the drinking of wine of Adam that was for death.

A related concept is cited in Likutei Maharich³. He quotes the Yitav Lev who writes that, generally, speech diminishes a person's spiritual strength (כח החיוני). The exception to this rule is that when a person speaks words of Torah his soul is restored (תורת ה' תמימה משיבת נפש). Since the Gemara Sanhedrin (38a) indicates that drinking wine stimulates a person to speak it emerges that when a person drinks wine his life is in the balance. One who is not steeped in Torah will speak about useless matters and diminish his spiritual strength but Torah scholars will be stimulated into a discussion of Torah which will restore their soul. Thus, the wine becomes a source of life—לחיים.■

1. ספר אלפא ביתא מובא במתיבתא בפניני הלכה לסוגיין
2. תיקוני זוהר תיקון כד דף סט
3. ליקוטי מהרי"ח ריש סדר ברכת הנהנין ■

STORIES Off the Daf

"If the husband is not free of sin..."

אין האיש מנוקה מעון אין המים בודקין את אשתו

Many years ago, in a small town, people lived quite harmoniously. The town had a Jewish baker, a Jewish dairyman, and so on. When the baker needed butter, which was often the case, he would go to the dairyman and purchase a kilogram block.

Once, when he purchased his usual measure of butter, he was struck that it seemed to be quite a bit lighter than a full kilo. The baker was very practiced at weighing amounts by feel since he needed to put the same amount of flour and water to produce equal breads of consistent quality every time he baked. The baker figured it was a fluke, however, and waited for his next purchase to see if the measure would be off again. On

the following occasion, he was sure that he was being cheated. By the third time, the baker couldn't control his anger and confronted the dairyman.

He accused, "I am paying you for a kilogram so why are you selling me much less? Maybe your scale is off."

"This stick of butter is a kilo!" replied the indignant dairy seller. "If you think it's less, then take me to a din Torah."

Since the baker had plans to travel that very day to a nearby city where he would have access to a very accurate scale, he took the butter along and weighed it. What he saw infuriated him. The butter weighed precisely 800 grams.

The baker didn't waste a moment. He hurried home and summoned the dairyman to a din Torah.

In front of the dayanim the baker intoned, "I weighed this butter on the accurate scale in the city. Although he claims it's a kilo, it's actually 800 grams."

To the surprise of all, the dairy seller still denied it. "I will rush to bring the counterweight for my scales and your honors can see for yourselves if I perpetrate an injustice..."

When he reentered the court he held a loaf of bread in his hand. "I purchase this bread from our friend here every day. As everyone here knows, he claims it's a kilogram loaf. If you place my butter against this bread on the scale you will see that the two are exactly even!"

The baker's face turned beet red with embarrassment. How could he present a claim against the dairyman, when his "kilo loaf" weighed precisely 800 grams?

On today's daf we find that the sotah waters would not punish even a guilty wife if her husband was also guilty. We can learn an important lesson from this. Let's make sure we are really innocent of the outrages of others before we accuse them of wrongdoing!■

