

## HALAKHA

If one wrote the scroll on two unattached pages – **כְּתָבָה עַל שְׁנֵי דַפֵּינ**: If the scroll of a *sota* is written on two pages, it is unfit (Rambam *Sefer Nashim, Hilkhot Sota* 4:8).

If one wrote one letter, etc. – **כָּתַב אוֹת אֶחָת וְכוּ'**: If the priest wrote one letter and erased it, and then wrote another letter and erased it, the scroll is unfit (Rambam *Sefer Nashim, Hilkhot Sota* 4:10).

Erasure for the sake of a specific woman – **מְחִיקָה מִלְּשֵׁמָה**: If the priest erased the scroll not for the sake of a specific *sota*, the water of the *sota* is unfit. Whenever the Gemara states: If you say, this is an indication that what follows that introduction is the accepted *halakha* (Rambam *Sefer Nashim, Hilkhot Sota* 4:11).

Erased them in two different cups, etc. – **מְחָקֵן בְּשְׁתֵּי כּוּסוֹת וְכוּ'**: If the priest wrote two scrolls for two *sota* women and erased them in one cup, or if he erased them in separate cups and mixed the water in one cup, the water of the *sota* is unfit (Rambam *Sefer Nashim, Hilkhot Sota* 4:11).

**בְּתַבָּה עַל שְׁנֵי דַפֵּינ – פְּסוּלָה, "סֵפֶר" אֶחָד אָמַר רַחֲמָנָא, וְלֹא שְׁנַיִם וּשְׁלֹשָׁה סְפָרִים.**

**כָּתַב אוֹת אֶחָת וּמָחַק אוֹת אֶחָת, וְכָתַב אוֹת אֶחָת וּמָחַק אוֹת אֶחָת – פְּסוּלָה, דְּכָתִיב: "וַעֲשֵׂה לָּהּ הַכֹּהֵן אֶת כָּל הַתּוֹרָה הַזֹּאת".**

**בְּעֵי רַבָּא: כָּתַב שְׁתֵּי מַגִּילוֹת לְשֵׁתֵי סוּטוֹת, וּמְחָקֵן לְתוֹךְ כּוּס אֶחָד, מַהוּ? בְּתִיבָה לְשֵׁמָה בְּעֵינָן – וְהָאֵיבָא, אוּ דִילְמָא בְּעֵינָן נִמְי מְחִיקָה לְשֵׁמָה?**

**וְאִם תִּמְצָא לֹמַר: בְּעֵינָן נִמְי מְחִיקָה לְשֵׁמָה, מְחָקֵן בְּשְׁתֵּי כּוּסוֹת וְחִזַּר וְעִירְבָן, מַהוּ? מְחִיקָה לְשֵׁמָה בְּעֵינָן – וְהָאֵיבָא, אוּ דִילְמָא: הֲאֵל לֹא דִידָה קָא שְׁתֵּינָא, וְהֲאֵל לֹא דִידָה קָא שְׁתֵּינָא?**

If one wrote the scroll on two unattached pages,<sup>HN</sup> it is unfit, as the Merciful One states in the Torah: "Scroll," in the singular. It must be written on one scroll and not on two or three scrolls.

If one wrote one letter<sup>HN</sup> and erased that one letter in water, and he then wrote one more letter and erased that one letter, it is unfit, as it is written: "And the priest shall execute upon her all this law" (Numbers 5:30). The entire passage must be written completely and only then erased, all at once.

**S** Rava raised a dilemma: If one wrote two scrolls for two separate *sota* women but then erased both of the scrolls in one cup, what is the *halakha*? Do we require that only the writing be performed for the sake of a specific woman, in which case that is accomplished here? Or perhaps we require that also the erasure be performed for the sake of a specific woman,<sup>H</sup> which is not accomplished here, since both scrolls are erased together?

And if you say that we require that also the erasure be for the sake of each specific woman, then if the priest erased them in two different cups<sup>H</sup> and afterward mixed the water from both together again, what is the *halakha*? Do we require that only the erasure be for the sake of a specific woman, in which case that is accomplished here? Or perhaps since this *sota* does not drink from only her own water and that *sota* does not drink from only her own water, the water is disqualified?

## NOTES

If one wrote the scroll on two unattached pages – **כְּתָבָה עַל שְׁנֵי דַפֵּינ**: Most commentaries, including *Tosafot*, *Tosefot HaRosh*, and the Meiri, explain this as referring to a case where the contents of the scroll were written over two unattached pages of parchment. However, if they were attached, it is fit, just as a Torah scroll is written over many attached pages of parchment. By contrast, Rashi holds that the scroll is unfit

even when written on two columns of attached parchment. Some explain Rashi's reasoning as follows: Since a Torah scroll is very long, it must, of necessity, be written on many pages of parchment. Therefore, it is still considered as one item. However, a scroll of a *sota* is short, and if written on separate pages of parchment, it appears to be two separate documents (*Meromei Sadeh*).

If one wrote one letter, etc. – **כָּתַב אוֹת אֶחָת וְכוּ'**: According to the Meiri, the same *halakha* applies if one wrote a complete word and then erased it, or if one wrote part of the scroll properly and erased it. The scroll must be erased only after being completely written.

ואם תמצא לומר: הא לאו דידה קא שתניא? והא לאו דידה קא שתניא, תור וחלקון מהו? יש ברירה או אין ברירה? תיקו.

And furthermore, if you say that the water is disqualified because **this one does not drink** from only her own water and **that one does not drink** from only her own water, what if after mixing the two cups of water together the priest **divided them again**<sup>H</sup> into two cups and gave one to each? **What is the halakha** then? **Is there retroactive clarification**,<sup>N</sup> in which case one may claim that each woman drank her own water, **or is there no retroactive clarification**? The Gemara responds: The dilemma shall stand unresolved.

בעי רבא: השקה בסיב, מהו? בשופרת, מהו? דרך שתיה בכך, או אין דרך שתיה בכך? תיקו.

Rava raised a dilemma: If the priest administered the bitter water to the *sota* to drink through a palm fiber,<sup>N</sup> what is the *halakha*? Or if he administered it through a tube, what is the *halakha*? Is this considered a normal manner of drinking, or is it not considered a normal manner of drinking, in which case the act is invalid? The Gemara responds: The dilemma shall stand unresolved.

בעי רב אשי: נשפכו מהן ונשתירו מהן, מהו? תיקו.

Rav Ashi raised a dilemma: If some of the water of the *sota* spilled out and some of it remained<sup>HN</sup> in the cup, what is the *halakha*? Is it sufficient for the woman to drink some of the water in which the scroll has been erased or must she drink all of it? The Gemara responds: The dilemma shall stand unresolved.

אמר רבי זירא אמר רב: שתי שבועות האמורות בסוטה למה? אחת קודם שנמחקה מגילה, ואחת לאחר שנמחקה.

§ Rabbi Zeira says that Rav says: With regard to the two oaths<sup>N</sup> that are stated with regard to the *sota*: “And the priest shall cause her to swear” (Numbers 5:19), and: “Then the priest shall cause the woman to swear with the oath of cursing” (Numbers 5:21), why are they both necessary? **One must be administered before the scroll is erased and one must be administered after it is erased.**

מתקיף לה רבא: תרווייהו קודם שנמחקה מגילה בתיבן! אלא אמר רבא: אחת שבועה שיש עמה אלה, ואחת שבועה שאין עמה אלה.

Rava objects to this: Both of the oaths are written in the Torah before any mention of the scroll being erased. What is the basis to claim that one oath was administered afterward? **Rather, Rava said:** While both oaths are administered before the *sota* drinks, the two oaths are different: **One is an oath that has a curse with it, and one is an oath that does not have a curse with it.**

היכי דמי שבועה שיש עמה אלה? אמר רב עמרם אמר רב: “משביעני עליך שלא נטמאת, שאם נטמאת יבואו ביך.”

The Gemara asks: **What are the circumstances of an oath that has a curse with it?** What is the language of this oath? **Rav Amram says that Rav says:** The priest says: **I administer an oath to you that you are honest in your claim that you were not defiled, as, if you were defiled, all these curses will come upon you.**

אמר רבא: אלה לחודה קיימא, ושבועה לחודה קיימא! אלא אמר רבא: “משביעני עליך שאם נטמאת יבואו ביך.”

Rava said: This is insufficient, as **the curse stands by itself and the oath stands by itself.** They are said in separate statements, and it cannot be considered to be an oath with a curse. **Rather, Rava said:** The priest says: **I administer an oath to you that if you were defiled, all these curses will come upon you.**

אמר רב אשי: אלה איכא, שבועה ליכא! אלא אמר רב אשי: “משביעני עליך שלא נטמאת, ואם נטמאת יבואו ביך.”

Rav Ashi said: Even this is insufficient, as **there is a curse but there is no oath** that she was not defiled. **Rather, Rav Ashi said:** The priest must say: **I administer an oath to you that you were not defiled and that if you were defiled all these curses will come upon you.** Here the oath itself includes the curse.

מתני' על מה היא אומרת אמן אמן? אמן על האלה, אמן על השבועה. אמן מאיש זה, אמן מאיש אחר. אמן שלא שטיתי ארוסה ונשואה,

**MISHNA** With regard to what does she say: “Amen, amen” (Number 5:22),<sup>H</sup> twice, as recorded in the verse? The mishna explains that it includes of the following: **Amen on the curse**, as she accepts the curse upon herself if she is guilty, and **amen on the oath**, as she declares that she is not defiled. She states: **Amen** if I committed adultery with **this man** about whom I was warned, **amen** if I committed adultery with **another man**. **Amen that I did not stray** when I was  **betrothed nor after I was married,**

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על מה היא – **amen, amen** – With regard to what does she say amen, amen – **אומרת אמן אמן** husband may have his wife include in her oath other cases as well. Not only did she not commit adultery with the man about whom

she was warned, but neither did she do so with any other man, nor did she commit adultery even during the period of her betrothal (Rambam *Sefer Nashim, Hilkhhot Sota* 4:17).

If he divided them again – **תור וחלקון** – If the priest wrote two scrolls for two *sota* women, erased them in separate cups, and then mixed the water together in one cup, he should not administer this water of a *sota* to the *sota* women to drink *ab initio*. However, after the fact, if he separated the water again into two separate cups and they drank, the drinking is valid. The *Kesef Mishne* explains that the Rambam rules leniently on this question since no answer is provided to the Gemara's query, and such an uncertainty does not justify erasing the Divine Name again (Rambam *Sefer Nashim, Hilkhhot Sota* 4:11).

If some of the water spilled out and some of it remained – **נשפכו מהן ונשתירו מהן** – If some of the water spilled out and some remained, one should not administer it to the *sota* to drink *ab initio*. However, the drinking is valid after the fact. The Rambam rules leniently on this question since no answer is provided to the Gemara's query, and such an uncertainty does not justify erasing the Divine Name again (Rambam *Sefer Nashim, Hilkhhot Sota* 4:11).

#### NOTES

**Retroactive clarification** – **בְּרִירָה**: This principle is a matter of controversy throughout the Talmud. It posits that a case of uncertainty at a given time may be decided retroactively based on a later event. In this case, when each woman drinks the water, it will be clarified that this was the water intended for her. The consensus among the halakhic authorities is that concerning matters of Torah law one may not claim retroactive clarification, but with regard to matters of rabbinic law one may do so.

**Administered the bitter water to her to drink through a palm fiber** – **הִשְׁקָה בְּסִיב** – Rashi explains that the fiber here is similar to a straw, whereas the *Arukh* asserts that it is a spongy material from which the *sota* sucks water that has been absorbed in it. According to this understanding, this question is distinct from the following question of whether the *sota* may drink the water from a tube. *Tosafot* say that the question is whether, if the water of the *sota* was absorbed by a fiber and the *sota* swallowed the fiber, this is considered valid drinking after the fact.

**If some of the water spilled out and some of it remained** – **נשפכו מהן ונשתירו מהן** – Rashi explains that this is describing one case, in which some of the water spilled out while the rest remained. According to the *Tosefot HaRosh*, however, these are two separate cases: In one, some of the water spilled out but a majority remains. In the other, more serious case, most of the water spilled out and only a small amount remains. Some hold that at least a quarter-log must remain in any event, because as a rule, consumption of less than this amount is not considered drinking (*Minhat Kenaot*).

**Two oaths, etc.** – **שתי שבועות וכו'** – In his commentary on the Torah, Ibn Ezra explains that the priest does administer the oath to the woman twice, as the Gemara indicates here. However, the Ramban explains in his commentary on the Torah that there is only one oath. This is the ruling of the Rambam as well. The *Sefat Emet* challenges this understanding as Rabbi Zeira explicitly states that there are two oaths. The *Hazon Yehezkel* explains that Rav Ashi's opinion is that there is only one oath, and this is the source of the opinion of the Rambam and Ramban. Still, this is not the straightforward understanding of Rav Ashi's statement, which seems concerned only with the wording of the oath, while accepting that there are in fact two oaths.

## BACKGROUND

A widow waiting for her *yavam* – שומרת יבם: If a married man dies childless and is survived by one or more brothers, his widow is prohibited from marrying anyone else until one of the brothers, preferably the eldest, either performs levirate marriage or releases her by performing the *halitza* ceremony. Until one of these procedures is done, the widow is bound to her late husband's brothers by a bond known as a levirate bond. A woman subject to such a bond is known as a widow waiting for her *yavam*. The *amora'im* and *tanna'im* discuss the nature and strength of the levirate bond.

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Amen that I will not become defiled – אָמֵן שְׁלֵא אֶטְמָא: The husband may stipulate that the woman include in her oath that she will not commit adultery in the future even if he divorces and remarries her. If she will commit adultery in the future after such an oath, the water of the *sota* will then evaluate her, in accordance with the opinion of Rabbi Meir (Rambam *Sefer Nashim, Hilkhot Sota* 4:17).

With regard to what she did before becoming betrothed, etc. – עַל קוּדְם שְׁתֵּתְאָרְס וְכוּ: The husband may not have the *sota* include in her oath that she did not engage in sexual intercourse with another man before she was betrothed or during a period of divorce from him (Rambam *Sefer Nashim, Hilkhot Sota* 4:17).

This is the principle, etc. – זֶה הַכְּלָל וְכוּ: This is the principle: A husband may stipulate that his wife include in her oath any case of adultery that would render her forbidden to him if she were guilty of it. He may not stipulate that she include in her oath any case that would not (Rambam *Sefer Nashim, Hilkhot Sota* 4:17).

A widow awaiting her *yavam* – שומרת יבם: If a widow waiting for her *yavam* to perform levirate marriage commits adultery, she is permitted to the *yavam*, in accordance with the conclusion of the Gemara and contrary to the opinion of Rav Hamnuna (Rambam *Sefer Nashim, Hilkhot Yibbum VaHalitza* 2:20; *Shulhan Arukh, Even HaEzer* 159:3).

וְשׁוֹמֵרֵת יָבָם וְכַנּוּסָה. אָמֵן שְׁלֵא נְטִמָּאתִי, וְאִם נְטִמָּאתִי – יְבוֹאוּ בִּי.

רַבִּי מֵאִיר אָמַר: אָמֵן שְׁלֵא נְטִמָּאתִי, אָמֵן שְׁלֵא אֶטְמָא.

הַכֹּל שְׁוִין שְׁאִין מִתְּנָה עִמָּה לֹא עַל קוּדְם שְׁתֵּתְאָרְס וְלֹא עַל אַחַר שְׁתֵּתְגַרְשׁ.

נִסְתָּרָה לְאַחַד וְנִטְמָאת וְאַחַר כֵּן הִחְזִירָה – לֹא הָיָה מִתְּנָה עִמָּה.

זֶה הַכְּלָל: כָּל שֶׁתִּבְעַל וְלֹא הִיתָה אֶסְרָה לוֹ – לֹא הָיָה מִתְּנָה עִמָּה.

גַּמ' אָמַר רַב הַמְּנוּנָא: שׁוֹמֵרֵת יָבָם שְׁוִינָתָה – אֶסְרָה לִּיבְמָה. מִמָּאִי? מִדְּקִתְּנִי: שׁוֹמֵרֵת יָבָם וְכַנּוּסָה.

אִי אָמַרְת בְּשִׁלְמָא אֶסְרָה, מִשּׁוּם הָכִי מִתְּנָה בְּהֵדָה. אֵלֶּא אִי אָמַרְת לֹא אֶסְרָה, הִיכִי מִתְּנָה בְּהֵדָה? וְהֵתֵן – זֶה הַכְּלָל: כָּל שֶׁאֵילּוּ תִּבְעַל וְלֹא תִּהְיֶה אֶסְרָה לוֹ – לֹא הָיָה מִתְּנָה עִמָּה!

אָמְרֵי בְּמַעְרְבָא: לִית הִילְכְתָא כְּרַב הַמְּנוּנָא.

nor as a widow waiting for my *yavam*<sup>b</sup> to perform levirate marriage, since a woman at that stage is prohibited from engaging in sexual intercourse with any men, nor when married through levirate marriage to the *yavam*; amen that I did not become defiled, and if I did become defiled, may all these curses come upon me.

Rabbi Meir says that “amen, amen” means: Amen that I did not become defiled in the past, amen that I will not become defiled<sup>h</sup> in the future.

All agree that he may stipulate with her through this oath neither with regard to what she did before becoming betrothed<sup>h</sup> to him, nor with regard to what she will do after she becomes divorced from him.

Similarly, if a husband divorced his wife, and while divorced she secluded herself with another man and became defiled, and afterward her husband took her back and remarried her, and he then warned her about a specific man, and she secluded herself, and she is now about to drink the water of the *sota*, he cannot stipulate with her that she take an oath that she did not become defiled during the period in which she was divorced. This is because her husband would become forbidden to her only if she had married another man after being divorced, not if she merely committed an act of promiscuity.

This is the principle:<sup>h</sup> In every case where if she would engage in sexual intercourse with someone else she would not become forbidden to her husband due to this act, he may not stipulate with her that her oath include that act. The oath can include only cases in which she would be rendered forbidden to him.

**GEMARA** Rav Hamnuna says: In the case of a widow awaiting her *yavam*<sup>h</sup> who committed adultery,<sup>n</sup> she becomes forbidden to her *yavam*. From where is this derived? It is from the fact that the mishna teaches: Nor as a widow waiting for my *yavam* to perform levirate marriage, nor when married through levirate marriage.

The Gemara explains: Granted, if you say that a woman awaiting levirate marriage who committed adultery is forbidden to the *yavam*, due to that reason a husband may stipulate with a *sota* that she take an oath that she did not commit adultery while she was awaiting levirate marriage with him. But if you say that such a woman does not become forbidden, how can a husband stipulate this with her? But didn't we learn in the mishna that this is the principle: In every case where if she would engage in sexual intercourse with someone else she would not become forbidden to her husband due to this act, he may not stipulate with her that her oath include that act? Clearly she must become forbidden to the *yavam* if she commits adultery.

They say in the West, Eretz Yisrael: The *halakha* is not in accordance with the opinion of Rav Hamnuna. A woman awaiting levirate marriage who commits adultery does not become forbidden to the *yavam*.

## NOTES

A widow awaiting her *yavam* who committed adultery – attributes a specific opinion to the inhabitants of Eretz Yisrael, this refers only to a particular Sage there.

שׁוֹמֵרֵת יָבָם שְׁוִינָתָה: The status of such a woman is discussed in the Jerusalem Talmud as well. Although the Gemara here

And therefore she is considered to be a woman forbidden to her *yavam* – ומשוי לה כי ערוה – The Jerusalem Talmud suggests other reasons that a man may stipulate with his wife with regard to her time as a widow awaiting levirate marriage to him. Some derive this from the stringent wording of the verse concerning the *yevama*: “The wife of the dead man shall not be married outside of the family to one not of his kin” (Deuteronomy 25:5), and explain that a widow awaiting levirate marriage who commits adultery is forbidden to her *yavam*. Others derive from the verse concerning the *sota*, which states twice: “And is jealous of his wife” (Numbers 5:14), that a man may warn even a woman who is only partially his wife, i.e., a *yevama* awaiting levirate marriage to him, who has a quasi-matrimonial relationship with him.

The Gemara asks: But with regard to that which is taught in the mishna: Nor as a widow waiting for my *yavam* to perform levirate marriage, nor when married through levirate marriage, in accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Akiva, who says: Betrothal does not take effect even for those who would be merely liable for violating ordinary prohibitions were they to be married. All agree that betrothal does not take effect for forbidden unions that carry the punishment of *karet*, e.g., unions between siblings. However, according to Rabbi Akiva, in matters of personal status an ordinary Torah prohibition is equivalent to prohibitions that carry the punishment of *karet*. And he therefore holds that just as a wife who commits adultery, rendering her liable to receive *karet*, is forbidden to her husband and must be divorced, so too, a widow awaiting her *yavam* who commits adultery, violating an ordinary Torah prohibition, is considered to be a woman forbidden to her *yavam*.<sup>N</sup>

Rabbi Yirmeya raised a dilemma: If a man divorced his wife and then remarried her, and she then secluded herself and came to drink the water of a *sota*, what is the *halakha* as to whether a man in that situation may stipulate with her concerning their first marriage?<sup>H</sup> May he compel her to include in her oath that she did not commit adultery then either? Similarly, may a *yavam* stipulate with his *yevama* concerning the marriage of his brother, requiring her to attest that she did not commit adultery prior to the brother's death? What is the *halakha*?

The Gemara proposes: Come and hear evidence from the conclusion of the mishna: This is the principle: In every case where if she would engage in sexual intercourse with someone else she would not become forbidden to her husband due to this act, he may not stipulate with her that her oath include that act. One may therefore infer that he may indeed stipulate with her concerning any case in which she would become forbidden. In both of the cases in question the woman would have become forbidden to her husband if she had been guilty. Therefore, the Gemara concludes: Indeed, conclude from the mishna that he is entitled to stipulate in these cases.

§ The mishna states: Rabbi Meir says that “amen, amen” means: Amen that I did not become defiled in the past, amen that I will not become defiled in the future. With regard to this it is taught in a *baraita* (*Tosefta* 2:2): When Rabbi Meir said: Amen that I will not become defiled in the future, he did not mean to say that if God knows that she will become defiled in the future, the water that she drinks now evaluates whether she will be unfaithful and passes judgment on her from now. Rather, he meant that in the event that she becomes defiled in the future, the water that she drinks now will destabilize her and evaluate then whether she was unfaithful.

Rav Ashi raised a dilemma: What is the *halakha* as to whether a man may stipulate with his wife concerning a later marriage,<sup>H</sup> in the event that he would divorce her and then remarry her? Do we say: Now, at least, if she remains faithful during this marriage, she is not forbidden to him? Or perhaps this includes a later marriage, as sometimes a man divorces his wife and remarries her, and if she then commits adultery she will become forbidden to him.

#### HALAKHA

על נישואין הראשונים וכו' – Concerning their first marriage, etc. – A man who divorced his wife and remarried her may compel her to include in her oath that she did not commit adultery during the first marriage. One who performed levirate marriage may compel the *yevama* to include in her oath that she did not commit adultery when married to his brother (Rambam *Sefer Nashim, Hilkhot Sota* 4:17).

על נישואין האחרונים – Concerning a later marriage – The husband may stipulate that the *sota* include in her oath that the waters of a *sota* should evaluate even adultery she would commit after he divorces and remarries her, in accordance with the conclusion of the Gemara (Rambam *Sefer Nashim, Hilkhot Sota* 4:17).

אָלָא הָא דְקָתְנִי: שׁוֹמֵרֵת יָבָם וְכַנּוּסָה, הָא מִנֵּי רַבִּי עֲקִיבָא הִיא. דְּאָמַר: אֵין קִידוּשֵׁין תּוֹפְסִין בְּתַיִיבֵי לְאוּן, וּמִשְׁוִי לָהּ כִּי עֵרוּהּ.

בְּעֵי רַבִּי יִרְמֵיָה: מַהוּ שְׁתִּתְנֶה אָדָם עַל נִשְׁוֹאִין הָרֵאשׁוֹנִים? עַל נִשְׁוֹאִי אַחֵיו, מַהוּ?

תָּא שְׁמַע, זֶה הַכֵּלָל: כָּל שְׁתִּתְבַּעַל וְלֹא תִהְיֶה אֶסְוֶרָה לּוֹ – לֹא הִיא מִתְנַהֵגָה עִמָּה, הָא אֶסְוֶרָה – הִכִּי נִמֵּי דְמִתְנַהֵגָה. שְׁמַע מִינָהּ.

”רַבִּי מֵאִיר אָמַר: אָמֵן שְׁלֹא נִטְמָאתִי” וְכוּ'. תַּנְיָא, לֹא כְּשֶׁאָמַר רַבִּי מֵאִיר: אָמֵן שְׁלֹא אֶטְמָא, שָׂאֵם תִּטְמָא – מִיָּם בּוֹדֵקִין אוֹתָהּ מֵעַבְשֵׁי. אָלָא, לְכִשְׁתְּטַמָּא מִיָּם מְעַרְעְרִין אוֹתָהּ וּבוֹדֵקִין אוֹתָהּ.

בְּעֵי רַב אֲשִׁי: מַהוּ שְׁתִּתְנֶה אָדָם עַל נִשְׁוֹאִין הָאַחֲרוֹנִים? הֲשִׁתָּא מִיָּהָ לֹא אֶסְוֶרָה לִיהּ, אוּ דִילְמָא זִימְנִין דְּמַגְרֵשׁ לָהּ וְהֵדֵר מִהֵדֵר לָהּ?

**Drinks and repeats** – שוּתָהּ וְשׁוּנָהּ: The *Maharit* asks: Given that the *halakha* is in accordance with the opinion of Rabbi Meir that a man may stipulate with his wife with regard to adultery in the future, why would one ever need to have his wife drink a second time? Her initial drinking should be proof of her future fidelity. Some answer that this would be necessary if the husband himself committed adultery before she did, which would prevent the water of the *sota* from examining his wife, and after he repents, he wants her to drink again (see *Keren Ora* and *Meromei Sadeh*). Others explain that it would be necessary in the case of a woman whose punishment was initially delayed due to her merit, and whose husband therefore wished that she drink a second time (see *Sefat Emet*). Yet others say that the stipulation with regard to the fidelity of the *sota* in the future is not mandatory; in the event that the husband does not include it initially, he may have her drink again in the future (*Minhat Hinnukh*).

#### HALAKHA

**Drinks and repeats** – שוּתָהּ וְשׁוּנָהּ: If a man warned his wife concerning another man, and after secluding herself with him she drank the waters of a *sota* and was found innocent, the husband may not compel her to drink a second time due to suspicion with regard to the same man. However, he may compel her to drink a second time if he suspects her with regard to another man. If a *sota* who drank waters of a *sota* and was found innocent was widowed or divorced and remarried another man, and her new husband suspects her with regard to the same man that the first husband suspected, he may compel her to drink a second time on that man's account (Rambam *Sefer Nashim, Hilkhot Sota* 1:12–13).

#### PERSONALITIES

**Nehunya the ditch digger** – נְחֻנְיָא חוּפְר שִׁיחִין: This Sage lived at the time of the Second Temple and was an officer of the Temple. He was responsible for digging pits and wells for the benefit of the pilgrims and residents of Jerusalem. The Talmud relates a miracle that happened to his daughter when she fell into a large pit in Jerusalem and was saved. The Gemara also mentions elsewhere that God judges great people like him very exactly.

תָּא שָׁמַע: הַבַּל שְׁוִין שְׁלֵא הִיָּה מִתְנָה עִמָּה לֹא עַל קוּדְם שְׁתַּתְּאָרְם וְלֹא עַל אַחַר שְׁתַּתְּגַרְשׁ. נִסְתַּרְהָ לְאַחַד וְנִטְמַאת וְאַחַר כֵּךְ יַחֲוִירָנָה – לֹא הִיָּה מִתְנָה. הָא יַחֲוִירָנָה וְתִשְׁמָא הַכִּי נִמְי דְּמִתְנִי. שְׁמַע מִיָּנָה.

תְּנִי רַבָּנִין: "זֹאת תּוֹרַת הַקְּנֵאֹת" – מְלֻמָּה, שְׁהָאִשָּׁה שׁוּתָהּ וְשׁוּנָהּ.

רַבִּי יְהוּדָה אָמַר: "זֹאת" – שְׁאִין הָאִשָּׁה שׁוּתָהּ וְשׁוּנָה. אָמַר רַבִּי יְהוּדָה: מַעֲשֵׂה וְהַעֲדִי לְפָנֵינוּ נְחֻנְיָא חוּפְר שִׁיחִין, שְׁהָאִשָּׁה שׁוּתָהּ וְשׁוּנָה, וְקִיבְלָנוּ עֲדוּתוֹ בְּשְׁנֵי אַנְשִׁים, אֲבָל לֹא בְּאִישׁ אֶחָד.

וְחֻכְמַיִם אָמְרִים: אִין הָאִשָּׁה שׁוּתָהּ וְשׁוּנָה, בֵּין בְּאִישׁ אֶחָד בֵּין בְּשְׁנֵי אַנְשִׁים.

וְתַנָּא קַמָּא נִמְי הַכְּתִיב: "זֹאת!" וְרַבָּנִין בְּתַרְאֵי נִמְי הָא כְּתִיב: "תּוֹרַת!"

אָמַר רַבָּא: בְּאִישׁ אֶחָד וּבִעַל אֶחָד – דְּכֹלֵי עֲלָמָא לֹא פְּלִיגֵי דְּאִין הָאִשָּׁה שׁוּתָהּ וְשׁוּנָה,

The Gemara answers: **Come and hear evidence from the mishna: All agree that he may stipulate with her through this oath neither with regard to what she did before becoming betrothed to him, nor with regard to what she will do after she becomes divorced from him. And if while divorced she secluded herself with another man and became defiled, and afterward her husband took her back and remarried her, he may not stipulate with her with regard to the period in which she was divorced, since that act does not render her forbidden to him. The Gemara infers: But if he remarries her and she then becomes defiled, she would be forbidden to him. Therefore, he may indeed stipulate with her in advance with regard to this. The Gemara states: Indeed, conclude from the mishna that this is so.**

§ **The Sages taught:** The verse states: “This is the law of jealousy” (Numbers 5:29), indicating that the same law is to be carried out in all cases of jealousy. This teaches that the woman drinks and repeats,<sup>NH</sup> i.e., she must drink a second time if she becomes a *sota* again.

The *baraita* continues: **Rabbi Yehuda says:** The word “this” in the verse is a restricting term, indicating that the woman does not drink and repeat. **Rabbi Yehuda said:** There was an incident in which **Nehunya the ditch digger<sup>p</sup> testified before us** in the name of his teachers **that the woman drinks and repeats, and we accepted his testimony with regard to two men, but not with regard to one man.** Even if she drinks the water of a *sota* while married to her first husband, she must drink again after violating a warning by her second husband. However, one husband cannot have his wife drink twice.

The *baraita* concludes: **And the Rabbis say: The woman does not drink and repeat, whether with regard to one man or with regard to two men.**

The Gemara asks: **But according to the first tanna of the baraita as well, isn't it written** in the verse: “This,” restricting the number of times a woman must drink? **And according to the Rabbis mentioned later in the baraita as well, isn't it written:** “The law of jealousy,” amplifying the number of times a woman must drink to include all cases of jealousy?

**Rava said:** Different *halakhot* apply to different cases: **With regard to one husband** who accused his wife twice about **one paramour, everyone agrees that the woman does not drink and repeat,** having been proven innocent once,