

17.02.04

18a (משנה ה') → 19a (סיום הפרק)

1. ובאו הפנים המאזרים האלה במעיד לצבות בטון ולנפל גרד ואמרה האשה אמן אמן: במדבר פרק ה פסוק כב  
 2. זאת תורת הקנאות אשר תשטה אשה תחת אישה ונטמאה: במדבר פרק ה פסוק כט

- I 'משנה ה': explanation of doubled phrase אמן אמן in her response to the oath
- a acceptance of oath and of consequence
  - b referent to this man (putative paramour) and anyone else
  - c proclamation of her innocence as a married woman – but also as an ארוסה or יבם שומרת יבם
    - i *implication (ר' המנונא)*: if a שומרת יבם has an affair she is prohibited to יבם (as per 'ו משנה)
    - ii *dissent (ארע ישראל)*: assign this passage to ר"ע who regards all לאוין as עריות (יבמות ד:גי)
    - iii *Question*: may he include סתירה from their 1<sup>st</sup> marriage or when she was married to his brother
    - iv *Answer*: from rule in 'ו משנה – these violations would ban her to him → he may add these to the oath (גלגול שבועה)
  - d avowal that she didn't sin – and acceptance that if she did, the waters will affect her
    - i ר"מ: avowal about the past and commitment about the future (שלא אטמא)
      - 1 *explanation (בריייתא)*: not that the waters will affect her now, but they will remain potentially lethal and if she later commits adultery they will be activated
      - 2 *question*: may he add a clause about her potential violation after they divorce and remarry?
      - 3 *Implied answer*: from 'ו משנה - since he may not administer an oath about the possibility of her having relations after their marriage is terminated even if he subsequently remarries her → he may include the possibility of her violating their subsequent marriage
- II 'משנה ו': all agree (reference to ר"מ) that he may not include any ביאה that would prohibit her to him
- a e.g. – any ביאה before betrothal or after divorce
  - b *note*: if, after divorce, she has non-marital relations with another, he may bring her back (→ can't be included in oath)
- III interpretation of v. 2
- a תורת הקנאות → she may be made to drink more than once
    - i *Dissent*: ר' יהודה – זאת indicates that she may only be made to drink once
    - ii *Case law*: testimony of נחוניא that she may be made to drink twice
      - 1 ר' יהודה: we only accepted his testimony in case of two different husbands
      - 2 חכמים: she never drinks more than once, even if it is now a different husband
  - b *summary of approaches*:
    - i זאת: all agree that she may not be made to drink by same husband regarding same putative paramour
    - ii תורת הקנאות: all agree that she may be made to drink by different husband regarding different accused paramour
    - iii Dispute: regarding different husband but same paramour/ same husband but different paramour
      - 1 ת"ק: תורת includes all; זאת excludes same/same
      - 2 רבנן (in re: testimony of נחוניא): זאת excludes all; תורת includes different husband /different paramour
      - 3 ר' יהודה:
        - (a) זאת excludes 2 (same husband /same paramour or same husband/different paramours);
        - (b) תורת includes 2 (different husband/same paramour or different husband /different paramour)