

VI.

BABYLONIAN TALMUD

SOTAH

CHAPTER SIX

FOLIOS 31A-32A

6:1-4

- A. He who expressed jealousy to his wife,
- B. but she went aside in secret,
- C. “even if he heard [that she had done so] from a bird flying by —
- D. “he puts her away, but pays off her marriage-contract,” the words of R. Eliezer.
- E. R. Joshua says, “[He does so] only if the women who spin their yarn by moonlight trade stories about her.” — M. 6:1
- A. [If] one witness said, “I saw that she was made unclean,”
- B. she would not undergo the ordeal of drinking the bitter water.
- C. 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.
- D. 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,
- E. lo, these are believed [cf. M. Yeb. 15:4] —
- F. not to invalidate her from receiving payment of her marriage-contract, but that she should not undergo the ordeal of drinking the bitter water. — M. 6:2
- A. 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,
- B. in the case of the second kind of testimony [that she has indeed been made unclean], 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.

- C. But Scripture says, And there is no witness against her (Num. 5:13) — [meaning], any sort of testimony which there is against her.
- D. On these grounds we may now construct an argument from the lesser to the greater with reference to the first kind of testimony:
- E. Now if [31B] 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.
- F. 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. — M. 6:3
- A. [If] one witness says, “She was made unclean,” and one witness says, “She was not made unclean,”
- B. [if] one woman says, “She was made unclean,” and one woman says, “She was not made unclean,”
- C. she would undergo the ordeal of drinking the bitter water.
- D. [If] one witness says, “She was made unclean,” and two witnesses say, “She was not made unclean,” she would undergo the ordeal of drinking the bitter water.
- E. [If] two say, “She was made unclean,” and one says, “She was not made unclean,” she would not undergo the ordeal of drinking the bitter water. — M. 6:4

The Talmud commences with M. 6:3F’s proof-text.

- I.1.** A. *As to the statement, “Because he has found some unseemly matter in her” (Deu. 24: 1), the framer of the passage might as well have derived his proof from the following:*
- B. “Against her...” (Num. 5:13) — “against her” in the matter of the expression of jealousy, and not in the matter of her going aside. [On this basis we should have demonstrated the distinction of M. 6:3F].
- C. *That indeed is the intent of the framer of the passage:*
- D. Scripture states, “Against her” — “against her” in the matter of the expression of jealousy, and not in the matter of her going aside nor in regard to the [actual] unclean act,
- E. *How do we know that a single witness is not believed in a case in which there has been no expression of jealousy and no going aside?*
- F. Here it is said, “A matter,” and elsewhere it is said, “A matter.”
- G. Just as, in that latter instance, two witnesses are required, so in the present case two witnesses are required.

II.1. A. If one witness says, “She was made unclean” [M. 6:4A]:

- B. *Now the operative consideration is that there is someone to contradict the single witness.*

- C. *That implies that if there is no contradictory witness, a single witness in the present case is believed.*
- D. *How do we know that that is the case?*
- E. *As our rabbis have taught on Tannaite authority:*
- F. *“And there is no witness against her” (Num. 5:13):*
- G. *Scripture speaks of a case in which there are two witnesses.*
- H. *You say that Scripture speaks of two witnesses. But does perhaps it speak of a case in which there is only one?*
- I. *Scripture says, “One witness shall not rise up against a man” (Deu. 19:15).*
- J. *Since it is said, “A witness shall rise up,” do I not know that it is only one witness? Why then does Scripture specify that only one witness is involved [when that fact is obvious]?*
- K. *It serves to indicate the generative principle that in any case in which “witness” is stated, lo, two witnesses are under discussion, unless Scripture makes it explicit for you that only a single witness is at hand.*
- L. *[Now in the present instance] the All-Merciful has said that when there are not two witnesses against her, but only one, and she has not been caught in the act, she is forbidden [to her husband].*
- M. *Since, however, on the basis of the Torah’s authority a single witness is believed [in the present case], how is it possible that some other individual witness has the power to contradict him?*
- N. *Has not Ulla said, “In any case in which the Torah has lent credence to the testimony of a single witness, lo, [it is as if there were] two witnesses at hand, and [it must follow that] the statement of a single witness in the present case cannot stand against the testimony of two witnesses. [Since the Torah in the present case has accepted the testimony of a single witness, it is as strong evidence as if there were two witnesses].”*
- O. *Rather, said Ulla, “Repeat the law [at M. 6:4] as: She would not undergo the ordeal of drinking the bitter water [M. 6:4C].”*
- P. *So did R. Isaac say, “She would not undergo the ordeal of drinking the bitter water.”*
- Q. *But R. Hiyya said, “She would drink the bitter water.”*
- R. *To the position of R. Hiyya the version stated by Ulla therefore constitutes a contradiction.*
- S. *Indeed, there is no contradiction. In the one case [where she does drink the water] it is because the witnesses come simultaneously [and so cancel each other out], but in the other case, [in which she does not drink the water], it is where the witnesses come sequentially. [The contradictory evidence then will not be accepted.]*
- T. *We have learned [in the Mishnah-passage at hand]: **If one witness says, “She was made unclean,” and two witnesses say, “She was not made unclean,” she would undergo the ordeal of drinking the bitter water [M. 6:4D].***
- U. *Lo, if there were one against one, she would not undergo the ordeal.*
- V. *Is this not a refutation of the position of R. Hiyya?*

- W. *R. Hiyya may reply to you, “And, in accord with your approach to the matter, let me cite the concluding passage of the same paragraph: **If two say, “She was made unclean,” and one says, “She was not made unclean,” she would not undergo the ordeal of drinking the bitter water [M. 6:4E].***
- X. *“Lo, if it is then one witness against another, she would drink the bitter water.”*
- Y. *But the entire passage [just now cited] speaks of a case in which those who testify in fact would ordinarily be invalid to give testimony, and the passage represents the view of R. Nehemiah.*
- Z. *For we have learned on Tannaite authority:*
- AA. **R. Nehemiah says, “In any situation in which the sages have declared valid the testimony of a woman as equivalent to the testimony of an individual man, all things follow the number of opinions” [T. Yeb. 14:1L].**
- BB. *Thus treat two women contradicting an individual man as equivalent to two men contradicting an individual man.*
- CC. *And there are those who say, In any case in which a single valid witness comes to testify to begin with, then even a hundred women are treated as equivalent to a single [male] witness. [They cannot upset his testimony (Cohen, p. 156, n. 1).]*
- DD. **[32A]** *In the present case, with what situation do we deal [at M. 6:4D]?*
- EE. *It is a case in which a woman came first, and this is how to explain what R. Nehemiah said:*
- FF. **R. Nehemiah says, “In any situation in which the sages have declared valid the testimony of a woman as equivalent to the testimony of an individual man, all things follow the number of opinions” [T. Yeb. 14:1L].**
- GG. *Therefore treat the testimony of two female witnesses that contradicts the testimony of an individual woman as equivalent to the testimony of two male witnesses against that of an individual man.*
- HH. *But in a case in which there are two women who testify against the evidence of an individual man, it is like half-and-half, [that is, a case in which two witnesses testified against one another. Such evidence is null].*
- II. *Why then does the framer of the Mishnah-paragraph provide two cases of evidence given by categories of persons who are not valid to give testimony?*
- JJ. *What might you have concluded? Where we follow the testimony of the majority of those who testify, it is to impose a strict ruling [such is as M. 6:4D], but where it is to impose a lenient ruling [Such as at M. 6:4E], we do not follow that principle.*
- KK. *Accordingly, we are informed [that that is not the case].*

Reverting to the issues of Chapter Four, at M. 6:1 we raise the question of what sort of evidence is sufficient for the husband to act on his original admonition. Eliezer says that even on the basis of the most casual evidence, there no longer is a possibility of an ordeal, but the husband must divorce the wife. Still, on this basis he has to pay off the marriage-contract, by contrast to M. 4:1-3. Joshua wants slightly more substantial evidence. M. 6:2 carries forward the interest of M. 6:1 in the sort of evidence which obviates the possibility of subjecting the wife to the ordeal of drinking the bitter water. If there is a single witness that the woman has gone aside in secret with the man of whom the husband expressed jealousy, the

woman no longer is able to undergo the ordeal of drinking the bitter water. A single witness is sufficient to establish that she has become unclean. C adds that a single witness, even of the flimsiest weight, can deprive the woman of the right to receive her marriage-contract, a view which will have surprised the authorities of M. 6:1. M. 6:2D-F then conclude the matter, along the lines of the theory of M. 6:1. M. 6:3 then goes through the exercise of claiming that the propositions of M. 6:2 can be proved only through exegesis of Scripture, since simple logic will have yielded a contrary and false result. A-B take up M. 6:2A-B: a single witness is sufficient to free the woman from the ordeal of drinking the bitter water, if such a single witness testifies that the woman in fact has been made unclean. A single witness suffices that the woman has gone alone with the man. A-B then propose that if at that testimony, two witnesses are required (M. 1:1, Joshua), then we surely should have two witnesses to testify that the woman has actually become unclean. C then follows. D-F reverse the argument. If a single witness is valid to prove the woman has been made unclean (and loses her marriage-contract), then surely a single witness should suffice to testify that the husband has gone alone with the man, so D-E. But Scripture insists that two witnesses must be present to testify that she has been gone alone with the man. At M. 6:4 we qualify the foregoing, M. 6:1-2, which have specified the sorts of testimony which indicate that the woman does not undergo the ordeal of drinking the bitter water. Now we have conflicting reports, A, B. In either case the woman has not been proved to have become unclean and therefore goes through the ordeal, because the single witness which would have sufficed (M. 6:2-3) is cancelled out by another witness. D of course follows. E then completes the matter. If we have two witnesses that the woman has become unclean, then we invoke the conception of M. 6:1-3. Unit I asks why the framer of the Mishnah has resorted to the exegesis he has chosen, rather than another plausible one. Unit II pursues the theme of M. 6:4, carefully analyzing the suppositions of the language used by the Mishnah.