"בְּמַקְהֲלוֹת בָּרְכוּ אֱלֹהִים ה׳ מִמְּקוֹר יִשְׂרָאֵל".

"In full assemblies, bless God, the Lord, you that are from the source of Israel" (Psalms 68:27), indicating that even children that are in the "source," i.e., their mother's womb, blessed God when they gathered at the sea.

וְהָא לָא חָזוּ! אָמַר רַבִּי תַּנְחוּם: כֶּרֶס נַעֲשָׂה לָהֶן כְּאַסְפַּקְלַרְיָא הַמְּאִירָה, וְרָאוּ.

The Gemara asks: **But** the fetuses **could not see,**[N] so how could they have honestly said: "This is my God and I will glorify him"? **Rabbi Tanḥum says:** Their mother's **stomach was transformed for them like luminous crystal** [*aspaklarya*],[L] **and they saw** through it.

"בּוֹ בַּיּוֹם דָּרַשׁ רַבִּי יְהוֹשֻׁעַ בֶּן הוּרְקָנוֹס, שֶׁלֹּא עָבַד אִיּוֹב" כּוֹ׳. וְלֵיחֲזֵי הַאי "לֹא", אִי בְּלָמֵ״ד אָלֶ״ף כְּתִיב – "לֹא" הוּא, אִי בְּלָמֵ״ד וָי״ו כְּתִיב – "לוֹ" הוּא!

§ **On that same day Rabbi Yehoshua ben Hyrcanus taught that Job served** the Holy One, Blessed be He, **only** out of love, as it is stated: "Though He will slay me, still I will trust in Him [*lo*]" (Job 13:15). The mishna continues that the word *lo* in the verse is ambiguous as to whether it is indicative of Job expressing his yearning for God or his lack thereof. The Gemara asks: **Let us see whether this** word ***lo* is written *lamed alef*,** and therefore its meaning **is:** I will **not** trust, or **whether it is written *lamed vav*,** according to which its meaning **is:** I trust **in Him.** Why is there room for doubt with regard to the meaning of the verse?

וְכָל הֵיכָא דִּכְתִיב בְּלָמֵ״ד אָלֶ״ף – "לֹא" הוּא? אֶלָּא מֵעַתָּה "בְּכָל צָרָתָם לֹא צָר", דִּכְתִיב בְּלָמֵ״ד אָלֶ״ף, הָכִי נַמִי דְּ"לֹא" הוּא?

The Gemara counters: **But** is it true that **anywhere that** the word *lo* **is written *lamed alef*,** its meaning **is: Not? If that is so,** then in the verse: **"In all their affliction He was** [*lo*] **afflicted"** (Isaiah 63:9), **where** the word *lo* **is written *lamed alef*, so too, does it** mean: **Not,** i.e., God was not afflicted in the afflictions of the Jewish people?

וְכִי תֵּימָא הָכִי נַמִי, וְהָכְתִיב: "וּמַלְאַךְ פָּנָיו הוֹשִׁיעָם"! אֶלָּא לָאו מַשְׁמַע הָכִי וּמַשְׁמַע הָכִי.

And if you would say that **indeed** that is the meaning of the verse, **but isn't it written** in the continuation of that same verse: **"And the angel of His Presence saved them,"** which clearly indicates that God was concerned with their afflictions? Evidently, the word *lo* in that verse means: "In all their affliction He was afflicted." **Rather, is it not** clear that *lamed alef* sometimes **indicates this and** sometimes **indicates that?** Therefore, the mishna had to derive the proper meaning of the word from another verse.

תַּנְיָא, רַבִּי מֵאִיר אוֹמֵר: נֶאֱמַר "יְרֵא אֱלֹהִים" בְּאִיּוֹב וְנֶאֱמַר "יְרֵא אֱלֹהִים" בְּאַבְרָהָם, מַה "יְרֵא אֱלֹהִים" הָאָמוּר בְּאַבְרָהָם – מֵאַהֲבָה, אַף "יְרֵא אֱלֹהִים" הָאָמוּר בְּאִיּוֹב – מֵאַהֲבָה.

It is taught in a *baraita* (*Tosefta* 6:1) that **Rabbi Meir says: It is stated with regard to Job** that he was **"God-fearing"** (Job 1:1), **and it is stated with regard to Abraham** that he was **"God-fearing"** (Genesis 22:12).[N] **Just as** the description **"God-fearing," which is stated with regard to Abraham,** is referring to Abraham's fearing God **out of love, so too,** the description **"God-fearing" that is stated with regard to Job** indicates that Job feared God **out of love.**

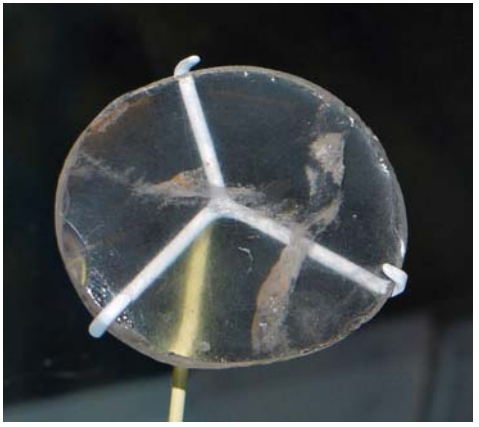
NOTES

But the fetuses could not see – **וְהָא לָא חָזוּ**: The commentaries point out that the Gemara is bothered by the question of how the fetuses could see, when it is seemingly secondary to the problem of how they could sing. If their singing is not a problem, as it was miraculous, why is Gemara troubled by their inability to see? The *Torat HaKenaot* answers that the Gemara asks its question only to introduce the description of the miracle that allowed them to see.

With regard to Abraham, he was God-fearing – **יְרֵא אֱלֹהִים בְּאַבְרָהָם**: The fear of God mentioned with regard to Abraham is not a reference to his fear of divine retribution, but rather to his awe of God's exaltedness, an attribute that derives from one's recognition and intense love of God (see *Sefer Tanya*; *Kerem Natua*; *Ḥazon Yeḥezkel*).

LANGUAGE

Crystal [*aspaklarya*] – **אַסְפַּקְלַרְיָא**: From the Latin specularis, of a mirror, or speculare, to examine, which possibly derives from Greek. It refers to a transparent item, pane, or optical instrument. Sometimes it means a mirror.



Ancient lens, possibly used as part of a telescope

NOTES

One who performs mitzvot out of love and one who performs mitzvot out of fear – **עוֹשֶׂה מֵאַהֲבָה לְעוֹשֶׂה מִיִּרְאָה:** Rashi emphasizes that these two categories are not the same as those of a person who is righteous out of love and a person who is righteous out of fear mentioned above (22b). Here the Gemara is discussing individuals who worship God out of feelings of love and awe of God Himself, while there the Gemara discusses individuals who worship God out of love of the reward and fear of retribution. In the Jerusalem Talmud there is a description of the spiritual benefits of both love and fear of God, as both are necessary in certain situations.

HALAKHA

Greater is the one who performs mitzvot out of love – **גָּדוֹל הָעוֹשֶׂה מֵאַהֲבָה:** One who worships God out of love is one who is involved in Torah and mitzvot and follows the path of wisdom, not due to desire for worldly benefit or out of fear of retribution or the desire to be rewarded. But rather, he performs that which is true because it is true, and ultimately the reward will come about. This is a very lofty level of worship (Rambam *Sefer HaMadda*, *Hilkhot Teshuva* 10:2).

וְאַבְרָהָם גּוּפֵיהּ מְנָלָן? דִּכְתִיב: "זֶרַע אַבְרָהָם אֹהֲבִי".

The Gemara asks: **And** with regard to **Abraham himself, from where do we** derive that he acted out of a sense of love? **As it is written: "The offspring of Abraham who loved Me"** (Isaiah 41:8).

מַאי אִיכָּא בֵּין עוֹשֶׂה מֵאַהֲבָה לְעוֹשֶׂה מִיִּרְאָה? אִיכָּא הָא דְּתַנְיָא, רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר: גָּדוֹל הָעוֹשֶׂה מֵאַהֲבָה יוֹתֵר מִן הָעוֹשֶׂה מִיִּרְאָה, שֶׁזֶּה תָּלוּי לְאֶלֶף דּוֹר, וְזֶה תָּלוּי לְאַלְפַּיִם דּוֹר.

The Gemara asks: **What** difference **is there between one who performs** mitzvot **out of love and one who performs** mitzvot **out of fear?**[N] The Gemara answers: **There is that which is taught** in a *baraita* that **Rabbi Shimon ben Elazar says: Greater is the one who performs** mitzvot **out of love**[H] **than the one who performs** mitzvot **out of fear, as** with regard to **this** one who acts out of fear, his merits **endure for one thousand generations, and** with regard to **that** one who serves God out of love, his merits **endure for two thousand generations.**

הָכָא כְּתִיב: "לַאֲלָפִים לְאֹהֲבַי וּלְשֹׁמְרֵי מִצְוֹתָי", וְהָתָם כְּתִיב: "וּלְשֹׁמְרֵי מִצְוֹתָו לְאֶלֶף דּוֹר".

Proof of this assertion is that **here it is written: "And showing mercy unto thousands of generations of those who love Me and keep My commandments"** (Exodus 20:5), indicating that merits can last for thousands of generations for those who act out of love, **and there it is written:** "Know therefore that the Lord your God, He is God; the faithful God, Who keeps the covenant and mercy with those who love Him **and keep His commandments for a thousand generations"** (Deuteronomy 7:9). The first verse indicates that those who act out of love retain their merits for thousands of generations, whereas the second verse, which mentions only one thousand generations of merit, is referring to the merits of those who keep God's mitzvot out of fear.

הָתָם נַמִי כְּתִיב: "לְאֹהֲבָיו וּלְשֹׁמְרֵי מִצְוֹתָו לְאֶלֶף דּוֹר"!

The Gemara asks: But **there also,** in the second verse, **it is written:** "The faithful God, Who keeps the covenant and mercy **with those who love Him and keep His commandments for a thousand generations"** (Deuteronomy 7:9). Why is the verse interpreted specifically with regard to those who worship God out of fear, yet it is written that they keep His mitzvot out of love? Both types of people seem to be indicated in both verses.

הַאי לְדִסְמִיךְ לֵיהּ, וְהַאי לְדִסְמִיךְ לֵיהּ.

The Gemara answers: **That** verse, which mentions one thousand generations, is understood as referring **to that which is adjacent to it.** The phrase "for a thousand generations" is understood as referring those who perform mitzvot out of fear, as it is written immediately preceding the phrase "and keep His commandments," which does not mention love. **And this** verse, which mentions thousands of generations, is understood as referring **to that which is adjacent to it:** "Unto thousands of generations of those who love Me."

הָנְהוּ תְּרֵי תַּלְמִידֵי דְּהָווּ יָתְבִי קַמֵּיהּ דְּרָבָא. חַד אֲמַר לֵיהּ: אַקְרִיוּן בְּחֶלְמַאי "מָה רַב טוּבְךָ אֲשֶׁר צָפַנְתָּ לִירֵאֶיךָ", וְחַד אֲמַר לֵיהּ: אַקְרִיוּן בְּחֶלְמַאי "וְיִשְׂמְחוּ כָל חוֹסֵי בָךְ לְעוֹלָם יְרַנֵּנוּ...וְיַעְלְצוּ בְךָ אֹהֲבֵי שְׁמֶךָ". אֲמַר לְהוּ: תַּרְוַיְיכוּ רַבָּנַן צַדִּיקֵי גְּמוּרֵי אַתּוּן, מָר מֵאַהֲבָה, וּמָר מִיִּרְאָה.

It happened that there were **these two students who were sitting before Rava,** and **one said to him: It was read to me in my dream: "How abundant is Your goodness, which You have laid up for those who fear You"** (Psalms 31:20). **And one said to** Rava: **It was read to me in my dream: "So shall all those who take refuge in You rejoice; they will forever shout for joy,** and You will shelter them; **let them also who love Your name exult in You"** (Psalms 5:12). Rava **said to them: You are both completely righteous Sages.** One **Sage,** the second dreamer, serves God **out of love, and** one **Sage,** the first dreamer, serves God **out of fear.** Each Sage's dream corresponded to his manner of serving God.

הדרן עלך כשם שהמים

מתני׳ מִי שֶׁקִּינֵּא לְאִשְׁתּוֹ וְנִסְתְּרָה, אֲפִילּוּ שָׁמַע מֵעוֹף הַפּוֹרֵחַ – יוֹצִיא וְיִתֵּן כְּתוּבָּה, דִּבְרֵי רַבִּי אֱלִיעֶזֶר;

MISHNA

In the case of **one who warned his wife** not to seclude herself with a particular man **and she** subsequently **secluded herself**[N] with the man she was warned about, **even if he heard** about it **from a flying bird,**[N] or any other source whatsoever, **he must divorce** his wife. However, he must still **grant her** the money accorded to her by her **marriage contract** because there is no actual proof of her seclusion with the man in question. This is **the statement of Rabbi Eliezer,** who, as quoted in the first mishna of the tractate (2a), holds that there is no necessity for witnesses to testify with regard to the seclusion, and the woman becomes forbidden to her husband even in the absence of witnesses, by the husband's word alone.

רַבִּי יְהוֹשֻׁעַ אוֹמֵר: עַד שֶׁיִּשְׁאוּ וְיִתְּנוּ בָּהּ מוֹזְרוֹת בַּלְּבָנָה.

Rabbi Yehoshua disagrees, as he did in the mishna (2a), and **says:** He does not divorce his wife in the absence of witnesses **until** the gossiping women who sit and **spin** thread **by** the **light of the moon** begin to **discuss her**[H] behavior, as they share the gossip of the town. The Gemara earlier (6b) taught that a woman whose infidelity became subject to this public discussion can no longer be tested by the bitter water of a *sota*. Consequently, she must get divorced.

אָמַר עֵד אֶחָד: אֲנִי רְאִיתִיהָ שֶׁנִּטְמֵאת – לֹא הָיְתָה שׁוֹתָה; וְלֹא עוֹד, אֶלָּא אֲפִילּוּ עֶבֶד אֲפִילּוּ שִׁפְחָה – הֲרֵי אֵלּוּ נֶאֱמָנִין אַף לְפוֹסְלָהּ מִכְּתוּבָּתָהּ.

The mishna continues to list various possible testimonies concerning of such acts of seclusion. If **one witness said: I saw that she became defiled** during her seclusion by engaging in sexual intercourse with that other man, **she does not drink** the bitter water, but rather, he divorces her immediately. **And furthermore, even** if the one who testified was **a slave or a maidservant,**[H] neither of whom is generally regarded as a valid witness, **they are deemed credible** to testify to the wife's adultery **even to** the extent that their testimony **disqualifies her from** receiving **her marriage contract**[N] and prevents her from drinking the bitter water.

חֲמוֹתָהּ, וּבַת חֲמוֹתָהּ, וְצָרָתָהּ, וְיִבְּמְתָהּ, וּבַת בַּעְלָהּ – הֲרֵי אֵלּוּ נֶאֱמָנוֹת, וְלֹא לְפוֹסְלָהּ מִכְּתוּבָּתָהּ אֶלָּא שֶׁלֹּא תִשְׁתֶּה;

The mishna continues by listing women whose testimony is only partially accepted concerning this matter: **Her mother-in-law, and her mother in-law's daughter,**[NH] **and her rival wife,** i.e., a second wife of the husband, **and her *yevama*,** i.e., her husband's brother's wife, **and her husband's daughter,** all of whom are generally not deemed credible if they say anything incriminating pertaining to this woman due to the tumultuous relationships these women often have. **They are** all **deemed credible** to testify concerning the woman's defilement while in seclusion, **but** are **not** deemed credible **to** the extent that their testimony will **disqualify her from** receiving **her marriage contract; rather,** it is deemed credible to the extent that she will **not drink** of the bitter water of a *sota*.

HALAKHA

Until the gossiping women…discuss her – עַד שֶׁיִּשְׁאוּ וְיִתְּנוּ בָּהּ: If after warning his wife not to seclude herself with a specific man the husband hears people gossiping that she had committed adultery with that man, she becomes forbidden to him. He must divorce her, although she still receives the money for her marriage contract. The *Kesef Mishne* notes that this is the *halakha* even if there were not two witnesses to her seclusion (Rambam *Sefer Nashim*, *Hilkhot Sota* 1:8; *Shulḥan Arukh*, *Even HaEzer* 178:11).

Even a slave or a maidservant – אֲפִילּוּ עֶבֶד אֲפִילּוּ שִׁפְחָה: If a woman, slave, maidservant, or any heretofore valid witness who became disqualified from bearing witness due to having violated a rabbinic prohibition testifies that a woman had committed adultery, this testimony is deemed credible so long as valid witnesses had previously testified that the wife had secluded herself with another man after being warned by her husband. In this case, the woman becomes forbidden to her husband forever, and she does not drink the bitter water, and is divorced without receiving the money stipulated in her marriage contract (Rambam *Sefer Nashim*, *Hilkhot Sota* 1:15; *Shulḥan Arukh*, *Even HaEzer* 178:14).

Her mother-in-law and her mother-in-law's daughter, etc. – חֲמוֹתָהּ וּבַת חֲמוֹתָהּ וכו׳: Even the five women listed in the mishna who are generally assumed to hate each other are nevertheless deemed credible to testify that a woman committed adultery after she was warned by her husband. Their testimony is accepted to the degree that the woman is rendered forbidden to her husband and does not have the option to drink the bitter water. However, the testimony of any of these women is not considered credible in order to deprive her of the money entitled to her by her marriage contract (Rambam *Sefer Nashim*, *Hilkhot Sota* 1:15; *Shulḥan Arukh*, *Even HaEzer* 178:15).

NOTES

One who warned his wife and she secluded herself – מִי שֶׁקִּינֵּא לְאִשְׁתּוֹ וְנִסְתְּרָה: The early commentaries provide two primary opposing explanations for this mishna. Rashi and *Tosafot* understand this mishna as referring to a person who warned his wife not to seclude herself with a specific man and later discovered, by means other than testimony of two witnesses, that his wife had subsequently secluded herself with that man. These commentaries discuss the particular details of the mishna, and whether the mishna requires the husband to divorce his wife even though he cannot compel her to drink the bitter water of a *sota* because there are no actual witnesses to testify about the seclusion, or whether the mishna merely says that the husband has the option to divorce her based on the proof that he has.

However, according to Rabbeinu Ḥananel (*Tosefot HaRash*) and the Rambam's Commentary on the Mishna, this mishna is discussing a case in which there are witnesses attesting both to the husband's warning as well as to the woman's subsequent seclusion, and afterward the man hears, through means other than eyewitness testimony, that the woman actually engaged in sexual intercourse with another man. Based on this explanation, the mishna rules that the wife cannot drink the bitter water due to the outside knowledge that she is in fact guilty. However, because there is no valid testimony, the husband cannot divorce her without paying her the money stipulated in her marriage contract. The Rosh (*Tosefot HaRosh*) writes that this dispute among the early commentaries as to the proper understanding of the mishna seems to mirror a much earlier dispute found in the Jerusalem Talmud between Rabbi Yoḥanan and Reish Lakish. Rabbi Yoḥanan maintains that the entire chapter is discussing a woman after she has secluded herself, whereas Reish Lakish holds that the mishna is referring to testimony with regard to her seclusion itself.

Even if he heard from a flying bird – אֲפִילּוּ שָׁמַע מֵעוֹף הַפּוֹרֵחַ: This refers to a rumor that has spread about the woman, the source of which cannot be verified. Consequently, there is no way to determine whether or not it is true (Jerusalem Talmud; Rashbam). Rashi explains that this case is referring to a situation where there is testimony of a slave or a maidservant, both of whom are disqualified from bearing witness. Rambam's Commentary on the Mishna explains this statement literally, that even if a bird chirps in a certain way that convinces the husband that his wife was unfaithful, it is sufficient grounds for him to divorce her (see Meiri).

Even to the extent that their testimony disqualifies her from receiving her marriage contract – אַף לְפוֹסְלָהּ מִכְּתוּבָּתָהּ: In the Jerusalem Talmud, a dispute between Rabbi Akiva and Rabbi Tarfon is cited over the question of whether testimony from a single witness testifying to a wife's infidelity is sufficient to cause her to lose the rights to her marriage contract. Rabbi Akiva states, in accordance with the mishna here, that it is sufficient, while Rabbi Tarfon disagrees and says that even though a single witness is sufficient to forbid a *sota* to her husband, it is not sufficient to cause her to forfeit the money of her marriage contract. The conclusion offered in the Jerusalem Talmud is that Rabbi Akiva changed his mind and later accepted Rabbi Tarfon's opinion.

Her mother-in-law and her mother-in-law's daughter, etc. – חֲמוֹתָהּ וּבַת חֲמוֹתָהּ וכו׳: The mishna in tractate *Yevamot* (117a) states that these five women are not allowed to testify concerning this woman, because it is suspected that they may hate her and have ill intentions toward her that will lead them to lie if it will be to her detriment. The Gemara there provides reasons why each one of these women would hate her, perhaps due to competitiveness or feelings that she is causing the family to lose money.

שֶׁהָיָה בַּדִּין: וּמָה אִם עֵדוּת רִאשׁוֹנָה שֶׁאֵין אוֹסַרְתָּהּ אִיסּוּר עוֹלָם – אֵינָהּ מִתְקַיֶּמֶת בְּפָחוֹת מִשְּׁנַיִם, עֵדוּת אַחֲרוֹנָה שֶׁאוֹסַרְתָּהּ אִיסּוּר עוֹלָם – אֵינוֹ דִּין שֶׁלֹּא תִּתְקַיֵּים בְּפָחוֹת מִשְּׁנַיִם!

This ruling allowing one witness's testimony with regard to defilement needs to be stated, **as, by right,** it **should** not **have been** deemed credible based on the following *a fortiori* inference: **And just as if** with regard to **the first testimony** concerning seclusion, **which does not forbid her** with **an irrevocable prohibition,** as the woman can be found innocent permitting her again to her husband by drinking the bitter water, **is not established with fewer than two** witnesses, since according to the mishna the testimony of seclusion requires two witnesses, then with regard to **the final testimony** concerning defilement, **which forbids her** to her husband with **an irrevocable prohibition, is it not logical that it** should also **not be established with fewer than two** witnesses?

תַּלְמוּד לוֹמַר: "וְעֵד אֵין בָּהּ", כָּל עֵדוּת שֶׁיֵּשׁ בָּהּ.

Therefore, to counter this derivation, **the verse states: "And there be no witness against her"** (Numbers 5:13), teaching that **any** testimony with regard to defilement **that there is against her** is sufficient, and two witnesses are not required.

וְקַל וָחוֹמֶר לְעֵדוּת הָרִאשׁוֹנָה מֵעַתָּה: וּמָה אִם

The Gemara asks: **And from now** that it is established that one witness suffices to testify with regard to defilement, **an *a fortiori*** inference can be made **with regard to the first testimony** of seclusion: **And just as if**

Perek **VI**
Daf **31** Amud **b**

עֵדוּת אַחֲרוֹנָה שֶׁאוֹסַרְתָּהּ אִיסּוּר עוֹלָם – הֲרֵי הִיא מִתְקַיֶּמֶת בְּעֵד אֶחָד, עֵדוּת הָרִאשׁוֹנָה שֶׁאֵין אוֹסַרְתָּהּ אִיסּוּר עוֹלָם – אֵינוֹ דִּין שֶׁתִּתְקַיֵּים בְּעֵד אֶחָד!

concerning **the final testimony** of defilement, **which forbids her** with **an irrevocable prohibition,** yet it **is established by one witness,** then with regard to **the first testimony, which does not forbid her** with **an irrevocable prohibition, is it not logical that it should be established with** only **one witness?**

תַּלְמוּד לוֹמַר: "כִּי מָצָא בָהּ עֶרְוַת דָּבָר", וּלְהַלָּן הוּא אוֹמֵר: "עַל פִּי שְׁנֵי עֵדִים יָקוּם דָּבָר", מַה לְּהַלָּן עַל פִּי שְׁנַיִם, אַף כָּאן פִּי שְׁנַיִם.

Therefore, to counter this derivation, **the verse states:** "When a man takes a wife, and marries her, and it comes to pass, if she finds no favor in his eyes, **because he has found some unseemly matter** [*davar*] **in her"** (Deuteronomy 24:1), **and there,** in the laws concerning monetary matters, **it states: "At the mouth of two witnesses,** or at the mouth of three witnesses, **shall a matter** [*davar*] **be established"** (Deuteronomy 19:15), teaching that **just as** the "matter" stated **there** is established **"at the mouth of two witnesses," so too, here** the "matter" of her seclusion must be established **"at the mouth of two** witnesses."

עֵד אוֹמֵר "נִטְמֵאת" וְעֵד אוֹמֵר "לֹא נִטְמֵאת", אִשָּׁה אוֹמֶרֶת "נִטְמֵאת" וְאִשָּׁה אוֹמֶרֶת "לֹא נִטְמֵאת" – הָיְתָה שׁוֹתָה.

The mishna discusses the *halakha* in a case where two single witnesses contradict each other concerning her defilement. If one **witness says: She was defiled, and** another **witness says: She was not defiled,** or similarly in the case of those normally disqualified from bearing witness, if one **woman says: She was defiled, and** another **woman says: She was not defiled, she would drink** the bitter water of a *sota*, due to the uncertainty engendered by the contradictory testimonies.

אֶחָד אוֹמֵר "נִטְמֵאת" וּשְׁנַיִם אוֹמְרִים "לֹא נִטְמֵאת" – הָיְתָה שׁוֹתָה. שְׁנַיִם אוֹמְרִים "נִטְמֵאת" וְאֶחָד אוֹמֵר "לֹא נִטְמֵאת" – לֹא הָיְתָה שׁוֹתָה.

Similarly, if **one** witness **says: She was defiled, and two** witnesses **say: She was not defiled, she would drink** the bitter water. However, if **two** would **say: She was defiled, and one says: She was not defiled,** the testimony of the two witnesses is accepted and **she would not drink** the bitter water, and the husband must divorce her.

גְּמָרָא הַאי "תַּלְמוּד לוֹמַר: כִּי מָצָא בָהּ עֶרְוַת דָּבָר",

GEMARA The Gemara questions why the mishna proves the need for two witnesses to testify about the seclusion based upon the verbal analogy of "matter" and "matter," if there is an explicit source in the Torah stating that two witnesses are required. **This** reason is given by the mishna: **The verse states:** "When a man takes a wife, and marries her, and it comes to pass, if she finds no favor in his eyes, **because he has found some unseemly matter** [*davar*] **in her"** (Deuteronomy 24:1), which through a verbal analogy based on the word "*davar*" teaches the need for two witnesses, seems to be superfluous.

תַּלְמוּד לוֹמַר: ״בָּהּ״, ״בָּהּ״ – וְלֹא בְּקִינּוּי, ״בָּהּ״ – וְלֹא בִּסְתִירָה, מִיבָּעֵי לֵיהּ!

As, the mishna **should have** said in its place: The **verse states:** "She was defiled secretly and there was no witness [*ed*] **against her** [*bah*]" (Numbers 5:13), which is explained to mean there were not two witnesses, but only one, who testified concerning her defilement. One can infer from the term "*bah*," which could also be understood as: **With regard to it,** that in this matter of defilement one witness suffices, **but not with regard to** the **warning.** Additionally, one can infer: **With regard to it, but not with regard to** the **seclusion.** Therefore, there must be two witnesses to testify about both the warning and seclusion.

הָכִי נַמִי קָאָמַר, תַּלְמוּד לוֹמַר: ״בָּהּ״, ״בָּהּ״ – וְלֹא בְּקִינּוּי, ״בָּהּ״ – וְלֹא בִּסְתִירָה.

The Gemara answers: **That is also what** the *tanna* of the mishna **is saying.** The source for the *halakha* that there is a requirement for two witnesses to testify about the seclusion is that **the verse states: With regard to it,** that in this matter of defilement one witness suffices, **but not with regard to** the **warning. With regard to it, but not with regard to** the **seclusion.**

וְטוּמְאָה בְּעָלְמָא בְּלֹא קִינּוּי וּבְלֹא סְתִירָה דְּלָא מְהֵימַן עֵד אֶחָד מְנָלַן? נֶאֱמַר כָּאן ״דָּבָר״ וְנֶאֱמַר לְהַלָּן ״דָּבָר״, מַה לְהַלָּן בִּשְׁנֵי עֵדִים, אַף כָּאן בִּשְׁנֵי עֵדִים.

The Gemara continues to explain the mishna: **And** concerning **an ordinary** accusation of **defilement without a** previous **warning and without** an act of **seclusion** with another man, **from where do we** derive that **a single witness is not deemed credible?** It is for this *halakha* that the mishna cites the verbal analogy: **It is stated here:** "Because he has found some unseemly **matter** [*davar*] in her" (Deuteronomy 24:1), **and it is stated there** concerning monetary matters: "At the mouth of two witnesses, or at the mouth of three witnesses, shall **a matter** [*davar*] be established" (Deuteronomy 19:15). **Just as** the "matter" stated **there** with regard to monetary matters is clarified specifically **by** the testimony of **two witnesses, so too, here** with regard to adultery the "matter" of her defilement must be established **by** the testimony of at least **two witnesses.**

״עֵד אוֹמֵר נִטְמֵאת״. טַעְמָא דְּקָא מַכְחִישׁ לֵיהּ, הָא לָא קָא מַכְחִישׁ לֵיהּ – עֵד אֶחָד מְהֵימַן.

§ The mishna taught: If one **witness says: She was defiled,** and another witness says: She was not defiled, she drinks the bitter water of a *sota*. The Gemara infers from this statement in the mishna that **the reason** the woman would drink the bitter water in this case is specifically **because** the second witness **refutes his** testimony, **but if** a second witness **did not refute his testimony,** then **a single witness** would be **relied upon** in this case and the woman would be forbidden to her husband forever.

מְנָהֲנֵי מִילֵּי? דְּתָנוּ רַבָּנַן: ״וְעֵד אֵין בָּהּ״ – בִּשְׁנַיִם הַכָּתוּב מְדַבֵּר.

From where are these matters derived? **As the Sages taught** in reference to the verse describing the circumstances in which a woman defiled through an act of adultery becomes prohibited to her husband, which states: "And a man lie with her carnally… **and there be no witness** [*ed*] **against her**" (Numbers 5:13); **the verse is speaking of** a lack of **two** witnesses. When the verse refers to the lack of an *ed*, written in the singular, it actually indicates that there are not two witnesses against her, but only one, as the *baraita* will now explain.

אַתָּה אוֹמֵר: בִּשְׁנַיִם, אוֹ אֵינוֹ אֶלָּא בְּאֶחָד? תַּלְמוּד לוֹמַר: ״לֹא יָקוּם עֵד אֶחָד בְּאִישׁ״ וגו׳.

The *baraita* continues and asks: Do **you say** that the verse refers **only** to a case where there was not **even one** witness to the act of sexual intercourse, as the singular usage of the word *ed* would seem to indicate? The *baraita* now proves that the singular usage notwithstanding, elsewhere the word *ed* is used to indicate two witnesses, as **the verse states: "One witness** [*ed*] **shall not rise up against a man** for any iniquity or any sin that he sins; at the mouth of two witnesses, or at the mouth of three witnesses, shall a matter be established" (Deuteronomy 19:15).

מִמַּשְׁמַע שֶׁנֶּאֱמַר ״לֹא יָקוּם עֵד״, אֵינִי יוֹדֵעַ שֶׁהוּא אֶחָד? מַה תַּלְמוּד לוֹמַר ״אֶחָד״? זֶה בְּנָה אָב: כָּל מָקוֹם שֶׁנֶּאֱמַר ״עֵד״ הֲרֵי כָּאן שְׁנַיִם, עַד שֶׁיִּפְרוֹט לְךָ הַכָּתוּב ״אֶחָד״.

The *baraita* infers a general principle from this verse by asking: **By inference from that** which **is stated** in the verse, even with the omission of the word "one": "**A witness shall not rise up** against a man" (Deuteronomy 19:15), **do I not know that it is** referring to **one** witness, as the verse is written in the singular form? **What** is the meaning when **the verse states** explicitly: "**One** witness," being that it is obviously referring to only one witness? The *baraita* answers: **This established a paradigm** for the principle that **every place** where the word "**witness** [*ed*]" **is stated** in the Torah without specifying a number, **there are two** witnesses **here, until the verse specifies** that it is referring to only one witness, by writing the word "**one.**"

וְאָמַר רַחֲמָנָא: תְּרֵי לֵית בָּהּ אֶלָּא חַד, "וְהִיא לֹא נִתְפָּשָׂה" – אֲסוּרָה.

The *baraita* returns to discuss the verse concerning a *sota*. **And the Merciful One states:** "There was no witness [*ed*] against her," which therefore means that: **There are not two** witnesses to the sexual intercourse that could testify **with regard to her, rather** there is only **one** witness. The *baraita* completes its interpretation: Further in the verse it states: **"And she was not taken in the act"** (Numbers 5:13), indicating that the verse is referring to a case in which it is known that the woman had not been raped. This knowledge is based on the testimony of only one witness, as the verse had already stated that there were not two witnesses, and since one witness saw her willingly engage in sexual intercourse with another man, **she is forbidden** to her husband.

וְכֵיוָן דְּמִדְּאוֹרַיְיתָא עֵד אֶחָד מְהֵימַן, אֵידָךְ הֵיכִי מָצֵי מַכְחִישׁ לֵיהּ? וְהָא אָמַר עוּלָּא: כָּל מָקוֹם שֶׁהֶאֱמִינָה תּוֹרָה עֵד אֶחָד הֲרֵי כָּאן שְׁנַיִם, וְאֵין דְּבָרָיו שֶׁל אֶחָד בִּמְקוֹם שְׁנַיִם!

The Gemara asks: **But since** the *baraita* taught **that by Torah law one witness is deemed credible** to state that the woman is defiled, **how can the other** witness who denies the wife's infidelity **refute him** with his conflicting testimony and enable the woman to drink the bitter water instead of becoming forbidden outright to her husband? **But doesn't Ulla say: Wherever the Torah relies on one witness,**[NH] **there is** the equivalent of the testimony of **two** witnesses **here.** Consequently, the testimony of the contradicting witness should be insignificant, as **the statement of one** witness **has no** standing **in a place where** it is contradicted by **two** witnesses, for the witness testifying about her infidelity is deemed credible as if two witnesses had testified.

אֶלָּא אֲמַר עוּלָּא, תְּנֵי: לֹא הָיְתָה שׁוֹתָה. וְכֵן אֲמַר רַבִּי יִצְחָק: לֹא הָיְתָה שׁוֹתָה. וְרַבִּי חִיָּיא אָמַר: הָיְתָה שׁוֹתָה.

Rather, Ulla said: Teach the mishna in the following way: If one witness says: She was defiled, and another witness says: She was not defiled, **she would not drink** the bitter water. **And likewise, Rabbi Yitzḥak said: She would not drink. But Rabbi Ḥiyya says** in line with the standard text of the mishna: **She would drink** the bitter water even in the case of a contradiction between two single witnesses with regard to her infidelity.

לְרַבִּי חִיָּיא קַשְׁיָא דְּעוּלָּא! לָא קַשְׁיָא: כָּאן בְּבַת אַחַת, כָּאן בְּזֶה אַחַר זֶה.

The Gemara asks: But **for Rabbi Ḥiyya,** how will he respond to the same **difficulty** due to the teaching **of Ulla,** who explained that when a single witness is deemed credible he is considered as two and cannot be contradicted by a single witness to the contrary? The Gemara answers: This is **not difficult: Here,** the mishna is discussing a case where both witnesses arrived in court and testified **simultaneously,** thereby canceling each other out. But **there,** Ulla's principle, that whenever a single witness's testimony is accepted it is considered as two and cannot be contradicted by a single witness testifying to the contrary, is referring to a case **in which** the two conflicting witnesses came to court and testified **one after the other.**

תְּנַן: עֵד אוֹמֵר "נִטְמֵאת" וּשְׁנַיִם אוֹמְרִים "לֹא נִטְמֵאת" – הָיְתָה שׁוֹתָה; הָא חַד וְחַד – לֹא הָיְתָה שׁוֹתָה. תִּיוּבְתָּא דְּרַבִּי חִיָּיא!

But **we learned** in the mishna above that if **one witness says: She was defiled, and two say: She was not defiled, she would drink** the bitter water. The Gemara deduces from here: The implications of this statement are that the woman drinks only because the testimony of the incriminating witness was contradicted by two witnesses, **but** if there was **one** witness saying she was defiled **and** only **one** witness saying the opposite, **she would not drink;** this is **a conclusive refutation**[B] of the opinion **of Rabbi Ḥiyya.**[N]

אָמַר לָךְ רַבִּי חִיָּיא: וְלִיטַעֲמִיךְ, אֵימָא סֵיפָא: שְׁנַיִם אוֹמְרִים "נִטְמֵאת" וְאֶחָד אוֹמֵר "לֹא נִטְמֵאת" – לֹא הָיְתָה שׁוֹתָה; הָא חַד וְחַד – הָיְתָה שׁוֹתָה!

The Gemara answers: **Rabbi Ḥiyya** could have **said to you: And according to your reasoning** that she would not drink, **say the latter clause** of the mishna, which states: If **two** witnesses **say: She was defiled, and one says: She was not defiled,** the testimony of the two witnesses is accepted and **she would not drink** the bitter water. **But** you should deduce from here that if there was **one** witness testifying to her defilement **and one** witness stating the opposite, **she would drink** the bitter water. This inference is in line with Rabbi Ḥiyya's explanation, and contradicts the inference from the previous clause.

NOTES

Wherever the Torah relies on one witness – כָּל מָקוֹם שֶׁהֶאֱמִינָה תּוֹרָה עֵד אֶחָד: There is a dispute between the commentaries, cited in the *Nimmukei Yosef*, as to how far this principle should be taken. One opinion maintains that this principle is a general *halakha* that is applicable in all situations where the testimony of one witness is relied upon, which would include situations where the testimony of one witness is accepted with regard to matters of prohibitions. Others, however, maintain that this principle applies only to situations in which there is a corresponding biblical source that a single witness is accepted, as is the case when one witness testifies to the defilement of the *sota* and the explicit source indicates that one witness in that case should be accepted as two. With regard to the reliance on one witness in matters of prohibitions, however, since there is no explicit source, the witness is not accepted with the weight of two witnesses and may be contradicted by an opposing witness.

A conclusive refutation of the opinion of Rabbi Ḥiyya – תִּיוּבְתָּא דְּרַבִּי חִיָּיא: Rashi explains that although it would be possible to explain that the middle case in the mishna is dealing with a situation where the witnesses came to testify one after another, the Gemara does not understand the case in this manner, as the language of the mishna seems to clearly indicate that all of the witnesses testified simultaneously.

HALAKHA

Wherever the Torah relies on one witness – כָּל מָקוֹם שֶׁהֶאֱמִינָה תּוֹרָה עֵד אֶחָד: If one valid witness testifies that a woman committed adultery, she does not drink the bitter water of a *sota*. Even if a second witness testifies and refutes the first witness's testimony, his refutation is not accepted because in the case of a *sota*, the testimony of a single witness is considered equivalent to that of two witnesses in other matters. Consequently, the second witness cannot nullify the testimony of the first, who is treated like two witnesses. However, if two contradictory witnesses come at the same time, one testifying that she committed adultery and the other testifying that she did not, then she drinks the bitter water (Rambam *Sefer Nashim*, *Hilkhot Sota* 1:16–17).

BACKGROUND

Conclusive refutation [*teyuvta*] – תִּיוּבְתָּא: An amoraic statement can be refuted on the basis of a tannaitic source that contradicts the statement of the *amora*. This word, *teyuvta*, is one of several terms based on the same Aramaic root. For example, where one *amora* raises an objection to the opinion of another *amora* by citing a tannaitic source, the expression used is *meitivei*, meaning Rabbi X raised an objection to Rabbi Y's opinion. Where an *amora* raises an objection to an unattributed amoraic opinion by citing a tannaitic source, the expression employed is *mativ*, i.e., Rabbi X raised an objection. In the case cited above, where the Gemara itself raises the objection by citing a tannaitic source, the expression used is *meitivi*. When there is no response to the objection, it is deemed a conclusive refutation and the term *teyuvta* is used.

אֶלָּא כּוּלָּהּ בִּפְסוּלֵי עֵדוּת, וְרַבִּי נְחֶמְיָה הִיא; דְּתַנְיָא, רַבִּי נְחֶמְיָה אוֹמֵר: כָּל מָקוֹם שֶׁהֶאֱמִינָה תּוֹרָה עֵד אֶחָד – הַלֵּךְ אַחַר רוֹב דֵּעוֹת, וְעָשׂוּ שְׁתֵּי נָשִׁים בְּאִישׁ אֶחָד כִּשְׁנֵי אֲנָשִׁים בְּאִישׁ אֶחָד.

The Gemara explains: **Rather,** the correct understanding is that **the entire** mishna is not dealing with valid witnesses, and stating an obvious *halakha* in order to enable an inference, but **with** people who are **disqualified** from giving **testimony,** and is teaching us a novel ruling. **And** the mishna **is** in accordance with the opinion **of Rabbi Neḥemya. As it is taught** in a *baraita* (*Tosefta Yevamot* 14:1) that **Rabbi Neḥemya says: Wherever the Torah relies on one witness, follow the majority of opinions.** In other words, if the testimonies of two disqualified witnesses conflict, the court rules in accordance with the version supported by more witnesses, whether or not they are qualified to testify. **And** the Sages **established** that the testimony of **two women,** who are usually disqualified from testifying, when they testify in opposition to **one man,** should be **like** that of **two men against one man,** and the court will rule in accordance with the testimony of the two women.

וְאִיכָּא דְּאָמְרִי: כָּל הֵיכָא דַּאֲתָא עֵד אֶחָד כָּשֵׁר מֵעִיקָּרָא, אֲפִילּוּ מֵאָה נָשִׁים נַמִּי כְּעֵד אֶחָד דָּמְיָין,

And some say that Rabbi Neḥemya actually stated something different: **And there are** those **who say** a different version of Rabbi Neḥemya's approach: **Anywhere that one valid witness came initially,**[H] **even one hundred women** who later contradict him **are considered like one** witness, and do not override his testimony.

HALAKHA

Anywhere that one valid witness came initially – **כָּל הֵיכָא דַּאֲתָא עֵד אֶחָד כָּשֵׁר מֵעִיקָּרָא:** If one valid witness testifies that the woman committed adultery, and simultaneously several women or other individuals who are disqualified from bearing witness testify that the woman did not commit adultery, the matter is viewed as uncertain and the woman drinks the bitter water. This ruling, which appears second in the Gemara, is cited using the phrase: Some say.

If, however, all of the testimony is provided by those disqualified from bearing witness, then the majority is followed. For example, if two women say that she committed adultery and three say that she did not, she drinks the water. If three say that she did not and four say that she did, she does not drink it. If there were equal numbers of invalid witnesses on both sides, then she drinks due to the uncertainty. This follows the Gemara's conclusion that with regard to testimonies from invalid witnesses, the ruling follows the majority regardless if it is stringent or lenient (Rambam *Sefer Nashim*, *Hilkhot Sota* 1:18; *Shulḥan Arukh*, *Even HaEzer* 17:40).