

## NOTES

The verse calls him another man – הַכְּתוּב קָרָא אֲחֵר – This inference is from the use of the term “another [aher],” which almost always carries a negative connotation. The verse could have described him as the second husband, mirroring the reference there to “the first husband” (Deuteronomy 24:4). By choosing to refer to him as “another,” the verse portrays the second marriage in a negative light (Maharsha on *Gittin* 90a).

And you say that she should also enter into levirate marriage – וְאֵת אֲמֵרֶת תְּתִיבִים נָמִי יְבוּמִי – The Meiri explains that although this logic dictates only that the *yavam* cannot be required to enter into levirate marriage with a suspected adulterous, this would not mean that he is prohibited from doing so. However, he is in fact prohibited from entering into levirate marriage with her, as allowing him to do so may result in a *yavam* in such a situation believing that he has a mitzva to do so. Others explain that once it is determined that there is no mitzva for him to enter into levirate marriage with her, it is by default prohibited, as one is not permitted to marry his brother’s former wife unless it is in performance of the mitzva of levirate marriage (Rashi; Rosh).

מִי קָא רְמִינָן לָהּ עֲלֵייהּ בְּעַל כְּרַחֲמֵיהּ?

וְאִיכָא דְאָמְרִי, אָמַר רַב יוֹסֵף: הַכְּתוּב קָרָא “אֲחֵר,” שְׂאִין בֶּן זִגּוּ שֶׁל רֵאשׁוֹן, שְׂוֵה הוֹצִיא רְשָׁעָה מִבֵּיתוֹ וְזֶה הַכְּנִיס רְשָׁעָה לְתוֹךְ בֵּיתוֹ, וְאֵת אֲמֵרֶת: תְּתִיבִים נָמִי יְבוּמִי?

אָמַר לִיה אֲבִי: אֵלָא מַעֲתָה, נִשְׂאָת לְאֲחֵר וּמֵת בְּלֹא בָנִים, לֹא תְתִיבִים, דְּהַכְּתוּב קָרָא “אֲחֵר”! גְּבִייהּ דְּהֵאֵי מִיְהָא בְּשֵׁם טוֹב הוּוּ קִיּוּמָא.

רַבָּא אָמַר: קַל וְחֹמֶר, אִם נֶאֱסָרָה בְּמוֹתָר לָהּ, בְּאֶסּוּר לָהּ לֹא כָּל שְׁבִין!

**Do we impose on him** an obligation to marry **her against his will?** Unlike levirate marriage, there is no obligation for another man to marry her. Therefore, the verse is not instructing him to do so.

**And there are those who say that Rav Yosef said differently: The verse calls** a man who marries a woman after she was divorced from her first husband due to suspicion of adultery “**another man**,”<sup>N</sup> as the verse states: “And she departs out of his house and goes and becomes another man’s wife” (Deuteronomy 24:2). This indicates that one who subsequently marries her is **not a peer of her first husband because this one, the first husband, removed an evil woman<sup>H</sup> from his house, and that one brought an evil woman into his house.** There is an implied criticism of the second husband in the verse; **and yet you say** that the verse instructs that **she should also enter into levirate marriage.**<sup>N</sup>

**Abaye said to him: If that is so, then if she married another man and he died without children, then she should not enter into levirate marriage** with the brother of her second husband even if she did not commit adultery during the second marriage, since **the verse calls** the second husband “**another man**,” which excluded the possibility of levirate marriage. Rav Yosef answered Abaye: **With regard to that one, i.e., this second husband, at least she remained with a good name.** Since she did not engage in illicit behavior during her second marriage, she can enter into levirate marriage with the brother of her second husband.

**Rava says** a different reason why a *sota* cannot enter into levirate marriage: This prohibition can be deduced through an *a fortiori* inference: **If, due to the suspicion of adultery, she becomes forbidden to the one who was previously permitted to her, i.e., her first husband, then with regard to one who was forbidden to her, i.e., the husband’s brother, is it not all the more so that she remains forbidden to him?**

## HALAKHA

This one removed an evil woman, etc. – שְׂוֵה הוֹצִיא רְשָׁעָה וְכוּ' – One should not marry a woman who was divorced on grounds of immorality. After her prior husband divorced her to remove

her wickedness from his home, it is improper for another man to bring her into his home (Rambam *Sefer Nashim*, *Hilkhot Geirusin* 10:22; *Shulhan Arukh*, *Even HaEzer* 119:5).

**A priest's wife who was raped – אִשְׁתְּ בִהֶן שְׁנֵאוּקָה:** The Torah places restrictions on the women a priest may marry. For example, a priest may not marry a woman who was divorced or a woman who has engaged in sexual intercourse with someone who is forbidden to her by Torah law (Leviticus 21:7). If the wife of an Israelite or Levite is raped, she is permitted to continue living with her husband, since the intercourse took place against her will. However, if the wife of a priest is raped, she has had sexual intercourse with someone who is forbidden to her, albeit against her will. For this reason, she is now forbidden to her husband and he is obligated to divorce her.

**Halal – הָלָל:** A *halal* is a male disqualified from priesthood. Usually, it refers to the child of a priest and a woman who was prohibited in marriage to a priest, e.g., a divorcee, a *zona*, or a woman disqualified from marrying a priest [*halala*]. Although the *halal* is born to a priestly father, he does not have the legal status of a priest but rather that of an Israelite.

HALAKHA

**A raped woman is completely permitted to an Israelite – אוֹנֵס בְּיִשְׂרָאֵל מִיִּשְׂרָאֵל שְׂרִי:** If the wife of a priest engages in sexual intercourse outside of her marriage, even if she was raped, she becomes forbidden to her husband. However, the wife of a Levite or Israelite who was raped remains permitted to her husband, although if she is later widowed it will be prohibited for her to marry a priest (Rambam *Sefer Nashim, Hilkhot Ishut* 4:18 and *Sefer Kedusha, Hilkhot Issurei Bia* 18:7–8; *Shulhan Arukh, Even HaEzer* 6:10–11).

**Prohibited from partaking of *teruma* – אִסּוּרוֹת מִלֵּאֲכֹל בְּתְרוּמָה:** The women listed in the mishna who do not drink the bitter water but are not entitled to receive payment of their marriage contracts are forever prohibited from partaking of *teruma*. Similarly, the wife of a priest who states: I was defiled, is forbidden to partake of *teruma* (Rambam *Sefer Zera'im, Hilkhot Teruma* 8:15).

NOTES

**ואלו – אִסּוּרוֹת מִלֵּאֲכֹל בְּתְרוּמָה וְכוּ:** Some explain the common factor unifying the various women listed here is that there is an issue other than their warning and seclusion that causes the prohibition against them partaking of *teruma* (*Devar Shaul*). Although there are differing opinions on the details, it seems that all these women are prohibited from partaking of *teruma* immediately and are no longer afforded the opportunity to prove their innocence by drinking the bitter water (see *Heshek Shlomo* and *Hiddushei HaGriz*).

The commentaries discuss what the novelty of this ruling is, being that the earlier mishna (2a) already stated that it becomes prohibited for a woman to partake of *teruma* from the moment she secludes herself with the man about whom she has been warned. Some explain that unlike a regular *sota*, who can prove her innocence through the testing of the bitter water, the women listed here cannot drink it and therefore have no recourse (*Mishne LaMelekh*). It seems that a woman will become prohibited from partaking of *teruma* even if she were to make such a claim after having drunk the bitter water and been proven faithful (*Heshek Shlomo*).

**Where witnesses came, etc. – שָׁבְאוּ עֵדִים וְכוּ:** Although the language of the mishna and Gemara seem to indicate that two witnesses testified to her infidelity, *Tosafot* conclude that testimony of even one witness would be sufficient, even if he were to testify after she already drank the bitter water.

Abaye said to him: If that is so, if this *a fortiori* reasoning is the basis of the prohibition against her entering into levirate marriage, then in the case of a **High Priest who betrothed a widow**, which he is prohibited from doing, **and he died before the marriage took place, and he has a brother who is a common priest**, who is permitted to marry a widow, **she should still not be permitted to enter into levirate marriage with him**, since the same inference can be stated: **If she becomes forbidden to the one who was permitted to her**, i.e., her husband the High Priest, who was prohibited from marrying a widow, then **with regard to one who was forbidden to her**, i.e., his brother, the common priest who wishes to enter into levirate marriage with her, is it **not all the more so** that she should be forbidden?

The Gemara refutes this inference. In the case of the High Priest, can one say: **She becomes forbidden? But she was forbidden to him and remains forbidden to him**. She did not become forbidden to her husband, the High Priest, due to the marriage. Furthermore, in the case of the High Priest, can one say: **Permitted to her? But the High Priest is forbidden to her** always. Therefore, the case of the High Priest does not serve as a refutation of the *a fortiori* inference.

Rather, the refutation is as follows: In the case of a **priest's wife who was raped**,<sup>b</sup> who becomes forbidden to her husband, **and then her husband dies; and he has a brother who is a priest disqualified due to flawed lineage [*halal*]**,<sup>b</sup> who is not bound by the restrictions on marriage given to a priest, then **she should not be permitted to enter into levirate marriage with him. If she becomes forbidden to the one who was permitted to her**, i.e., her husband the priest, then **with regard to one who was forbidden to her**, i.e., her brother-in-law, is it **not all the more so** that she remains forbidden to him?

The Gemara answers: Nevertheless, this *a fortiori* inference is not applicable here because a **raped woman is completely permitted to an Israelite**.<sup>h</sup> Therefore, a married woman raped by another man may remain with her Israelite husband. **And with regard to this person**, i.e., the brother of the deceased, who is a *halal*, **in any event there is no prohibition**. The fact that the woman was forbidden to her *halal* brother-in-law while she was married to her husband is immaterial. This is because, had she been raped while she was married to the *halal*, it would not render her forbidden to him, as he has the status of an Israelite with regard to marriage. Consequently, this case cannot be compared to the case of the mishna, as a woman who commits adultery is forbidden to any husband, not only a priest.

**MISHNA** **And these are women who, despite being married to priests, are prohibited from partaking of *teruma***<sup>h</sup> due to suspicion of adultery: A woman who says to her husband: **I am defiled to you**, i.e., she admitted to having committed adultery with another man; **and in a case where witnesses came**<sup>n</sup> forth and testified that she is defiled; **and a woman who says after a warning and seclusion: I will not drink the bitter water of a *sota*; and in a case where her husband does not want to force her to drink the water even after she secluded herself with another man after his warning; and in a case where her husband engaged in sexual intercourse with her on the way**<sup>n</sup> to bringing her to the Temple to drink the bitter water, as in such a case the water will not be effective in evaluating whether she was unfaithful, due to the husband's own prohibited act.

NOTES

Where her husband engaged in sexual intercourse with her on the way – שָׁבְעָלָה בָּא עֲלֶיהָ בְּדֶרֶךְ – Although the mishna specifically mentions a case where the husband and wife engaged in sexual intercourse while on the way to the

Temple, that is merely one possible scenario, and the *halakha* would be the same in any instance where they engaged in sexual intercourse after the warning and seclusion (Meiri).

אָמַר לִיה אָבִי: אֵלָא מֵעַתָּה, בִּהֶן גְּדוּל שְׂקִידֵיךְ אֶת הָאֵלְמָנָה וּמַת, וַיֵּשׁ לוֹ אֶחָ בִּהֶן הַדְּיוּט – לֹא תִתְיַבֵּם, אִם נֶאֱסָרָה בְּמוֹתֵר לָהּ, בְּאִסּוּר לָהּ לֹא כָּל שָׁבוּן!

נֶאֱסָרָה? הֲאֵ אִסְרָא וְקִימָא! מוֹתֵר לָהּ? אִסּוּר לָהּ הוּא!

אֵלָא, אִשְׁתְּ בִהֶן שְׁנֵאוּקָה וּמַת, וַיֵּשׁ לוֹ אֶחָ חָלָל, לֹא תִתְיַבֵּם, אִם נֶאֱסָרָה בְּמוֹתֵר לָהּ, בְּאִסּוּר לָהּ לֹא כָּל שָׁבוּן!

אוֹנֵס בְּיִשְׂרָאֵל מִיִּשְׂרָאֵל שְׂרִי, וְגַבִּי דְהֵאֵי מִיְהָא לִיכָא אִיסּוּרָא.

**מתני' – ואלו אִסּוּרוֹת מִלֵּאֲכֹל בְּתְרוּמָה:** האומרת טמאה אני לך, ושָׁבְאוּ עֵדִים שְׂהִיא טמאה, והאומרת איני שוֹתָה, ושָׁבְעָלָה אינו רוצה להִשְׁקוּתָה, ושָׁבְעָלָה בָּא עֲלֶיהָ בְּדֶרֶךְ.

There are witnesses concerning her in a country overseas – שׁוֹשְׁבֵי אֶרֶץ זָרָה בְּמַדְיַת הָיִם: If two witnesses testify with regard to the infidelity of a *sota* who exhibited none of the effects of guilt from drinking the bitter water, she becomes forbidden to her husband and is divorced without receiving payment of her marriage contract, as the water tests only a woman for whom there are no witnesses at all to her infidelity. If, after drinking the bitter water, one witness testifies with regard to her infidelity, she is not required to leave her husband (Rambam *Sefer Nashim, Hilkhot Sota* 3:23, and see *Mishne LaMelekh* there).

NOTES

As the verse states: And she was defiled secretly – דָּאֲמַר קְרָא וְנִסְתְּרָה: Rashi explains that Rav Sheshet's inference from the verse is based on the words: "And there was no witness against her," which indicates that the *sota* rite is performed only when there are no witnesses to her infidelity. The Rosh questions this explanation for two reasons: First, as Rashi himself notes, these words are already the source of other *halakhot* and cannot be used to teach this *halakha* as well. Second, there are alternate versions of the text that do not quote that part of the verse, but only "and she was defiled secretly." Therefore, the Rosh explains that Rav Sheshet derives his *halakha* from the word "secretly," which he interprets to mean that the *halakhot* of a *sota* apply to a woman who was secluded entirely, meaning that no witnesses saw her.

That they are false witnesses – דִּסְהַדֵי שְׂקָרֵי נִנְהוּ: *Tosefot HaRash* presents the question: Isn't there another possibility, that the witnesses are testifying truthfully, but the bitter water did not examine the woman due to her engaging in sexual intercourse with her husband prior to drinking? He cites Rabbeinu Tam, who explains that according to the opinion of the Rabbis quoted in the *mishna* (7a), two Torah scholars accompany the husband and wife, and therefore there is no reason to suspect that the husband and wife engaged in sexual intercourse. He adds that even according to the opinion of Rabbi Yehuda cited there, that the couple does not require an escort, it is unreasonable to assume that if the husband engaged in sexual intercourse with his wife while on the journey he would still insist that she drink the bitter water. Therefore, the court assumes that the testing of the water was foolproof, and therefore the witnesses must be false.

There is room, however, to ask a more fundamental question: The testimony of two witnesses is deemed credible even with regard to capital crimes, so how can the fact that she did not die as a result of drinking the bitter water call the credibility of their testimony into question? One answer cited is that testimony concerning sexual intercourse is deemed credible even when witnesses testify only that the man and woman were acting in the manner of those engaging in sexual intercourse, even if they cannot testify that the act was completed. Therefore, if the bitter water seems to verify the woman's innocence, the court will assume that although the witnesses are not testifying falsely, there was in fact no actual sexual intercourse (*Torat HaKenot*).

גַּמְרָא אָמַר רַב עֲמְרָם: הָא מִלְתָּא אָמַר לָן רַב שֵׁשֶׁת, וְאַנְהוּ לָן עֵינֵינוּ מִמַּתְנִיתֵינוּ: סוּטָה שְׂיֵשׁ לָהּ עֵדִים בְּמַדְיַת הָיִם – אִין הַמַּיִם בּוֹדְקִין אוֹתָהּ. מַאי טַעְמָא? דְּאֲמַר קְרָא: "וְנִסְתְּרָה וְהִיא נִטְמָאָה וְעַד אִין בְּה", דְּלִיכָא דִּידַע בְּה, לְאַפּוֹקֵי הָא. דְּהָא אִיכָא דִּידַע בְּה.

וְאַנְהוּ לָן עֵינֵינוּ מִמַּתְנִיתֵינוּ, דְּקָתְנִי: וְשָׂבְאוּ לָהּ עֵדִים שְׁהִיא טְמֵאָה. דְּאָתוּ עֵדִים אִימַת? אִי נִמָּא מַקְמֵי דְתִשְׁתִּי, זֹנָה הִיא!

אֶלָּא לְבַתֵּר דְּשִׁתְּאֵי. אִי אָמַרְתָּ בְּשִׁלְמָא אִין הַמַּיִם בּוֹדְקִין אוֹתָהּ – שְׂפִיר, אֶלָּא אִי אָמַרְתָּ מִיָּם בּוֹדְקִין אוֹתָהּ, תַּעֲגִילִי מִלְתָּא לְמַפְרַע דְּסַהַדֵי שְׂקָרֵי נִנְהוּ!

אָמַר לִיה רַב יוֹסֵף, לְעוֹלָם אִימָא לָךְ: מִיָּם בּוֹדְקִין אוֹתָהּ, וְהָא אִימור וְכוּת תּוֹלָה לָהּ.

בְּמַאי קְמִיפְלִגִי? בְּמַתְנוּנָה דְרַבִּי, דְתַנֵּן, רַבִּי אוֹמַר: זְכוּת תּוֹלָה בְּמִיָּם הַמְרִים, וְאִינָה יוֹלְדַת וְאִינָה מְשַׁבַּחַת אֶלָּא מַתְנוּנָה וְהוֹלְכַת, לְסוֹף שְׁהִיא מֵתָה בְּאוֹתָהּ מִיָּתָה.

**GEMARA** Rav Amram says: Rav Sheshet told us this matter, and he enlightened our eyes for us by citing support for his statement from the *mishna*: In the case of a *sota* for whom there are witnesses concerning her in a country overseas,<sup>h</sup> who can testify that she engaged in sexual intercourse, the bitter water of a *sota* does not evaluate whether or not she was unfaithful. Although she committed adultery, the water evaluates her fidelity only when there is no possibility of proving her guilt in court. What is the reason for this? It is as the verse states: "And a man lie with her carnally, and it was hidden from the eyes of her husband, and she was defiled secretly,<sup>n</sup> and there was no witness against her" (Numbers 5:13). This indicates that the bitter water is given only when there is no one who knows about her action, to the exclusion of the case of this woman who is not given the bitter water, as there are those who know about her.

And Rav Sheshet enlightened our eyes for us by adducing support for his ruling from the *mishna*, as it teaches: And where witnesses came forth and testified that she is defiled, this is one of the women who can no longer partake of *teruma*: Rav Sheshet asks: This is a case where the witnesses came when? If we say that they came before she drank, then what is novel about the fact that it is prohibited for her to partake of *teruma*? She is a woman who had sexual relations with a man forbidden to her by the Torah [*zona*], as she is a confirmed adulteress, and it is obviously prohibited for her to partake of *teruma*.

Rav Sheshet answers: Rather, it must be referring to a case where the witnesses testified after she already drank. Granted, if you say that the bitter water of a *sota* does not evaluate her in a case where there are witnesses elsewhere who can testify with regard to her infidelity, it is well. But if you say that the water evaluates her in a case where there are witnesses elsewhere who can testify with regard to her infidelity, then it should be revealed retroactively that they are false witnesses,<sup>n</sup> as the fact that she survived the drinking of the bitter water would indicate that she never committed adultery.

Rav Yosef said to Rav Sheshet: Actually, I will say to you that the bitter water evaluates her in a case where there are witnesses elsewhere who can testify with regard to her infidelity. Nevertheless, the fact that the woman survived the drinking of the water does not prove her innocence, and one can say that this woman who already drank had merit that delayed the punishment for her. According to some opinions, if an unfaithful woman has certain merits, she will not die immediately upon drinking the water. Therefore, if witnesses were to testify to her infidelity after she drank the water without dying, it is not clear that their testimony is false.

The Gemara explains: With regard to what principle do Rav Sheshet and Rav Yosef disagree? With regard to whether she deteriorates [*mitnavvena*],<sup>l</sup> as explained by Rabbi Yehuda HaNasi, as we learned in a *mishna* (22a): Rabbi Yehuda HaNasi says: Merit delays punishment with regard to the bitter water of a *sota*. Even if a woman actually committed adultery, she will not die immediately due to the merit that she has. But she will not give birth, and she will not improve in terms of her physical condition after having drunk the bitter water. Rather, she will progressively deteriorate until she ultimately dies in the same manner of death as suffered by a *sota* who drank the bitter water without having merit.

LANGUAGE

Deteriorates [*mitnavvena*] – מַתְנוּנָה: This word indicates or weakness. In the words of the Rambam: Sickness comes a continuous decrease in bodily strength through sickness upon her until she rots.

Meal-offering of a *sota* – מִנְחַת סוֹטָה: This is the meal-offering brought by a suspected adulteress that is mentioned in the *sota* passage in the Torah. A *sota* is brought by her husband to the Temple to undergo the rite necessary to evaluate her faithfulness to him. There she is required to bring a meal-offering of barley flour, unlike most meal-offerings, which are brought from wheat flour. No oil or incense is added to the offering. A handful of flour is removed from this offering, and the remainder of it is eaten by the priests (see Numbers, chapter 5).

**Rav Sheshet holds:** Both according to the opinion of Rabbi Yehuda HaNasi and according to the opinion of the Rabbis, who disagree with him, **she begins to deteriorate** despite her merit. Therefore, if she doesn't begin to deteriorate immediately, the witnesses who testified subsequent to her drinking must be false witnesses. **And Rav Yosef holds:** Only according to the opinion of Rabbi Yehuda HaNasi is it so that **she begins to deteriorate** when she has merit. **According to the opinion of the Rabbis, she does not begin to deteriorate.** Therefore, Rav Yosef explains that the mere fact that she survived the drinking of the bitter water and didn't begin deteriorating does not prove that the testimony was false.

**Rav Shimi bar Ashi raises an objection** from the aforementioned mishna (22a), which also teaches that **Rabbi Shimon says: Merit does not delay punishment with regard to the bitter water of a *sota*, and if you say that merit delays punishment with regard to the bitter water, then you push aside the deterrent force of the bitter water before all the women who must drink it, as guilty women will rely on their merit to protect them from the immediate consequences.** **And furthermore, you defame the untainted women who drank and survived.** People will not view this as proof of their innocence, **and they will say: They are defiled, but their merit delayed the punishment for them.**

After quoting the statement of Rabbi Shimon, Rav Shimi bar Ashi now explains his objection: **And if it is so** that the bitter water of a *sota* does not evaluate the faithfulness of a women **about whom there are witnesses in a country overseas**, then the same claim can be made as well: **You defame the untainted women who drank and survived.** People will not view this as proof of their innocence, **and they will say: They are defiled, but there are witnesses about them in a country overseas.**

The Gemara responds: **Do you say this according to the opinion of Rabbi Shimon?** Indeed, according to Rabbi Shimon, from the same logic that **merit does not delay punishment, witnesses in a country overseas do not delay it either**, and Rav Sheshet would concede that his statement would not be accepted by Rabbi Shimon.

**Rav raises an objection** from the latter clause of the mishna there (22a), which teaches: **And these are the *sota* women whose meal-offerings are burned** and not offered on the altar:<sup>B</sup>

#### HALAKHA

**One who says, I am defiled** – הָאֹמֶרֶת טְמֵאָה אֲנִי: If, after the meal-offering has been sanctified in a service vessel but before the handful was taken, a woman says: I am defiled to you, or if at that point witnesses testify that the woman had been defiled, the meal-offering is burned in its entirety. This is in accordance with the opinion of Rav Pappa (Rambam *Sefer Nashim, Hilkhot Sota* 4:14).

**One who says: I am defiled,<sup>H</sup> and witnesses came forth and testified with regard to her that she is defiled.**

Rav clarifies: In the case **where witnesses came forth, when did they come forth? If we say that they came forth before the meal-offering was sanctified**, as all meal-offerings become sanctified only when placed in the service vessels used in the Temple service, then the testimony should obviate the need for the *sota* rite, and the meal-offering **should be transferred to non-sacred status**, as any meal-offering that was found to be consecrated in error before it was sanctified in a service vessel reverts to non-sacred status. Therefore, Rav infers that the witnesses could not have testified before the offering's sanctification, or the meal-offering would not be burned.

רַב שֵׁשֶׁת סָבַר: בֵּין לְרַבֵּי וּבֵין לְרַבְּנַן הָוּיָא מִתְנוּנָה, וְרַב יוֹסֵף סָבַר: לְרַבֵּי הָוּיָא מִתְנוּנָה, לְרַבְּנַן לֹא הָוּיָא מִתְנוּנָה.

מְתִיב רַב שִׁמִּי בַר אֲשִׁי, רַבִּי שְׁמַעוֹן אָמַר: אֵינן זְכוּת תּוֹלָה בְּמֵי הַמַּרְיִם, וְאִם אַתָּה אוֹמֵר: זְכוּת תּוֹלָה בְּמֵי הַמַּרְיִם, מְדַחָה אֶתְּהָ אֶת הַמַּיִם בְּפָנֶי כָּל הַנְּשִׂיִם הַשּׁוֹתוֹת, וְאַתָּה מוֹצִיא שָׁם רַע עַל הַטְּהוֹרוֹת שְׁשָׁתוּ, וְהֵן אוֹמְרִים: טְמֵאוֹת הֵינּוּ, אֲלֵא שְׁתֵּלָה לְהֵן זְכוּת.

וְאִם אֵינְךָ, יֵשׁ לָהּ עֵדִים בְּמַדְיַת הַיָּם נְמִי, אַתָּה מוֹצִיא שָׁם רַע עַל הַטְּהוֹרוֹת שְׁשָׁתוּ, וְהֵן אוֹמְרִים: טְמֵאוֹת הֵינּוּ, אֲלֵא שְׁיֵשׁ לְהֵן עֵדִים בְּמַדְיַת הַיָּם!

לְרַבֵּי שְׁמַעוֹן קְאָמְרִת? לְרַבֵּי שְׁמַעוֹן, מִדְּזְכוּת לֹא תִלְיָא, עֵדִים נְמִי לֹא תִלּוּ.

מְתִיב רַב – וְאֵלוּ שְׁמִנְחוֹתֵיהֶן נִשְׂרָפוֹת:

Perek I

Daf 6 Amud b

הָאֹמֶרֶת טְמֵאָה אֲנִי, וְשָׂאוּ לָהּ עֵדִים שְׁהִיא טְמֵאָה.

דָּאֲתוּ עֵדִים אֵימַת? אֵילִימָא מִקַּמֵּי דְתַקְדּוּשׁ, תִּפּוּק לְחוּלִין!

**Her meal-offering is burned – מנחתה נשרפת:** Generally, a handful is removed from the meal-offering mixture and sacrificed on the altar, with the remainder consumed by the priests. In the cases specified here, her meal-offering is burned in its entirety in the place where the ashes from the altar were put, without the handful being removed by the priest. *Tosafot* discuss whether there would be an option of asking a halakhic authority to retroactively dissolve the consecration, as it was done in error (see *Hiddushei HaGriz*).

**Hold her in a cell – בכיפה תלי לה:** According to the *Arukh*, the text states: Do they hold the woman by her shoulders at all times so that she cannot escape from their custody?

**He died, etc. – מת הוא וכו':** Rashi explains that the death of the husband obviates the need for the evaluation, as the bitter water will no longer serve the function of permitting the wife to her husband. The Rashash questions this interpretation and maintains that the drinking of the water would still serve an additional function, as it can permit her to partake of *teruma* and will enable her to marry her putative paramour. Therefore, the Rashash explains as Rashi himself does (24a), that once the husband dies the woman may no longer drink, as the verse states: "Then shall the man bring his wife" (Numbers 5:15), requiring that the husband bring her for the evaluation to take place.

The *Minha Hareva*, however, explains that in the case where a husband dies after already having initiated the *sota* process, there is no proof from the verse quoted in the previous paragraph that she does not drink. Therefore, Rashi explains that this evaluation, which includes erasing the name of God, is primarily for the purpose of bringing peace between a man and his wife. If this result is not obtainable, e.g., the husband has died, the evaluation is not performed merely to determine the *halakha* with regard to secondary matters.

LANGUAGE

**Young priests [pirhei kehunna] – פריהי כהונה:** The word *pirhei* refers to something young and small that is still in the process of maturation and blooming, as in *perah*, a flower. For the same reason, a chick is referred to as a *pirhata* in Aramaic. Accordingly, *pirhei kehunna* means young priests.

HALAKHA

**The handful was sanctified, etc. – קדש הקומץ:** **וכו':** If the meal-offering of a *sota* becomes ritually impure before it is sanctified in a service vessel, it can be redeemed and transferred to non-sacred status. If it became impure after being sanctified in a service vessel, it must be burned in its entirety. If any of the following occurs after the handful is sacrificed, the remainder of the meal-offering is not eaten by the priests: If she says: I am defiled; or if she says: I will not drink; or if her husband does not want her to drink; or if witnesses arrive and testify that she was defiled; or if the husband or wife dies. Alternate versions of the text of the Rambam state that the remainder is eaten (Rambam *Sefer Nashim, Hilkhot Sota* 4:14).

אָלָא לְבַתְּרָ דְקְדוּשָׁא. אִי אָמַרְתָּ בְשִׁלְמָא מִיָּמִים בּוּדְקִין אוֹתָהּ, אֵלְמָא בֵּת מְקַדְּשׁ וּמִקְרַב הָיָא, וְכִי קְדוּשׁ מַעֲיָקְרָא שְׁפִיר קְדוּשׁ, וּמִשּׁוּם הָכִי מִנְחָתָה נִשְׂרָפֶת.

אֵלָא אִי אָמַרְתָּ אִין הַמֵּיִם בּוּדְקִין אוֹתָהּ, תִּיגְלִי מִיִּלְתָּא לְמַפְרַע דְכִי קְדוּשׁ מַעֲיָקְרָא בְטָעוּת קְדוּשׁ, וְתִיפּוּק לְחֻלְיִין!

אָמַר רַב יְהוּדָה מְדִיסקְרְתָא: כְּגוֹן שְׂוִינְתָה בְעֵזְרָה, דְכִי קְדוּשׁ מַעֲיָקְרָא שְׁפִיר קְדוּשׁ.

מִתְקִיף לָהּ רַב מִשְׂרָשְׂיָא: וְהֲלֹא פִירְחֵי כְהוֹנָה מְלוּיִן אוֹתָהּ! שְׂוִינְתָה מִפִּירְחֵי כְהוֹנָה עֲצָמָן.

רַב אֲשִׁי אָמַר: כְּגוֹן שְׂנַצְרְכָה לְנִקְבֵיהָ, דְאִטּוּ פִירְחֵי כְהוֹנָה בְכִיפָה תְלִי לָהּ?

רַב פַּפָּא אָמַר: לְעוֹלָם כְּדָאֲמַרְיִן מַעֲיָקְרָא. וְדִקְאֲמַרְתָּ: תִיפּוּק לְחֻלְיִין מְדַרְבְּנָן, גּוֹיָרָה שְׂמָא יֵאמְרוּ: מוֹצִיאִין מִכְּלֵי שְׂרַת לְחוּל.

מִתִּיב רַב מַרִּי: נִטְמָאֵת מִנְחָתָה, עַד שְׂלֵא קְדוּשָׁה בְכָלִי – הָרִי הִיא כְּכֹל הַמִּנְחוֹת וְתִפְדָּה. מִשְׁקֵד שָׂה בְכָלִי – הָרִי הִיא כְּכֹל הַמִּנְחוֹת וְתִשְׂרָף;

קְדֻשׁ הַקּוֹמֵץ וְלֹא הִסְפִּיק לְהַקְרִיבוּ עַד שְׁמַת הוּא אוֹ עַד שְׁמַתָּה הִיא – הָרִי הִיא כְּכֹל הַמִּנְחוֹת וְתִשְׂרָף.

Rav states his objection: **Rather**, the witnesses must have come forth after the meal-offering was sanctified. **Granted, if you say the bitter water of a *sota* evaluates whether she was unfaithful in a case where there are witnesses to her infidelity, even if they have not testified, evidently the meal-offering is suitable to be sanctified and sacrificed; and when it was sanctified at the outset, although there were witnesses who could have testified, it was properly sanctified, and due to that reason her meal-offering is burned,**<sup>N</sup> because once an offering has been properly sanctified it cannot be transferred to non-sacred status.

**But if you say that the bitter water does not evaluate whether she was unfaithful so long as there are witnesses to her infidelity, then once the witnesses come forth, the matter should be revealed retroactively that when the meal-offering was sanctified at the outset, it was sanctified in error. And the meal-offering should therefore be transferred to non-sacred status, not burned.**

Rav Yehuda from Diskarta said, in response, that the mishna concerning meal-offerings is referring to a case where the woman committed adultery in the Temple courtyard after the meal-offering had been sanctified in a service vessel, as at the outset, when the meal-offering was sanctified due to the previous seclusion, it was properly sanctified, as the witnesses were to the infidelity that occurred in the Temple courtyard, not to infidelity during the seclusion.

Rav Mesharshiyya objects to this explanation: **But how can she commit adultery in the Temple courtyard? Don't young priests [*pirhei kehunna*]<sup>1</sup> accompany her to the place where she drinks?** The Gemara answers: This is a case where she committed adultery with the young priests themselves.

Rav Ashi said differently: It is a case where she needed to relieve herself and the accompanying young priest allowed her to go relieve herself in private, and she committed adultery there, for is that to say that the young priests hold her in a cell?<sup>N</sup> Since there are times when she is out of their sight, there remains a possibility that she will commit adultery with others even when accompanied by the young priests.

Rav Pappa said differently: **Actually**, the explanation is as we initially said, that the witnesses testify that she had been defiled during the initial seclusion for which she must drink, and not for adultery committed in the Temple courtyard. **And that which you say**, that if the bitter water does not evaluate a woman about whom there are witnesses concerning her infidelity, and therefore the offering was sanctified in error and it should be transferred to non-sacred status, you are correct that by Torah law it is non-sacred. However, it is considered sacred by rabbinic law, due to a rabbinic decree, lest people who do not know that the sanctification was done in error will mistakenly say: **One can transfer a meal-offering to non-sacred status without it being redeemed even after it had been sanctified in a service vessel.**

Rav Mari raises an objection to Rav Pappa's interpretation from a *baraita* in the *Tosefta* (2:4–6) that states: **If the meal-offering of a *sota* became ritually impure**, its status is determined by when it became impure. **If it became impure before it was sanctified** by being placed in a service vessel, **it is like all other meal-offerings** that became impure prior to sanctification, **and it should be redeemed** by a replacement offering brought in its stead. **If it became impure after it had been sanctified** by being placed in a service vessel, **it is like all other meal-offerings** that became impure after sanctification **and must be burned.**

The *baraita* continues: If, after the meal-offering was sanctified by being placed in a service vessel, the priest removed a handful from it to be sacrificed on the altar, and the handful was sanctified<sup>H</sup> by being placed in its own service vessel, **but the priest did not manage to sacrifice it before he, the husband, died,<sup>N</sup> or before she, the wife, died**, rendering the offering irrelevant, then it is like all other meal-offerings that are invalidated between the removal of the handful and its being sacrificed, **and it must be burned.**

Witnesses who testified about her are found to be conspiring – נִמְצְאוּ עֵדֵיהָ זוֹמְמִים: The meal-offering of the *sota* is transferred to non-sacred status if the witnesses who testify about her are found to be conspiring witnesses (Rambam *Sefer Nashim, Hilkhot Sota* 4:15).

## BACKGROUND

**עֵדִים זוֹמְמִין** – *Conspiring witnesses [edim zomemin]*: This term refers specifically to witnesses who are proven to have perjured themselves through the arrival of a second pair of witnesses. The second pair testifies to the first pair's inability to have testified in the case, based on not having been present at the time of the event in question. In general, there are several ways by which the testimony of a second set of witnesses can invalidate the testimony of a previous pair of witnesses.

First, the second pair contradicts the testimony of the first pair by testifying that the matter did not occur as described by the first pair. In this situation, the testimony of neither pair is accepted, and the matter remains unresolved.

Second, the second pair testifies that the first set of witnesses are not capable of testifying on the matter, either because they are disqualified from bearing witness or because they are relatives of the party about whom they testified. Neither of these first two cases are included in the term: Conspiring witnesses.

Third, the second pair testifies that the first pair, whose testimony resulted in an assessment of liability, was actually elsewhere with the second pair of witnesses when the alleged incident transpired, and they therefore they could not have witnessed the events about which they testified. In such a case, the first pair is determined to be conspiring witnesses. In such a case, the testimony of the second pair is accepted, and the testimony of the first pair is rejected. Furthermore, the first pair is punished with the penalty they sought to inflict through their testimony (see Deuteronomy 19:16–19). Consequently, if their testimony would have resulted in court-imposed capital punishment, they are both put to death. If their testimony would have resulted in a monetary judgment, these witnesses are themselves required to compensate their victim the sum they sought to have him pay.

The specifics of these *halakhot* are analyzed in great detail in tractate *Makkot*.

## NOTES

**קָלְיָא אֵית לְהוּ** – *Generate publicity*: Since the determination that witnesses are conspiring occurs in court and requires the testimony of other witnesses, the matter would become known, especially when the conspiring witnesses are punished by being flogged. By contrast, when the offering was consecrated in error, the matter will not generate publicity, and there is concern that people will understand that items that have already been sanctified in service vessels can be transferred to non-sanctified status.

## LANGUAGE

**מוֹזְרוֹת** – *Weavers [mozerot]*: This word is similar to the word for people who twist or splice. It refers to women who sat and wove ropes of flax by the moonlight while discussing local news and gossip. The text in the Jerusalem Talmud refers to both *motezrot*, women who comb wool, and *mozerot*, women who weave flax.

The *baraita* continues: If the handful was sacrificed but the priest did not manage to eat the remainder of the meal-offering before the husband died, or before the wife died, it is like all other meal-offerings that become invalidated after the handful has been sacrificed, and it must be eaten by the priests. The *baraita* explains why, despite the death of the husband or wife, which renders this meal-offering irrelevant as the woman will not drink the bitter water, the meal-offering still is eaten: **Because this meal-offering initially came due to an uncertainty** as to whether the woman had been unfaithful, and **it atoned for its uncertainty and left**, i.e., it fulfilled its purpose of being sacrificed at the time when the husband and wife were still alive, it remains valid afterward as well.

The *baraita* continues: **If witnesses came forth before the handful was offered and testified with regard to her that she is defiled, her meal-offering is burned.** If the witnesses who testified about her infidelity are later found to be conspiring,<sup>1b</sup> **her meal-offering is transferred to non-sacred status.** This final clause teaches that if the witnesses to the wife's infidelity are found to be conspiring witnesses, then the meal-offering is transferred to non-sacred status even after it was already sanctified in a service vessel. This is difficult for Rav Pappa, for he said that in a similar case, where witnesses testified about her infidelity after the offering was sanctified, the Sages decreed that the offering should be burned, in order to prevent people from saying that a meal-offering that has been sanctified in a service vessel may be transferred afterward to non-sacred status.

The Gemara refutes this objection: **Do you say that one can question Rav Pappa's statement from a ruling concerning conspiring witnesses?** The cases are not comparable, as **conspiring witnesses generate publicity.**<sup>1a</sup> Since the circumstances of these cases are well publicized, everyone knows that the offering was sanctified in error.

After attempting to question Rav Sheshet's novel ruling, that in the case of a *sota* with regard to whom there are witnesses in a country overseas who can testify that she engaged in sexual intercourse, the bitter water does not evaluate whether she was unfaithful, the Gemara attempts to adduce support for his ruling: **It is taught in a *baraita* in accordance with the opinion of Rav Sheshet, but not due to his reasoning**, rather based upon the explication of a verse.

The *baraita* expounds several words in the verse concerning a *sota* who survives the drinking of the bitter water and is found to have been faithful: “And if the woman be not defiled, but be clean [*utehora hee*], then she shall be cleared and shall conceive seed” (Numbers 5:28). Noting that the phrase “but be clean,” is apparently redundant, the *baraita* explains: The usage of the word “**clean** [*tehora*]” in the verse indicates that only one who survived the drinking of the bitter water due to her fidelity will conceive a child, **but this will not happen in a case where she did not die because there are witnesses for her in a country overseas who can testify that she engaged in sexual intercourse.**

Additionally, from the additional letter *vav* in the word “*utehora*,” meaning “but be clean,” another case is excluded. Only one who survived the drinking of the bitter water due to her fidelity will conceive a child, **but this will not happen in a case where merit delays punishment for her**, and she consequently doesn't die immediately after drinking the bitter water.

The *baraita* continues: The next word in the verse, “**she** [*hee*],” excludes a third case: **But not where she**, i.e., her infidelity, **is discussed by weavers** [*mozerot*]<sup>1</sup> **in the moonlight.** Women would sit in groups while spinning thread in the moonlight and gossip about the goings-on in the city. If they discuss her having committed adultery, then it is considered public knowledge, and the bitter water would not evaluate her in that case, as evaluation is not needed.

קָרַב הַקּוֹמֵץ וְלֹא הִסְפִּיק לְאָכֹל שִׁירִים  
עַד שְׁמַת הוּא אוֹ עַד שְׁמַתָּהּ הִיא – הָרִי  
הִיא כְּכֹל הַמִּנְחוֹת וְתֹאכְלָהּ, שְׁעַל הַסֶּפֶק  
בְּאֵת מִתְחִילָהּ, בִּיפְרָה סְפִיקָהּ וְהִלְכָה  
לָהּ.

כָּאוּ לָהּ עֵדִים שֶׁהִיא טְמֵאָה – מִנְחָתָהּ  
נִשְׂרָפָתָה. נִמְצְאוּ עֵדֵיהָ זוֹמְמִין – מִנְחָתָהּ  
חֹלְקִין.

עֵדִים זוֹמְמִין קָאֲמַרְתָּ? עֵדִים זוֹמְמִין קָלְיָא  
אֵית לְהוּ.

תִּנְיָא בְּוִיתֵיהּ דְּרַב שֶׁשֶׁת, וְלֹא מִטְעֵמֵיהּ.

”טְהוֹרָה” – וְלֹא שָׁיֵשׁ לָהּ עֵדִים בְּמַדִּינַת  
הָיִם.

”וְטְהוֹרָה” – וְלֹא שְׂתַלְתָּהּ לָהּ זְכוּת.

”הִיא” – וְלֹא שְׁנִישְׂאוּ וְיִתְּנוּ בָּהּ מוֹזְרוֹת  
בְּלַבְנָה.

## NOTES

He does not interpret the letter *vav* – וי"ו לא דריש: *Tosafot* on *Sanhedrin* 14a explain that Rabbi Shimon generally does expound the letter *vav*, but he derives a different *halakha* from the letter *vav* in this case.

וְרַבִּי שִׁמְעוֹן, נִהְיָ דְוִי"ו לָא דְרִישׁ, וְהָא  
אִיכָא

After citing this *baraita* as proof for the ruling of Rav Sheshet, albeit from a different source, the Gemara questions how Rabbi Shimon could deny the ability of the woman's merit to delay the *sota* punishment due to fear that it will discredit the whole *sota* rite, being that there is another case that prevents the bitter water from evaluating a woman, i.e., where witnesses in a country overseas are able to testify. **And Rabbi Shimon, granted that he does not interpret the letter *vav*,<sup>N</sup> as he holds that its addition is not significant, and therefore he holds that her merit does not delay her punishment, but there is**