

X.

THE STRUCTURE AND SYSTEM OF BAVLI TRACTATE SOTAH

Whether or not the Talmud of Babylonia is structured and guided by a program that we may call systematic forms the principal question addressed by an academic commentary. By “structure” I mean, a clearly-articulated pattern that governs the location of fully-spelled out statements. By “system,” I mean, a well-crafted and coherent set of ideas that explain the social order of the community addressed by the writers of a document, a social philosophy, a theory of the way of life, world view, and character of the social entity formed by a given social group. I see a collective, anonymous, and political document, such as the one before us, as a statement to, and about, the way in which people should organize their lives and govern their actions. At issue then in any document such as the remarkable one before us is simple: does this piece of writing present information or a program, facts to whom it may concern, or a philosophically and aesthetically cogent statement about how things should be?

The connection between structure and system is plain to see. From the way in which people consistently frame their thoughts, we move to the world that, in saying things one way rather than in some other, they wish to imagine the world in which they wish to live, to which they address these thoughts. For if the document exhibits structure and sets forth a system, then it is accessible to questions of rationality. We may ask about the statement that its framers or compilers wished to make by putting the document together as they did. But if we discern no structure and perceive no systematic inquiry or governing points of analysis, then all we find here is inert and miscellaneous information, facts but no propositions, arguments, viewpoints.

Now the Talmud commonly finds itself represented as lacking organization and exhibiting a certain episodic and notional character. That view moreover characterizes the reading and representation of the document by learned and experienced scholars, who have devoted their entire lives to Talmud study and exegesis. It must follow that upon the advocate of the contrary view — the one implicit in the representation of the document for academic analysis — rests the burden of proof. I set forth the allegation that the Talmud exhibits a structure and follows a system and therefore exhibits a commonly-intelligible rationality. The claim to write an academic commentary explicitly states that proposition. For the tractate before us, I have therefore to adduce evidence and argument.

I maintain that through the normal procedures of reasoned analysis we may discern in the tractate a well-crafted structure. I hold that the structure made manifest, we may further identify the purpose and perspective, the governing system of thought and argument, of those who collected and arranged the tractate’s composites and put them together in the way in which we now have them. By “structure” I mean, how is a document organized?

and by “system,” what do the compilers of the document propose to accomplish in producing this complete, organized piece of writing? The answers to both questions derive from a simple outline of the tractate as a whole, underscoring the types of compositions and composites of which it is comprised. Such an outline tells us what is principal and what subordinate, and how each unit — composition formed into composites, composites formed into a complete statement — holds together and also fits with other units, fore and aft. The purpose of the outline then is to identify the character of each component of the whole, and to specify its purpose or statement. The former information permits us to describe the document’s structure, the latter, its system.

While the idea of simply outlining a Talmud-tractate beginning to end may seem obvious, I have never made such an outline before, nor has anyone else.* Yet, as we shall now see, the character of the outline dictates all further analytical initiatives. Specifically, when we follow the layout of the whole, we readily see the principles of organization that govern. These same guidelines on organizing discourse point also to the character of what is organized: complete units of thought, with a beginning, middle, and end, often made up of smaller, equally complete units of thought. The former we know as composites, the latter as compositions.

*I have provided complete outlines for the Mishnah and for the Tosefta in relationship to the Mishnah, and, not always in outline form, for the Midrash-compilations of late antiquity as well.

Identifying and classifying the components of the tractate — the composites, the compositions of which they are made up — we see clearly how the document coheres: the plan and program worked out from beginning to end. When we define that plan and program, we identify the facts of a pattern that permit us to say in a specific and concrete way precisely what the compilers of the tractate intended to accomplish. The structure realizes the system, the program of analysis and thought that takes the form of the presentation we have before us. From what people do, meaning, the way in which they formulate their ideas and organized them into cogent statements, we discern what they proposed to do, meaning, the intellectual goals that they set for themselves.

These goals — the received document they wished to examine, the questions that they brought to that document — realized in the layout and construction of their writing, dictate the points of uniformity and persistence that throughout come to the surface. How people lay out their ideas guides us into what they wished to find out and set forth in their writing, and that constitutes the system that defined the work they set out to accomplish. We move from how people speak to the system that the mode of discourse means to express, in the theory that modes of speech or writing convey modes of thought and inquiry.

We move from the act of thought and its written result backward to the theory of thinking, which is, by definition, an act of social consequence. We therefore turn to the matter of intention that provokes reflection and produces a system of inquiry. That statement does not mean to imply I begin with the premise of order, which sustains the thesis of a prior system that defines the order. To the contrary, the possibility of forming a coherent outline out of the data we have examined defines the first test of whether or not the document exhibits a structure and realizes a system. So everything depends upon the possibility of outlining the writing, from which all else flows. If we can see the order and demonstrate that the allegation of order rests on ample evidence, then we may proceed to

describe the structure that gives expression to the order, and the system that the structure sustains.

The present work undertakes the exegesis of exegesis, for the Talmud of Babylonia, like its counterpart in the Land of Israel, is laid out as a commentary to the Mishnah. That obvious fact defined the character of my academic commentary, since we have already faced the reality that our Bavli-tractate is something other than a commentary, though it surely encompasses one. The problems that captured my attention derived from the deeper question of how people make connections and draw conclusions. To ask about how people make connections means that we identify a problem — otherwise we should not have to ask — and what precipitated the problem here has been how a composition or a composite fits into its context, when the context is defined by the tasks of Mishnah-commentary, and the composition or composite clearly does not comment on the Mishnah-passage that is subjected to comment.

The experience of analyzing the document with the question of cogency and coherence in mind therefore yields a simple recognition. Viewed whole, the tractate contains no gibberish but only completed units of thought, sentences formed into intelligible thought and self-contained in that we require no further information to understand those sentences, beginning to end. The tractate organizes these statements as commentary to the Mishnah. But large tracts of the writing do not comment on the Mishnah in the way in which other, still larger tracts do. Then how the former fit together with the latter frames the single most urgent question of structure and system that I can identify.

Since we have already examined enormous composites that find their cogency in an other than exegetical program, alongside composites that hold together by appeal to a common, prior, coherent statement — the Mishnah-sentences at hand — what justifies my insistence that an outline of the document, resting on the premise that we deal with a Mishnah-commentary, govern all further description? To begin with, the very possibility of outlining Babylonian Talmud tractate Sotah derives from the simple fact that the framers have given to their document the form of a commentary to the Mishnah. It is in the structure of the Mishnah-tractate that they locate everything together that they wished to compile. We know that is the fact because the Mishnah-tractate defines the order of topics and the sequence of problems.

Relationships to the Mishnah are readily discerned; a paragraph stands at the head of a unit of thought; even without the full citation of the paragraph, we should find our way back to the Mishnah because at the head of numerous compositions, laid out in sequence one to the next, clauses of the Mishnah-paragraph are cited in so many words or alluded to in an unmistakable way. So without printing the entire Mishnah-paragraph at the head, we should know that the received code formed the fundamental structure because so many compositions cite and gloss sentences of the Mishnah-paragraph and are set forth in sequence dictated by the order of sentences of said Mishnah-paragraph. Internal evidence alone suffices, then, to demonstrate that the structure of the tractate rests upon the Mishnah-tractate cited and discussed here. Not only so, but the sentences of the Mishnah-paragraphs of our tractate are discussed in no other place in the entire Talmud of Babylonia in the sequence and systematic exegetical framework in which they are set forth here; elsewhere we may find bits or pieces, but only here, the entirety of the tractate.

That statement requires one qualification, and that further leads us to the analytical task of our outline. While the entire Mishnah-tractate of Sotah is cited in the Talmud, the framers of the Talmud by no means find themselves required to say something about every word, every sentence, every paragraph. On the contrary, they discuss only what they choose to discuss, and glide without comment by large stretches of the tractate. A process of selectivity, which requires description and analysis, has told the compilers of the Talmud's composites and the authors of its compositions* what demands attention, and what does not. Our outline has therefore to signal not only what passage of the Mishnah-tractate is discussed, but also what is not discussed, and we require a general theory to explain the principles of selection ("making connections, drawing conclusions" meaning, to begin with, making selections). For that purpose, in the outline, I reproduce the entirety of a Mishnah-paragraph that stands at the head of a Talmudic composite, and I underscore those sentences that are addressed, so highlighting also those that are not.

This statement requires refinement. I do not know that all available compositions have been reproduced, and that the work of authors of compositions of Mishnah-exegesis intended for a talmud is fully exposed in the document as we have it. That is not only something we cannot demonstrate — we do not have compositions that were not used, only the ones that were — but something that we must regard as unlikely on the face of matters. All we may say is positive: the character of the compositions that address Mishnah-exegesis tells us about the concerns of the writers of those compositions, but we cannot claim to outline all of their concerns, on the one side, or to explain why they chose not to work on other Mishnah-sentences besides the ones treated here. But as to the program of the compositors, that is another matter: from the choices that they made (out of a corpus we cannot begin to imagine or invent for ourselves) we may describe with great accuracy the kinds of materials they wished to include and the shape and structure they set forth out of those materials. We know what they did, and that permits us to investigate why they did what they did. What we cannot know is what they did not do, or why they chose not to do what they did not do. People familiar with the character of speculation and criticism in Talmudic studies will understand why I have to spell out these rather commonplace observations. I lay out an argument based on evidence, not on the silences of evidence, or on the absence of evidence — that alone.

It follows that the same evidence that justifies identifying the Mishnah-tractate as the structure (therefore also the foundation of the system) of the Talmud-tractate before us also presents puzzles for considerable reflection. The exegesis of Mishnah-exegesis is only one of these. Another concerns the purpose of introducing into the document enormous compositions and composites that clearly hold together around a shared topic or proposition, e.g., my appendix on one theme or another, my elaborate footnote providing information that is not required but merely useful, and the like. My earlier characterization of composites as appendices and footnotes signalled the fact that the framers of the document chose a not-entirely satisfactory way of setting out the materials they wished to include here, for large components of the tractate do not contribute to Mishnah-exegesis in any way at all. If these intrusions of other-than-exegetical compositions were proportionately modest, or of topical composites negligible in size, we might dismiss them as appendages, not structural components that bear much of the weight of the edifice as a whole. Indeed, the language that I chose for identifying and defining these composites — footnotes, appendices, and the like — bore the implication that what is not Mishnah-commentary also is extrinsic to the Talmud's structure and system.

But that language served only for the occasion. In fact, the outline before us will show that the compositions are large and ambitious, the composites formidable and defining.

Any description of the tractate's structure that dismisses as mere accretions or intrusions so large a proportion of the whole misleads. Any notion that "footnotes" and "appendices" impede exposition and disrupt thought, contribute extraneous information or form tacked-on appendages — any such notion begs the question: then why fill up so much space with such purposeless information? The right way is to ask whether the document's topical composites play a role in the re-presentation of the Mishnah-tractate by the compilers of the Talmud. We have therefore to test two hypotheses:

[1] the topical composites ("appendices," "footnotes") do belong and serve the compilers' purpose, or

[2] the topical composites do not participate in the re-presentation of the Mishnah-tractate by the Talmud and do not belong because they add nothing and change nothing.

The two hypotheses may be tested against the evidence framed in response to a single question: is this topical composite necessary? The answer to that question lies in our asking, what happens to the reading of the Mishnah-tractate in light of the topical composites that would not happen were we to read the same tractate without them? The outline that follows systematically raises that question, with results specified in due course. It suffices here to state the simple result of our reading of the tractate, start to finish: the question of structure, therefore also that of system, rests upon the position we identify for that massive component of the tractate that comprises not Mishnah-commentary but free-standing compositions and composites of compositions formed for a purpose other than Mishnah-commentary.

The principal rubrics are given in small caps. The outline takes as its principal rubrics two large-scale organizing principles.

The first is the divisions of the Mishnah-tractate to which the Talmud-tractate serves as a commentary. That simple fact validates the claim that the tractate exhibits a fully-articulated structure. But the outline must also underscore that the Mishnah-tractate provides both more and less than the paramount outline of the Talmud-tractate. It is more because sentences in the Mishnah-tractate are not analyzed at all. These untreated Mishnah-sentences are given in bold face lower case caps, like the rest of the Mishnah, but then are specified by underlining and enclosure in square brackets.

Second, it is less because the structure of the tractate accommodates large composites that address topics not defined by the Mishnah-tractate. That brings us to the second of the two large-scale modes of holding together both sustained analytical exercises and also large sets of compositions formed into cogent composites. These are treated also as major units and are indicated by Roman numerals, alongside the Mishnah-paragraphs themselves; they are also signified in small caps. But the principal rubrics that do not focus on Mishnah-commentary but on free-standing topics or propositions or problems are not given in boldface type. Consequently, for the purposes of a coherent outline we have to identify as autonomous entries in our outline those important composites that treat themes or topics not contributed by the Mishnah-tractate.

I. Mishnah-Tractate Sotah 1:1-2

A. I.1: EXPLAINING THE SEQUENCE OF TOPICS IN SUCCESSIVE MISHNAH-TRACTATES: Now that the Tannaite authority has completed tractate Nazir, why is it that he now proceeds to teach the tractate of Sotah?

B. HE WHO EXPRESSES JEALOUSY TO HIS WIFE [CONCERNING HER RELATIONS WITH ANOTHER MAN (NUM. 5:14)] —

1. II.1: The implications of the formulation, namely, the entire procedure is post facto, but, to begin with, one should not inaugurate the rite at all.

i. II.2: They match a woman up to a man only in accord with his deeds.
The basis for the marital strife that leads to the rite.

C. R. ELIEZER SAYS, “HE EXPRESSES JEALOUSY BEFORE TWO WITNESSES, AND HE IMPOSES ON HER THE REQUIREMENT OF DRINKING THE BITTER WATER ON THE TESTIMONY OF A SINGLE WITNESS OR EVEN ON HIS OWN EVIDENCE [THAT SHE HAS BEEN ALONE WITH THE NAMED MAN].”

1. III.1: Clarification of the rules of evidence and the number of witnesses required for various stages in the process: in regard to evidence that an act of uncleanness has taken place, the testimony of a single witness suffices.

2. III.2: How do we find evidence in the Torah that a single witness’s testimony may suffice?

D. R. JOSHUA SAYS, “HE EXPRESSES JEALOUSY BEFORE TWO WITNESSES, AND HE REQUIRES HER TO DRINK THE BITTER WATER BEFORE TWO WITNESSES.”

1. IV.1: What is the Scriptural basis for the position of R. Joshua?

2. IV.2: The Mishnah-paragraph does not accord with the Tannaite teaching that is cited.

i. IV.3: The consequences of the foregoing position for the practice of the law after the destruction of the Temple.

ii. IV.4: May a husband express jealousy solely on the strength of his own testimony, as Yosé b. R. Judah has said Eliezer maintains?

a. IV.5: If a person oversteps the bounds in secret, the Holy One, blessed be he, makes the matter public.

3. IV.6: On what account did the Torah accept the probative testimony of a single witness alone in the case of the accused wife?

4. IV.7: A man expresses jealousy to his wife only if a spirit [from God] enters him.

i. IV.8: is expressing jealousy optional or obligatory? This is inserted to amplify the foregoing, but the principle is worked out in its own terms.

E. FAITHFULNESS; THE POWER OF SIN; THE EFFECTS OF A SINGLE ACTION

1. IV.8: Unfaithfulness in the house is like a worm in a sesame plant. Temper in the house is like a worm in the sesame plant.

2. IV:9: Whoever does a religious duty in this world — that deed goes before him to the world to come.

F. IV:10: A FURTHER MISHNAH-PARAGRAPH ON THE SUBJECT OF THE POWER OF A SINGLE WITNESS'S TESTIMONY TO INVOKE THE RITE.

i. IV:11: Clarification of a detail of the foregoing.

G. [THE FOLLOWING IS TAKEN UP AT J, BELOW: HOW DOES HE EXPRESS JEALOUSY TO HER? [IF] HE STATED TO HER BEFORE TWO WITNESSES, "DO NOT SPEAK WITH MR. SO-AND-SO," AND SHE INDEED SPOKE WITH HIM, SHE STILL IS PERMITTED TO HAVE SEXUAL RELATIONS WITH HER HUSBAND AND IS PERMITTED TO EAT HEAVE-OFFERING.]

[IF] SHE WENT WITH HIM TO SOME PRIVATE PLACE AND REMAINED WITH HIM SUFFICIENT TIME TO BECOME UNCLEAR:

1. V:1: What is the meaning of And what is the span of time sufficient for going aside?

i. V:2: Why specify so many definitions?

ii. V:3: Clarification of the cited definition

iii. V:4: Clarification of the cited definition.

iii. V:5: Clarification of the cited definition.

iii. V:6: Clarification of the cited definition.

iii. V:7: Clarification of the cited definition.

a. V:8: Clarification of the cited clarifications.

H. SEXUAL RELATIONS THAT ARE SINFUL, ESPECIALLY ADULTERY

1. V:9: Whoever eats bread without washing his hands is as if he had sexual relations with a whore.

i. V:10: The importance of hand-washing before meals.

2. V:11: Whoever is arrogant in the end will stumble through sexual relations with a married woman.

3. V:12: Whoever has sexual relations with a married woman will not escape the judgment of Gehenna. Such a person is arrogant.

I. V:13: ARROGANCE IS A VICE, HUMILITY IS A VIRTUE

1. V:14: Whoever is arrogant in the end will be diminished.

2. V:15: God is with the contrite and humble.

3. V:16: Whoever is arrogant is worthy of being cut down like an asherah [a tree that is worshipped].

4. V:17: Whoever is arrogant — his dust will not be stirred up in the resurrection of the dead.

5. V:18: The trait of flesh and blood is that those who are high take note of those who are high, but the one who is high does not take note of the one who is low. But the trait of the Holy One, blessed be he, is not that way. He is high, but he takes note of the low.

6. V:19: Concerning whoever is arrogant said the Holy One, blessed be he, he and I cannot live in the same world.
7. V:20: Whoever is arrogant — even the slightest breeze shakes him.
8. V:21: A disciple of a sage should have one eighth of an eighth [of pride].”
9. V:22: The prayer of a person is heard only if he makes his heart as soft as flesh.
10. V:23: The letters for the word Adam stand for dust, blood, and gall. The letters for the word for flesh stand for shame, stench, and worm.
11. V:24: Whoever is arrogant in the end will be diminished.
12. V:25: Come and take note of how great are the humble in the sight of the Holy One, blessed be he. For when the sanctuary stood, a person would bring a burnt-offering, gaining thereby the reward for bringing a burnt-offering, or a meal-offering, and gaining the reward for a meal offering. But a person who is genuinely humble does Scripture treat as if he had made offerings of all the sacrifices.

J. HOW DOES HE EXPRESS JEALOUSY TO HER? [IF] HE STATED TO HER BEFORE TWO WITNESSES, “DO NOT SPEAK WITH MR. SO-AND-SO,” AND SHE INDEED SPOKE WITH HIM, SHE STILL IS PERMITTED TO HAVE SEXUAL RELATIONS WITH HER HUSBAND AND IS PERMITTED TO EAT HEAVE-OFFERING. SHE IS PROHIBITED FROM HAVING SEXUAL RELATIONS WITH HER HUSBAND AND IS PROHIBITED FROM EATING HEAVE-OFFERING:

1. VI:1: Now the passage at hand contains an internal contradiction/

K. AND IF HE [HER HUSBAND] SHOULD DIE, SHE PERFORMS THE RITE OF HALISAH BUT IS NOT TAKEN INTO LEVIRATE MARRIAGE:

1. VII:1: What is unsure in her status, that she cannot consummate the union with the brother of the deceased, childless cuckold?

II. Mishnah-Tractate Sotah 1:3A-D

A. AND THESE WOMEN [MARRIED TO PRIESTS AND ACCUSED OF UNFAITHFULNESS] ARE PROHIBITED FROM EATING HEAVE-OFFERING:

(1) She who says, “I am unclean to you,” and (2) she against whom witnesses testified that she is unclean; and (3) she who says, “I shall not drink the bitter water,” and (4) she whose husband will not force her to drink it; and (5) she whose husband has sexual relations with her on the way [up to Jerusalem for the rite of drinking the water].

1. I:1: As to an accused wife against whom are witnesses overseas and not available for testimony — they do not examine her through the ordeal of the bitter water. The water will not work.

i. I.2: A Tannaite teaching accords with the view of R. Sheshet [A], but not on the basis of the verse that he cited

III. Mishnah-Tractate Sotah 1:3E-G

A. WHAT SHOULD HE DO IN RESPECT TO HER? HE BRINGS HER TO THE COURT IN THAT PLACE [IN WHICH THEY LIVE], AND [THE JUDGES] HAND OVER TO HIM TWO DISCIPLES OF SAGES, LEST HE HAVE SEXUAL RELATIONS WITH HER ON THE WAY.

1. I.1: Does the formulation of the Mishnah, which presupposes there are three, the two disciples and the husband, support the position of Rab that that a woman may be alone with two men] pertains only to a town. But as to a trip, there must be three. Perhaps one of them will have to attend to his natural needs, and it will turn out that one of the men [the remaining one] will be left alone with a woman.

B. R. JUDAH SAYS, “HER HUSBAND IS TRUSTWORTHY IN REGARD TO HER [NOT TO HAVE SEXUAL RELATIONS IN THIS CIRCUMSTANCE].”

1. II.1: A Tannaite argument in support of Judah’s position.

IV. Mishnah-Tractate Sotah 1:4-6

A. THEY WOULD BRING HER UP TO THE HIGH COURT WHICH IS IN JERUSALEM:

1. I.1: We begin by asking for a scriptural foundation for the rule that the ordeal takes place at the high court of seventy-one in Jerusalem.

2.

B. AND ADMONISH HER AS THEY ADMONISH WITNESSES IN A CAPITAL CRIME:

1. II.1: Harmonization of contrast between the Mishnah’s and the Tosefta’s formulas.

C. THEY SAY TO HER, “MY DAUGHTER, MUCH IS DONE BY WINE, MUCH IS DONE BY JOKING AROUND, MUCH IS DONE BY KIDDING AROUND, MUCH IS DONE BY BAD FRIENDS. FOR THE SAKE OF THE GREAT NAME WHICH IS WRITTEN IN HOLINESS, DO IT SO THAT IT WILL NOT BE BLOTTED OUT BY WATER [NUM. 5:23].”

AND THEY TELL HER THINGS WHICH NEITHER SHE NOR THE FAMILY OF HER FATHER’S HOUSE SHOULD BE HEARING.

1. III.1: He tells her lessons of narrative and events that took place [and are recorded] in the earlier writings [of the Pentateuch], with examples of Judah and Reuben.

i. III.2: Now we find no problem in the case of Judah, for we find that he confessed, but how do we know that Reuben confessed?

D. [NOW] IF SHE SAID, “I AM UNCLEAN,” SHE GIVES A QUITTANCE FOR HER MARRIAGE-CONTRACT [WHICH IS NOT PAID OVER TO HER], AND GOES FORTH [WITH A WRIT OF DIVORCE].

1. IV.1: At issue is whether, when a marriage-settlement is paid off or nullified, one gives a quitance, that is, a receipt, or whether the original document of the marriage-settlement itself is ripped up. That then implies that they write out a quitance.

E. AND IF SHE SAID, “I AM CLEAN,” THEY BRING HER UP TO THE EASTERN GATE, WHICH IS AT THE ENTRANCE OF NICANOR’S GATE.

1. V:1: They bring her up? But she is standing there! The point is that they bring her up and take her down so as to tire her out.

F. THERE IT IS THAT THEY FORCE ACCUSED WIVES TO DRINK THE BITTER WATER, AND THEY PURIFY WOMEN AFTER CHILDBIRTH AND PURIFY LEPERS.

1. VI:1: There is no problem in deriving scriptural evidence for that allegation in the case of accused wives. But what is the basis for including in that rule women who have given birth that the woman stands at the location at which her rite is performed?

i. VI:2: Two accused wives are not made to drink simultaneously so that one not be shameless before the other.

G. AND A PRIEST GRABS HER CLOTHES — IF THEY TEAR, THEY TEAR, AND IF THEY ARE RIPPED UP, THEY ARE RIPPED UP — UNTIL HE BARES HER BREAST.

1. VII:1: I know only that that applies to her head. How do I know that it pertains also to her body?

H. AND HE TEARS HER HAIR APART [NUM. 5:18]. R. JUDAH SAYS, “IF SHE HAD PRETTY BREASTS, HE DID NOT LET THEM SHOW. AND IF SHE HAD PRETTY HAIR, HE DID NOT PULL IT APART.

1. VIII:1: Does this then imply that Judah takes account of licentious thoughts [which he wishes to forestall], while rabbis do not? And lo, we have heard a tradition that reverses those two positions.

i. VIII:2: Harmonization of other relevant statements of Judah.

I. [IF] SHE WAS CLOTHED IN WHITE CLOTHING, HE PUTS BLACK CLOTHES ON HER.

1. IX:1: Tannaite complement.

J. [IF] SHE HAD GOLD JEWELRY, CHAINS, NOSE-RINGS, AND FINGER RINGS ON, THEY TAKE THEM AWAY FROM HER TO PUT HER TO SHAME.

1. X:1: Mishnah text-criticism: That rule is self-evident. Now if the woman is going to be made repulsive anyhow, is there any question about these ornaments?

K. THEN HE BRINGS A ROPE MADE OUT OF TWIGS AND TIES IT ABOVE HER BREASTS.

1. XII:1: As to the rope of twigs, is it essential to the rite of the accused wife, or is the detail merely a procedural recommendation?

L. AND WHOEVER WANTS TO STARE AT HER COMES AND STARES, EXCEPT FOR HER BOY-SLAVES AND GIRL-SLAVES, SINCE IN ANY CASE SHE HAS NO SHAME BEFORE THEM. AND ALL WOMEN ARE ALLOWED TO STARE AT HER, SINCE IT IS SAID, THAT ALL WOMEN MAY BE TAUGHT NOT TO DO AFTER YOUR LEWDNESS (EZEK. 23:48).

1. XIII:1: the wording of the passage contains an internal contradiction.

V. Mishnah-Tractate Sotah 1:7

A. BY THAT SAME MEASURE BY WHICH A MAN METES OUT [TO OTHERS], DO THEY METE OUT TO HIM:

1. I:1: Even though the Temple and court system no longer function, the penalties specified by the law are carried out in other ways, e.g., by surrogates. So the principle announced by the Mishnah remains in force.

2. I:2: Tannaite proof from Scripture of the proposition of the Mishnah.

3. I:3: The Holy One, blessed be he, exacts punishment from a man only when his seah-measure has been filled with guilty acts.

i. I:4: Moses and David are exceptions to the rule.

4. I:5: The exactitude of divine justice: For whoever sets his eyes on what is not his own — what he wants is not given to him, and what he has is taken away from him.

B. SHE PRIMPED HERSELF FOR SIN, THE OMNIPRESENT MADE HER REPULSIVE. SHE EXPOSED HERSELF FOR SIN, THE OMNIPRESENT EXPOSED HER.

WITH THE THIGH SHE BEGAN TO SIN, AND AFTERWARD WITH THE BELLY, THEREFORE THE THIGH SUFFERS THE CURSE FIRST, AND AFTERWARD THE BELLY.

(BUT THE REST OF THE BODY DOES NOT ESCAPE [PUNISHMENT].)

1. II:1: What is the scriptural basis for this view?

VI. Mishnah-Tractate Sotah 1:8-9

A. SAMSON FOLLOWED HIS EYES [WHERE THEY LED HIM], THEREFORE THE PHILISTINES PUT OUT HIS EYES, SINCE IT IS SAID, AND THE PHILISTINES LAID HOLD ON HIM AND PUT OUT HIS EYES (JUDGES 16:21).

1. I:1-16: Exposition of the story of Samuel.

B. JUDAH AND TAMAR

1. I:17: It is written, “And Samson went down to Timnah” (Jud. 14:1), but it also is written, “Behold, your father-in-law goes up to Timnah” (Gen. 38:13). “In the case of Samson, who was disgraced there, Scripture refers to ‘going down,’ while in the case of Judah, who was exalted there, Scripture speaks of ‘going up.’” Comparison of Samson and Judah, both of whom were brought down by women.

2. I:18: Exposition of the story of Judah and Tamar.

i. I:19: just as Abraham brought about the sanctification of God’s name through running an inn, so did Tamar.

3. I:20-26: Exposition of the story of Judah and Tamar.

C. ABSALOM WAS PROUD OF HIS HAIR, THEREFORE HE WAS HUNG BY HIS HAIR [2Sa. 14:25-26].

AND SINCE HE HAD SEXUAL RELATIONS WITH TEN CONCUBINES OF HIS FATHER, THEREFORE THEY THRUST TEN SPEAR HEADS INTO HIS BODY, SINCE IT IS SAID, AND TEN YOUNG MEN THAT CARRIED JACOB’S ARMOR SURROUNDED AND SMOTE ABSALOM AND KILLED HIM (2Sa. 18:15). AND SINCE HE STOLE THREE HEARTS — HIS FATHER’S, THE COURT’S, AND THE ISRAELITE’S — SINCE IT IS SAID, AND ABSALOM STOLE THE HEART OF THE MEN OF ISRAEL (2Sa. 15: 6) — THEREFORE THREE DARTS WERE THRUST INTO HIM, SINCE IT IS SAID, AND HE TOOK THREE

DARTS IN HIS HAND AND THRUST THEM THROUGH THE HEART OF ABSALOM (2SA. 18:14).

1. II:1-3: Exposition of the story of Absalom.

D. AND SO IS IT ON THE GOOD SIDE: MIRIAM WAITED A WHILE FOR MOSES, SINCE IT IS SAID, AND HIS SISTER STOOD AFAR OFF (EXO. 2: 4), THEREFORE, ISRAEL WAITED ON HER SEVEN DAYS IN THE WILDERNESS, SINCE IT IS SAID, AND THE PEOPLE DID NOT TRAVEL ON UNTIL MIRIAM WAS BROUGHT IN AGAIN (NUM. 12:15).

1. III:1-2: Exposition of the story of Miriam.

E. THE STORY OF PHARAOH AND ISRAEL AT THE TIME OF THE BIRTH OF MOSES.

1. III:3-43: SYSTEMATIC EXPOSITION OF EXO. 1: 8-2:9

F. JOSEPH HAD THE MERIT OF BURYING HIS FATHER, AND NONE OF HIS BROTHERS WAS GREATER THAN HE, SINCE IT IS SAID, AND JOSEPH WENT UP TO BURY HIS FATHER...AND THERE WENT UP WITH HIM BOTH CHARIOTS AND HORSEMEN (GEN. 50: 7, 9).

1. IV:1-3: Exposition of the story of Joseph's merit of tending to his father's burial.

G. WE HAVE NONE SO GREAT AS JOSEPH, FOR ONLY MOSES TOOK CARE OF HIS [BONES].

1. V:1-5: Tannaite amplification and expansion of the burial of Joseph.

H. MOSES HAD THE MERIT OF BURYING THE BONES OF JOSEPH, AND NONE IN ISRAEL WAS GREATER THAN HE, SINCE IT IS SAID, AND MOSES TOOK THE BONES OF JOSEPH WITH HIM (EXO. 13:19). WE HAVE NONE SO GREAT AS MOSES, FOR ONLY THE HOLY ONE BLESSED HE BE TOOK CARE OF HIS [BONES], SINCE IT IS SAID, AND HE BURIED HIM IN THE VALLEY (DEU. 34: 6).

AND NOT OF MOSES ALONE HAVE THEY STATED [THIS RULE], BUT OF ALL RIGHTEOUS PEOPLE, SINCE IT IS SAID, AND YOUR RIGHTEOUSNESS SHALL GO BEFORE YOU. THE GLORY OF THE LORD SHALL GATHER YOU [IN DEATH] (IS. 58:8).

1. VI:1-3: 8: Exposition of the theme of the burial of Moses.

VII. Mishnah-Tractate Sotah 2:1

A. THE HUSBAND WOULD BRING HER MEAL-OFFERING IN A BASKET OF PALM-TWIGS AND LAY IT INTO HER HANDS TO TIRE HER OUT.

1. I:1: It is to tire her out [M. 2:1A], so that she will repent [and, if guilty, confess]. If in this way does the Torah show pity for those who violate his will, all the more so [will it show pity on] those who carry out his will.

B. ALL MEAL-OFFERINGS AT THE OUTSET AND AT THE END ARE IN A UTENSIL OF SERVICE. BUT THIS ONE AT THE OUTSET IS IN BASKET OF PALM-TWIGS, AND [ONLY] AT THE END IS IN A UTENSIL OF SERVICE.

1. II:1: While the Mishnah-passage says that all meal-offerings begin in a utensil of service, the Tannaite teacher states, in any event, in a silver or golden utensil. We have therefore to harmonize the Tannaite rules.

- i. II.2-16: Systematic exposition of the Tannaite rule just now cited. The exposition is exactly the same as pertains to a Mishnah-paragraph, e.g., how in Scripture do we know a given rule?

C. ALL MEAL-OFFERINGS REQUIRE OIL AND FRANKINCENSE, BUT THIS ONE REQUIRES NEITHER OIL NOR FRANKINCENSE.

1. III:1: The statement of the Mishnah is qualified and interpreted: This is the meaning of the passage: All meal-offerings require oil and frankincense and derive from wheat and derive from sifted flour, but as to the meal-offering brought by a sinner, even though it does not require oil and frankincense, it derives from wheat and derives from sifted flour.

D. ALL MEAL-OFFERINGS DERIVE FROM WHEAT. BUT THIS ONE DERIVES FROM BARLEY. AS TO THE MEAL-OFFERING OF THE FIRST SHEAF (OMER), EVEN THOUGH IT [TOO] DERIVES FROM BARLEY, IT WOULD DERIVE FROM SIFTED FLOUR. BUT THIS ONE DERIVES FROM UNSIFTED FLOUR.

RABBAN GAMALIEL SAYS, “JUST AS SHE ACTED LIKE A COW, SO HER OFFERING IS FOOD FOR A COW.”

1. IV:1: Expansion of the statement of the Mishnah.

VIII. Mishnah-Tractate Sotah 2:2

A. HE [THE HUSBAND] WOULD BRING A CLAY BOWL AND PUT IN IT A HALF-LOG OF WATER FROM THE LAVER.

R. JUDAH SAYS, “A QUARTER-LOG.” AS HE [JUDAH] CALLS FOR LESS WRITING, SO HE CALLS FOR LESS WATER.

1. I:1: it has to be a new clay bowl. Comparison with the clay utensil used for the purification rite of the person afflicted with the skin ailment of Lev. 13-14.

2. I:2: secondary expansion of the rule.

B. AND HE [THE PRIEST] GOES INTO THE HEKHAL AND TURNS TO HIS RIGHT.

1. II:1: Any act of turning which you carry out [in the Temple] may be only to the right.

C. NOW THERE WAS A PLACE, AN AMAH BY AN AMAH, WITH A MARBLE FLAGSTONE, AND A RING WAS ATTACHED TO IT.

AND WHEN HE RAISED IT [THE STONE], HE TOOK THE DIRT FROM UNDER IT AND PUT IT [INTO THE BOWL OF WATER],

1. III:1: Tannaite complement makes the point, if there is dirt there, take it. If there is not any dirt there, put some there [and then use it].

- i. III.2: If there is no dirt there [in the tabernacle], what is the law about putting in ashes instead?

D. SUFFICIENT TO BE VISIBLE ON THE WATER, SINCE IT SAYS, “AND OF THE DUST THAT IS ON THE FLOOR OF THE TABERNACLE THE PRIEST SHALL TAKE AND PUT IT INTO THE WATER” (NUM. 5:17).

1. IV:1: Tannaite complement: Three substances have to be visible: the dirt used for the water drunk by the accused wife, the ashes of the red cow used for mixing with the water of purification, and the spit of the levirate wife at the rite of removing the shoe

i. IV:2: Secondary development of foregoing: What is the law if the bird was so large that its blood obscured the water, or so small that the water obscured the blood?

ii. IV:3: As above, now with respect to the mixing of the ashes of the red cow.

IX. Mishnah-Tractate Sotah 2:3

A. HE CAME TO WRITE THE SCROLL. FROM WHAT PASSAGE [IN SCRIPTURE] DID HE WRITE? FROM “IF NO MAN HAS LAIN WITH THEE... BUT IF THOU HAST GONE ASIDE WITH ANOTHER INSTEAD OF THY HUSBAND...” (NUM. 5:19F.). BUT HE DOES NOT WRITE, “AND THE PRIEST SHALL CAUSE THE WOMAN TO SWEAR” (NUM. 5:21). AND HE WRITES, “THE LORD MAKE THEE A CURSE AND AN OATH AMONG THY PEOPLE... AND THIS WATER THAT CAUSETH THE CURSE SHALL GO INTO THY BOWELS AND MAKE THY BELLY TO SWELL AND THY THIGH TO FALL AWAY.” BUT HE DOES NOT WRITE, “AND THE WOMAN SHALL SAY, AMEN, AMEN!” R. YOSÉ SAYS, “HE MADE NO BREAK.” R. JUDAH SAYS, “HE WRITES, IN FACT, ONLY, THE LORD MAKE THEE A CURSE AND AN OATH... AND THIS WATER THAT CAUSETH THE CURSE SHALL GO INTO THY BOWELS... AND HE DID NOT WRITE, ‘AND THE WOMAN SHALL SAY, AMEN, AMEN!’”

1. I:1: In what matter do the authorities of dispute? The foundation in Scriptural exegesis.

B. THE ROLE OF MERIT [ZEKHUT] IN RITES OF THE TORAH. Free-standing composition on the power of merit, in this context: On account of the merit of Abraham, our father, who said, ‘And I am dirt and ashes’ (Gen. 18:27), his children gained the merit of two religious duties: the ashes of the red cow, and the dirt used for the accused wife.

X. Mishnah-Tractate Sotah 2:4

A. HE WRITES (1) NEITHER ON A TABLET, (2) NOR ON PAPYRUS, (3) NOR ON UNPREPARED HIDE, BUT ONLY ON [PARCHMENT] SCROLL, SINCE IT IS WRITTEN, IN A BOOK (NUM. 5:23). AND HE WRITES (1) NEITHER WITH GUM, (2) NOR WITH COPPERA, (3) NOR WITH ANYTHING WHICH MAKES A LASTING IMPRESSION [ON THE WRITING-MATERIAL], BUT ONLY WITH INK, SINCE IT IS WRITTEN, AND HE WILL BLOT IT OUT— WRITING WHICH CAN BE BLOTTED OUT.

1. I:1: A scroll for an accused wife[’s ordeal] which one wrote by night is unfit; various rules.

i. I:2-5: theoretical problems concerning the principle that the document must be prepared for the occasion in particular.

XI. Mishnah-Tractate Sotah 2:5-6

A. I:1: A WOMAN AWAITING LEVIRATE MARRIAGE WHO COMMITTED AN ACT OF FORNICATION [WITH SOME OTHER MAN] IS FORBIDDEN TO ENTER INTO A CONSUMMATED MARRIAGE WITH HER LEVIR. This free-standing question has no bearing upon our Mishnah-paragraph, but data from the paragraph contribution to the answer.

B. TO WHAT DOES SHE SAY, AMEN, AMEN? (1) “AMEN TO THE CURSE” [NUM. 5:21], “AMEN TO THE OATH” [NUM. 5:19]. “AMEN THAT IT WAS NOT WITH THIS PARTICULAR MAN” (4) “AMEN THAT IT WAS WITH NO OTHER MAN.” “AMEN THAT I HAVE NOT GONE ASIDE WHILE BETROTHED, MARRIED, AWAITING LEVIRATE MARRIAGE, OR WHOLLY TAKEN IN LEVIRATE MARRIAGE.” “AMEN THAT I WAS NOT MADE UNCLEAR, AND IF I WAS MADE UNCLEAR, MAY IT [THE BITTER WATER] ENTER INTO ME.”

1. I:1: Theoretical question provoked by the Mishnah’s rule: May a man make a stipulation concerning the woman’s conduct during his first marriage to her when he was married to her, divorced her, and then remarried to her?

C. R. MEIR SAYS, ““AMEN THAT I WAS NOT MADE UNCLEAR, AMEN THAT I SHALL NOT BE MADE UNCLEAR.”“

1. I:1: Tannaite complement to Meir’s statement.

D, ALL CONCUR THAT HE [THE HUSBAND] MAY MAKE NO STIPULATION WITH HER ABOUT ANYTHING WHICH HAPPENED BEFORE SHE WAS BETROTHED OR AFTER SHE MAY BE DIVORCED. [IF AFTER SHE WAS PUT AWAY], SHE WENT ASIDE WITH SOME OTHER MAN AND BECAME UNCLEAR, AND AFTERWARD HE [THE FIRST HUSBAND] TOOK HER BACK, HE MAKES NO STIPULATION WITH HER [CONCERNING SUCH AN EVENT].

THIS IS THE GENERAL PRINCIPLE: CONCERNING ANY SITUATION IN WHICH SHE MAY HAVE SEXUAL RELATIONS IN SUCH WISE AS NOT TO BE PROHIBITED [TO HER HUSBAND], HE [THE HUSBAND] MAY MAKE NO STIPULATION WHATSOEVER WITH HER.

1. I:1: Theoretical question along the lines of B.1, What is the law as to a man’s making a stipulation concerning a later marriage [with her]? May he stipulate that, should he divorce her and then remarry her, the water will test alleged unfaithfulness committed during the remarriage?

2. I:2: May a woman may drink once and then a second time?

XII. Mishnah-Tractate Sotah 3:1-2

A. HE WOULD TAKE HER MEAL-OFFERING FROM THE BASKET MADE OF TWIGS AND PUT IT INTO A UTENSIL OF SERVICE AND LAY IT INTO HER HANDS. AND A PRIEST PUTS HIS HAND UNDER HERS AND WAVES IT [THE MEAL-OFFERING].

HE WAVED IT [NUM. 5:25]

AND BROUGHT IT NEAR THE ALTAR. HE TOOK A HANDFUL [OF THE MEAL-OFFERING] AND BURNED IT UP [ON THE ALTAR]. AND THE RESIDUE IS EATEN BY THE PRIESTS.

1. I:1: How do we know that the meal-offering of the accused wife had to be waved? Clarification of the matter of who does the waving: only the priest or also the owner.

B. HE WOULD GIVE HER THE WATER TO DRINK. AND [ONLY] AFTERWARD HE WOULD OFFER UP HER MEAL-OFFERING. R. SIMEON SAYS, “HE WOULD OFFER UP HER MEAL-OFFERING. AND AFTERWARD HE WOULD GIVE HER THE WATER TO DRINK, SINCE IT IS SAID, AND AFTERWARD HE GIVES THE WOMAN THE WATER TO DRINK [NUM. 5:26].

1. II:1: Analysis of the contradiction between the rules: But he has already offered up her meal-offering.

C. BUT IF HE GAVE HER THE WATER TO DRINK AND AFTERWARD HE OFFERED UP HER MEAL-OFFERING, IT IS VALID.”

1. III:1: Tannaite complement to the rule: the relevant verses of Scripture and what each contributes. Extended analysis of the premises of the parties to the complement, yielding a clarification of the Mishnah’s rule.

ii. III:2: One has to put something bitter into the water. [Perhaps this item really belongs with XIII.A.1: water-additives.

XIII. Mishnah-Tractate Sotah 3:3-4

A. PUTTING VITRIOL INTO THE INK, YIELDING WRITING THAT CANNOT BE BLOTTED OUT:

1. I:1-2: The Torah has said, “He shall blot out...” (Num. 5:23), speaking therefore of writing that it is possible to blot out.

B. [IF] BEFORE THE SCROLL IS BLOTTED OUT, SHE SAID, “I AM NOT GOING TO DRINK THE WATER,” HER SCROLL IS PUT AWAY, AND HER MEAL-OFFERING IS SCATTERED ON THE ASHES. BUT HER SCROLL IS NOT VALID FOR THE WATER-ORDEAL OF ANOTHER ACCUSED WIFE. [IF] HER SCROLL WAS BLOTTED OUT AND THEN SHE SAID, “I AM NOT GOING TO DRINK IT,” THEY FORCE HER AND MAKE HER DRINK IT AGAINST HER WILL.

SHE HARDLY SUFFICED TO DRINK IT BEFORE HER FACE TURNS YELLOW, HER EYES BULGE OUT, AND HER VEINS SWELL.

1. II:1: The authority, therefore the operative principle, behind the rule: It is R. Simeon, who has said, “The priest offers the woman’s meal offering, and only afterward administers the water.” For so long as her meal-offering has not been offered, the water will not put her to the test.

C. And they say, “Take her away! Take her away!” so that the Temple-court will not be made unclean [by her corpse].

1. III.1: the reason is that if she dies on the spot, Subject to concern is the possibility that the woman will commence her menstrual period suddenly, while located there, on account of stress.

D. [BUT IF NOTHING HAPPENED], IF SHE HAD MERIT, SHE WOULD ATTRIBUTE [HER GOOD FORTUNE] TO IT.

1. IV.1: The authority behind the rule and the premise thereof.

E. THERE IS THE POSSIBILITY THAT MERIT SUSPENDS THE CURSE FOR ONE YEAR, AND THERE IS THE POSSIBILITY THAT MERIT SUSPENDS THE CURSE FOR TWO YEARS, AND THERE IS THE POSSIBILITY THAT MERIT SUSPENDS THE CURSE FOR THREE YEARS.

1. V:1, 3: Merit on what count? If one should propose that it is merit on account of study of Torah, lo, [a woman] is not subject to the commandment of the religious duty of doing so [and hence merit will not accrue, since merit accrues from doing what one is commanded to do]. Hence it must be the merit of such religious duties [as she has carried out].

i. V:2: Doing a religious duty, when one is doing it, serves as a shield and affords protection, but when one is no longer doing it, while it continues to serve as a shield [from suffering], it does not afford protection [from the evil inclination]. But as to Torah, whether one is actually engaged in studying it or not, it both serves as a shield and affords protection.

ii. V:4: Torah is the most reliable source of merit, and practicing the commandments is less important.

F. ON THIS BASIS BEN AZZAI SAYS, “A MAN IS REQUIRED TO TEACH TORAH TO HIS DAUGHTER. FOR IF SHE SHOULD DRINK THE WATER, SHE SHOULD KNOW THAT [IF NOTHING HAPPENS TO HER], MERIT IS WHAT SUSPENDS [THE CURSE FROM TAKING EFFECT].”

R. ELIEZER SAYS, “WHOEVER TEACHES TORAH TO HIS DAUGHTER TEACHES HER SEXUAL SATISFACTION.”

1. VI:1: Clarification of the sense of Eliezer’s statement and of the scriptural basis for it.

G. R. JOSHUA SAYS, “A WOMAN WANTS A QAB [OF FOOD] WITH SEXUAL SATISFACTION MORE THAN NINE QABS WITH ABSTINENCE.”

1. VII:1: This is the sense of his statement: “A woman wants a qab [of food] and sexual satisfaction with it, rather than nine qabs [of food] along with abstinence.

H. He would say, “A foolish saint, a smart knave:

1. VIII:1: What is a foolish saint? It would, for instance, be one who [saw] a woman drowning in the river and said, “It is not proper behavior for me to lay eyes on her and so to rescue her.” What is a smart knave, etc. This refers to someone who learned Scripture and studied the Mishnah but did not attend upon disciples of sages [to see things in action].

i. VIII:2: If one has learned Scripture and studied the Mishnah but did not attend upon disciples of sages, such a one is an am ha'ares... a boor...a Samaritan...a Magus.

a. VIII:3: What is the definition of an am ha'ares?

b. VIII:4-5: The status of those who repeat Mishnah and other Tannaite traditions: Are they regarded as learned?

I. AN ABSTEMIOUS WOMAN:.”

1. IX:1: A virgin who prays a great deal, a widow who runs hither and yon, and a minor whose months are not complete — lo, these destroy the world.

J. AND THE BLOWS OF ABSTAINERS (PERUSHIM, A.K.A., PHARISEES)— THESE WEAR OUT THE WORLD:

1. X:1: There are seven types of abstemious persons [alt.: “Pharisees”].

XIV. Mishnah-Tractate Sotah 3:5-8

A. R. SIMEON SAYS, “MERIT DOES NOT SUSPEND THE EFFECTS OF THE BITTER WATER. AND IF YOU SAY, ‘MERIT DOES NOT SUSPEND THE EFFECTS OF THE BITTER WATER,’ YOU WILL WEAKEN THE EFFECT OF THE WATER FOR ALL THE WOMEN WHO HAVE TO DRINK IT. AND YOU GIVE A BAD NAME TO ALL THE WOMEN WHO DRINK IT WHO TURNED OUT TO BE PURE. FOR PEOPLE WILL SAY, ‘THEY ARE UNCLEAN, BUT MERIT SUSPENDED THE EFFECTS OF THE WATER FOR THEM.’” RABBI SAYS, “MERIT DOES SUSPEND THE EFFECTS OF THE BITTER WATER. BUT SHE WILL NOT BEAR CHILDREN OR CONTINUE TO BE PRETTY. AND SHE WILL WASTE AWAY, AND IN THE END SHE WILL HAVE THE SAME [UNPLEASANT] DEATH.”

[IF] HER MEAL-OFFERING WAS MADE UNCLEAN BEFORE IT WAS SANCTIFIED IN A UTENSIL, LO, IT IS IN THE STATUS OF ALL OTHER SUCH MEAL-OFFERINGS AND IS TO BE REDEEMED. AND [IF THIS TAKES PLACE] AFTER IT IS SANCTIFIED IN A UTENSIL, LO, IT IS IN THE STATUS OF ALL OTHER SUCH MEAL-OFFERINGS AND IS TO BE BURNED.

AND THESE ARE THE ONES WHO MEAL-OFFERINGS ARE TO BE BURNED: (1) THE ONE WHO SAYS, “I AM UNCLEAN TO YOU,” AND (2) THE ONE AGAINST WHOM WITNESSES COME TO TESTIFY THAT SHE IS UNCLEAN; (3) THE ONE WHO SAYS, “I AM NOT GOING TO DRINK THE WATER,” AND (4) THE ONE WHOSE HUSBAND DOES NOT WANT TO MAKE HER DRINK IT; AND (5) THE ONE WHOSE HUSBAND HAS SEXUAL RELATIONS WITH HER ON THE WAY TO JERUSALEM.

AND ALL THOSE WHO ARE MARRIED TO PRIESTS — THEIR MEAL-OFFERINGS ARE BURNED.

1. I:1: Tannaite complement to the rule.

B. AN ISRAELITE GIRL WHO IS MARRIED TO A PRIEST — HER MEAL-OFFERING IS BURNED.

1. II:1: Scriptural basis for this rule.

C. AND A PRIEST-GIRL WHO IS MARRIED TO AN ISRAELITE — HER OFFERING IS EATEN [BY THE PRIESTS]. WHAT IS THE DIFFERENCE BETWEEN A PRIEST AND A

PRIEST-GIRL? THE MEAL-OFFERING OF A PRIEST-GIRL IS EATEN, THE MEAL-OFFERING OF A PRIEST IS NOT EATEN. THE PRIEST-GIRL MAY BE DECONSECRATED [DECLASSED], BUT A PRIEST MAY NOT BE DECONSECRATED [DECLASSED].

1. III:1: Scriptural basis for the rule.

D. A PRIEST-GIRL CONTRACTS CORPSE-UNCLEANNES, AND A PRIEST DOES NOT CONTRACT CORPSE-UNCLEANNES.

1. III:1: Scriptural basis for the rule.

E. A PRIEST EATS MOST HOLY THINGS, BUT A PRIEST-GIRL DOES NOT EAT MOST HOLY THINGS.

1. V:1: Scriptural basis for the rule.

F. WHAT IS THE DIFFERENCE BETWEEN A MAN AND A WOMAN? A MAN GOES AROUND WITH UNBOUND HAIR AND TORN GARMENTS, BUT A WOMAN DOES NOT GO AROUND WITH UNBOUND HAIR AND TORN GARMENTS [LEV. 13:44-5].

1. VI:1: Tannaite amplification and Scriptural basis for the rule.

G. A MAN IMPOSES A NAZIRITE-VOW ON HIS SON, AND A WOMAN DOES NOT IMPOSE A NAZIRITE-VOW UPON HER SON [M. Naz. 4:6].

1. VII:1: Scriptural basis for the rule.

H. A MAN BRINGS THE HAIR-OFFERING FOR THE NAZIRITE-VOW OF HIS FATHER, AND A WOMAN DOES NOT BRING A HAIR-OFFERING FOR THE NAZIRITE-VOW OF HER FATHER [M. Naz. 4:7].

1. VIII:1: Scriptural basis for the rule.

I. THE MAN SELLS HIS DAUGHTER, AND THE WOMAN DOES NOT SELL HER DAUGHTER [EXO. 21: 6].

1. IX:1: Scriptural basis for the rule.

J. THE MAN ARRANGES FOR A BETROTHAL OF HIS DAUGHTER, AND THE WOMAN DOES NOT ARRANGE FOR A BETROTHAL OF HER DAUGHTER [M. Qid. 2:1].

1. X:1: Scriptural basis for the rule.

K. A MAN [WHO INCURS THE DEATH-PENALTY] IS STONED NAKED, BUT A WOMAN IS NOT STONED NAKED.

1. XI:1: Scriptural basis for the rule.

L. A MAN IS HUNG [AFTER BEING PUT TO DEATH], AND A WOMAN IS NOT HUNG [M. San. 6:3-4].

1. XII:1: Scriptural basis for the rule.

M. A MAN IS SOLD [TO MAKE RESTITUTION] FOR HAVING STOLEN SOMETHING, BUT A WOMAN IS NOT SOLD TO [MAKE RESTITUTION] FOR HAVING STOLEN SOMETHING [EXO. 22: 2].

1. XIII:1: Scriptural basis for the rule.

XV. Mishnah-Tractate Sotah 4:1-5

A. I:1: THE RULES OF ADMONITION AS THEY PERTAIN TO A WIFE WHO HAS MISBEHAVED [1]: WHILE, IN THE CASES AT HAND, THE WIFE DOES NOT UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER, NONETHELESS SHE IS SUBJECT TO [WARNING, THE EXPRESSION OF JEALOUSY AS EXPLAINED AT M. 1:1]. WHAT IS THE SOURCE FOR THAT VIEW?

B. II:1: THE RULES OF ADMONITION AS THEY PERTAIN TO A WIFE WHO HAS MISBEHAVED [2]: DOES A WOMAN WHO TRANSGRESSES THE LAW [OF MOSES AND OF ISRAEL, M. **Ket. 7:6B**] REQUIRE A WARNING SO AS TO BE DEPRIVED OF PAYMENT OF THE MARRIAGE SETTLEMENT, OR DOES SHE NOT REQUIRE IT? DO WE MAINTAIN THAT, SINCE SHE IS VIOLATING THE LAW, SHE DOES NOT HAVE A CLAIM ON A WARNING. OR PERHAPS HAS SHE A CLAIM ON A WARNING, SO THAT, IF SHE REVERTS [TO PROPER BEHAVIOR], SHE MAY EFFECTIVELY DO SO?

1. II:2: If a woman transgresses the law [of Moses and Israel], and the husband nonetheless wished to keep her in marriage, may he or may he not do so? Do we invoke the principle that the matter has been made by the All-Merciful to depend upon the husband's objection, and, in the present case, lo, he does not object? Or do we hold that since [ordinary husbands] do object, this one too must object [so he cannot remain wed to her]?

2. II:3: If the husband retracted his expression of jealousy, is not his expression of jealousy regarded as effectively annulled? Do we rule that, since the All-Merciful had made the matter depend upon the husband's expression of jealousy, and the husband has retracted his expression of jealousy, [his action is effective to nullify it]? Or perhaps do we hold that once, to begin with, the husband has issued an expression of jealousy, he cannot retract it?

3. II:4: If it was before the wife went aside with the named man [that the husband retracted his expression of jealousy], the expression is nullified, but if it was after she went aside with the named man, it is not nullified. Or the opposite.

C. A BETROTHED GIRL AND A DECEASED CHILDLESS BROTHER'S WIDOW AWAITING LEVIRATE MARRIAGE NEITHER UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER NOR RECEIVE A MARRIAGE-CONTRACT, SINCE IT IS WRITTEN, WHEN A WIFE, BEING SUBJECT TO HER HUSBAND, GOES ASTRAY (NUM. 5:29) — EXCLUDING THE BETROTHED GIRL AND THE DECEASED CHILDLESS BROTHER'S WIDOW AWAITING LEVIRATE MARRIAGE. A WIDOW MARRIED TO A HIGH PRIEST, A DIVORCEE AND A WOMAN WHO HAS UNDERGONE THE RITE OF REMOVING THE SHOE MARRIED TO AN ORDINARY PRIEST, A MAMZER-GIRL AND A NETINAH-GIRL MARRIED TO AN ISRAELITE, AN ISRAELITE-GIRL MARRIED TO A MAMZER OR TO A NETIN NEITHER UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER NOR RECEIVE A MARRIAGE-CONTRACT. AND THESE DO NOT UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER OR RECEIVE A MARRIAGE-CONTRACT: SHE WHO SAYS, "I AM UNCLEAN," OR AGAINST WHOM WITNESSES CAME TO TESTIFY THAT SHE IS UNCLEAN; AND SHE WHO SAYS, "I WILL NOT DRINK." [IF, HOWEVER,] HER HUSBAND SAID, "I WILL NOT MAKE HER DRINK, OR [IF] HER HUSBAND HAD SEXUAL RELATIONS WITH HER ON THE WAY [TO JERUSALEM], SHE RECEIVES HER

MARRIAGE-CONTRACT AND DOES NOT UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER.

[IF] THEIR HUSBANDS DIED BEFORE THEY DRANK THE BITTER WATER — THE HOUSE OF SHAMMAI SAY, “THEY RECEIVE THE MARRIAGE-CONTRACT AND DO NOT UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER.”

AND THE HOUSE OF HILLEL SAY, “THEY DO NOT UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER AND DO NOT RECEIVE THE MARRIAGE-CONTRACT.”

1. III:1: What is the point at issue in the dispute between the Houses?

D. “A WOMAN WHO WAS PREGNANT BY A FORMER HUSBAND [WHO DIED OR DIVORCED THE WOMAN] AND A WOMAN WHO WAS GIVING SUCK TO A CHILD BY ANOTHER HUSBAND DO NOT UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER AND DO NOT RECEIVE THE MARRIAGE-CONTRACT,” THE WORDS OF R. MEIR. AND SAGES SAY, “HE HAS THE POWER TO SET HER APART AND THEN TO TAKE HER BACK AFTER A WHILE.”

1. IV:1: Clarification of the dispute of Meir and sages:the dispute extends to the barren woman and the one past menopause, but as to a woman unable to conceive, all parties concur that she does not undergo the rite of the ordeal and also does not collect a marriage-settlement.

E. A BARREN WOMAN AND A WOMAN PAST MENOPAUSE, AND A WOMAN WHO CANNOT GIVE BIRTH DO NOT UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER AND DO NOT RECEIVE THE MARRIAGE-CONTRACT. R. ELIEZER SAYS, “HE HAS THE POWER TO MARRY ANOTHER WOMAN FOR PURPOSES OF PROCREATION.” AND ALL OTHER WOMAN EITHER UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER OR DO NOT COLLECT THE MARRIAGE-CONTRACT.

THE WIFE OF A PRIEST DRINKS THE BITTER WATER:

1. V:1: That detailed had to be specified, since an exegesis can be contrived to yield a contrary rule.

G. AND [IF PROVED INNOCENT] IS PERMITTED [TO GO BACK] TO HER HUSBAND.

1. VI:1: That detailed had to be specified, to deal with a special case.

H. THE WIFE OF A EUNUCH UNDERGOES THE ORDEAL OF DRINKING THE BITTER WATER.

1. VII:1: That detailed had to be specified, to deal with a special case.

I. ON ACCOUNT OF [MEN IN] ALL SORTS OF PROHIBITED RELATIONSHIPS [TO THE WOMAN] ARE WIVES SUBJECT TO WARNING,

1. VIII:1: That detailed had to be specified, to deal with a special case.

J. EXCEPT FOR A MINOR:

1. IX:1: Scriptural proof for the rule.

K. AND FOR ONE WHO IS NOT HUMAN:

1. X:1: Excluding what classification of beings?

i. X:2: footnote to foregoing.

2. X:3: Since the ordeal applies as at 4:4B, E in the case of a man who was castrated, what need do I have for Scripture's specification, "and have sexual relations with her" (Num. 5:13)?

L. X:4: MARRYING A WOMAN OF BAD NAME OR HER DAUGHTER

M. AND THESE ARE THE WOMEN WHOM A COURT SUBJECTS TO WARNING [IN BEHALF OF THE HUSBAND]: A WOMAN WHOSE HUSBAND BECAME A DEAF MUTE OR AN IMBECILE, OR WAS IMPRISONED — NOT TO IMPOSE UPON HER THE ORDEAL OF DRINKING THE WATER DID THEY STATE THE RULE, BUT TO INVALIDATE HER FOR RECEIVING HER MARRIAGE-CONTRACT.

1. XI:1: Tannaite complement bearing scriptural proof.

M. R. YOSÉ SAYS, "ALSO: TO IMPOSE UPON HER THE ORDEAL OF DRINKING THE WATER. WHEN HER HUSBAND GOES FREE FROM PRISON, HE MAY THEN IMPOSE THE ORDEAL OF DRINKING THE BITTER WATER."

1. XII:1: What is the point of difference? Rabbis take the view that we require [for imposing the rite] [the husband's participation in] a combination of both procedures, namely, the expression of jealousy and the bringing of the wife. R. Yosé takes the view that we do not require [the husband to participate in] both procedures, namely, the expression of jealousy and the bringing of the wife.

2. XII:2: Tannaite complement.

XVI. Mishnah-Tractate Sotah 5:1-5

A. "JUST AS THE WATER PUTS HER TO THE PROOF, SO THE WATER PUTS HIM [THE LOVER] TO THE PROOF:

1. I:1: To whom does "him" refer?

B. SINCE IT IS SAID, 'AND IT SHALL COME..., 'AND IT SHALL COME...' (NUM. 5:22, 5:24). JUST AS SHE IS PROHIBITED TO THE HUSBAND, SO SHE IS PROHIBITED TO THE LOVER, SINCE IT IS SAID, 'AND SHE WILL BE UNCLEAN..., 'AND SHE WILL BE UNCLEAN...' (NUM. 5:27, 29)," THE WORDS OF R. AQIBA.

1. II:1: The following question was raised: Does the exegesis rest on the words, "...come and... come" [so that the duplication of the verb is at issue], or does it rest on the words, "And come... and come...", in which case the exegesis rests on the use of a superfluous word, "and"?

C. SAID R. JOSHUA, "THUS DID ZECHARIAH B. HAQQASSAB EXPOUND [THE SCRIPTURE]." RABBI SAYS, "THE TWO TIMES AT WHICH, 'IF SHE IS MADE UNCLEAN..., SHE IS MADE UNCLEAN..., 'ARE STATED IN THE PERICOPE REFER, ONE TO THE HUSBAND AND ONE TO THE LOVER."

1. III:1, 3: A Tannaite formulation subjects the relevant verses to yet further readings.

2. III:2,4: Is she is made unclean, why should she drink the water? [The water deals with a case of doubt, and here there is no doubt that she is unclean]. If she is not unclean, why impose the ordeal of drinking the water on her at all? The Scripture thereby teaches you that where there is a case of doubt [as in the case of

the accused wife], it is subject to prohibition. The accused wife may or may not be unclean. She is prohibited to the husband until the ordeal settles this question.

D. ON THAT DAY DID R. AQIBA EXPOUND AS FOLLOWS: “‘AND EVERY EARTHEN VESSEL INTO WHICH ANY OF THEM FALLS, WHATSOEVER IS IN IT CONVEYS UNCLEANNESS’ (LEV. 11:33). IT DOES NOT SAY, ‘IT WILL BE UNCLEAN, BUT WILL CONVEY UNCLEANNESS’ — THAT IS, TO IMPART UNCLEANNESS TO OTHER THINGS. THUS HAS SCRIPTURE TAUGHT CONCERNING A LOAF OF BREAD UNCLEAN IN THE SECOND REMOVE, THAT IT IMPARTS UNCLEANNESS IN THE THIRD REMOVE [TO A LOAF OF BREAD WITH WHICH IT COMES INTO CONTACT].”

SAID R. JOSHUA, “WHO WILL REMOVE THE DIRT FROM YOUR EYES, RABBAN YOHANAN B. ZAKKAI, FOR YOU USED TO SAY, ‘ANOTHER GENERATION IS GOING TO COME TO DECLARE CLEAN A LOAF OF BREAD IN THE THIRD REMOVE [FROM THE ORIGINAL SOURCE OF UNCLEANNESS]. FOR THERE IS NO SCRIPTURE IN THE TORAH WHICH INDICATES THAT IT IS UNCLEAN. BUT NOW HAS NOT AQIBA, YOUR DISCIPLE, BROUGHT SCRIPTURAL PROOF FROM THE TORAH THAT IT IS INDEED UNCLEAN, SINCE IT IS SAID, ‘AND WHATSOEVER IS IN IT SHALL IMPART UNCLEANNESS’ (LEV. 11:33).”

1. IV:1: Since there is no Scripture in the Torah that indicates that it is unclean, why should the loaf of bread in the third remove have been held by Yohanan ben Zakkai to be unclean as he claims? On the basis of statements in the Torah there is no proof, but on the basis of an argument a fortiori there is proof that the loaf is unclean.

2. IV:2: How do we know that that which is unclean by a source of uncleanness in the fourth remove from the original source of uncleanness in the case of Holy Things is invalid?

3. IV:3: Contrary to the position at hand, several authorities take the view that food in the status of ordinary, unconsecrated food and is unclean in the second remove of uncleanness does not make food that comes into contact with it unclean in the third remove of uncleanness. There is no third remove of uncleanness in regard to unconsecrated food.

E. ON THAT DAY DID R. AQIBA EXPOUND AS FOLLOWS: “‘AND YOU SHALL MEASURE WITHOUT THE CITY FOR THE EAST SIDE TWO THOUSAND CUBITS...’ (NUM. 35: 5). AND ANOTHER SCRIPTURE SAYS, ‘FROM THE WALL OF THE CITY AND OUTWARD A THOUSAND CUBITS ROUND ABOUT’ (NUM. 35: 4). IT IS NOT POSSIBLE TO STATE THAT THE REQUIRED MEASURE IS A THOUSAND AMAHS, FOR TWO THOUSAND AMAHS ALREADY HAVE BEEN SPECIFIED. BUT IT IS NOT POSSIBLE TO STATE THAT THE REQUIRED MEASURE IS TWO THOUSAND AMAHS, FOR ONE THOUSAND AMAHS ALREADY HAVE BEEN SPECIFIED. SO HOW SHALL WE RULE? A THOUSAND AMAHS FORM THE OUTSKIRTS, WHILE TWO THOUSAND AMAHS FORM THE SABBATH-LIMIT.” ELIEZER THE SON OF R. YOSÉ THE GALILEAN SAYS, “A THOUSAND AMAHS FORM THE OUTSKIRTS, AND TWO THOUSAND AMAHS COVER THE SURROUNDING FIELDS AND VINEYARDS.

1. V:1: On what matter do the parties [of M. 5:3] differ? One party takes the view that the rules governing the Sabbath-limit rest on the authority of the Torah. The

other party maintains that they rest on the authority of rabbis. Aqiba holds that the Torah made provision for the Sabbath-limit of the cities of refuge.

F. ON THAT DAY DID R. AQIBA EXPOUND AS FOLLOWS: “‘THEN SANG MOSES AND THE CHILDREN OF ISRAEL THIS SONG UNTO THE LORD AND SPOKE SAYING,’ (EXO. 15: 1). NOW SCRIPTURE HARDLY NEEDS TO ADD, ‘SAYING.’ AND WHY DOES SCRIPTURE STATE, ‘SAYING’? IT THEREBY TEACHES THAT THE ISRAELITES RESPONDED WORD BY WORD AFTER MOSES. AS THEY DO WHEN THEY READ THE HALLEL-PSALMS. THEREFORE, ‘SAYING,’ IS STATED IN THIS CONTEXT.” R. NEHEMIAH SAYS, “[THEY DID SO] AS THEY DO WHEN THEY READ THE SHEMA’, NOT AS WHEN THEY READ THE HALLEL.”

1. VI:1-2: Tannaite complement to Aqiba’s treatment of the occasion.

G. ON THAT DAY DID R. JOSHUA B. HURQANOS EXPOUND AS FOLLOWS: “JOB SERVED THE HOLY ONE, BLESSED BE HE, ONLY OUT OF LOVE, SINCE IT IS SAID, ‘THOUGH HE SLAY ME, YET WILL I WAIT FOR HIM’ (JOB. 13:15). BUT STILL THE MATTER IS IN DOUBT [AS TO WHETHER IT MEANS], ‘I WILL WAIT FOR HIM,’ OR, ‘I WILL NOT WAIT FOR HIM.’ SCRIPTURE STATES, ‘UNTIL I DIE I WILL NOT PUT AWAY MINE INTEGRITY FROM ME’ (JOB. 27: 5). THIS TEACHES THAT HE DID WHAT HE DID OUT OF LOVE.” SAID R. JOSHUA, “WHO WILL REMOVE THE DIRT FROM YOUR EYES, RABBAN YOHANAN B. ZAKKAI. FOR YOU USED TO EXPOUND FOR YOUR ENTIRE LIFE THAT JOB SERVED THE OMNIPRESENT ONLY OUT OF AWE, SINCE IT IS SAID, ‘THE MAN WAS PERFECT AND UPRIGHT AND ONE WHO FEARED GOD AND AVOIDED EVIL’ (JOB. 1:8). AND NOW HAS NOT JOSHUA, THE DISCIPLE OF YOUR DISCIPLE, TAUGHT THAT HE DID WHAT HE DID OUT OF LOVE:”

1. VII:1: Gloss on the problem of the reading of Job.†13:15: let us see [how the word is written]. If it is with an L and an A, then it means “not.” If it is written with an L and a W, then it means, “for him.”

2. VII:2: Tannaite complement: “The words, ‘feared God’ are used with reference to Job, and the words ‘feared God’ are used with reference to Abraham. Just as ‘God-fearing,’ stated with respect to Abraham, means that he did so out of love, so ‘God-fearing’ stated with reference to Job means that he feared God out of love.”

i. VII:3: Story that shows both attitudes are correct.

XVII. Mishnah-Tractate Sotah 6:1-4

A. HE WHO EXPRESSED JEALOUSY TO HIS WIFE, BUT SHE WENT ASIDE IN SECRET, “EVEN IF HE HEARD [THAT SHE HAD DONE SO] FROM A BIRD FLYING BY — HE PUTS HER AWAY, BUT PAYS OFF HER MARRIAGE-CONTRACT,” THE WORDS OF R. ELIEZER. R. JOSHUA SAYS, “[HE DOES SO] ONLY IF THE WOMEN WHO SPIN THEIR YARN BY MOONLIGHT TRADE STORIES ABOUT HER.”

[IF] ONE WITNESS SAID, “I SAW THAT SHE WAS MADE UNCLEAR,” SHE WOULD NOT UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER. AND NOT ONLY SO, BUT EVEN IF IT WAS A BOY-SLAVE OR A GIRL-SLAVE, LO, THESE ARE BELIEVED EVEN TO INVALIDATE HER [FROM RECEIVING PAYMENT OF] HER MARRIAGE-CONTRACT.

AS TO HER MOTHER-IN-LAW AND THE DAUGHTER OF HER MOTHER-IN-LAW, HER CO-WIFE, AND THE HUSBAND'S BROTHER'S WIFE, AND THE DAUGHTER OF HER HUSBAND, LO, THESE ARE BELIEVED [CF. M. [Yeb. 15:4](#)] — NOT TO INVALIDATE HER FROM RECEIVING PAYMENT OF HER MARRIAGE-CONTRACT, BUT THAT SHE SHOULD NOT UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER. FOR LOGIC MIGHT DICTATE AS FOLLOWS [VIS A VIS M. [6:2A-B](#)]: NOW, IF, IN THE CASE OF THE FIRST KIND OF TESTIMONY [THAT SHE HAS BEEN WARNED NOT TO GET INVOLVED WITH SUCH-AND-SUCH A MAN], WHICH DOES NOT IMPOSE UPON HER A PERMANENT PROHIBITION [BUT ONLY UNTIL SHE HAS UNDERGONE THE ORDEAL OF THE BITTER WATER], [THE ACCUSATION] IS NOT SUSTAINED BY LESS THAN TWO WITNESSES, IN THE CASE OF THE SECOND KIND OF TESTIMONY [THAT SHE HAS INDEED BEEN MADE UNCLEAR], WHICH DOES IMPOSE UPON HER A PERMANENT PROHIBITION [AGAINST REMAINING WED TO HER HUSBAND], SURELY [THE ACCUSATION] SHOULD NOT BE SUSTAINED BY LESS THAN TWO WITNESSES. BUT SCRIPTURE SAYS, AND THERE IS NO WITNESS AGAINST HER (NUM. 5:13) — [MEANING], ANY SORT OF TESTIMONY WHICH THERE IS AGAINST HER. ON THESE GROUNDS WE MAY NOW CONSTRUCT AN ARGUMENT FROM THE LESSER TO THE GREATER WITH REFERENCE TO THE FIRST KIND OF TESTIMONY: NOW IF THE SECOND KIND OF TESTIMONY, WHICH IMPOSES UPON HER A PERMANENT PROHIBITION, LO, IS SUSTAINED BY A SINGLE WITNESS, THE FIRST KIND OF TESTIMONY, WHICH DOES NOT IMPOSE UPON HER A PERMANENT PROHIBITION, SURELY SHOULD BE SUSTAINED BY MEANS OF A SINGLE WITNESS.

BUT SCRIPTURE SAYS, BECAUSE HE HAS FOUND SOME UNSEEMLY MATTER IN HER (DEU. 24:1), AND ELSEWHERE IT SAYS, AT THE MOUTH OF TWO WITNESSES SHALL A MATTER BE ESTABLISHED (DEU. 19:15) — JUST AS MATTER SPOKEN OF THERE REQUIRES TWO WITNESSES, SO MATTER SPOKEN OF HERE REQUIRES TWO WITNESSES.

1. I:1: Alternative proof-texts considered.

B. [IF] ONE WITNESS SAYS, "SHE WAS MADE UNCLEAR," AND ONE WITNESS SAYS, "SHE WAS NOT MADE UNCLEAR,"

[IF] ONE WOMAN SAYS, "SHE WAS MADE UNCLEAR," AND ONE WOMAN SAYS, "SHE WAS NOT MADE UNCLEAR," SHE WOULD UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER.

[IF] ONE WITNESS SAYS, "SHE WAS MADE UNCLEAR," AND TWO WITNESSES SAY, "SHE WAS NOT MADE UNCLEAR," SHE WOULD UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER.

[IF] TWO SAY, "SHE WAS MADE UNCLEAR," AND ONE SAYS, "SHE WAS NOT MADE UNCLEAR," SHE WOULD NOT UNDERGO THE ORDEAL OF DRINKING THE BITTER WATER.

1. II:1: Now the operative consideration is that there is someone to contradict the single witness. That implies that if there is no contradictory witness, a single witness in the present case is believed. How do we know that that is the case?

XVIII. Mishnah-Tractate Sotah 7:1-5

A. THESE ARE SAID IN ANY LANGUAGE: (1) THE PERICOPE OF THE ACCUSED WIFE [NUM. 5:19-22]:

1. I:1: How do we know [that the Hebrew language need not be used] in the pericope of the accused wife?
2. I:2: The priests inform the woman in any language that she grasps on what account she drinks the bitter water, and in what sort of utensil she drinks it, on what account she is deemed to have become unclean, and in what circumstances she is deemed to have become unclean.

B. AND (2) THE CONFESSION OF THE TITHE [DEU. 26:13-15]:

1. II:1: How do we know [that the Hebrew language need not be used] in this connection?

C. II:2: A PERSON SHOULD SPEAK OF WHAT IS TO HIS CREDIT [COHEN] IN A LOW VOICE, AND WHAT IS TO HIS DETRIMENT IN A LOUD VOICE. WHAT IS TO HIS CREDIT IN A LOW VOICE [WE LEARN] FROM THE MATTER OF THE CONFESSION FOR THE TITHES.

D. AND (3) THE RECITAL OF THE SHEMA, [DEU. 6: 4-9]:

1. III:1: How do we know [that the Hebrew language need not be used] in this connection?
2. III:2: Tannaite dispute on the same matter.

E. AND (4) THE PRAYER:

1. IV:1: Why is this the case? it is a prayer for mercy, and one may pray for mercy in any language.

F. (5) THE GRACE AFTER MEALS:

1. V:1: Proof from Scripture.

G. (6) THE OATH OF TESTIMONY:

1. VI:1: Proof from Scripture.

H. AND (7) THE OATH CONCERNING A BAILMENT.

1. VII:1: Proof from Scripture.

I. AND THESE ARE SAID [ONLY] IN THE HOLY LANGUAGE: (1) THE VERSES OF THE FIRST-FRUITS [DEU. 26: 3-10], (2) THE RITE OF HALISAH [DEU. 25: 7,9], (3) BLESSINGS AND CURSES [DEU. 27:15-26], (4) THE BLESSING OF THE PRIESTS [NUM. 6:24-26], (5) THE BLESSING OF A HIGH PRIEST [ON THE DAY OF ATONEMENT], (6) THE PERICOPE OF THE KING [DEU. 17:14-20]; (7) THE PERICOPE OF THE HEIFER WHOSE NECK IS TO BE BROKEN [DEU. 21: 7], AND (8) [THE MESSAGE] OF THE ANOINTED FOR BATTLE WHEN HE SPEAKS TO THE PEOPLE [DEU. 20: 2-7]. THE VERSES OF THE FIRST FRUITS [M. 7:2A1] — HOW SO? AND YOU WILL ANSWER AND SAY BEFORE THE LORD THY GOD (DEU. 26: 5).

AND LATER ON IT SAYS, “AND THE LEVITES WILL ANSWER AND SAY” (DEU. 27:14). JUST AS ANSWERING WHICH IS SAID IN THAT LATER PASSAGE IS IN THE HOLY LANGUAGE, SO ANSWERING WHICH IS SAID HERE [IN REFERENCE TO THE FIRST FRUITS] IS IN THE HOLY LANGUAGE.

1. VIII:1: How do we know that this is so for the Levites themselves?

J. THE RITE OF REMOVING THE SHOE [M. 7:2A2] — HOW SO? “AND SHE WILL ANSWER AND SAY” (DEU. 25: 9). AND LATER ON IT SAYS, “AND THE LEVITES WILL ANSWER AND SAY” (DEU. 27:14). JUST AS LATER ON ANSWERING IS TO BE IN THE HOLY LANGUAGE, SO THERE ANSWERING IS TO BE SAID IN THE HOLY LANGUAGE.

R. JUDAH SAYS, “AND SHE WILL ANSWER AND SAY, THUS — [SO IT IS NOT VALID] UNLESS SHE SAYS PRECISELY THESE WORDS.”

1. IX:1: The basis for the dispute between Judah and sages in exegesis.

K. BLESSINGS AND CURSES [M. 7:2A3] — HOW SO? WHEN ISRAEL CAME ACROSS THE JORDAN AND ARRIVED BEFORE MOUNT GERIZIM AND BEFORE MOUNT EBAL IN SAMARIA, NEAR SHECHEM, BESIDE THE OAK OF MOREH, — AS IT IS WRITTEN, “ARE NOT THEY BEYOND THE JORDAN...” (DEU. 11:30) AND ELSEWHERE IT SAYS, “AND ABRAHAM PASSED THROUGH THE LAND TO THE PLACE OF SHECHEM TO THE OAK OF MOREH (GEN. 12:6) — JUST AS THE OAK OF MOREH SPOKEN OF THERE IS AT SHECHEM, SO THE OAK OF MOREH SPOKEN OF HERE IS AT SHECHEM —)

1. X:1: Tannaite complement: the exegesis behind the Mishnah, and a broader range of opinion.

i. X:2: Further exegesis of the same verses, in a different context.

ii. X:3, continued at X:18: Tannaite formulation: how did the Israelites cross the Jordan? Note that the exposition is broken off at this point, a massive composite being inserted here, X:4-17, catalogued at L below. Then the exposition resumes as indicated.

iii. X:18: Continuation of the Tannaite exposition of the entry into the Land in the time of Joshua.

a. XI:19: The Punishment of Uzza for Touching the Ark. This composite on 2 Sam. 6:7 is introduced because of the reference to the carriers of the ark in the preceding Tannaite composition.

l. XI:20: gloss on foregoing.

b. XI:21: Continuation of the exposition of 2 Sam. 6:8.

c. XI:22: As above. David was angry.

l. XI:23: The theme of David's being punished: On what account was David punished? It was because he treated words of Torah as mere songs. He did not know the correct way to handle the ark.

d. XI:24: Exposition of another case in which the ark was improperly handled, 1 Sam. 6:19.

l. XI:25: Continuation of exegesis of 1 Sam. 6:19.

II. XI:26: As above, 1 Sam. 6:13.

iv. X:27: Continuation of the Exegesis of the Tannaite exposition of the entry into the Land in the time of Joshua.

a. X:28: Presentation and exposition of a further Tannaite treatment of the verses and theme at hand. From setting up stones, we proceed to the writing of the Torah on stones.

vi. X:29: Come and see how many miracles were done for Israel on that day.

vii. X:30: A hornet did not cross [the Jordan] with them.

L. X:4-17: THE SPIES AND THE LAND OF CANAAN (NUM. 13:2FF.):

1. X:4: “Send for yourself men [to spy out the land of Canaan, which I give to the people of Israel]” (Num. 13:2) — ‘Send for yourself’ — on your own volition.

2. X:5: “That they may explore the land for us” (Deu. 1:22): “The intent of the spies was only to discredit the land of Israel.

3. X:6: These were their names (Num. 13:4).

4. X:7: “And they came up through the South and he came to Hebron” (Num. 13:22): It should say, “They came.” This teaches that Caleb took his leave of the counsel of the spies and went and prostrated himself on the graves of the patriarchs.

5. X:8: Exposition of Num. 13:22.

6. X:9: As above.

7. X:10: Exposition of Num. 13:25.

8. X:11: Exposition of Num. 13:28.

9. X:12: Exposition of Num. 13:30.

10. X:13: Exposition of Num. 13:30 (continuation of the verse).

11. X:14: Exposition of Num. 13:32.

12. X:15: Exposition of Num. 13:33.

13. X:16: Exposition of Num. 14:10.

14. X:17: Exposition of Num. 14:37. Note that the exposition of the Tannaite complement on the Mishnah’s topic resumes at X:18, catalogued above.

M. SIX TRIBES WENT UP TO THE TOP OF MOUNT GERIZIM, AND SIX TRIBES WENT UP TO THE TOP OF MOUNT EBAL. AND THE PRIESTS AND LEVITES AND ARK OF THE COVENANT STOOD AT THE BOTTOM, IN THE MIDDLE [BETWEEN TWO MOUNTAINS].

THE PRIESTS SURROUND THE ARK, AND THE LEVITES [SURROUND] THE PRIESTS, AND ALL ISRAEL ARE ROUND ABOUT, SINCE IT SAYS, “AND ALL ISRAEL AND THEIR ELDERS AND OFFICERS AND JUDGES STOOD ON THIS SIDE OF THE ARK AND ON THAT...” (JOS. 8:33).

1. XI:1,3: Exposition of the relevant proof text. When, at Josh. 8:33, it says, “The half of them in front of Mount Gerizim and the half of them in front of Mount Ebal,” what is the meaning of the use of the definite article, the half, which hardly is needed? Even though Levi was down below, the children of Joseph were [included] with them and that tribe was numerous. That explains why Joseph’s tribe was included with Levi.

- i. XI:2: Since the prior passage has cited Josh. 17:14, the exposition of Josh. 17:15 is introduced, joined to the former prior to the inclusion of the whole into the present composite.
- 2. XI:4: Continuing XI:3, What did Joseph do to merit inclusion with Levi? What had he done to sanctify the divine name? Joseph and Potiphar's wife. Exposition of Gen. 39:11f., 49:12.
- 3. XI:5: Continuation of foregoing.
- 4. XI:6: Continuation of foregoing.
- 5. XI:7: Continuation of foregoing.
- 6. XI:8: Continuation of foregoing.
- 7. XI:9: Continuation of foregoing.
- 8. XI:10: Continuation of foregoing.
- 9. XI:11: Continuation of foregoing.
- 10. XI:12: Continuation of foregoing.
- 11. XI:13: Continuing XI:3: What did Judah do to sanctify the divine name and merit the inclusion of the divine name in his name?
- 12. XI:14: Resumption of the problem of XI:1, 3: the position of Levi: the elders of the priesthood and the Levites were below, but the rest of the tribe was above. Those who were suitable for service stood below, and those who were not suitable for service stood above.
- i. XI:15: clarification of a reference in the foregoing.

N. THEY TURNED THEIR FACES TOWARD MOUNT GERIZIM AND BEGAN WITH THE BLESSING: "BLESSED IS THE MAN WHO DOES NOT MAKE A GRAVEN OR MOLTEN IMAGE."

AND THESE AND THOSE ANSWER, "AMEN." THEY TURNED THEIR FACES TOWARD MOUNT EBAL AND BEGAN WITH THE CURSE: "CURSED IS THE MAN WHO MAKES A GRAVEN OR MOLTEN IMAGE" (DEU. 27:15). AND THESE AND THOSE ANSWER, "AMEN." [AND THIS PROCEDURE THEY FOLLOW] UNTIL THEY COMPLETE THE BLESSINGS AND THE CURSES. AND AFTERWARD THEY BROUGHT STONES AND BUILT AN ALTAR AND PLASTERED IT WITH PLASTER.

AND THEY WROTE ON IT ALL THE WORDS OF THE TORAH IN SEVENTY LANGUAGES, AS IT IS WRITTEN, "VERY PLAINLY" (DEU. 27:8). AND THEY TOOK THE STONES AND CAME AND SPENT THE NIGHT IN THEIR OWN PLACE [JOS. 4: 8].

- 1. XII:1: Tannaite complement: There is a blessing in general and a blessing in particular, a curse in general and a curse in particular.
- 2. XII:2: The entire passage [of blessings and curses] pertains only to the adulterer and adulteress.
- 3. XII:3: Exegesis of Dt. 11:29, to indicate that the blessing must come before the curse.

XIX. Mishnah-Tractate Sotah 7:6

A. THE BLESSING OF THE PRIESTS [M. 7:2A4] — HOW SO? IN THE PROVINCES THEY SAY IT AS THREE BLESSINGS,

1. I:1: “Thus you shall bless...” (Num. 6:23): in the Holy Language.

B. THE PRIESTLY BLESSING. A TOPICAL MISCELLANY.

1. I:2: Further exposition of the same verse, now without reference to the Mishnah-rule: “Thus you shall bless...” (Num. 6:23): standing [not sitting down].

2. I:3: “Thus you shall bless...” (Num. 6:23): by raising the hands.

3. I:4: “Thus you shall bless the children of Israel (Num. 6:23): using the Unique Name of God.

4. I:5: “Thus you shall bless the sons of Israel” (Num. 6:23): I know that included in the blessing are only the sons of Israel. How do I know that included are also proselytes, women, and freed slaves?

5. I:6: “Thus you shall bless the sons of Israel” (Num. 6:23): You say that it is face to face. But perhaps it means face to back [with the priests’ faces toward the peoples’ backs]?

6. I:7: “Thus you shall bless the sons of Israel” (Num. 6:23): in a loud voice. Or perhaps it means only in a whisper?

7. I:8: Abayye, “We have a tradition that [in calling the priests to say the blessing], to two [priests, the prayer-leader] calls out, ‘Priests,’ but to one alone he does not call out, ‘Priest.’” Note the intrusion at this point of C.i-D.16.

8. I:17: In a synagogue all the members of which are priests, all of them go up to the platform.

i. I:18: Expansion of the foregoing: The people who stand at the back of the priests are not covered by the blessing.

a. I:19: The reference in the foregoing to the fact that even a partition made of iron will not create an obstruction between Israel and their father in heaven, accounts for the inclusion of reference to the prohibition of talk when the Torah is open. Such chatter will create a barrier between God and the people.

9. I:20: Any priest who has not washed his hands should not raise his hands and say the priestly benediction.

10. I:21: What is the blessing a priest should say?

11. I:22: The priests are not permitted to bend their finger joints which have been stretched as they said the blessing until they have turned away from the congregation.

12. I:23: The one who leads the prayer is not permitted to call, ‘Priests!’ [at the beginning of the priestly benediction] until the word ‘Amen’ has been completely expressed by the congregation. And other sayings by Hisda. This ends with the following, which accounts for the insertion if I:24: The one who reads the Torah is

not permitted to begin reading a new verse until the one who does the translating has completed the translation of the verse at hand.

a. I:24: He who completes the Torah-lection with the reading of a prophetic passage first of all has to read in the Torah.

13. I:25: When the priests are saying the priestly blessing for the people, what do the people say?

a. I:25: During the additional services on the Sabbath, what do they say?

14. I:26: At what point in the service does one say these verses?

15. I:27: Is it necessary to recite those verses at all?

a. I:28: Statement of Abbahu is tacked on to 26.F as part of a composite on his humility.

b. I:29: While the leader of the congregational prayer says, "We give thanks..." what do the people say?

16. I:30: Isaac, "At all times let the awe of the community be upon you, for lo, the importance of the community is shown in the fact that as to the priests, their face is toward the people, and their backs toward the ark that represents the presence of God."

C. JOSHUA B. LEVI'S SAYINGS ON THE PRIESTLY BLESSING

1. I:9: How do we know that the Holy One, blessed be he, yearns after the blessing of the priests?

2. I:10: Every priest who says a blessing is blessed, and every priest who does not say the blessing is not blessed.

3. I:11: Any priest who does not go up to the platform [to bless the community] violates three affirmative religious commandments.

i. I:12: Any priest who does not go up during [the prayers said in commemoration of] the sacrificial service may not go up again [at some later time, in the service].

D. JOSHUA BEN LEVI'S SAYINGS ON GENEROSITY

1. I:13: They hand over the cup of blessing [in the Grace after meals] only to someone who is generous.

2. I:14: How do we know that even the birds in the skies can spy out a niggardly person?

3. I:15: Whoever derives benefit from a niggardly person violates a negative commandment.

4. I:16: The occasion for going through the rite of breaking the neck of a heifer [when a neglected corpse turns up] comes only on account of [prior] niggardliness. Note that the exposition now reverts to the topic of the priestly benediction. For the purpose of this outline, I return to B.1.viii.

E. AND IN THE SANCTUARY, AS ONE BLESSING. IN THE SANCTUARY ONE SAYS THE NAME AS IT IS WRITTEN, BUT IN THE PROVINCES, WITH A EUPHEMISM.

IN THE PROVINCES THE PRIESTS RAISE THEIR HANDS AS HIGH AS THEIR SHOULDERS, BUT IN THE SANCTUARY, THEY RAISE THEM OVER THEIR HEADS, EXCEPT FOR THE HIGH PRIEST, WHO DOES NOT RAISE HIS HANDS OVER THE FRONTLET. R. JUDAH SAYS, “ALSO THE HIGH PRIEST RAISES HIS HANDS OVER THE FRONTLET, SINCE IT IS SAID, ‘AND AARON LIFTED UP HIS HANDS TOWARD THE PEOPLE AND BLESSED THEM’ (LEV. 9:22).”

1. II:1: And why so? Because people do not respond by saying, “Amen,” in the sanctuary.

XX. Mishnah-Tractate Sotah 7:7

A. THE BLESSING OF THE HIGH PRIEST [M. 7:2A5] — HOW SO? THE MINISTER OF THE ASSEMBLY TAKES A SCROLL OF THE TORAH AND GIVES IT TO THE HEAD OF THE ASSEMBLY, AND THE HEAD OF THE ASSEMBLY GIVES IT TO THE PREFECT, AND THE PREFECT GIVES IT TO THE HIGH PRIEST.

1. I:1: Does the rule bear the implication that people pay respect to the disciple where the master is present, since the scroll is passed first to the lesser figures and only then to the high priest?

B. AND THE HIGH PRIEST STANDS AND RECEIVES IT

1. II:1: Does this then imply that beforehand he was sitting down

C. AND READS IN IT: “AFTER THE DEATH...” (LEV. 16: 1FF.) AND “HOWBEIT ON THE TENTH DAY” (LEV. 23:16-32).

1. III:1: The following objection was raised: People may skip around in the public reading of a prophetic book, but they may not skip around in the public reading of the Torah. Why then do we permit so much jumping around among passages of the Torah here?

D. THEN HE ROLLS UP THE TORAH AND HOLDS IT AT HIS BREAST AND SAYS, “MORE THAN I HAVE READ FOR YOU IS WRITTEN HERE.”

1. IV:1: Why is this the rule?

E. “AND ON THE TENTH...” WHICH IS IN THE BOOK OF NUMBERS (NUM. 29: 7-11) DID HE RECITE BY HEART.

1. V:1: But why not leave the scroll rolled up and recite the passage by heart? Why leave the scroll open, if the reader is not going to read from it?

F. AND AFTERWARD HE SAYS EIGHT BLESSINGS: (1) ... FOR THE TORAH, (2) AND... FOR THE TEMPLE-SERVICE, (3) AND... FOR THE THANKSGIVING, (4) AND FOR THE FORGIVENESS OF SIN, (5) AND FOR THE SANCTUARY, (6) AND FOR ISRAEL, (7) AND FOR THE PRIESTS,

1. VI:1: Tannaite complement along the same lines.

G. (8) AND THE REST OF THE PRAYER.

1. VII:1: Tannaite complement along the same lines.

XXI. Mishnah-Tractate Sotah 7:8

A. THE PERICOPE OF THE KING [M. 7:2A5] — HOW SO? AT THE END OF THE FIRST FESTIVAL DAY OF THE FESTIVAL [OF SUKKOT], ON THE EIGHTH YEAR, [THAT IS] AT THE END OF THE SEVENTH YEAR, THEY MAKE HIM A PLATFORM OF WOOD, SET IN THE COURTYARD. AND HE SITS ON IT, AS IT IS SAID, “AT THE END OF EVERY SEVEN YEARS IN THE SET TIME” (DEU. 31:10).

1. I:1: Why all the details of the timing, as at Deu. 31:10?

B. THE MINISTER OF THE ASSEMBLY TAKES A SCROLL OF THE TORAH AND HANDS IT TO THE HEAD OF THE ASSEMBLY, AND THE HEAD OF THE ASSEMBLY HANDS IT TO THE PREFECT, AND THE PREFECT HANDS IT TO THE HIGH PRIEST, AND THE HIGH PRIEST HANDS IT TO THE KING,

1. II:1: Does the rule at hand bear the implication that people pay respect to the disciple where the master is present, since the scroll is passed first to the lesser figures and only then to the high priest?

C. AND THE KING STANDS AND RECEIVES IT. BUT HE READS SITTING DOWN.

1. III:1: [Since the Mishnah states that] he stands, it leads to the inference that he had been sitting.

D. AGRIPPA THE KING STOOD UP AND RECEIVED IT AND READ IT STANDING UP, AND SAGES PRAISED HIM ON THAT ACCOUNT.

1. IV:1: But has not R. Ashi stated, “Even in accord with the opinion of him who said, ‘If a patriarch forgoes the dignity owing to him, that dignity may be given up,’ a king who forgoes the dignity owing to him in any event may not give it up”?

E. AND WHEN HE CAME TO THE VERSE, “YOU MAY NOT PUT A FOREIGNER OVER YOU, WHO IS NOT YOUR BROTHER” (DEU. 17:15), HIS TEARS RAN DOWN FROM HIS EYES. THEY SAID TO HIM, “DO NOT BE AFRAID, AGRIPPA, YOU ARE OUR BROTHER, YOU ARE OUR BROTHER, YOU ARE OUR BROTHER!”

HE READS FROM THE BEGINNING OF “THESE ARE THE WORDS” (DEU. 1:1) TO “HEAR O ISRAEL” (DEU. 6: 4), “HEAR O ISRAEL” (DEU. 6: 4), “AND IT WILL COME TO PASS, IF YOU HEARKEN” (DEU. 11:13), AND “YOU SHALL SURELY TITHE” (DEU. 14:22), AND “WHEN YOU HAVE MADE AN END OF TITHING” (DEU. 26:12-15), AND THE PERICOPE OF THE KING [DEU. 17:14-20], AND THE BLESSINGS AND THE CURSES [DEU. 27:15-26], AND HE COMPLETES THE WHOLE PERICOPE. WITH THE SAME BLESSINGS WITH WHICH THE HIGH PRIEST BLESSES THEM [M. 7:7F], THE KING BLESSES THEM. BUT HE SAYS THE BLESSING FOR THE FESTIVALS INSTEAD OF THE BLESSING FOR THE FORGIVENESS OF SIN.

1. V:1: This was wrong, since they were currying favor with the king, which they should not have done.

F. COMPOSITE ON THE TOPIC, FLATTERY

1. V:2: It is permitted to flatter the wicked in this world.

2. V:3: Whoever practices flattery brings anger upon the world. And other sayings on the same topic and proposition in Eleazar’s name.

3. V:4: There are four categories who will not receive the face of the Presence of God: the category of scoffers, flatterers, liars, and slanderers.

XXII. Mishnah-Tractate Sotah 8:1

A. THE ANOINTED FOR BATTLE, WHEN HE SPEAKS TO THE PEOPLE, IN THE HOLY LANGUAGE HE DID SPEAK, AS IT IS SAID, “AND IT SHALL COME TO PASS WHEN YOU DRAW NEAR TO THE BATTLE, THAT THE PRIEST SHALL APPROACH” (THIS IS THE PRIEST ANOINTED FOR BATTLE) “AND SHALL SPEAK TO THE PEOPLE” (IN THE HOLY LANGUAGE)”

1. I:1: What is the point of the proof here?

2. I:2: Further exposition of Deu. 20: 2.

B. AND SHALL SAY TO THEM, HEAR, O ISRAEL, YOU DRAW NEAR TO BATTLE THIS DAY” (DEU. 20: 3):

1. II:1: What makes “Hear O Israel” so special that that is what the orator should say to the troops?

C. “AGAINST YOUR ENEMIES” (DEU. 20: 3) — AND NOT AGAINST YOUR BROTHERS, NOT JUDAH AGAINST SIMEON, NOR SIMEON AGAINST BENJAMIN. FOR IF YOU FALL INTO THEIR [ISRAELITES’] HAND, THEY WILL HAVE MERCY FOR YOU, AS IT IS SAID, “AND THE MEN WHICH HAVE BEEN CALLED BY NAME ROSE UP AND TOOK THE CAPTIVES AND WITH THE SPOIL CLOTHED ALL THAT WERE NAKED AMONG THEM AND ARRAYED THEM AND PUT SHOES ON THEIR FEET AND GAVE THEM FOOD TO EAT AND SOMETHING TO DRINK AND CARRIED ALL THE FEEBLE OF THEM UPON ASSES AND BROUGHT THEM TO JERICHO, THE CITY OF PALM TREES, UNTO THEIR BRETHREN. THEN THEY RETURNED TO SAMARIA” (2CH. 28:15). “AGAINST YOUR ENEMIES” DO YOU GO FORTH. FOR IF YOU FALL INTO THEIR HAND, THEY WILL NOT HAVE MERCY UPON YOU. “LET NOT YOUR HEART BE FAINT, FEAR NOT, NOR TREMBLE, NEITHER BE AFRAID” (DEU. 20: 3). “LET NOT YOUR HEART BE FAINT” — ON ACCOUNT OF THE NEIGHING OF THE HORSES AND THE FLASHING OF THE SWORDS:

1. III:1: This language is used on the battlefield in particular.

D. “FEAR NOT” — AT THE CLASHING OF SHIELDS AND THE RUSHING OF THE TRAMPING SHOES. “NOR TREMBLE” — AT THE SOUND OF THE TRUMPETS. “NEITHER BE AFRAID” — AT THE SOUND OF THE SHOUTING. FOR THE LORD YOUR GOD IS WITH YOU” (DEU. 20: 4) — THEY COME WITH THE POWER OF MORTAL MAN, BUT YOU COME WITH THE POWER OF THE OMNIPRESENT.

THE PHILISTINES CAME WITH THE POWER OF GOLIATH. WHAT WAS HIS END? IN THE END HE FELL BY THE SWORD, AND THEY FELL WITH HIM.

1. IV.1-8: Topical composite on the theme of Goliath.

E. THE AMMONITES CAME WITH THE POWER OF SHOBACK [2SA. 10:16]. WHAT WAS HIS END? IN THE END HE FELL BY THE SWORD, AND THEY FELL WITH HIM.

1. V:1: Shoback: the spelling of the name.

i. VI:2, 3: Plays on words in the model of V:1.

F. BUT YOU ARE NOT THUS: “FOR THE LORD YOUR GOD IS HE WHO GOES WITH YOU TO FIGHT FOR YOU” (— THIS IS THE CAMP OF THE ARK).

1. VI:1: Why [state all this]? It was because the Name of God and all of the euphemisms for it had been placed in the ark.

i. VI:2: Exegesis of the proof-text introduced at VI:1, on the theme of Phineas.

XXIII. Mishnah-Tractate Sotah 8:2-4

A. AND THE OFFICERS SHALL SPEAK TO THE PEOPLE, SAYING:

1. I:1: Tannaite exegesis of the cited verse.

B. WHAT MAN IS THERE WHO HAS BUILT A NEW HOUSE

1. II:1: Tannaite exegesis of the relevant verse.

C. AND HAS NOT DEDICATED IT? LET HIM GO AND RETURN TO HIS HOUSE (DEU. 20: 5).”

ALL THE SAME ARE THE ONES WHO BUILD A HOUSE FOR STRAW, A HOUSE FOR CATTLE, A HOUSE FOR WOOD, AND A HOUSE FOR STORAGE. ALL THE SAME ARE THE ONES WHO BUILD IT, WHO PURCHASE IT, WHO INHERIT IT, AND TO WHOM IT IS GIVEN AS A GIFT.

1. III:1: Further amplification of the cited verse. Exclusion of one who has stolen a house.

D. “AND WHO IS THE MAN WHO HAS PLANTED A VINEYARD AND HAS NOT USED THE FRUIT THEREOF” (DEU. 20: 6) — ALL THE SAME ARE THE ONES WHO PLANT A VINEYARD AND WHO PLANT FIVE FRUIT-TREES, AND EVEN IF THEY ARE OF FIVE DIFFERENT KINDS. AND ALL THE SAME ARE THE ONES WHO PLANT SUCH A TREE, WHO SINK THEM INTO THE GROUND, AND WHO GRAFT THEM. AND ALL THE SAME ARE THE ONES WHO BUY A VINEYARD, AND WHO INHERIT IT, AND TO WHOM IT IS GIVEN AS A GIFT.

1. IV:1: Further amplification of the cited verse.

2. IV:2: As above.

i. IV:3: Reference is made to a distinction between the graft of a young shoot onto an old stump, in which case the status of the young shoot is annulled [and the shoot enters the status of the established stump], and the case of the grafting of a young shoot onto another young shoot, in which case the grafted branch does not lose its original status. This distinction is now spelled out in detail.

a. IV:4-5: Since the foregoing cites Dimi’s citation of Eliezer b. Jacob, further citations of that authority by Dimi are now included; the set, of course, was formed prior to insertion here.

b. IV:6-9: Further citations of Eliezer b. Jacob, now by other authorities.

E. “AND WHO IS THE MAN WHO HAS BETROTHED A WIFE” (IBID.) — ALL THE SAME ARE THE ONES WHO BETROTH A VIRGIN AND WHO BETROTH A WIDOW — AND EVEN A DECEASED CHILDLESS BROTHER’S WIDOW WHO AWAITS THE LEVIR. AND EVEN IF ONE HEARD DURING THE BATTLE THAT HIS BROTHER HAD DIED, HE RETURNS AND COMES ALONG HOME. ALL THESE LISTEN TO THE WORDS OF THE PRIEST CONCERNING THE ARRANGEMENTS OF BATTLE AND GO HOME. AND THEY PROVIDE WATER AND FOOD AND KEEP THE ROADS IN GOOD REPAIR.

1. V:1: Tannaite amplification of the cited verse.

2. V:2: As above.

F. AND THESE ARE THE ONES WHO DO NOT RETURN HOME: HE WHO BUILDS A GATE-HOUSE, A PORTICO, OR A PORCH; HE WHO PLANTS ONLY FOUR FRUIT-TREES OR FIVE BARREN TREES; HE WHO REMARRIES A WOMAN WHOM HE HAS DIVORCED, OR [HE WHO MARRIES] A WIDOW IN THE CASE OF A HIGH PRIEST, A DIVORCEE OR A WOMAN WHO HAS UNDERGONE THE RITE OF HALISAH IN THE CASE OF AN ORDINARY PRIEST, OR A MAMZERET OR A NETINAH IN THE CASE OF AN ISRAELITE, OR AN ISRAELITE GIRL IN THE CASE OF A MAMZER OR A NETIN — SUCH A ONE DID NOT GO HOME. R. JUDAH SAYS, “ALSO: HE WHO BUILDS HIS HOUSE ON ITS ORIGINAL FOUNDATION DID NOT GO HOME.”

1. VI:1: if one has added a single row of bricks [to his house], he goes home.

G. R. ELIEZER SAYS, “ALSO: HE WHO BUILDS A HOUSE OF BRICKS IN THE SHARON DOES NOT GO HOME.”

1. VII:1: That is because people have to build it afresh twice in every sequence of seven years.

H. AND THESE ARE THE ONES WHO [TO BEGIN WITH] DO NOT MOVE FROM THEIR PLACE: HE WHO HAD [JUST NOW] BUILT A HOUSE AND DEDICATED IT, WHO HAD PLANTED A VINEYARD AND USED ITS FRUITS, WHO HAD MARRIED THE GIRL WHOM HE HAD BETROTHED, OR WHO HAD CONSUMMATED THE MARRIAGE OF HIS DECEASED CHILDLESS BROTHER’S WIDOW, SINCE IT IS SAID, “HE SHALL BE FREE FOR HIS HOUSE ONE YEAR” (DEU. 24: 5):

1. VIII:1: Tannaite proof for the proposition that the one who has wed a widow does not go home.

I. “FOR HIS HOUSE” — THIS IS HIS HOUSE. “WILL BE” — THIS REFERS TO HIS VINEYARD. “AND SHALL CHEER HIS WIFE” — THIS APPLIES TO HIS OWN WIFE. “WHOM HE HAS ACQUIRED” — TO INCLUDE EVEN HIS DECEASED CHILDLESS BROTHER’S WIDOW.

THESE DO NOT [EVEN] HAVE TO PROVIDE WATER AND FOOD AND SEE TO THE REPAIR OF THE ROAD.

1. IX:1: Tannaite proof for the proposition: Our rabbis have taught on Tannaite authority: “Is it possible to conclude that, while he does not go out with the army, he should provide water and food and keep the roads in good repair? Scripture says, “Nor shall he be charged with any business” (Deu. 24: 5).

XXIV. Mishnah-Tractate Sotah 8:5-7

A. “AND THE OFFICERS SHALL SPEAK FURTHER UNTO THE PEOPLE [AND THEY SHALL SAY, WHAT MAN IS THERE WHO IS FEARFUL AND FAINTHEARTED? LET HIM RETURN TO HIS HOME]” (DEU. 20: 8). R. AQIBA SAYS, “‘FEARFUL AND FAINTHEARTED’ — JUST AS IT IMPLIES: HE CANNOT STAND IN THE BATTLE-RANKS OR SEE A DRAWN SWORD.”

R. YOSÉ THE GALILEAN SAYS, “‘FEARFUL AND FAINTHEARTED’ — THIS IS ONE WHO TREMBLES ON ACCOUNT OF THE TRANSGRESSIONS WHICH ARE IN HIS HAND. THEREFORE THE TORAH HAS CONNECTED ALL OF THESE, [THAT HE MIGHT (APPEAR TO) RETURN (HOME) ON THEIR ACCOUNT].

R. YOSÉ SAYS, “AS TO A WIDOW MARRIED TO A HIGH PRIEST, A DIVORCEE OR WOMAN WHO HAS UNDERGONE THE RITE OF HALISAH TO AN ORDINARY PRIEST, A MAMZER-GIRL OR A NETINAH-GIRL MARRIED TO AN ISRAELITE, AN ISRAELITE GIRL TO A MAMZER OR A NETIN — LO, THESE ARE THE ONES WHO ARE ‘FEARFUL AND FAINTHEARTED.’”

1. I:1: What principle is at issue between R. Yosé and R. Yosé the Galilean?

B “AND IT SHALL BE WHEN THE OFFICERS HAVE MADE AN END OF SPEAKING TO THE PEOPLE THAT THEY SHALL APPOINT CAPTAINS OF HOSTS AT THE HEAD OF THE PEOPLE” (DEU. 20: 9), AND AT THE REAR OF THE PEOPLE.

1. II:1: revision of the wording of the Mishnah to conform to the requirement of logic.

C. THEY STATION WARRIORS AT THEIR HEAD AND OTHERS BEHIND THEM, AND IRON AXES ARE IN THEIR HAND. AND WHOEVER WANTS TO RETREAT — HE HAS THE POWER TO BREAK HIS LEGS FOR THE START OF DEFEAT IS FALLING BACK, AS IT IS WRITTEN, “ISRAEL FLED BEFORE THE PHILISTINES AND THERE WAS ALSO A GREAT SLAUGHTER AMONG THE PEOPLE (1SA. 4:17). AND FURTHER IT IS WRITTEN, “AND THE MEN OF ISRAEL FLED FROM BEFORE THE PHILISTINES AND FELL DOWN SLAIN” (1SA. 31:1).

UNDER WHAT CIRCUMSTANCES [DO THE FOREGOING RULES APPLY]? IN THE CASE OF AN OPTIONAL WAR.

BUT IN THE CASE OF A WAR SUBJECT TO RELIGIOUS REQUIREMENTS, EVERYONE GOES FORTH TO BATTLE — EVEN A BRIDEGROOM FROM HIS CHAMBER, AND A BRIDE FROM HER MARRIAGE-CANOPY. SAID R. JUDAH, “UNDER WHAT CIRCUMSTANCES? IN THE CASE OF A WAR SUBJECT TO RELIGIOUS REQUIREMENT. BUT IN THE CASE OF AN OBLIGATORY WAR, EVERYONE GOES FORTH TO BATTLE — EVEN A BRIDEGROOM FROM HIS CHAMBER, AND A BRIDE FROM HER MARRIAGE-CANOPY.”

1. III:1: definition of obligatory and optional wars.

XXV. Mishnah-Tractate Sotah 9:1-2F

A. THE RITE OF THE HEIFER WHOSE NECK IS TO BE BROKEN IS SAID IN THE HOLY LANGUAGE, SINCE IT IS SAID, “IF ONE BE FOUND SLAIN IN THE LAND LYING IN THE FIELD...”

1. I:1: What is the sense of the statement of B as a proof-text, since it does not indicate that the rite must be conducted in the Hebrew language?

B. “THEN YOUR ELDERS YOUR JUDGES SHALL COME FORTH” (DEU. 21: 1-2). THREE FROM THE HIGH COURT IN JERUSALEM WENT FORTH. R. JUDAH SAYS, “FIVE, SINCE IT IS SAID, YOUR ELDERS — THUS, TWO, AND YOUR JUDGES, THUS TWO, AND THERE IS NO SUCH THING AS A COURT MADE UP OF AN EVEN NUMBER OF JUDGES, SO THEY ADD TO THEIR NUMBER YET ONE MORE.

1. II:1: Scriptural proof for the positions of both parties (now: Simeon and Judah).

2. II:2: The formulation of the Mishnah-paragraph at hand when it specifies that we deal with members of the sanhedrin does not accord with the view of R. Eliezer b. Jacob.

i. II:3: Is it solely with reference to the king and high priest that R. Eliezer b. Jacob differs, but, so far as the sanhedrin is concerned, he concurs with either R. Judah or R. Simeon?

C. [IF] IT WAS FOUND HIDDEN UNDER A HEAP OF ROCKS OR HANGING FROM A TREE OR FLOATING ON THE SURFACE OF WATER, THEY DID NOT BREAK THE NECK OF A HEIFER. SINCE IT IS SAID, ON THE GROUND [DEU. 21: 1] — NOT HIDDEN UNDER A PILE OF ROCK. LYING — NOT HUNG ON A TREE. IN THE FIELD — NOT FLOATING ON THE WATER:

1. III:1: May I propose that the Mishnah-rule at hand accords with the view of R. Judah and not that of rabbis [vis à vis Judah]?

i. III:2: Secondary expansion of an illustrative case given at III:1, with no bearing on the neglected corpse.

2. III:3: In the case of two neglected corpses, one of top of the other, from what point does [the court] take the measurement?

3. III:4: Tannaite complement, exegesis of a verse relevant to the issue of the circumstance in which the discovery of the neglected corpse takes place.

D. [IF] IT WAS FOUND NEAR THE FRONTIER:

1. IV:1: Exegesis sustains the rule.

E. NEAR A TOWN WHICH HAD A GENTILE MAJORITY:

1. V:1: For we require that there be “elders of the town” [such as Deu. 21:1 mentions] and in the town without a court, there are no elders.

F. OR NEAR A TOWN WHICH HAD NO COURT, THEY DID NOT BREAK A HEIFER’S NECK:

1. VI:1: if the neglected corpse is found near a town in which there is no court, they ignore that town and measure to a town which has a court

XXVI. Mishnah-Tractate Sotah 9:2G-4

A. “[IF] IT WAS FOUND EXACTLY BETWEEN TWO SUCH TOWNS, THEN THE TWO OF THEM BRING TWO HEIFERS,” THE WORDS OF R. ELIEZER.

1. I:1: The basis for the position of Eliezer.

B. AND JERUSALEM DOES NOT HAVE TO BRING A HEIFER WHOSE NECK IS TO BE BROKEN.

1. II:1: Jerusalem was not divided up among [and inherited by] the tribes. Accordingly, it does not fall into the relevant category.

C. “[IF] ITS HEAD IS FOUND IN ONE PLACE AND ITS BODY IN ANOTHER PLACE, THEY BRING THE HEAD TO THE BODY,” THE WORDS OF R. ELIEZER. R. AQIBA SAYS, “THEY BRING THE BODY TO THE HEAD.”

1. III:1: What is at issue between the contending authorities?

D. FROM WHAT POINT DID THEY MEASURE? R. ELIEZER SAYS, “FROM HIS BELLY-BUTTON.” R. AQIBA SAYS, “FROM HIS NOSE.” R.

1. IV:1: What is at issue in the present dispute?

E. ELIEZER B. JACOB SAYS, “FROM THE PLACE AT WHICH HE WAS TURNED INTO A CORPSE — FROM HIS NECK.”

1. V:1: What is the scriptural basis for the view of R. Eliezer b. Jacob?

XXVII. Mishnah-Tractate Sotah 9:5-6

A. THE ELDERS OF JERUSALEM TOOK THEIR LEAVE AND WENT AWAY. THE ELDERS OF THAT TOWN BRING “A HEIFER FROM THE HERD WITH WHICH LABOR HAD NOT BEEN DONE AND WHICH HAD NOT DRAWN THE YOKE” (DEU. 21:3).

BUT A BLEMISH DOES NOT INVALIDATE IT.

1. I:1: A blemish should invalidate a heifer [used for the present rite], on the basis of an argument a fortiori.

i. I:2: If one placed on [a red cow] a bundle of sacks, it is disqualified, but in the case of the heifer, it is disqualified only if it actually draws a load.” This entry pursues its own theme, which was introduced tangentially at I:1. But in fact it is critical to the foregoing, as is made explicit: there are those who derive the besought proof from the case of the heifer, and there are those who derive the besought proof from the body of the red cow itself. The point of the analogy is not to be missed: these are rites that are carried out outside the Temple proper and therefore are treated as comparable.

a. I:3: What is the extent to which the drawing of the yoke [must be carried out so as to invalidate the heifer]?

2. I:4: Why has the Torah made explicit, ‘[They] shall bring the heifer down to a valley’ (Deu. 21:4)?

B. THEY BROUGHT IT DOWN INTO A RUGGED VALLEY (AND RUGGED IS MEANT LITERALLY, HARD, BUT EVEN IF IT IS NOT RUGGED, IT IS VALID).

1. II:1: How do we know that the word “rugged” means “hard”?

C. AND THEY BREAK ITS NECK WITH A HATCHET FROM BEHIND.

1. III:1: What is the scriptural basis for doing it from behind?

D. AND ITS PLACE IS PROHIBITED FOR SOWING AND FOR TILLING,

1. IV:1: Tannaite statement concerning the Scriptural basis for not utilizing the place where the heifer is killed.

E. BUT PERMITTED FOR THE COMBING OUT OF FLAX AND FOR QUARRYING STONES.

1. V:1: Tannaite statement concerning the Scriptural basis for permitting work of another sort, besides that specified, on the part of the heifer.

F. THE ELDERS OF THAT TOWN WASH THEIR HANDS IN THE PLACE IN WHICH THE NECK OF THE HEIFER IS BROKEN, AND THEY SAY, “OUR HANDS HAVE NOT SHED THIS BLOOD, NOR DID OUR EYES SEE IT” (DEU. 21: 7).

1. VI:1: Tannaite interpretation of the pertinent proof-text, deriving the further lesson that the act takes place in the place in which the act of breaking the heifer’s neck took place.

G. NOW COULD IT ENTER OUR MINDS THAT THE ELDERS OF A COURT MIGHT BE SHEDDERS OF BLOOD? BUT [THEY MEAN:] HE DID NOT COME INTO OUR HANDS SO THAT WE SENT HIM AWAY WITHOUT FOOD. AND WE DID NOT SEE HIM AND LET HIM GO ALONG WITHOUT AN ESCORT.

AND [IT IS] THE PRIESTS [WHO] SAY, “FORGIVE, O LORD, YOUR PEOPLE ISRAEL, WHOM YOU HAVE REDEEMED, AND DO NOT ALLOW INNOCENT BLOOD IN THE MIDST OF YOUR PEOPLE, ISRAEL” (DEU. 21: 8). THEY DID NOT HAVE TO SAY, “AND THE BLOOD SHALL BE FORGIVEN THEM” (DEU. 21: 8). BUT THE HOLY SPIRIT INFORMS THEM, “WHENEVER YOU DO THIS, THE BLOOD SHALL BE FORGIVEN TO YOU.”

1. VII:1: They compel [people to provide] an escort, for there is no limit to the reward for doing so.

H. EXEGESIS OF THE STORY OF PROVIDING AN ESCORT, JUD.†1:24FF.

1. VII:2: The proof text cited at VII:1 is now expounded in its own terms. “And the man went to the land of the Hittites and built a city, and called its name Luz, that is its name to this day” (Jud. 1:26). “That is its name to this day” is shown by the fact that] it is that same Luz in which people dye the blue [for show-fringes, Num. 15:38].

2. VII:3: In what way did [the man] show the way?

I. PROVIDING AN ESCORT FOR TRAVELLERS

1. VII:4: He who goes along the way without an escort should occupy himself with Torah.

2. VII:5: Whoever escorts his fellow for four cubits [even] in town is never injured.

3. VII:6: A master escorts his disciple to the outskirts of the town.

4. VII:7: R. Kahana escorted R. Shimi bar Ashi.

J. IF THE MEN OF JERICHO HAD GIVEN AN ESCORT TO ELISHA, HE WOULD NOT HAVE CALLED UP THE BEARS AGAINST THE CHILDREN

1. VII:8: Whoever does not escort someone or is not escorted is as if he sheds blood, for If the men of Jericho had given an escort to Elisha, he would not have called up the bears against the children

2. VII:9: Exegesis of the story of Elisha, the children, and the bears.

3. VII:10: Exegesis of the story of Elisha, the children, and the bears.

4. VII:11: Further exegesis of the story of Elisha, the children, and the bears.

i. VII:12: On account of the forty-two offerings which Balak, king of Moab, made, forty-two children were cleaved from Israel. Balak.

5. VII:13: Further exegesis of the story of Elisha, the children, and the bears.

6. VII:14: As above. Elisha bore three illnesses, one because he brought the she-bears against the children, one because he pushed Gehazi away with both hands, and one on account of which he died.

K. UNDER ALL CIRCUMSTANCES THE LEFT HAND SHOULD PUSH AWAY AND THE RIGHT HAND SHOULD DRAW NEAR, NOT IN THE MANNER OF ELISHA, WHO DROVE AWAY GEHAZI WITH BOTH HANDS, NOR IN THE MANNER OF JOSHUA B. PERAHIAH, WHO DROVE AWAY ONE OF HIS DISCIPLES WITH BOTH HIS HANDS.

1. VII:15: Elisha and Gehazi.

2. VII:16: The story of Gehazi.

3. VII:17: The sin of Gehazi

4. VII:18: As above.

5. VII:19 Joshua b. Perahiah and the disciple (Jesus)

6. VII:20: Conclusion of the story.

XXVIII. Mishnah-Tractate Sotah 9:7-10

A. [IF] THE MURDERER WAS FOUND BEFORE THE NECK OF THE HEIFER WAS BROKEN, IT [SIMPLY] GOES FORTH AND PASTURES IN THE HERD. [IF THE MURDERER IS FOUND] AFTER THE NECK OF THE HEIFER IS BROKEN, IT IS TO BE BURIED IN ITS PLACE. FOR TO BEGIN WITH IT WAS BROUGHT IN A MATTER OF DOUBT. IT HAS ATONED FOR THE MATTER OF DOUBT ON WHICH ACCOUNT IT WAS BROUGHT AND WHICH HAS GONE ITS WAY.

[IF] THE NECK OF THE HEIFER WAS BROKEN AND AFTERWARD THE MURDERER WAS FOUND, LO, THIS ONE IS PUT TO DEATH.

1. I:1: Scriptural proof for this proposition. neck.

B. [IF] ONE WITNESS SAYS, "I SAW THE MURDERER," AND ONE WITNESS SAYS, "YOU DID NOT SEE HIM."

[IF] ONE WOMAN SAYS, “I SAW HIM,” AND ONE WOMAN SAYS, “YOU DID NOT SEE HIM,” THEY WOULD GO THROUGH THE RITE OF BREAKING THE NECK OF THE HEIFER. [IF] ONE WITNESS SAYS, “I SAW,” AND TWO SAY, “YOU DID NOT SEE,” THEY WOULD BREAK THE NECK OF THE HEIFER. [IF] TWO SAY, “WE SAW,” AND ONE SAYS TO THEM, “YOU DID NOT SEE,” THEY DID NOT BREAK THE NECK OF THE HEIFER.

1. I:2: Inference and proof: The reason that in the case in which one says he saw the murderer and one says that the alleged witness did not see the murderer is that the other witness contradicted him. Lo, if the contrary witness had not contradicted him, then a single witness would be believed to forestall the rite of breaking the heifer's

C. WHEN MURDERERS BECAME MANY, THE RITE OF BREAKING THE HEIFER'S NECK WAS CANCELLED. [THIS WAS] WHEN ELEAZAR B. DINAI CAME ALONG, AND HE WAS ALSO CALLED TEHINAH B. PERISHAH. THEN THEY WENT AND CALLED HIM, “SON OF A MURDERER.”

1. III:1: Tannaite complement.

D. WHEN ADULTERERS BECAME MANY, THE ORDEAL OF THE BITTER WATER WAS CANCELLED.

1. IV:1: Tannaite complement.

E. AND RABBAN YOHANAN B. ZAKKAI CANCELLED IT, SINCE IT IS SAID, “I WILL NOT PUNISH YOUR DAUGHTERS WHEN THEY COMMIT WHOREDOM, NOR YOUR DAUGHTERS-IN-LAW WHEN THEY COMMIT ADULTERY, FOR THEY THEMSELVES GO APART WITH WHORES” (HOS.†4:14).

1. V:1: What need of the proof text?

2. V:2: Tosefta's complement.

F. WHEN YOSÉ B. YOEZER OF SEREDAH AND YOSÉ B. YOHANAN OF JERUSALEM DIED, THE GRAPE-CLUSTERS WERE CANCELLED, SINCE IT IS SAID, “THERE IS NO CLUSTER TO EAT, MY SOUL DESIRES THE FIRST RIPE FIG” (MIC. 7: 1).

1. VI:1: What is a grape cluster?

G. YOHANAN, HIGH PRIEST, DID AWAY WITH THE CONFESSION CONCERNING TITHE.

1. VII:1: What was the reason for his action?

H. ALSO: HE DECREED CONCERNING THE CONFESSION [CONCERNING TITHES] AND ANNULLED [THE RULES OF] DOUBTFULLY TITHED PRODUCE:

1. VIII:1: Tannaite amplification.

I. ALSO: HE CANCELLED THE RITE OF THE AWAKENERS :

1. IX:1: What are the awakeners?

J. AND THE STUNNERS

1. X:1: What are the stunners?

K. UNTIL HIS TIME A HAMMER DID STRIKE IN JERUSALEM.

1. XI:1: Tannaite gloss.

L. AND IN HIS TIME NO MAN HAD TO ASK CONCERNING DOUBTFULLY-TITHED PRODUCE:

1. XII:1: Explained at H.

XXIX. Mishnah-Tractate Sotah 9:11-13

A. WHEN THE SANHEDRIN WAS CANCELLED, SINGING AT WEDDING FEASTS WAS CANCELLED, SINCE IT IS SAID, “THEY SHALL NOT DRINK WINE WITH A SONG” (ISA. 24: 9).

1. I:1: How do we know that it is with reference to the nullification of the sanhedrin that the cited verse of Scripture [Isa. 24: 9] was written?

i. I:2: The ear that hears song should be ripped off. Song in the house means destruction on the threshold + Zep. 2:14.

a. I:3: Exegesis of Zep. 2:14.

ii. I:4: It is permitted for sailors and ploughmen to sing, but it is forbidden for weavers to sing.

iii. I:5: Whoever drinks to four kinds of instruments brings five kinds of punishment to the world.

B. WHEN THE FORMER PROPHETS DIED OUT, THE URIM AND TUMMIM WERE CANCELLED.

1. II:1: Who were the former prophets? David, Samuel, and Solomon. Or: that usage serves to exclude Haggai, Zechariah, and Malachi, who are the latter prophets.

C. WHEN THE SANCTUARY WAS DESTROYED, THE SHAMIR-WORM CEASED

1. III:1: Tannaite complement: what is the Shamir-worm?

2. III:2: As above.

i. III:3: When the first Temple was destroyed, use of fringed silk and white glass was dropped.

D. AND [SO DID] THE HONEY OF SUPIM.

1. IV:1: What is honey of supim?

i. IV:2: Another kind of honey.

E. AND FAITHFUL MEN CAME TO AN END, SINCE IT IS WRITTEN, “HELP, O LORD, FOR THE GODLY MAN CEASES” (PSA. 12: 2).

1. V:1: These men of faith were those who had believed in the Holy One, blessed be he.

F. DISCIPLES OF SAGES AND STUDY OF THE TORAH

1. V:2: If it were not for the prayer of Habakkuk, two disciples of sages would have to cloak themselves in a single garment when studying Torah.

2. V:3: If two disciples of sages go along without words of Torah between them, they are worthy of being burned in fire.

3. V:4: If there are two disciples of sages who live in the same town and are not easy with one another in the law, one will die and the other will go into exile.

4. V:5: Any disciple of a sage who occupies himself in Torah in conditions of poverty will have his prayer heard.

F. RABBAN SIMEON B. GAMALIEL SAYS, “R. JOSHUA TESTIFIED, ‘FROM THE DAY ON WHICH THE TEMPLE WAS DESTROYED, THERE IS NO DAY ON WHICH THERE IS NO CURSE:

1. VI:1: Every day’s curse is greater than that of the day before.

G. AND DEW HAS NOT COME DOWN AS A BLESSING. THE GOOD TASTE OF PRODUCE IS GONE.”“

R. YOSÉ SAYS, “ALSO: THE FATNESS OF PRODUCE IS GONE.” R. SIMEON B. ELEAZAR SAYS, “[WHEN] PURITY [CEASED], IT TOOK AWAY THE TASTE AND SCENT; [WHEN] TITHES [CEASED], THEY TOOK AWAY THE FATNESS OF CORN.” AND SAGES SAY, “FORNICATION AND WITCHCRAFT MADE AN END TO EVERYTHING.”

1. VII:1: Tannaite complement.

2. VII:2: Illustration of foregoing.

XXX. Mishnah-Tractate Sotah 9:14-15

A. IN THE WAR AGAINST VESPASIAN THEY DECREED AGAINST THE WEARING OF WREATHS BY BRIDEGROOMS:

1. I:1: Clarification of the sort of wreath that is forbidden.

B. AND AGAINST THE WEDDING-DRUM.

1. II:1: What is a wedding drum?

C. IN THE WAR AGAINST TITUS THEY DECREED AGAINST THE WEARING OF WREATHS BY BRIDES.

1. III:1: What are wreaths for brides?

D. AND [THEY DECREED] THAT A MAN SHOULD NOT TEACH GREEK TO HIS SON.

1. IV:1: Tannaite expansion on the history behind this decree.

E. IN THE LAST WAR [BAR KOKHBA’S] THEY DECREED THAT A BRIDE SHOULD NOT GO OUT IN A PALANQUIN INSIDE THE TOWN. BUT OUR RABBIS [THEREAFTER] PERMITTED THE BRIDE TO GO OUT IN A PALANQUIN INSIDE THE TOWN.

1. V:1: This is on account of modesty.

F. WHEN R. MEIR DIED, MAKERS OF PARABLES CAME TO AN END. WHEN BEN ‘AZZAI DIED, DILIGENT STUDENTS CAME TO AN END. WHEN BEN ZOMA’ DIED, EXEGETES CAME TO AN END. WHEN R. JOSHUA DIED, GOODNESS WENT AWAY FROM THE WORLD. WHEN RABBAN SIMEON B. GAMALIEL DIED, THE LOCUST CAME, AND TROUBLES MULTIPLIED. WHEN R. ELEAZAR B. AZARIAH DIED, WEALTH WENT AWAY FROM THE SAGES. WHEN R. AQIBA DIED, THE GLORY OF THE TORAH CAME TO AN END. WHEN R. HANINA B. DOSA DIED, WONDER-WORKERS CAME TO AN END. WHEN R. YOSÉ QATNUTA DIED, PIETISTS WENT

AWAY. (AND WHY WAS HE CALLED QATNUTA? BECAUSE HE WAS THE LEAST OF THE PIETISTS.)

WHEN RABBAN YOHANAN B. ZAKKAI DIED, THE SPLENDOR OF WISDOM CAME TO AN END.

1. VI:1: Tannaite complement along these same lines.

G. WHEN RABBAN GAMALIEL THE ELDER DIED, THE GLORY OF THE TORAH CAME TO AN END, AND CLEANNES AND SEPARATENESS PERISHED. WHEN R. ISHMAEL B. PHABI DIED, THE SPLENDOR OF THE PRIESTHOOD CAME TO AN END.

WHEN RABBI DIED, MODESTY AND FEAR OF SIN CAME TO AN END.

R. PINHAS B. YAIR SAYS, “WHEN THE TEMPLE WAS DESTROYED, ASSOCIATES BECAME ASHAMED AND SO DID FREE MEN, AND THEY COVERED THEIR HEADS. AND WONDER-WORKERS BECAME FEEBLE. AND VIOLENT MEN AND BIG TALKERS GREW STRONG. AND NONE EXPOUNDS AND NONE SEEKS [LEARNING] AND NONE ASKS. “UPON WHOM SHALL WE DEPEND? UPON OUR FATHER IN HEAVEN.” R. ELIEZER THE GREAT SAYS, “FROM THE DAY ON WHICH THE TEMPLE WAS DESTROYED, SAGES BEGAN TO BE LIKE SCRIBES, AND SCRIBES LIKE MINISTERS, AND MINISTERS LIKE ORDINARY FOLK. AND THE ORDINARY FOLK HAVE BECOME FEEBLE. UPON WHOM SHALL WE DEPEND? UPON OUR FATHER IN HEAVEN.” WITH THE FOOTPRINTS OF THE MESSIAH: PRESUMPTION INCREASES, AND DEARTH INCREASES. THE VINE GIVES ITS FRUIT AND WINE AT GREAT COST. AND THE GOVERNMENT TURNS TO HERESY. AND THERE IS NO REPROOF. THE GATHERING PLACE WILL BE FOR PROSTITUTION. AND GALILEE WILL BE LAID WASTE. AND THE GABLAN WILL BE MADE DESOLATE. AND THE MEN OF THE FRONTIER WILL GO ABOUT FROM TOWN TO TOWN, AND NONE WILL TAKE PITY ON THEM. AND THE WISDOM OF SCRIBES WILL PUTREFY. AND THOSE WHO FEAR SIN WILL BE REJECTED. AND THE TRUTH WILL BE LOCKED AWAY. CHILDREN WILL SHAME ELDERS, AND ELDERS WILL STAND UP BEFORE CHILDREN. FOR THE SON DISHONORS THE FATHER AND THE DAUGHTER RISES UP AGAINST THE MOTHER, THE DAUGHTER-IN-LAW AGAINST HER MOTHER-IN-LAW; A MAN’S ENEMIES ARE THE MEN OF HIS OWN HOUSE” (MIC. 7: 6). THE FACE OF THE GENERATION IN THE FACE OF A DOG. A SON IS NOT ASHAMED BEFORE HIS FATHER. UPON WHOM SHALL WE DEPEND? UPON OUR FATHER IN HEAVEN. R. PINHAS B. YAIR SAYS, “HEEDFULNESS LEADS TO CLEANLINESS, CLEANLINESS LEADS TO CLEANNES, CLEANNES LEADS TO ABSTINENCE, ABSTINENCE LEADS TO HOLINESS, HOLINESS LEADS TO MODESTY, MODESTY LEADS TO THE FEAR OF SIN, THE FEAR OF SIN LEADS TO PIETY, PIETY LEADS TO THE HOLY SPIRIT, THE HOLY SPIRIT LEADS TO THE RESURRECTION OF THE DEAD, AND THE RESURRECTION OF THE DEAD COMES THROUGH ELIJAH, BLESSED BE HIS MEMORY, AMEN.”

1. VII:1: Revision of the wording of the cited sentence.

Points of Structure

The outline before us leaves no doubt on the program of the Talmud's compilers. They intended to produce a commentary to the Mishnah, and nearly everything before us has been organized to serve that purpose, even though a formidable part of the raw materials that the compilers used was originally formulated for a purpose other than Mishnah-commentary. A study of the state of writing among the sages prior to the work of Talmud-compilation would benefit from an analysis of the compositions and large-scale composites that have been recast for the purposes of making this Talmud. But that is not what defines the present task. Since we want to know about the Talmud, and not the history of the formation of the materials that ultimately were selected for use by the framers of the Talmud, identifying materials that were made up in the labor of "the talmud before the Talmud" suffices for the present task and has been done through the various signals of the translation and outline. From those signals, readers may reconstruct the state of writing among sages during that indeterminate, but probably quite protracted, age prior to the decision to make the Mishnah the centerpiece of composition. During that time other kinds of writing went forward, even though the results did not encompass the formation of large-scale documents comparable to this one. Our question is not what might have been but what was, which is, the statement in a single coherent writing of the law and theology that "our sages of blessed memory" set forth as the Torah, and that we call Judaism.

1. DOES BABYLONIAN TALMUD-TRACTATE SOTAH FOLLOW A COHERENT OUTLINE GOVERNED BY A CONSISTENT RULES?

From beginning to end, Babylonian-Talmud-tractate Sotah is organized as a commentary to the Mishnah, and no composition or composite finds its way into the document other than in the setting of Mishnah-commentary, even though some composites and many compositions were originally written down in other contexts than Mishnah-commentary. The character of the document as Mishnah-commentary is signalled even at I.A, which commences by telling us why one tractate of the Talmud is situated in proximity to some other, fore and aft.

2. WHAT ARE THE SALIENT TRAITS OF ITS STRUCTURE?

The order of Mishnah-commentary is [1] study of problems of language, formulation, and reading; [2] exposition of the source, in the written Torah, of rules of the Mishnah; [3] authorities behind anonymous, therefore authoritative rules of the Mishnah, with attention to conflicting opinion, principles and premises that underlie the case at hand, possibilities of contradiction among premises and principles held by authorities behind anonymous rulings, and the harmonization of such apparently disharmonious premises and principles (a process that I view as single and unitary). At no point does any other inquiry besides that marked by those three points take priority over that formal structure.

3. WHAT IS THE RATIONALITY OF THE STRUCTURE?

We attend to the Mishnah, phrase by phrase, and then we expand upon themes that the Mishnah treats, or theories of law that the Mishnah's rule calls to mind. The Mishnah's sequence defines the order of discourse and sets the problems for analysis. It follows that the rationality of the structure of the Talmud consists in its focus upon the Mishnah's

statements and exegesis thereof. By “irrationality” in this context I mean, compositions that prove asymmetrical with the task of Mishnah-commentary and amplification.

4. WHERE ARE THE POINTS OF IRRATIONALITY IN THE STRUCTURE?

In this setting, “irrational” compositions and composites are those that stand out of phase with the words and phrases of the Mishnah. These are I.A, E, F, H, I; II, VI.E, IX.B, XI.A, XIII.A., XV.A, B, L, XVIII.C, L, XIX.B, C, D, XXI.F, XXVII.H, I, J, K.

Points of System

1. DOES THE BABYLONIAN TALMUD-TRACTATE SOTAH SERVE ONLY AS A REPRESENTATION OF THE MISHNAH-TRACTATE OF THE SAME NAME?

The answer is a qualified affirmative. The compilers of the tractate find it possible to make noteworthy comment upon much of Mishnah-tractate Sotah, but by no means on every paragraph, sentence, or phrase. Noteworthy omissions are XIV.A. We note here that the comments are brief and the entire unit is cogent, that is, systematic provision of a scriptural basis for the Mishnah's rule (XIV:B-M). What this seems to me to mean is that we have here a cogent piece of writing, produced by authorities for the passage at hand, who had in mind a brief and formally disciplined statement of scriptural bases for sequential rules. Whether other kinds of talmud besides this one could have been written hardly needs to be considered; the evidence in the affirmative lies spread out before us. When we find large-scale and formally and substantively cogent treatments of a Mishnah-paragraph such as this one — and our tractate has very many of them — all we know is what we have, not what the framers did not have or did not choose to fabricate for themselves. Since Mishnah-commentary takes many forms, we can say only what those forms were, but I see no basis for speculation on a policy of selection or omission, on the one side, or on what the framers might have chosen from an available heritage and repertoire of compositions and composites of Mishnah-commentary. Nor is there any way of assigning priority or posteriority to one kind of writing over some other. The upshot is very simple: a process of selection has governed the kind of Mishnah-commentary that would emerge, but we cannot describe it; a principle of identification of what required commentary and what did not require commentary operated, but we cannot imagine what that principle might have been; and, it goes without saying, a received corpus of Mishnah-commentary laid out before the compilers of the document a variety of writings, of which only part has been utilized, but it would waste much time and effort to try to invent writings made up in the model of the kinds we have, on the one side, or to manufacture writings for the purpose of Mishnah-commentary of some other kind that the kinds we have. That sort of speculation will not materially change the answer to our question, which is, the Babylonian Talmud tractate certainly does far more than recapitulate the Mishnah-commentary. It also does far less. Now we turn to the question of where the Babylonian Talmud tractate has made a difference.

2. HOW DO THE TOPICAL COMPOSITES FIT INTO THE TALMUD-TRACTATE SOTAH AND WHAT DO THEY CONTRIBUTE THAT THE MISHNAH-TRACTATE OF THE SAME NAME WOULD LACK WITHOUT THEM?

The topical composites or massive miscellanies, introduced into the Talmud even though they do not constitute Mishnah-commentary, form that anomaly that requires attention. We need not speculate in any way about the character of the other-than-Mishnah-exegetical compositions and composites. We have to explain what difference their presence makes in the formulation of the Talmud's treatment of the topic of the Mishnah-tractate. We turn forthwith to a survey of the passages that have been identified as irrational, within the definition operative here.

I.A: The explanation of the sequence of topics of Mishnah-tractates remains wholly within the limits of Mishnah-commentary; the arena for exegesis broadens.

- I.E: The exposition of the themes of faithfulness; the power of sin; the effects of a single action puts into perspective the topic of the tractate, which is, the accusation of adultery. Faithfulness is the opposite; the power of sin explains the act; and the result of a single action is then underscore. The composite then draws that moral conclusion that the legal exercise requires, placing the whole into a higher plane than merely legal formalities would suggest.
- I.F: continuous with the foregoing.
- I.H: The treatment of adultery in more general terms picks up the immediately adjacent Mishnah-rule. The general theme of I.H is not well-constructed, but I.I leaves no doubt about the point of the whole. It is that sin is a result of arrogance, and right deed is a result of humility. The power of the whole, then, is to underscore the governing virtues and vices of the Torah, which are one set of matched opposites: humility vs. arrogance. Then the topic of the tractate is situated in that larger theological and moral framework that holds together a wide variety of specific sins and concrete virtues. What we have here is an explanation of why adultery takes place — which is the same explanation as serves for most other sins.
- VI.B: The introduction of Judah and Tamar alongside the story of Samson and Delilah derives from a merely formal connection, as is made explicit. But the comparison is substantive, since the exposition makes the point that Judah was humble, Samson, arrogant.
- VI.E: This massive composite underscores the arrogance of Pharaoh and the faithfulness of Israel — a proposition Scripture itself introduces into its narrative. I cannot claim that the purpose of the composite is exhausted by that one proposition, but it certainly forms a dominant motif.
- IX.B: Zekhut is attained through acts of self-abnegation, e.g., Abraham says he is dirt, the children gain zekhut through the use of dirt. The relevance here is the dirt used for the accused wife.
- XI.A: I do not see the relevance of this exposition to the commentary on the Mishnah, though information therein is utilized for an exegesis of the paragraph at hand.
- XIII.A: The composite here contributes to the exposition of the theme of the Mishnah. The observation that God is so humble as to permit his name to be blotted out to restore amity between husband and wife plays no role here.
- XV.A and B: here we have a large theoretical essay on whether the woman requires a warning if she is to be deprived by her action of payment of her marriage-settlement. The deeper questions concern whether the outcome depends on the husband's objection to the wife's conduct, or whether we impute to the husband an attitude that he does not necessarily express. How much power does the husband have in the outcome of the transaction? This is a systematic essay in legal theory on the husband's rights and power.
- XV.L: This composition fits into the context of marriage to a woman who stands in a prohibited relationship to the man; the issue is subordinate to its context.
- XVIII.C: One should speak in a low voice and not in a loud voice when it comes to claiming credit or announcing failure, respectively; a subset on the theme of arrogance.

XVIII.L: The theme of the spies and the land of Canaan is introduced in the setting of Israel's successful crossing into the land, because these form the contrasting events, the former, the result of lack of faith, the latter, the consequence of an act of faith. The contrast is necessary to make the point that the Talmud's framers wish to make, which is, the crossing into the land, to which the Mishnah makes reference, forms a great act of faith and faithfulness, and this is shown by the systematic contrast to the conduct of the spies in the generation of the wilderness.

XIX.B, C, D: The topical miscellany belongs in the setting in which the Mishnah takes up the theme; Joshua b. Levi's sayings on the subject then form a subset of the former, and his sayings on generosity were joined to his other sayings before the whole was introduced. That accounts for the agglutination of D to C and the introduction of C-D along with B; and B's exposition is entirely within the rationality of Mishnah-commentary.

XXI.F: The theme of flattery is invited by the contents of the Mishnah, which refer to sages' flattering Agrippa.

XXVII.H, I, J, K: The theme of providing an escort is required by the topic of the Mishnah, the neglected corpse. The reason that the man was murdered is that those responsible for him did not provide an escort. Then providing an escort for travellers is taken up as a free-standing theme, with H, I, as systematic expositions of verses and the general theme; then J, a specific case, with K, a subset of the specific case. The principle of composite-formation and agglutination is self-evident, and there is no irrationality here.

3. CAN WE STATE WHAT THE COMPILERS OF THIS DOCUMENT PROPOSE TO ACCOMPLISH IN PRODUCING THIS COMPLETE, ORGANIZED PIECE OF WRITING?

We identify large-scale composites formulated and included in our tractate for a purpose other than Mishnah-commentary. These in general take shape around a problem, such as the husband's role in the rite, or a theme, as in the cases of Judah and Tamar, Pharaoh, Zekhut, the spies' conduct in Israel's first entry into the land, generosity, flattery, providing an escort, and the like. Two principles explain the selection of such massive miscellaneous composites. One is, to pursue a theme that the Mishnah and its exposition have required, and that explains the matter of Judah and Tamar, the spies' conduct, the matter of flattery, and the like. These composites then form a secondary but quite reasonable expansion on the exposition of the Mishnah's contents.

The second principle is the more interesting one, since the face of the Mishnah-tractate has been transformed by the materials that have been inserted in compliance with this other principle. It is, to introduce into the topic of the Mishnah-tractate a dimension of interpretation that deepens and reshapes matters. In our tractate the Talmud introduces this question: why does adultery take place, and what is the basis for jealousy? The answer is, adultery is an expression of arrogance, and so too is jealousy. A larger theory of sin and virtue then takes over this topic, among many others: sin is an expression of arrogance, and virtue, of humility. The marital bond expresses that same faithfulness that is required of Israel in relationship to God. Sin contrasts with faithfulness, since the opposite of faithfulness is arrogance, the opposite of sin, humility. A single action suffices. Judah contrasts with Samson. Pharaoh forms the very model of arrogance.

Zekhut — the heritage of acts of humility performed by one's ancestors or oneself — opposes arrogance, self-abnegation, self-aggrandizement. God is humble, Pharaoh is arrogant. A low voice is used to record one's virtue, a loud voice, one's failure. The faithfulness of Israel in crossing the Jordan (and the Sea) is contrasted with the faithlessness of the spies. Flattery is a form of manipulation of the other, thus arrogance; accepting flattery is a form of self-praise.

It follows that composites that do not relate to Mishnah-exegesis, extending to the topics touched upon by the Mishnah, impose upon the theme of the Mishnah-tractate a proposition that the Mishnah-tractate lacks but invites. It is the proposition that the opposite of the vice of adultery and jealousy, imputed to the wife and the husband, respectively, is faithfulness and humility. Then the Mishnah-tractate, concerning the private affairs of home and family, is here transformed into a statement on the public condition of Israel, the people. What the framers of the Talmud say in their own behalf, and not in the setting of Mishnah-commentary, is that Israel's humility defines that virtue that God prizes, and that humility takes the form of faithfulness. Hosea could not have said it better.