

The Sotah Ordeal

Before we look at the Mishna, a little background is necessary.

1. Bamidbar Chapter 4:11-31

11) Hashem spoke to Moses, saying: (12) Speak to the Israelite people and say to them: Any party whose wife has gone astray and broken faith with him, (13) in that another man has had carnal relations with her unbeknown to her husband, and she keeps secret the fact that she has defiled herself without being forced, and there is no witness against her, (14) but a fit of jealousy comes over him and he is wrought up about the wife who has defiled herself—or if a fit of jealousy comes over him and he is wrought up about his wife although she has not defiled herself— (15) that party shall bring his wife to the priest. And he shall bring as an offering for her one-tenth of an *ephah* of barley flour. No oil shall be poured upon it and no frankincense shall be laid on it, for it is a meal offering of jealousy, a meal offering of remembrance which recalls wrongdoing. (16) The priest shall bring her forward and have her stand before Hashem. (17) The priest shall take sacral water in an earthen vessel and, taking some of the earth that is on the floor of the Tabernacle, the priest shall put it into the water. (18) After he has made the woman stand before Hashem, the priest shall bare the woman's head and place upon her hands the meal offering of remembrance, which is a meal offering of jealousy. And in the priest's hands shall be the water of bitterness that induces the spell. (19) The priest shall adjure the woman, saying to her, "If no other party has lain with you, if you have not gone astray in defilement while living in your husband's household, be immune to harm from this water of bitterness that induces the spell. (20) But if you have gone astray while living in your husband's household and have defiled yourself, if any party other than your husband has had carnal relations with you"— (21) here the priest shall administer the curse of adjuration to the woman, as the priest goes on to say to the woman—"may Hashem make you a curse and an imprecation among your people, as Hashem causes your thigh to sag and your belly to distend; (22) may this water that induces the spell enter your body, causing the belly to distend and the thigh to sag." And the woman shall say, "Amen, amen!" (23) The priest shall put these curses down in writing and rub it off into the water of bitterness. (24) He is to make the woman drink the water of bitterness that induces the spell, so that the spell-inducing water may enter into her to bring on bitterness. (25) Then the priest shall take from the woman's hand the meal offering of jealousy, elevate the meal offering before יהוה, and present it on the altar. (26) The priest shall scoop out of the meal offering a token part of it and turn it into smoke on the altar. Last, he shall make the woman drink the water. (27) Once he has made her drink the water—if she has defiled herself by breaking faith with her husband, the spell-inducing water shall enter into her to bring on bitterness, so that her belly shall distend and her thigh shall sag; and the wife shall become a curse among her people. (28) But if the woman has not defiled herself and is pure, she shall be unharmed and able to retain seed. (29) This is the ritual in cases of jealousy, when a woman goes astray while living in her husband's household, and defiles herself, (30) or when a fit of jealousy comes over a husband and he is wrought up over his wife: the woman shall be made to stand before Hashem and the priest shall carry out all this ritual with her. (31) The man shall be clear of guilt; but that woman shall suffer for her guilt.

Questions:

1. Did she do it? What does this text assume about whether or not the Sotah is guilty of infidelity or not? Hint: If you read carefully, you will notice that that assumption changes in different verses.

2. How does it work? What are the various stages necessary on the way to the Ordeal? Don't worry if you don't get a clear answer from the Torah. It is the Mishna's job to introduce clarity to this question.

Into the Mishna

Sotah Chapter 1

The Sotah Ordeal is triggered after two distinct stages have passed: Kinah and Stirah. Kinah is the act of warning the wife and Stirah is the act of being secluded with a particular person. The Mishna here begins by defining both Kinah and Stirah. What are these definitions?

The mishna asks: **How** does he **issue a warning to her** in an effective manner? If he **says to her in the presence of two witnesses: Do not speak with the man called so-and-so, and she nevertheless spoke with him, she is still permitted to her home**, i.e., she is permitted to engage in sexual intercourse with her husband, **and** if she is the wife of a priest **she is still permitted to partake of teruma**. However, if after he told her not to speak with so-and-so, **she entered into a secluded place and remained with** that man long **enough to become defiled**, i.e., sufficient time to engage in sexual intercourse, **she is forbidden to her home** from that moment until she undergoes the *sota* rite. **And** likewise, if she was the wife of a priest **she is prohibited from partaking of teruma**, as she was possibly disqualified by her infidelity, so long as her innocence is not proven by means of the bitter water. **And if** her husband **dies** childless before she drinks the bitter water, **she perform halitza** with her late husband's brother **and may not enter into levirate marriage**, as, if she had been unfaithful, levirate marriage is forbidden.

Mishna 1:1

Does both Kinah and Stirah require official witnesses? Or just Kinah? What is behind this debate?

With regard to **one who issues a warning to his wife** not to seclude herself with a particular man, so that if she does not heed his warning she will assume the status of a woman suspected by her husband of having been unfaithful [*sota*], **Rabbi Eliezer says: He issues a warning to her based on**, i.e., in the presence of, **two** witnesses for the warning to be effective. If two witnesses were not present for the warning, she is not a *sota* even if two witnesses saw her seclusion with another man. **And** the husband **gives** the bitter water to her **to drink based on** the testimony of **one witness** who saw the seclusion, **or even based on his own** testimony that he himself saw them secluded together, as Rabbi Eliezer holds that only the warning requires witnesses, not the seclusion. **Rabbi Yehoshua says: He both issues a warning to her based on two witnesses and gives** the bitter water to her **to drink based on** the testimony of **two** witnesses.

Mishna 1:3

Once the Sotah Ordeal is triggered, how can it be aborted? The phrasing of the different exits from the Sotah Ordeal happen around a discussion about whether or not the wife of Cohen can continue to eat the special privileged food of the Cohening, called *teruma*. Once a woman from Israel enters a Cohen household by marriage, she is permitted to eat *teruma*. That privilege is revoked under certain circumstances even before a divorce is finalized. What is the advantage of discussing the different ways to abort the Sotah Ordeal around the question of whether a Cohen's wife can eat *teruma* or not?

(3) **And these** are women who, despite being married to priests, **are prohibited from partaking of teruma** due to suspicion of adultery: A woman **who says** to her husband: **I am defiled to you**, i.e.,

she admitted to having committed adultery with another man; **and** in a case **where witnesses came** forth and testified **that she is defiled; and** a woman **who says** after a warning and seclusion: **I will not drink** the bitter water of a *sota*; **and** in a case **where her husband does not want to force her to drink** the water even after she secluded herself with another man after his warning; **and** in a case **where her husband engaged in sexual intercourse with her on the way** to bringing her to the Temple to drink the bitter water, as in such a case the water will not be effective in evaluating whether she was unfaithful, due to the husband's own prohibited act. The mishna details the procedure for administering the drinking of the bitter water of a *sota*. **What does her husband do with her** after she secluded herself with the man about whom she had been warned? **He brings her to the court that is found in that location, and** the court **provides him** with **two Torah scholars** to accompany him, **lest he engage in sexual intercourse with her on the way** to the Temple, which is not only prohibited but will also prevent the bitter water from evaluating her. **Rabbi Yehuda says: Her husband is trusted with regard to her**, so there is no need to provide scholars to accompany him.

In Mishna 4:2 the ways to abort the procedure are explained from the perspective of a Israelite woman.

(2) **And the following** women **neither drink** the bitter water **nor collect** payment of their **marriage contracts**: A woman **who** confesses and **says: I am defiled, and** a woman **with regard to whom witnesses came** and testified **that she is defiled, and** a woman **who says: I will not drink** the bitter water, even if she does not confess her guilt. However, a woman whose **husband said: I will not have her drink, and** a woman **whose husband engaged in sexual intercourse with her on the way** to the Temple, **collect** payment of their **marriage contracts** even though **they do not drink** the bitter water, as it is due to the husbands that they do not drink. If **the husbands** of *sota* women **died before** their wives **drank** the bitter water, **Beit Shammai say: They collect** payment of their **marriage contracts and they do not drink** the bitter water. **And Beit Hillel say: They either drink** the bitter water **or they do not collect** payment of **their marriage contracts**.

Aside. Priority Medium.

Mishna Nedarim 11:12

What are some of the ways a woman can exit a marriage? Why the change over time?

(12) **Initially** the Sages **would say** that **three women are divorced** even against their husbands' will, **and** nevertheless **they receive** payment of what is due to them according to their **marriage contract**. The first is the wife of a priest **who says** to her husband: **I am defiled to you**, i.e., she claims that she had been raped, so that she is now forbidden to her husband. The second is a woman who says to her husband: **Heaven is between me and you**, i.e., she declares that he is impotent, a claim she cannot prove, as the truth of it is known only to God. **And** the third is a woman who takes a vow, stating: **I am removed from the Jews**, i.e., benefit from sexual intercourse with any Jew, including my husband, is forbidden to me. **They** subsequently **retracted** their words **and said** that in order **that** a married **woman should not cast her eyes on another** man **and** to that end **ruin** her relationship **with her husband** and still receive payment of her marriage contract, these *halakhot* were modified as follows: A priest's wife **who says** to her husband: **I am defiled to you, must bring proof for her words** that she was raped. As for a woman who says: **Heaven is between me and you**, the court **must act** and deal with the matter **by way of a request**, rather than force the husband to divorce his wife. **And** with regard to a woman who says: **I am removed from the Jews**, her husband **must nullify his part**, i.e., the aspect of the vow that concerns him, so that she should be permitted

to him, **and she may engage in sexual intercourse with him, but she is removed from all other Jews**, so that if he divorces her she is forbidden to all.

Rambam: Laws regarding Kings and Wars. 9:8

How does the Rambam explain the difference between a Jews and non-Jews (idolatrous non-Jews) regarding divorce?

(8) A non-Jew who had relations with a maidservant who he united with his slave is executed because of the prohibition of having relations with his fellow's wife. He is not culpable unless it was publicly known that she belonged to such and such a slave. From when is she considered permitted? When he separates her from his slave and shakes loose her hair in the market. And when is one of their married women considered like one of our divorcees? From the time he expels her from his house and sends her off on her own, or from when she leaves on her own from his property. For the Gentiles do not have a written bill of divorce and the matter is not dependent upon him alone. Rather, whenever either he or she wishes to separate, they (may) separate.

Divorce in Ancient Egypt:

From Women's Legal Rights in Ancient Egypt, Professor Janet H. Johnson

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Divorce and remarriage seem to have been relatively easy and relatively common. There is little convincing evidence for polygamy, except by the king, but extensive evidence for "serial monogamy." Either party could divorce a spouse on any grounds or, basically, without grounds, without any interest or record on the part of the state. The vocabulary for divorce, like that for marriage, reflected the fact that marriage was, basically, living together; a man "left, abandoned" a woman; a woman "went (away from)" or "left, abandoned" a man.

Although neither party had to provide legal (or social, moral or ethical) grounds for divorce, the economic responsibilities spelled out in the annuity contracts made this a serious step. Thus, normally a married woman was supported by her husband for as long as they remained married and his property was entailed for their children. Since even remarriage after the death of a first wife could lead to wrangling over property and inheritance rights, a bitter divorce and remarriage could lead to major legal contests.

New Testament on Divorce – Mathew 5

Adultery

“You have heard that it was said, ‘You shall not commit adultery.’ But I tell you that anyone who looks at a woman lustfully has already committed adultery with her in his heart. If your right eye causes you to stumble, gouge it out and throw it away. It is better for you to lose one part of your body than for your whole body to be thrown into hell. And if your right hand causes you to stumble, cut it off and throw it away. It is better for you to lose one part of your body than for your whole body to go into hell.

Divorce

“It has been said, ‘Anyone who divorces his wife must give her a certificate of divorce.’ But I tell you that anyone who divorces his wife, except for sexual immorality, makes her the victim of adultery, and anyone who marries a divorced woman commits adultery.

We return now to the Ordeal itself. When we last left our couple, they were on the way to Jerusalem.

4) The mishna details the next stage of the process. **They would bring her up to the Sanhedrin that was in Jerusalem, and the judges would threaten her** in order that she admit her sin. **And this was done in the manner that they would threaten witnesses testifying in cases of capital law.** In those cases, the judges would explain to the witnesses the gravity of their testimony by stressing the value of human life. Here too, the judges would attempt to convince the woman to admit her sin, to avoid the loss of her life. **And additionally, the judge would say to her: My daughter, wine causes a great deal of immoral behavior, levity causes a great deal of immoral behavior, immaturity causes a great deal of immoral behavior, and bad neighbors cause a great deal of immoral behavior.** The judge encouraged her to admit her sin by explaining to her that he understands that there may have been mitigating factors. The judge then continues: **Act for the sake of His great name, so that God's name, which is written in sanctity, shall not be erased on the water.** If the woman admits to having committed adultery, the scroll upon which the name of God is written will not be erased. **And additionally, the judge says in her presence matters that are not worthy of being heard by her and all her father's family,** in order to encourage her to admit her sin, as the Gemara will explain.

(5) **If after the judge's warning she says: I am defiled,** she writes a receipt for her marriage contract. That is, she writes a receipt indicating that she has no claims on her husband with regard to the sum written in her marriage contract, as a woman who admits to adultery forfeits her right to this payment. **And she is then divorced from her husband. But if after the warning she maintains her innocence and says: I am pure, they bring her up to the Eastern Gate, which is at the opening of the Gate of Nicanor, because three rites were performed there: They give the *sota* women the bitter water to drink, and they purify women who have given birth (see Leviticus 12:6–8), and they purify the lepers (see Leviticus 14:10–20).** The mishna continues describing the *sota* rite. **And the priest grabs hold of her clothing and pulls them, unconcerned about what happens to the clothing. If the clothes are torn, so they are torn; if the stitches come apart, so they come apart.** And he pulls her clothing **until he reveals her heart, i.e., her chest. And then he unbraids her hair. Rabbi Yehuda says: If her heart was attractive he would not reveal it, and if her hair was attractive he would not unbraid it.**

(6) **If she was dressed in white garments, he would now cover her with black garments. If she was wearing gold adornments, or chokers [*katliyot*], or nose rings, or finger rings, they removed them from her in order to render her unattractive. And afterward the priest would bring an Egyptian rope fashioned from palm fibers, and he would tie it above her breasts. And anyone who desires to watch her may come to watch, except for her slaves and maidservants, who are not permitted to watch because her heart is emboldened by them,** as seeing one's slaves reinforces one's feeling of pride, and their presence may cause her to maintain her innocence. **And all of the women are permitted to watch her, as it is stated: "Thus will I cause lewdness to cease out of the land, that all women may be taught not to do after your lewdness" (Ezekiel 23:48).**

The Ordeal proceeds with a reading of the passage from the Torah which includes the cursed result of what may happen to her if she is guilty. She indicates her understanding of the Terms and Conditions of the Ordeal by saying Amen, Amen. At this point the authorities have the ability to include more things in the Terms of Conditions to which she includes in her assent. What are those other things?

5) **With regard to what does she say: “Amen, amen”** (Number 5:22), twice, as recorded in the verse? The mishna explains that it includes of the following: **Amen on the curse**, as she accepts the curse upon herself if she is guilty, and **amen on the oath**, as she declares that she is not defiled. She states: **Amen** if I committed adultery **with this man** about whom I was warned, **amen** if I committed adultery **with another man**. **Amen that I did not stray** when I was **betrothed nor** after I was **married, nor as a widow waiting for my yavam** to perform levirate marriage, since a woman at that stage is prohibited from engaging in sexual intercourse with any men, **nor** when **married** through levirate marriage to the *yavam*; **amen that I did not become defiled, and if I did become defiled, may all these curses come upon me**. **Rabbi Meir** says that “amen, amen” means: **Amen that I did not become defiled** in the past, **amen that I will not become defiled** in the future.

(6) **All agree that he may stipulate with her** through this oath **neither with regard to** what she did **before becoming be-trothed** to him, **nor with regard to** what she will do **after she becomes divorced** from him. Similarly, if a husband divorced his wife, and while divorced **she secluded herself** with another man **and became defiled, and afterward** her husband **took her back** and remarried her, and he then warned her about a specific man, and she secluded herself, and she is now about to drink the water of the *sota*, **he cannot stipulate with her** that she take an oath that she did not become defiled during the period in which she was divorced. This is because her husband would become forbidden to her only if she had married another man after being divorced, not if she merely committed an act of promiscuity. **This is the principle:** In every case **where if she would engage in sexual intercourse** with someone else **she would not become forbidden to** her husband due to this act, **he may not stipulate with her** that her oath include that act. The oath can include only cases in which she would be rendered forbidden to him.

At what point is it too late to abort the Sotah Ordeal?

3) **If before the scroll was erased she said: I will not drink, the scroll** that was written for her **is sequestered, and her meal-offering is burned and scattered over** the place of the **ashes, and her scroll is not fit to give to another sota to drink**. **If the scroll was erased and afterward she said: I am defiled, the water is poured out, and her meal-offering is scattered in the place of the ashes**. **If the scroll was already erased and she said: I will not drink, she is forced to drink against her will**.

And now, the dramatic conclusion of the Sotah Ordeal. The Mishna also discusses the interpretation of the various outcomes of the Ordeal.

4) When a guilty woman drinks **she does not manage to finish drinking before her face turns green and her eyes bulge, and her skin becomes full of protruding veins, and** the people standing in the Temple **say: Remove her, so that she does not render the Temple courtyard impure** by dying there. The mishna limits the scope of the previous statement: **If she has merit, it delays punishment for her** and she does not die immediately. **There is a merit that delays punishment for one year, there is a larger merit that delays punishment for two years, and there is a merit that delays punishment for three years**. **From here Ben Azzai states: A person is obligated to teach his daughter Torah, so that if she drinks and does not die immediately, she will know that some merit she has delayed punishment for her**. **Rabbi Eliezer says: Anyone who teaches his daughter Torah is teaching her promiscuity [tiflut]. Rabbi Yehoshua says: A woman desires to receive the amount of a kav of food and a sexual relationship [tiflut] rather than to receive nine kav of food and**

abstinence. He would say: A foolish man of piety, and a conniving wicked person, and an abstinent woman [perusha], and those who injure themselves out of false abstinence; all these are people who erode the world.

5) **Rabbi Shimon says: Merit does not delay the punishment of the bitter water of a sota, and if you say that merit does delay the punishment of the water that causes the curse, as stated earlier by the Rabbis (20a), you weaken [madhe] the power of the bitter water before all the women who drink the water, who will no longer be afraid of it, as they will rely on their merit to save them. And you defame the untainted women who drank the water and survived, as people say: They are defiled but it is their merit that delayed the punishment for them. Rabbi Yehuda HaNasi says: Merit delays the punishment of the water that causes the curse, but a woman whose punishment is delayed does not give birth and does not flourish; rather, she progressively deteriorates. Ultimately she dies by the same death as a sota who dies immediately.**

And what happens to her lover, if she was indeed guilty of adultery?

Mishna 5:1

(1) **Just as the water evaluates her fidelity, so too, the water evaluates his, i.e., her alleged paramour's, involvement in the sin, as it is stated: "And the water that causes the curse shall enter into her" (Numbers 5:24), and it is stated again: "And the water that causes the curse shall enter into her and become bitter" (Numbers 5:27).** It is derived from the double mention of the phrase "and...shall enter" that both the woman and her paramour are evaluated by the water. Furthermore, prior to her drinking the water, **just as she is forbidden to her husband, so too is she forbidden to her paramour, because** in contrast to the verse stating: **"Is defiled [nitma'a]" (Numbers 5:14),** a superfluous conjoining prefix *vav* is added to a later verse, rendering the phrase: **"And is defiled [venitma'a]" (Numbers 5:29).** The addition indicates another prohibition, that of the woman to her paramour. This is **the statement of Rabbi Akiva. Rabbi Yehoshua said: That was how Zekharya ben HaKatzav would interpret it, i.e.,** he also derived from the superfluous *vav* that the woman is forbidden to her paramour. **Rabbi Yehuda HaNasi says an alternate source: The two times that the defilement of the wife 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 her defilement results in two prohibitions. One is that she is forbidden to her husband and one is that she is forbidden to her paramour.**