

17.01.05

6a (משנה ג') → 7a (אבל אמרו)

1. וְשָׁכַב אִישׁ אֶת־הַשְּׂכֵבֶת זָרַע וְנָעַלְמָם מֵעֵינֵי אִישָׁהּ וְנִקְטְרָהּ וְהִיא נֹטְמָאָה וְעַד אֵין בָּהּ וְהוּא לֹא נִתְפָּשָׂה: בַּמְדַּבֵּר פֶּרֶק הַ פְּסוּק יג
 2. וְאִם לֹא נֹטְמָאָה הָאִשָּׁה וְטַהֲרָה הוּא וְנִקְתָּה וְנִזְרְעָה זָרַע: בַּמְדַּבֵּר פֶּרֶק הַ פְּסוּק כח
 3. וְהִבִּיא הָאִישׁ אֶת אִשְׁתּוֹ אֶל הַכֹּהֵן וְהִבִּיא אֶת קַרְבָּנָה עִלְיָה עֲשִׂירֵת הָאִיפָה קָמַח שְׁעָרִים ... בַּמְדַּבֵּר פֶּרֶק הַ פְּסוּק טו
 4. מִיָּם גְּנוּבִים יִמְתְּקוּ וְלֶחֶם סִתְרִים יִנְעָם: מִשְׁלֵי פֶרֶק ט פְּסוּק יז

- I גו: משנה ג' (כהן תרומה if married to a כהן)
- if she admits that she is טמאה
 - if witnesses come to testify that she is טמאה
 - if she refuses to drink
 - if her husband refuses to participate in the ceremony (lit. "if her husband won't give her [the waters] to drink)
 - if her husband had relations with her on the way (to the מקדש)
- II Ruling of ר' ששת, supported by our משנה ג'
- Ruling: if she has witnesses anywhere in the world, the water is ineffective (as per v. 1)
 - Proof: case (b) in our משנה ג' – witnesses must have come after she drunk, and she was evidently unaffected
 - Explanation: she must have been unaffected because of the existing witness – else they'd be עדי שקר
 - Rejection (ר' יוסף): waters are effective, but she was spared due to זכות (cf. ג:ד: סוטה ג:ד)
 - Source of dispute: do רבנן accept רבי's caveat to the principle of זכות (even with זכות she gets sickly and dies)
 - Alignment: ר' יוסף accept it → she'd be sickly unless water was ineffective; ר' ששת – they reject it
 - Challenge ר"ש rejects notion of זכות as it slanders the innocent ones
 - Explanation: if witnesses anywhere make water ineffective, this also slanders the innocent ones
 - Defense: ר"ש would similarly reject ר' ששת's ruling for the same reason; אליבא דרבנן ר' ששת's ruling was טמאה
 - Challenge (ר' ששת) those women whose מנחות are burnt (on the דשן)... witnesses came to testify that she's טמאה
 - Explanation: witnesses came after מנחה was sanctified (else, it would go חולין)
 - Therefore: if the existence of those witnesses would have kept the water from working, the original הקדש would've been invalid; since it isn't, we see that the water would've worked in spite of the witnesses
 - Suggested circumstantial defenses: she had ביאה in the interim
 - Answer (ר' פפא) מנחה is burnt מדרבנן so people shouldn't think that it can go from כלי שרת to חולין
 - Challenge: תוספתא סוטה ב:ו – if her turned out to be עדים זוממין – the מנחה goes חולין
 - Defense: עדים זוממין are publicized and no one would think that the מנחה can go from כלי שרת to חולין → כלי שרת
 - Support: ברייתא (interpreting v. 2 – וטהורה), that she has no witnesses anywhere
 - Question: how will ר"ש defend his position – doesn't this raise the specter of הטהורות לעז על הטהורות?
 - Answer; since such a case is rare, no one will think that she's guilty but there were witnesses...
- III גז: משנה ג' process of bringing her to מקדש
- he brings her to local ב"ד, who appoint 2 ת"ח to escort him and prevent him from having ביאה with her on the way
 - Observation: the requirement of 2 supports רב who maintains that the rule that a woman may be alone with 2 men only holds in the city, but not on the road
 - Rejection: here, we require 2 in order to testify about what they may do
 - Observation: the requirement of 2 ת"ח supports another ruling of רב ייחוד with 2 is allowed only if they are scholars
 - Rejection: we require 2 ת"ח so that they can issue a proper התראה
 - dissent: ר' יהודה – her husband is trusted vis-à-vis having relations with her
 - Argument: ק"ו – if he's trusted with her as a נדה (כרת), ק"ו here, where there's merely אאו
 - Response: for that exact reason – that he may take איסור סוטה lightly, that we don't trust him (v. 4)
 - Challenge: ר' יהודה didn't utilize the ק"ו, as follows:
 - א man brings his wife to the מקדש (v. 3) – but חכמים decreed an escort
 - ר' יהודה based on the ק"ו (above, attributed to ר' יוסי)
 - v. 3 (doesn't accept the notion that חכמים decreed an escort nonetheless)
 - answer: ר' יהודה originally suggested the ק"ו; when rejected (as per v. 4), he used verse (& ר' יוסי adopted reasoning)