

דאי אית ביה עון בדקי ליה מיא, כי
 אית ביה עון בדדידה מי בדקי לה מיא
 לדידה? והא תנא: "ונקה האיש מעון
 והאשה ההיא תשא את עונה" – בזמן
 שהאיש מנקה מעון, המים בודקין את
 אשתו; אין האיש מנקה מעון, אין
 המים בודקין את אשתו!

ואלא לבעל – ליתני בדקתני סיפא:
 בשם שאסורה לבעל, כך אסורה
 לבעלה!

that if he has committed a similar iniquity^N the water evaluates his actions, this is difficult, as in a case where he has committed a similar iniquity does the water even evaluate her fidelity? But isn't it taught in a *baraita* that the verse: "And the man shall be clear from iniquity, and that woman shall bear her iniquity" (Numbers 5:31), indicates that only when the man is clear of iniquity^N does the water evaluate the fidelity of his wife, but if the man is not clear of iniquity^N the water does not evaluate the fidelity of his wife?

And if the mishna is rather referring to the alleged paramour, who is also evaluated by the water that the woman drinks, then let the mishna teach as is taught in its latter clause: Just as she is forbidden to her husband, so too is she forbidden to her paramour. Just as there the paramour is mentioned explicitly, so too here, the mishna should have stated: Just as the water evaluates whether she was unfaithful, so too, it evaluates whether the paramour committed this iniquity.

HALAKHA

בזמן שהאיש מנקה – When the man is clear of iniquity, etc. – The Rambam maintains that the water does not evaluate the wife of any man who has engaged in any illicit sexual intercourse during his adulthood. However, many of the early commentaries disagree; in their opinion, this fact applies only

to one who engaged in sexual intercourse with his wife after she was rendered a *sota* by secluding herself with the alleged paramour after her husband's warning (Rambam *Sefer Nashim*, *Hilkhot Sota* 2:8).

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אי אית ביה עון בדקי – If he has committed a similar iniquity – Rashi explains that this is referring to the husband having engaged in sexual intercourse with his wife after her seclusion with the other man. However, later commentaries question the notion that this transgression should be punishable by death. One explanation is that the husband may have caused his wife to sin through his own sinful behavior, and is therefore liable to receive the same punishment (*Eshel Avraham*). Others explain that the Gemara does not entertain the possibility that the husband should die, but rather that if he is guilty of forbidden intercourse with his wife he is punished with suffering similar to hers, albeit on a smaller scale (*Torat HaKenaot*; *Devar Shaul*).

אין האיש מנקה מעון – The Rambam understands this principle in a very broad sense, stating that any man who has engaged in illicit sexual intercourse at any point in his adult lifetime cannot be considered clear of iniquity, and the water will not evaluate his wife. Others disagree, maintaining that this principle applies only to one who transgressed the prohibition against engaging in sexual intercourse with his wife after she was rendered a *sota*. The Ramban, in his Commentary on the Torah, rules based on the Gemara below (47b) that not only is the water ineffective in evaluating the wife when the husband is not clear of iniquity, but this is the case even if any members of their household are not clear of such a transgression. See *Mishne LaMelekh*, where there is a discussion as to why the Rambam does not cite that Gemara.

לְעוֹלָם לְבוּעַל, וְרִישָׁא אִיּוּדִי דְתַנָּא
“אוֹתָהּ” תַּנִּי “אוֹתוֹ”; סִיפָא אִיּוּדִי דְתַנָּא
בְּעַל תַּנָּא בּוּעַל.

The Gemara answers: The entire mishna **actually** does refer to the **paramour**, and the reason he is not mentioned explicitly in the **first clause** of the mishna is because **since** it teaches that the water evaluates whether the wife was unfaithful by using the direct object **her**, it also **teaches** that the water evaluates whether the paramour committed the by act using the direct object **him**, without mentioning the paramour explicitly. In the **latter clause** of the mishna, on the other hand, **since** it teaches explicitly that the woman is forbidden to her **husband**, it also **teaches** explicitly that she is forbidden to her **paramour**.

“שְׁנֵאמַר: וּבָאוּ, וּבָאוּ.” אִיבְעִינָא לְהוּ:
“בָּאוּ” וּבָאוּ “קָאֵמַר, אוּ” וּבָאוּ “וּבָאוּ”
קָאֵמַר?

§ In the mishna Rabbi Akiva proves that the water evaluates the paramour as well, as it is stated: “**And** the water that causes the curse **shall enter** into her” (Numbers 5:24), and: “**And** the water that causes the curse **shall enter** into her and become bitter” (Numbers 5:27). A **dilemma was raised before** the Sages concerning the precise wording of the mishna: **Does the mishna state:** “**Shall enter** [*ba’u*],” “**and shall enter** [*uva’u*]”? According to this version of the mishna, it is derived from the superfluous conjoining prefix *vav* that the paramour is also evaluated by the water. **Or**, alternatively, **does the mishna state:** “**And shall enter**,” “**and shall enter**,” indicating that this *halakha* is derived from the repetition of the phrase in two separate verses?

תָּא שְׁמַע: כְּשֵׁם שְׁאַסוּרָה לְבַעַל כֶּךָ
אֶסוּרָה לְבוּעַל, שְׁנֵאמַר: “נִטְמָאָה,”
“וְנִטְמָאָה”.

Come and hear a proof from Rabbi Akiva’s second statement in the mishna, where he says: **Just as she is forbidden to her husband, so too is she forbidden to her paramour, as it is stated:** “**Is defiled** [*nitma’a*],” “**And is defiled** [*venitma’a*]” (Numbers 5:29). Here it seems that Rabbi Akiva derives his interpretation from the superfluous prefix *vav* rather than from the repetition of the phrase. Therefore, the first derivation should be understood in the same manner.

וְעֵדִין תִּיבְעִי: “נִטְמָאָה” וְנִטְמָאָה “קָאֵמַר,
אוּ” וְנִטְמָאָה “וְנִטְמָאָה” קָאֵמַר?

The Gemara asks: **But still, let the dilemma be raised** with regard to this *halakha* too: **Does Rabbi Akiva state** that the source for the *halakha* is the mention of the phrase “**is defiled**,” “**is defiled**,” in two different verses (Numbers 5:14, 29), **or does he state** that the *halakha* is derived from the superfluous *vav* in the phrase “**is defiled**,” rendering it “**and is defiled**” (Numbers 5:29)?

תָּא שְׁמַע: מִדְּקִתְנִי סִיפָא, רַבִּי אוֹמַר: שְׁנֵי
פְּעָמִים הָאֵמורִין בְּפִרְשָׁה “וְנִטְמָאָה,”
“וְנִטְמָאָה” – אֶחָד לְבַעַל וְאֶחָד לְבוּעַל;
מִכְּלָל דְּרַבִּי עֲקִיבָא וְרַבִּי קְדָרִישׁ.

Come and hear a proof from the fact that the mishna teaches in the **latter clause** that Rabbi Yehuda HaNasi says: The **two times that the wife’s defilement is stated in the passage**, namely: “**And he warns his wife, and she is defiled**” (Numbers 5:14), and the later verse: “**When a wife, being under her husband, goes astray and is defiled**” (Numbers 5:29), indicate that there are two prohibitions due to her defilement. **One is to forbid her to her husband and one is to forbid her to her paramour. By inference** from the fact that the dissenting derivation of Rabbi Yehuda HaNasi is from the repetition of the entire phrase, evidently **Rabbi Akiva derives this halakha** from the superfluous *vav*.

הַלֶּכֶךְ לְרַבִּי עֲקִיבָא שִׁיתָא קְרָאִי כְּתִיבִי:

Therefore, according to the opinion of Rabbi Akiva, since the phrase “and the water... shall enter” is mentioned three times in the passage, and the prefix *vav*, written each time, is expounded as though the phrase were mentioned twice, the phrase is treated as though it were **written in six verses**, as follows.

חַד לְצוּאָה דִּידָהּ, וְחַד לְצוּאָה דִּידָהּ;

One of the mentions (Numbers 5:27) is interpreted for the **command concerning her**, the woman, meaning that God empowered the waters to punish the woman; **and one**, the prefix *vav* in that same verse, is expounded for the **command concerning him**, the paramour, i.e., that he too shall be punished by the water if he is guilty.

חַד לְעִשְׂיָה דִּידָהּ, וְחַד לְעִשְׂיָה דִּידָהּ;

One mention of the phrase, in the description of the drinking of the bitter water of a *sota* (Numbers 5:24), is interpreted for the **execution of her punishment**, as the punishment will go into effect so long as the process was performed properly; **and one**, the prefix *vav* in that verse, is expounded for the **execution of his punishment**.

The priest informs her that her belly will be afflicted first and then her thigh – דְּמוּדַע לָהּ כִּהֵן דְּבִטְנָן בְּרִישָׁא וְהָדָר יֵרֶךְ – The priest informs the woman that her belly will be afflicted first, and then her thigh, so that people will not cast aspersions on the effectiveness of the water (Rambam *Sefer Nashim*, *Hilkhot Sota* 3:7).

One mention (Numbers 5:22) is for her knowledge, i.e., the priest informs her that this punishment will be the result; and one, the prefix *vav*, is for his knowledge.

But Rabbi Yehuda HaNasi maintains that only three verses worthy of exposition are written with regard to the water entering the woman; he does not derive anything additional from the prefix *vav* that introduces the various mentions of this matter. He therefore interprets one for the command, and one for the execution, and one for the knowledge, all with regard to the woman herself.

The Gemara asks: And from where does Rabbi Yehuda HaNasi derive the principle in the mishna that just as the water evaluates whether she was unfaithful, so too, it evaluates whether he committed the sin?

The Gemara answers: He derives it from that which is taught in a *baraita*, that the verse: “And cause the belly to swell and the thigh to fall away” (Numbers 5:22), is referring to the belly and thigh of the paramour. Do you say that the intention is the belly and the thigh of the paramour, or is it only the belly and the thigh of the adulteress? When it says later: “And her belly shall swell, and her thigh shall fall away” (Numbers 5:27), the belly and thigh of the adulteress are explicitly stated. And therefore, how do I realize the meaning of the former verse: “And cause the belly to swell, and the thigh to fall away”? Clearly, it is referring to the belly and thigh of the paramour.

And how does the other *tanna*, Rabbi Akiva, interpret the repetition of verses? The former verse indicates that the priest informs her that her belly will be afflicted first and then her thigh,¹ so as not to cast aspersions on the bitter water of a *sota*, i.e., to prevent people from claiming that the guilty woman’s death was not due to the bitter water but rather to some other cause. The reason people might claim this is that the priest says to the woman: “The Lord will make you a curse and an oath among your people, when the Lord makes your thigh fall away, and your belly swell” (Numbers 5:21). This seems to imply that her thigh is supposed to be afflicted before her belly. Therefore, when her belly swells first, people might conclude that it is not due to the water. It is for this reason that the priest needs to inform her that her belly will swell first.

And why does the other *tanna*, Rabbi Yehuda HaNasi, disagree with Rabbi Akiva? The Gemara answers: If it is so that the verse: “And cause the belly to swell, and the thigh to fall away” (Numbers 5:22), is referring to the woman, the verse should have written: Her belly... and her thigh. What is meant by the phraseology of “the belly... and the thigh”? Conclude from it that it is referring to the belly and thigh of the paramour.

The Gemara asks: And say that the entire verse comes for this, to indicate that the water evaluates the paramour as well, and does not teach the order of the punishment? The Gemara answers: If so, the Torah should have written: His belly... and his thigh. What is the meaning of the general wording: “The belly... and the thigh”? Conclude from it two conclusions: That the paramour is punished and that the priest informs the woman with regard to the order of the punishment.

It is stated in the mishna that Rabbi Yehoshua said: That was how Zekharya ben HaKatzav would interpret it. Rabbi Yehuda HaNasi says: The two times that the defilement of the wife is stated in the passage indicate that there are two prohibitions due to her defilement; one is to forbid her to her husband and one is to forbid her to her paramour.

חד לידיעה דידה, וחד לידיעה דידיה.

ורבי תלתא קראי פתיבי: חד לצואה, וחד לעשייה, וחד לידיעה.

ורבי בשם שהמים בודקין אותה כך בודקין אותו מנא ליה?

נפקא ליה מדתניא: “לצבות בטן ולנפל ירך” – בטנו ויריכו של בועל, אתה אומר: בטנו ויריכו של בועל, או אינו אלא בטנה ויריכה של נבעלת? בשווא אומר: “וצבתה בטנה ונפלה ירכה”, הרי בטנה ויריכה של נבעלת אומר. ומה אני מקיים “לצבות בטן ולנפל ירך”? בטנו ויריכו של בועל.

ואיך? ההוא, דמודע לה כהן דבטן ברישא והדר ירך, שלא להוציא לעו על המים המרים.

ואיך? אם כן, לכתוב קרא “בטנה וירכה”. מאי “בטן וירך”? שמע מינה לבועל.

ואימא: כולי להכי הוא דאתא! אם כן, לכתוב “בטנו וירכו”. מאי “בטן וירך”? שמע מינה תרתי.

“אמר רבי יהושע: כך היה דורש זכריה” כו.

תנו רבנן: שלש פעמים האמורין בפרשה
 "אם נטמאה", "נטמאה", "ונטמאה"
 למה? אחד לבעל, ואחד לבועל, ואחד
 לתרומה, דברי רבי עקיבא.

אמר רבי ישמעאל, קל וחומר: ומה
 גרושה שמוותרת לתרומה – אסורה
 לכהונה, זו שאסורה בתרומה – אינו
 דין שאסורה לכהונה.

מה תלמוד לומר: "והיא נטמאה", והיא
 לא נטמאה? אם נטמאה למה שותה?
 אם לא נטמאה למה משקה? מגיד לך
 הכתוב, שהספק אסורה;

מכאן אתה דן לשרץ: ומה סוטה שלא
 עשה בה שוגג כמזיד ואונס כרצון –
 עשה בה ספק כודאי, שרץ שעשה בו
 שוגג כמזיד ואונס כרצון – אינו דין
 שיעשה בו ספק

The Sages taught in a *baraita*: With regard to the three times that the defilement of the wife is stated in the passage, namely: "If she is defiled" (Numbers 5:27), "and he warns his wife, and she is defiled" (Numbers 5:14), and "when a wife being under her husband goes astray and is defiled" (Numbers 5:29), why are all three necessary? **One** is to prohibit her to her husband, and **one** is to prohibit her to her paramour, and **one** is to prohibit her from partaking of *teruma*, even if she is the wife or daughter of a priest. This is the statement of Rabbi Akiva.

Rabbi Yishmael said: It is unnecessary to derive from a verse that it would also be prohibited for this woman to marry a priest, as it can be derived *a fortiori*: If a divorced daughter of a priest, who is permitted to partake of *teruma*, is nevertheless forbidden to marry into the priesthood, then with regard to this *sota*, who is forbidden to partake of *teruma*, is it not logical that it is also prohibited for her to marry into the priesthood?

The *baraita* continues by citing additional expositions involving the verse: "And she is defiled" (Numbers 5:14): **What** is the meaning when the verse states with regard to the cases in which a husband can compel his wife to drink the bitter water of a *sota*: "And he warns his wife, and she is defiled; or if the spirit of jealousy comes upon him, and he warns his wife, and she is not defiled" (Numbers 5:14)? **If she is defiled, why does she need to drink? And if she is not defiled, why does he make her drink?** The *baraita* answers: **The verse tells you that it is discussing a case when there is uncertainty as to whether the woman was faithful to her husband, yet it is prohibited for her to engage in sexual intercourse with her husband until the matter is clarified.**

From here you can derive the *halakha* in a case of uncertainty with regard to whether the carcass of a creeping animal^{NH} has imparted ritual impurity: **Just as in the case of a *sota*, where the Torah does not consider unwitting adultery like intentional adultery,^H and rape is not treated like a willing transgression, because if a married woman committed adultery unwittingly or was raped she is not punished, yet still the Torah considers an uncertain case of adultery like a certain violation inasmuch as the woman is forbidden to her husband until the truth is clarified; so too, with regard to a creeping animal or other agents of ritual impurity, where the Torah does consider unwitting contact with impure items like intentional contact, as one contracts impurity whether or not his contact was intentional and an accident is treated like willing contact, is it not logical that the Torah must also consider an uncertain case of transmission of ritual impurity**

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From here you can derive the *halakha* with regard to a creeping animal – לשרץ: *Tosafot* note that logically one might refute this *a fortiori* argument: With regard to a *sota* there is circumstantial evidence that she is guilty, as her husband had warned her to stay away from a specific man and she subsequently secluded herself with him, and one witness testified that they engaged in sexual intercourse. With regard to uncertain ritual impurity, however, that is not the case.

Other early commentaries point out additional refutations for this *a fortiori* argument. Consequently, several of the concurrences with the understanding of Rabbeinu Tam (*Sefer HaYashar*), who states based on the Gemara in tractate *Hullin* (9b) that the real source for this *halakha* is an oral tradition from Sinai, and the *a fortiori* inference is cited only as an additional corroboration for the *halakha*. Therefore, the Gemara does not deal with the numerous possible ways of refuting the argument.

HALAKHA

From here you can derive the *halakha* with regard to a creeping animal – מכאן אתה דן לשרץ: The Sages derive various *halakhot* with regard to ritual impurity from the *halakhot* of *sota*, e.g., cases of uncertain impurity that arise in the private domain are to be treated as impure, just as a *sota* is treated stringently and is forbidden to her husband in a case where she secluded herself with another man in the private domain (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 16:1–2).

In the case of a *sota* where the Torah does not consider unwitting adultery like intentional adultery, etc. – עשה בה שוגג כמזיד וכו': If a woman committed adultery unwittingly, or if she was raped, the water does not evaluate her (Rambam *Sefer Nashim*, *Hilkhot Avot HaTuma* 3:24).

כִּוְדָאֵי. like a case of certain contact with an impure item? Accordingly, any cases of uncertain ritual impurity should be treated like certain impurity.

So too a creeping animal in the private domain – אֶף שְׂרָץ רִשׁוּת הַיְחִידִי: The *halakha* of *sota* is the source for the *halakha* that any case of uncertain ritual impurity that arises in the private domain is deemed impure. However, if the uncertainty arises in the public domain, which is defined as a place where three or more people are present, the uncertainty is deemed pure (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 15:8; 16:2).

An entity that has awareness for it to be asked – דְּבַר שֵׁישׁ: Just as a *sota* has awareness that allows her to be asked whether she committed adultery, so too, with regard to all cases of uncertain contraction of ritual impurity, an item is deemed impure only in instances where it has the awareness to be asked whether or not it touched an impure item. Therefore, uncertain contraction of ritual impurity by a deaf-mute, an imbecile, or a minor is deemed pure, even if the uncertainty arises in a private domain (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 15:8; 16:2).

וּמִמָּקוֹם שְׂבָאֵת: מֵה סוּטָה רִשׁוּת הַיְחִידִי, אֶף שְׂרָץ רִשׁוּת הַיְחִידִי,

The *baraita* continues: **And** since the case of *sota* is the source for the *halakha* with regard to uncertain ritual impurity, the details of the *halakha* are also derived from the case of *sota*. Therefore, **from the place that you came from**, i.e., from the source, it is derived that **just as** the prohibition with regard to a *sota* applies only when the uncertainty arises in **the private domain**, i.e., when she has secluded herself with the alleged paramour, **so too**, uncertain contact with the carcass of a **creeping animal** renders an item impure only if the contact was in **the private domain**.^H

וּמֵה סוּטָה דְּבַר שֵׁישׁ בּוֹ דַּעַת לְיִשְׂאֵל, אֶף שְׂרָץ דְּבַר שֵׁישׁ בּוֹ דַּעַת לְיִשְׂאֵל.

And furthermore, just as a *sota* is an entity that has awareness in order for her **to be asked** whether she actually committed adultery, **so too**, contact with a **creeping animal** renders an item impure only if it is **an entity that has awareness** in order for it **to be asked**,^H i.e., a person, or an item that may have contracted impurity in a place where a person was present and could have known.

וּמִכָּאן אָמְרוּ: דְּבַר שֵׁישׁ בּוֹ דַּעַת לְיִשְׂאֵל, בְּרִשׁוּת הַיְחִידִי – סְפִיקוֹ טָמֵא, בְּרִשׁוּת הָרְבִים – סְפִיקוֹ טָהוֹר; וְשֵׁאִין בּוֹ דַּעַת לְיִשְׂאֵל, בֵּין בְּרִשׁוּת הַיְחִידִי בֵּין בְּרִשׁוּת הָרְבִים – סְפִיקוֹ טָהוֹר.

The *baraita* concludes: **And from here** the Sages **stated** that if **an entity that has awareness** in order for it **to be asked** may have contracted impurity in **the private domain**, its uncertain impurity renders it **impure**; but if it may have contracted impurity in **the public domain**, its uncertain impurity leaves it **pure**.^N **And** with regard to an entity **that lacks awareness** in order for it **to be asked**, **whether** the uncertainty arose in **the private domain or in the public domain**, its uncertain impurity is deemed **pure**, as it is not similar to a *sota*.

וּרְבִי יִשְׁמַעֵאל, אָמַר רְבִי עֲקִיבָא תְרוּמָה, וּמֵהֲדַר לִיהוּ אִיהוּ כְּהוֹנֵה!

The Gemara begins its discussion of the *baraita* by inquiring about the exchange between Rabbi Yishmael and Rabbi Akiva: **And** what was the intention of **Rabbi Yishmael**? Apparently, he commented on a statement of **Rabbi Akiva**, who **said** that it is prohibited for a *sota* to partake of *teruma*, **and he answered him** concerning the matter of the woman's being prohibited to marry into the **priesthood**, which was not mentioned by Rabbi Akiva at all.

וְתוֹ, לְרַבִּי עֲקִיבָא כְּהוֹנֵה מִנָּה לִיהוּ? וְכִי תֵימָא, כְּהוֹנֵה לָא צְרִיכָא קְרָא.

And furthermore, from where does Rabbi Akiva derive that it is prohibited for a *sota* to marry into the **priesthood**? **And if you would say** that with regard to her prohibition against marrying into the **priesthood a verse is not necessary**,

NOTES

In the public domain its uncertain impurity leaves it pure – בְּרִשׁוּת הָרְבִים סְפִיקוֹ טָהוֹר: The Gemara here would seem to indicate that the principle that uncertainty with regard to the contraction of ritual impurity that arises in the public domain is deemed pure is derived from the *halakhot* of *sota*. However, elsewhere, other sources are cited as the basis for this principle. In the Jerusalem Talmud and the *Tosefta*, later codified by the Rambam, it is derived from the *halakha* that a Paschal offering can be sacrificed in impurity.

One reason not to derive this principle from the case of a *sota* is that the whole concept of *sota* refers to a woman who secluded herself with another man, which is not at all applicable in a public domain. Therefore, nothing can be inferred from *sota* with regard to impurity in the public domain (*Ahiezzer*). In tractates *Hullin* (9b) and *Avoda Zara* (37b) the Gemara writes that

this principle is a tradition transmitted to Moses from Sinai, and is not inferred by logic.

Tosafot in *Avoda Zara* (37b) explain that in fact, the case of a *sota* serves as the source only for the principle that uncertain impurity in the private domain is considered impure. By inference, one can say that any uncertainty with regard to ritual impurity that arises in the public domain is not rendered impure. However, in tractate *Hullin* (9b), *Tosafot* write that it is derived from *sota* that uncertainty with regard to impurity in the public domain is considered pure even if the item in question did not have a presumptive status of purity, and uncertainty with regard to impurity in the private domain is deemed impure even if the item had a presumptive status of purity. They explain that a *sota* herself has lost her presumptive status of innocence by secluding herself with the alleged paramour.