

IV.

BABYLONIAN TALMUD

SOTAH

CHAPTER FOUR

FOLIOS 23B-27B

4:1-5

- A. 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,
- B. since it is written, When a wife, being subject to her husband, goes astray (Num. 5:29) —
- C. excluding the betrothed girl and the deceased childless brother's widow awaiting levirate marriage.
- D. 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 [24A] and a Netinah-girl married to an Israelite, an Israelite-girl married to a mamzer or to a Netin
- E. neither undergo the ordeal of drinking the bitter water nor receive a marriage-contract. — M. 4:1
- A. And these do not undergo the ordeal of drinking the bitter water or receive a marriage-contract:
- B. She who says, "I am unclean," or against whom witnesses came to testify that she is unclean;
- C. and she who says, "I will not drink."
- D. [If, however,] her husband said, "I will not make her drink,
- E. or [if] her husband had sexual relations with her on the way [to Jerusalem],
- F. she receives her marriage-contract and does not undergo the ordeal of drinking the bitter water.
- G. [If] their husbands died before they drank the bitter water —
- H. The House of Shammai say, "They receive the marriage-contract and do not undergo the ordeal of drinking the bitter water."
- I. And the House of Hillel say, "They do not undergo the ordeal of drinking the bitter water and do not receive the marriage-contract." — M. 4:2

- A. “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.
- B. And sages say, “He has the power to set her apart and then to take her back after a while.”
- C. 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.
- D. R. Eliezer says, “He has the power to marry another woman for purposes of procreation.”
- E. And all other woman either undergo the ordeal of drinking the bitter water or do not collect the marriage-contract. — M. 4:3
- A. The wife of a priest drinks the bitter water and [if proved innocent] is permitted [to go back] to her husband.
- B. The wife of a eunuch undergoes the ordeal of drinking the bitter water.
- C. On account of [men in] all sorts of prohibited relationships [to the woman] are wives subject to warning,
- D. except for a minor,
- E. and for one who is not human. — M. 4:4
- A. And these are the women whom a court subjects to warning [in behalf of the husband]:
- B. A woman whose husband became a deaf mute or an imbecile, or was imprisoned —
- C. 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.
- D. R. Yosé says, “Also: to impose upon her the ordeal of drinking the water.
- E. “When her husband goes free from prison, he may then impose the ordeal of drinking the bitter water.” — M. 4:5

We open with two compositions directed toward general questions encompassing all of the cases listed by the Mishnah. Unit I asks for the source of the rule applying to these various cases that even though the ordeal is not administered, the legal procedures leading to it do pertain. The scriptural basis for that fact is identified, likewise the authority behind the anonymous rule — the two standard questions addressed to any Mishnah-paragraph. The reason that the composite, I-II, has been inserted here becomes clear at II, which adduces evidence deriving from our Mishnah-paragraph for the solution of its problem. So the composite was formed around its own problem, not for the purpose of Mishnah-exegesis, and then placed here since the logical position, within a Mishnah-commentary such as the Bavli’s framers planned, for a free-standing composite is adjacent to a Mishnah-paragraph that figures in said composite.

*The Rules of Admonition as They Pertain to a Wife
Who has Misbehaved*

- I.1.** A. *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].*
- B. *What is the source for that view? It is in accord with that which our rabbis have taught on Tannaite authority:*
- C. *“Speak to the children of Israel and say” (Num. 5:12).*
- D. *[The additional language, “and say,”] serves to encompass within the category of those who are subject to an expression of jealousy one who is betrothed or awaiting levirate marriage.*
- I.2.** A. *In accord with whose view is the Mishnah-paragraph at hand formulated? It accords with R. Jonathan.*
- B. *For it has been taught on Tannaite authority:*
- C. *“‘Being subject to your husband’ (Num. 5:19) — excluding the betrothed girl.*
- D. *“Is it possible that I may exclude in addition the deceased childless brother’s widow awaiting levirate marriage?*
- E. *“Scripture says the word ‘man’ twice [at Num. 5:12: ‘a man, a man, his wife,’ thus including the stated case],” the words of R. Josiah.*
- F. *R. Jonathan says, “‘Being subject to your husband’ (Num. 5:19) — excluding the deceased childless brother’s widow awaiting levirate marriage.*
- G. *“Shall I then exclude the woman awaiting levirate marriage and not the betrothed girl?*
- H. *“Scripture says, ‘When a wife, being subject to her husband, goes aside’ (Num. 5:29) — excluding the betrothed girl.”*
- I. *One authority then treats the betrothed girl as more strongly bound to her husband, because the betrothal has taken place at his hand [not at a third party’s], and because on account of his standing with the girl, the court will inflict the penalty of stoning [should she commit adultery].*
- J. *The other authority treats the deceased childless brother’s widow as more strongly bound to the husband, for in the consummation of her relationship to him the rite of the nuptial chamber is not lacking [since the marriage is completed simply through an act of sexual relations. So it does not take much to complete the union.]*
- K. *And how does R. Jonathan interpret the repeated use of the word “man”?*
- L. *He requires the duplication to serve to encompass under the rite of the accused wife the wife of a deaf-mute, an imbecile, and [24B] a wimp.*
- M. *And how does R. Josiah interpret the language, “being subject to her husband”?*
- N. *He requires it to form the basis of an analogy between husband and wife and wife and husband [as is explained later on at M. 5:1].*
- O. *Now the reason [that we exclude the categories of women at hand] is that verses of Scripture [serve to do so]. That would suggest that otherwise,*

without them, I might have held that a betrothed girl undergoes the rite of the bitter water.

- P. *Yet lo, when R. Aha bar Hanina came from the south, he came and brought a Tannaite teaching in hand as follows: “‘Besides your husband’ (Num. 5:20) — [thus the rite applies] to a case when the sexual relations with the husband have taken place prior to the sexual relations with the lover [thus, once the marriage has been consummated, not at the stage of betrothal], and [it follows] not when the sexual relations with the lover have taken place before the sexual relations with the husband.”*
- Q. *[No, that is not the case,] for, said Rami bar Hama, “You would find an appropriate case when the betrothed husband had had sexual relations with the girl while she was yet in her father’s house.*
- R. *“And, along these same lines, you would find such a case with the deceased childless brother’s widow, should the levir have sexual relations with her while she is yet in her father-in-law’s house [where she was living after her husband died].”*
- S. *But in such a case can you call her a deceased childless brother’s widow awaiting levirate marriage? [In what way is she waiting for the consummation of the marriage? [By the act of sexual relations, the levir] has made her his wife in every respect!*
- T. *For has not Rab stated, “He [through his act of sexual relations] has acquired her [as his wife] for all purposes.”*
- U. *The case accords with Samuel, who has said, “He has acquired her only for those aspects of the relationship that are listed in the pericope [at Deu. 25: 5-10, e.g., to inherit the brother’s estate and to avoid the ceremony of removing the shoe].”*
- V. *If that is the case, then may one propose that Rab has made his statement in accord with R. Josiah’s [principle, given above, on the strength of the relationship of the levir to the deceased childless brother’s widow], and Samuel has made his statement in accord with the principle of R. Jonathan?*
- W. *Rab might reply to you, “I may make my statement even in accord with the principle of R. Jonathan. The reason that a verse of Scripture is required to exclude her in the present matter serves to show that, in principle, she is fully and completely in the status of his wife [in all other respects].”*
- X. **[25A]** *And Samuel may reply, “I may state the view I hold even in accord with R. Josiah’s view, for, since it was necessary to invoke a verse of Scripture to encompass the woman at hand, that indicates that, in principle, she is not his wife for other purposes.”*

We proceed to a theoretical question that flows alongside the foregoing. Once we raise the question of legal procedure, we pursue the same question, now with respect to a woman who violates the norms of appropriate conduct. Is an admonition required for her to be deprived of payment of her marriage-settlement? So both entries deal with the rules of admonition as they pertain to a woman.

- II.1** A. *The following question was raised:* 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?
- B. *Do we maintain that, since she is violating the law, she does not have a claim on a warning.*
- C. *Or perhaps has she a claim on a warning, so that, if she reverts [to proper behavior], she may effectively do so?*
- D. *Come and take note of the following: 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 [M. 4:1A].*
- E. *Now it is that they do not drink the water, but they are subject to an expression of jealousy.*
- F. *For what purpose, then, would that be required then? Is it not so as to cause them to lose out on the payment of their marriage-settlement?*
- G. Said Abayye, No, it is to prohibit her [from having sexual relations] with the husband.
- H. R. Papa said, "It is so as to impose the ordeal of drinking the water on her [later on] when she is married."
- I. *That is in accord with what has been taught on Tannaite authority:*
- J. They do not make an expression of jealousy to a betrothed girl so as to impose the ordeal of drinking the water on her while she is yet betrothed, but they do make an expression of jealousy to her when she is betrothed so as to be able later on to administer the ordeal of drinking the water on her when she is fully married. [So the first possibility is rejected.]
- K. Said Raba, "Come and take note of the following: 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 [M. 4:1D-E].
- L. "So, once more, while they do not drink the water, they are most certainly subject to an expression of jealousy.
- M. "And for what purpose? If it is to prohibit them from being in a marital relationship with the husband, lo, in all cases, they are by definition in a prohibited relationship to him. Rather, is it not so as to cause them to lose the right to collect their marriage-contract?"
- N. Said R. Judah of Disqarta, "No, it is to prohibit the woman to marry her lover as she is prohibited to remain wed to her husband. For we have learned in the Mishnah: Just as she is forbidden to her husband, so she is forbidden to her lover [M. 5:1C]."
- O. Said R. Hanina of Sura, "Come and take note of the following: 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 [M. 4:5A-C]. Surely this proves that she requires warning."

- P. *It does indeed prove it.*
- Q. *And as to all the others, what is the reason that they did not adduce proof from the present case?*
- R. *It was because, in their view, the present case may be distinguished [from the others], for here she is not afraid of the husband at all [and on that account a warning might be required through the court's action].*

We proceed to yet another theoretical question, this one secondary to the foregoing.

- II.2.** A. *The following question was raised: 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?*
- B. *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?*
- C. *Or do we hold that since [ordinary husbands] do object, this one too must object [so he cannot remain wed to her]?*
- D. *Come and take note of the following: **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 [M. 4:5A-B].** Now if you maintain that if the husband wants to keep her in marriage, he may do so, then [on what basis] would the court do anything [in the present case] in which the husband does not concur?*
- E. *But the prevailing norm is that if the woman violates the law, it suits the husband [to have her warned].*
- II.3.** A. *The following question was raised: If the husband retracted his expression of jealousy, is not his expression of jealousy regarded as effectively annulled?*
- B. *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]?*
- C. *Or perhaps do we hold that once, to begin with, the husband has issued an expression of jealousy, he cannot retract it?*
- D. *Come and take note of the following: **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 [M. 4:5A-B].***
- E. *Now if you maintain that if a husband retracted his expression of jealousy, his expression of jealousy is regarded as null, do we [in court] take an action which the husband may come and nullify? [Surely not.]*
- F. *[No, that is not correct.] The prevailing rule is that a man will concur with the view of the court.*
- G. *Come and take note of the following: **And the judges hand over to him two disciples of sages, lest he have sexual relations with her on the way [M. 1:3F].***

- H. *Now if you maintain that if a husband retracted his expression of jealousy, his expression of jealousy indeed is regarded as null, let the husband simply nullify his expression of jealousy and have sexual relations with the wife.*
- I. *[But that is the very point, for it proves the opposite. Namely,] what purpose do the disciples of sages serve? It is because they know that if he wishes to have sexual relations, they will say to him, "First of all nullify your expression of jealousy, and then have sexual relations."*
- J. *Come and take note that R. Josiah said, "Three things did Zeira tell me in the name of the men of Jerusalem: 'A husband who retracted his expression of jealousy — his expression of jealousy is null. A rebellious elder whom a court wished to forgive is forgiven. A disobedient son whom the father and mother wished to forgive is forgiven.' Now when I came to my colleagues in the south, they concurred with me in two items, but as to the rebellious elder they did not concur with me, so as not to permit the increase of dissention in Israel."*
- K. *This proves that if a husband wished to retract his expression of jealousy, his expression of jealousy is null.*
- L. *That does indeed prove it.*
- II.4.** A. *In a further detail of the same issue, R. Aha and Rabina differed. One said, "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."*
- B. *The other said, "Even if she went aside and only then he retracted his expression of jealousy, the expression of jealousy also is nullified."*
- C. *The more reasonable position is that [if it is after the woman went aside with the named man that the husband retracts his expression of jealousy], it is not nullified.*
- D. *On what basis? Because rabbis reverted and concurred with R. Yosé, as it has been taught on Tannaite authority:*
- E. **R. Yosé says, "Her husband is trustworthy in regard to her, on the basis of an argument a fortiori: now if in the case of a menstruating woman, on account of sexual relations with whom one incurs the penalty of extirpation, her husband is trustworthy in regard to her, in the case of an accused wife, who is prohibited [to the husband only on account of] a negative prohibition, is it not logical [that her husband should be deemed trustworthy in regard to her]?"**
- F. **They said to him, "No, if you have stated the rule in the case of the menstruating woman, who becomes permitted after she is prohibited, will you state the same rule in regard to the accused wife, who will never be permitted once she is prohibited?" [T. [Sot. 1:2S-U, W](#)].**
- G. *Now if you maintain that, if the husband should retract his expression of jealousy after the woman has gone aside with the named man, the expression of jealousy is nullified, you do find a case in which the accused wife would be permitted once more to the husband. [That would account for the retraction of the argument at R.]*

- H. For if the husband wanted, he may nullify his expression of jealousy and then legitimately have sexual relations with the wife.
- I. *Does this not prove that if the husband should retract his expression of jealousy after the wife has gone astray, it is not nullified?*
- J. *Indeed, it proves that fact.*

We now proceed to the next clause of the Mishnah to come into view, having dealt with a composition in which a prior clause figured, however, tangentially. That once more points to a principle of composition that accords priority to the order of the Mishnah, even when Mishnah-exegesis does not define the focus of a composition or composite.

III.1 A. If their husbands died before they drank the bitter water, the House of Shammai, etc. [M. 4:2G-I]:

- B. *What is the point at issue.*
- C. The House of Shammai take the view that a bond that is due for collection [as is the marriage-settlement, which has not been nullified as yet] is treated as collected. [The widow is entitled to collect the marriage-settlement on the death of the husband, and nothing has impaired that entitlement as yet. The property thus is regarded as hers for settlement of her claim. The heirs of the husband would have to prove that she had committed adultery, if they now wish to deprive her of the property indentured in the marriage-settlement].
- D. **[25B]** The House of Hillel take the view that a bond that is due for collection is not treated as collected.

IV.1 A. A woman who was pregnant by a former husband, etc. [M. 4:3A]:

- B. [With reference to M. 4:3C-D, the list of women who are not to be wed and so are exempt from the ordeal and have no contract, with Eliezer's difference from that view and omission of these women from the rule of M. 4:1D], said R. Nahman said Rabbah bar Abbuhah, "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,
- C. "for it is written, 'Then she shall be free and conceive seed' (Num. 5:28) — meaning, one with the capacity to conceive seed, excluding the one at hand who, to begin with, cannot conceive."
- D. *The following objection was raised:*
- E. **He who expresses a warning of jealousy to his betrothed or to his deceased childless brother's widow awaiting levirate marriage with him —**
- F. **if before she entered into marriage with him, she went in secret [with the man against whom the prospective husband had warned her not to go],**
- G. **she neither undergoes the ordeal of drinking the water nor receives her marriage-contract [T. Sot. 5:1].**
- H. **[26A] "A woman made pregnant by a former husband 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 [M. 4:3A].**

- I. For R. Meir maintained, “A man should not marry a woman made pregnant by an earlier husband or giving suck to a child born to an earlier husband, and if she married under such conditions, he must put her away and never remarry her.”
- J. And sages say, “He puts her away, but when the time comes to marry her, he may marry her.”
- K. **A young man who married a barren woman or a woman past menopause and who does not have another wife and children —**
- L. **she does not undergo the ordeal of drinking the bitter water and does not collect a marriage-contract [T. [Sot. 3:5A-B](#)].**
- M. **R. Eliezer says, “He has the power to marry another woman for purposes of procreation” [M. [4:3D](#)].**
- N. **But: he who expresses a warning of jealousy to his betrothed or to his deceased childless brother’s widow awaiting levirate marriage with him,**
- O. **if after she entered into marriage with him she went in secret [with the man against whom the prospective husband had warned her not to go],**
- P. **she either undergoes the rite of the water-ordeal or does not collect her marriage-settlement [T. [Sot. 5:1](#)].**
- Q. **A woman made pregnant by the husband himself or who gives suck to the child of the husband himself either undergoes the ordeal of drinking the bitter water or does not receive payment of her marriage-contract [T. [Sot. 5:3](#)].**
- R. **A young man who married a barren woman or a woman past menopause, and who has another wife and children —**
- S. **she either undergoes the ordeal of drinking the bitter water or does not receive her marriage-contract [T. [Sot. 5:2](#)]**
- T. **[A priest-girl, a Levite-girl, and an Israelite-girl, who married a priest, a Levite, or an Israelite,] a Netinah-girl married to a Netin, a mamzeret-girl married to a mamzer.**
- U. **the wife of a proselyte, a freed slave, and a barren woman**
- V. **either undergo the ordeal of drinking the bitter water or do not receive a marriage-contract [T. [Sot. 5:4A-D](#)].**
- W. *[Now to revert to the point with which we began, B], in any event, the Tannaite authority at hand does state that [on the list] is the woman unable to conceive [contrary to the original allegation].*
- X. *Is this not a refutation of R. Nahman?*
- Y. *R. Nahman may reply to you, “It is a dispute among Tannaite authorities, and I concur with one [Simeon b. Eleazar] of the two Tannaite authorities.”*
- Z. *For it has been taught on Tannaite authority: R. Simeon b. Eleazar says, “A barren woman does not undergo the ordeal of drinking the bitter water and does not receive her marriage-contract,*
- AA. *“since it is said, And she will be found guiltless and will conceive a child (Num. 5:28) — in the case of a woman who is able to conceive, thus excluding this woman, who is not able to conceive” [cf. M. [4:3C-D](#), T. [Sot. 5:4E-F](#)].*

- BB. *And how do the rabbis at hand deal with the phrase, “And she will be found guiltless and will conceive a child” (Num. 5:28)?*
- CC. *They require it to make the point of the following, which we have learned on Tannaite authority:*
- DD. *““And she will be found guiltless and will conceive a child” (Num. 5:28), so that if she had been barren, she will be remembered [with child],” the words of R. Aqiba.*
- EE. *Said to him R. Ishmael, “If so, let all barren women go apart in secret [but not actually commit adultery] so that they too will be remembered. And, since this [virtuous] woman did not go apart in secret, will she be the loser?”*
- FF. *If so, what is the meaning of Scripture, “And she will be found guiltless and will conceive a child” (Num. 5:28)?*
- GG. *If she formerly bore children in pain, she will now bear them easily; if she formerly bore females, she will now bear males; if she formerly bore short children, she will now bear tall ones; if she formerly bore dark-skinned children, she will now bear light-skinned ones.*
- HH. [Concluding the exegesis of the materials adduced above:] **A Mamzeret-girl married to a mamzer [T. Sot. 5:4, above at T]:** [either drinks or does not receive a marriage-settlement].
- II. *That is self-evident.*
- JJ. *No, it had to be specified. You might have maintained that those who are disqualified should not multiply [and so the Torah will attempt not to restore that marriage].*
- KK. *We are thus informed that that is not the case.*
- LL. **“The wife of a proselyte, freed slave, or barren woman [T. Sot. 5:4C, U above] either undergo the ordeal of drinking the bitter water or do not receive a marriage contract.**
- MM. *That is self-evident.*
- NN. *No, it had to be specified. You might have maintained that since Scripture has said, “Speak to the children of Israel” (Num. 5:12), the sense was, “but not to proselytes.”*
- OO. *Accordingly, we are informed that that is not the case.*
- PP. *Or, I may propose, “And say” serves as an inclusionary phrase.*

We now continue the phrase-by-phrase exegesis, asking why it was found necessary to specify a well-established fact.

V.1 A. The wife of a priest drinks, etc. [M. 4:4A]:

- B. *That fact is self-evident.*
- C. [Hardly so.] *What might you have claimed [to lead to the contrary impression, that she does not undergo the ordeal?]*
- D. *“And she had not been violated” (Num. 5:13) [meaning that the woman had consented] means that she is forbidden.*
- E. *Lo, if she had been violated, then she is permitted.*
- F. *Now in the case of the woman at hand, [wife of a priest, who cannot remain wed to a woman who had been raped], since, if she had been raped, she remains forbidden [to her priest-husband], I might have said that, in any event, she should*

not undergo the ordeal [there being no practical purpose in her doing so]. Accordingly, we are informed [that that is not the law].

VI.1 A. And is permitted to her husband [M. 4:4A]:

- B. *That is self-evident.*
- C. Said R. Huna, “It speaks of a case in which the woman falls ill.”
- D. *[If] she falls ill, lo, the water has indeed put her to the test [and she is proved guilty].*
- E. *[We deal with a case in which] she falls ill in respect to [other limbs].*
- F. *What might you have said?*
- G. *Lo, this woman actually has acted like a whore, and the reason that the water has not put her to the test in the ordinary way is that it was perforce that she acted like a whore, and, in regards the priest-husband, she is in any event forbidden to him.*
- H. *Accordingly, we are informed that that is not the case [and in the present instance she is permitted to return to her husband after the test has proved her innocence.]*

VII.1 A. The wife of a eunuch undergoes the ordeal of drinking the bitter water [M. 4:4B]:

- B. *That fact is self-evident.*
- C. *[Hardly so!] What might you have said?*
- D. *The All-Merciful has stated, “...besides your husband” (Num. 5:20), and this person does not fall into that category.*
- E. *Accordingly, we are informed [that that is not the case, and the eunuch for the present purpose is regarded as her husband].*

VIII.1 A. On account of men in all sorts of prohibited relationships to the woman are wives subjected to warning [M. 4:4C]:

- B. *That is self-evident.*
- C. **[26B]** *[Hardly so!] What might you have said?*
- D. The word “and is made unclean” (Num. 5:13, 14), is used two times, one referring to the husband, the other to the lover, [so that the husband must divorce her, but the lover may not marry her].
- E. *The ordeal applies, therefore, to a case in which, by the act of whoredom, the woman becomes forbidden to [the lover], but in the present case, since, in any event, she remains forbidden [to the lover, by reason of a consanguineous relationship], I might have said that she does not [undergo the ordeal].*
- F. *Accordingly we are informed [that that is not the case, and she does undergo the ordeal].*

IX.1. A. Except for a minor, etc. [M. 4:4D]:

- B. “A man” (Num. 5:13) is what the All-Merciful has said, and not a minor.

X.1 A. And for one who is not human [M. 4:4E]:

- B. *What category is excluded [by the present specification]?*
- C. If I should propose that it is meant to eliminate from consideration a castrated man, has not Samuel said, “As to one who has been castrated, they issue an

expression of jealousy on his account, and, [should he have sexual relations with a priest's wife], he invalidates her right to eat priestly rations."

- D. "They issue an expression of jealousy on his account:" *That is self-evident.*
- E. *What might you have imagined?*
- F. The All-Merciful has said, "And have sexual relations with her" (Num. 5:13), *and this one does not fall into that category.*
- G. *Accordingly we are informed [that that is not the case].*
- H. "And [should he have sexual relations with a priest's wife], he invalidates her right to eat priestly rations:" *That is self-evident.*
- I. *What might you have imagined?*
- J. "He shall not profane his seed" (Lev. 21:15) *is what the All-Merciful has said, and this one does not fall into that category [since he does not produce any seed].*
- K. *Accordingly, we are informed [that that is not the case].*
- L. *Then what category of persons is eliminated by the cited passage of the Mishnah [M. 4:4E]?*
- M. *It is to exclude an idolator.*
- N. But has not R. Hamnuma said, "As to an idolator, they issue an expression of jealousy on his account, and [should he have sexual relations with a priest's wife], he invalidates her right to eat priestly rations."
- O. "They issue an expression of jealousy on his account:" *That is self-evident.*
- P. *What might you have maintained?*
- Q. The word "and is made unclean" (Num. 5:13, 14) is used two times, one referring to the husband, the other to the lover [so that the husband must divorce her, but the lover may not marry her].
- R. *The ordeal applies, therefore, to a case in which by the act of whoredom the woman becomes forbidden to [the lover], but in the present case, since, in any event, she remains forbidden [to the lover, by reason of his status as a non-Israelite], I might have said that she does not [undergo the ordeal].*
- S. *Accordingly, we are informed [that that is not the case, and she does undergo the ordeal].*
- T. "And [should he have sexual relations with a priest's wife], he invalidates her right to eat priestly rations:" *That is self-evident.*
- U. *What might you have imagined?*
- V. "And if a priest's daughter is married to a stranger" (Lev. 22:12) *is what the All-Merciful has said, meaning, a setting in which she marries one who may enter into a marital relationship with her. But since this man is not in the category of one who may enter into a marital relationship with her, I might have said that she does not [undergo the ordeal].*
- W. *Accordingly, we are informed that [nonetheless, the gentile] invalidates [her right to eat priestly rations].*
- X. *That view accords with what R. Yohanan has said, for R. Yohanan said in the name of R. Ishmael, "How do we know that if an idolator or a slave had sexual*

relations with a priest-girl or a Levite-girl or an Israelite-girl, he has rendered her invalid [to remain in the caste in which she belongs]?

- Y. “As it is said, ‘But if a priest’s daughter is widowed or divorced’ (Lev. 22:13) — thus referring to a woman who is subject to the status of widow or divorcee. Then the idolator and the slave are excluded, for in such cases the status of widowhood or divorcee does not apply.”
- Z. *[But if we do not accept the view of Yohanan], what exclusion is effected by the phrasing of the Mishnah?*
- AA. *Said R. Papa, “It is meant to exclude [her having sexual relations] with a beast, for an act of whoredom does not take place through bestiality. [In such a case we do not impose the ordeal.]”*

X.2. A. *Said Raba of Parazakia to R. Ashi, “How do we know in Scripture the principle of our rabbis: ‘An act of whoredom does not take place though bestiality’?”*

- B. [He said to him,] “As it is written in Scripture, ‘You shall not bring the salary of a harlot or the price of a dog [to the sanctuary]’ (Deu. 23:19).
- C. *“And it has been taught on Tannaite authority: ‘The salary of a dog and the price of a harlot [slave, whom one sold] are permitted, for it is written, ‘Even both of these’ (Deu. 23:19) — the two [made explicit in the text,] but not four are forbidden. [A dog paid for sexual favors does not yield forbidden funds, hence does not fall into the category at hand.]”*

X.3. A. [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)?

- B. *It is required in accord with the following Tannaite teaching:*
- C. When Scripture says, “sexual relations,” it serves to exclude the case of some other form of relationship.
- D. *What might this other form of relationship be?*
- E. Said R. Sheshet, “It excludes a case in which the husband has issued an expression of jealousy covering unnatural sexual relations.”
- F. Said Raba to him, “Unnatural sexual relations are covered under the phrase, ‘As lying [of many kinds] with womankind’ (Lev. 18:22) [the sense being unnatural intercourse as well].”
- G. Rather, said Raba, “It covers a case in which the expression of jealousy covered sexual relations through contact with other limbs [even without coition].”
- H. *Said to him Abayye, “This constitutes common obscenity [not adultery], and has the All-Merciful really prohibited common obscenity [under the strict rules at hand]?”*
- I. Rather, said Abayye, “It serves to exclude a case in which the expression of jealousy covered kissing [embracing].”
- J. *That view is suitable for the one who said that sexual contact involves actual entry of the crown of the penis into the vagina, but merely embracing is null. On that account, Scripture must come along and prove that kissing is excluded.*

- K. *But in the view of him who has said, sexual contact involves even kissing, what is there to be said? [Why does Scripture make the inclusion explicit?]*
- L. *Ultimately, we deal with a case in which the expression of jealousy involved sexual contact between bodies [without coition].*
- M. *What might you have maintained? The matter depends upon the husband's objection [to such conduct], in the view of the All-Merciful, and the husband most certainly objects.*
- N. *So we are informed [that that reasoning is not acceptable, and the phrase "sexual relations" serves to exclude the sort of conduct at hand.]*

Marrying a Woman of Bad Name or Her Daughter

- X.4.** A. Said Samuel, "A man should marry [27A] a woman of bad name rather than a daughter of a woman of bad name, because the former comes from suitable stock, while the latter comes from unsuitable stock."
- B. And R. Yohanan said, "A man should marry the daughter of a woman of bad name, rather than a woman of bad name, because the former enjoys the presupposition that she is a suitable person, while the latter does not enjoy the supposition that she is a suitable person."
- C. *They objected, "Should a man marry a woman of bad name at all?!"*
- D. *Said Raba, "But do you think that the advice at hand is that, to begin with, one should make such a marriage? Rather, if one has married [such a woman, he has the choice at hand]."*
- E. *So too it has been taught on Tannaite authority: "...the daughter of a woman of bad name."*
- F. *And the decided law is that a man should marry the daughter of a woman of bad name, but he should not marry a woman of bad name.*
- G. *For R. Tahalipa of the West taught before R. Abbahu, "When the mother is a whore, her children are nonetheless suitable [for Israelite marriage. Why so?] Most acts of sexual relationships are attributed to the husband, [and the husband is suitable, as an Israelite, to produce a valid offspring with the woman at hand. We assume that she has had sexual relations with an Israelite husband. As an unmarried woman, there is no marital obstacle to impede her producing, with an Israelite, a valid offspring.]*
- H. *R. Amram asked, "But if the woman is unusually dissolute, what is the law?"*
- I. *"In the view of the one who says that a woman becomes pregnant only right before her period, this is no problem, for a husband will not know and will not guard her, [so the children will be invalid]."*
- J. *"But in the view of him who says that the woman becomes pregnant only after she has immersed following her period, it is a question indeed."*
- K. *"What is the rule? Since the husband knows [that the woman is fertile,] he will watch her very carefully?"*
- L. *"Or since the woman is unusually dissolute, that is not the case [so the children cannot be regarded as valid]?"*
- M. *The question stands over.*

We proceed to the next clause, now finding a Tannaite complement with scriptural proof for the proposition at hand.

XI.1 A. And these are the women whom a court [subjects to warning, etc.] [M. 4:5A]:

- B. *Our rabbis have taught on Tannaite authority:*
- C. “A man, a man” (Num. 5:12): Why does Scripture repeat the word “man”?
- D. It serves to encompass **the wife of a deaf mute, an imbecile, or a wimp, whose husband went overseas, or the wife of a man who was imprisoned, whom a court subjects to warning so as to invalidate such a woman from receiving her marriage-settlement [M. 4:5B-C].**
- E. Is it possible to suppose [contrary to M. 4:5C] that the court’s warning serves also to force them to undergo the ordeal of drinking the bitter water?
- F. Scripture states, “Then shall the man bring his wife” (Num. 5:29) [thus excluding these cases].

XII.1 A. 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” [M. 4:5D-E].

- B. *What is the point of difference?*
- C. *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.*
- D. *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.*

XII.2. A. Our rabbis have taught on Tannaite authority:

- B. “When a wife, being subject to her husband, goes aside” (Num. 5:29).
- C. This serves to establish an analogy between the husband and the wife, and the wife to the husband.
- D. *For what legal purpose is the analogy drawn?*
- E. Said R. Sheshet, “Just as, if he was blind, he could not impose the ordeal of drinking the water, as it is written, ‘And it be hid from the sight of the husband’ (Num. 5:13) [hence, the husband must have been able to see],
- F. “so if she was blind, she did not have to undergo the rite.”
- G. R. Ashi said, “Just as a woman who is lame or without an arm does not have to drink, for it is written, ‘And the priest shall set [27B] the woman before the Lord... and put the meal-offering in her hands’ (Num. 5:18), so he may not impose the ordeal if he exhibits this same traits.”
- H. Mar, son of R. Ashi said, “Just as a woman who is dumb does not undergo the ordeal, since it is written, ‘And the woman shall say, “Amen, Amen,”’ so the husband cannot impose the rite if he exhibits this same trait.”

M. 4:1 is in two distinct parts, A-C and D-E, which go over the same ground, but from different perspectives. The women of A are exempt from the ordeal, but, if the prospective husband places them on notice, they also do not collect the marriage-contract. Then D lists women who are not in legal marriages, a standard catalogue. Because the marriage is to a man to whom the woman to begin with

cannot be properly wed, the ordeal is not invoked. But should these women come under suspicion, they also do not receive a marriage-contract (E). The women at M. 4:2A-C fall into the category of those listed at M. 4:1. We go over the matter of M. 1:3 to make the distinction self-evident at D-F. Since in these instances the husband has caused the cancellation of the ordeal, the wife collects her marriage-contract. G-I asks about the husband's death en route to the ordeal. Since the issue is the marriage-contract, it refers to D-E, for at A-C there is no question of a marriage-contract. The positions of the Houses then follow. The Shammaites leave matters where they were: a bond awaiting collection is treated as if it were collected (B. Sot. 25a-b). The Hillelites say that, since we do not know what the woman has done, the woman cannot collect her marriage-contract, on the ground that there is substantial doubt. So she has to bring evidence that she should receive the marriage-contract from the husband's estate. But there is no ordeal of drinking the bitter water for a woman whose husband cannot personally bring her to the Temple for that rite, so there also is no possibility of her supplying the requisite evidence to collect the marriage-contract. M. 4:3, reverting to M. 4:1D's principle, is in three distinct parts, A-B, C-D, and E the conclusion to the entire construction beginning with M. 4:1. In Meir's view the marriage is null, so there is no ordeal, but also no marriage-contract, just as at M. 4:1D. Sages allow the marriage to be validated, and so exempt it from the conception of M. 4:1D that an invalid marriage yields neither the ordeal of drinking the water nor the payment of a marriage-contract. There is a parallel conception at C-D. These women are not to be wed, so are exempt from the ordeal but have no claim on a marriage-contract. Eliezer differs and will not list these women under the rule of M. 4:1D. M. 4:4 supplements M. 4:1-3. The marriage of B is valid. The point of C is that a husband may warn the wife not to go in secret even with men whom she is not prohibited to marry, e.g., her brother or father, except for a minor or a beast (D, E). The composition of the several Talmudic exegetical units is explained in Chapter Ten.