

Sotah: The Ordeal of the Bitter Water

This week's Torah portion, *Naso*, we learn that if a husband suspects his wife of adultery, but has no proof, he can ask her to submit to an ordeal to determine if she is guilty or not:

Hashem spoke to Moses, saying: Speak to the Israelite people and say to them: [If a] man has had carnal relations with [a married woman] without her husband knowing it, and she keeps secret the fact that she has defiled herself without being forced, and there is no witness against her, and a fit of jealousy comes over [her husband] ... even though she has not defiled herself, the man shall bring his wife to the priest...

The priest shall take holy water in an earthen vessel and... put in the water some of the earth that is on the floor of the Tabernacle... He shall... say to the woman, "If... you have not gone astray, be immune to harm from this water of bitterness that induces the spell. But if you have gone astray..." May Hashem make you a curse... among your people, and cause your thigh to sag and your belly to distend." ... And the woman shall say, "Amen, amen!" The priest shall put these curses down in writing and rub it off into the water of bitterness...

[Then the priest] shall make the woman drink the water ... If she has defiled herself... her belly shall distend and her thigh shall sag and she shall become a curse among her people. But if she has not defiled herself and is pure, she shall be cleared and be able to conceive seed. [Numbers 5:11–31]

This ritual also involved an offering of oil and barley. Because of that, it could only be done in the Temple, and the Temple was destroyed by the Romans 2,000 years ago. So it cannot be done today. The woman is called a *sotah* (סוטה, meaning a "woman who has gone astray" – *La Traviata*, as it were) and an entire tractate of the Talmud deals with this subject.

It was not a matter for the courts because there was no evidence. The Mishnah says that the woman was first brought before the Sanhedrin to persuade her to confess. This may sound unfair, but there are two good reasons for it:

The judges would threaten her [to get her to admit her sin]. [They would say:] My daughter, [we understand that] wine causes a great deal of immoral behavior. So does levity. So does immaturity. So do bad neighbors. [There may well have

been mitigating factors in your behavior.] [Confess] for the sake of God's great name, so that it shall not be erased on the water. [Sotah 7a]

The two good reasons for this are to save her life (the ordeal may kill her) and not to have to erase God's name. Indeed, if she confessed, the ordeal was not required. The husband would then divorce her, she would forfeit her ketubah compensation, and that would be the end of the matter. Her confession by itself would not be enough to charge her with adultery because there were no witnesses. [Sotah 1:4-5]

If she is guilty, the Torah says that God will cause "her belly to distend and her thigh to sag". Some believe this to be a euphemism for the uterus becoming damaged, causing infertility. The Torah does not say she dies, but may imply it. The Mishnah understands that she *does* die, but not necessarily *immediately*, because her personal merit may postpone her death for up to three years. It adds, however, that her lover will suffer the *same* fate by the hand of God, as Maimonides summarizes:

When she dies, the adulterer by whose action she was compelled to drink will also die, wherever he is located. The same phenomena, the swelling of the belly and the rupture of the thigh, will also occur to him. [Mishneh Torah, Sefer Nashim, Sotah 3:16-17]

The Talmud points out that, if she is guilty, she is punished "measure for measure":

She extended her thigh for her lover, therefore her thigh falls away. She received her lover upon her stomach, therefore her stomach swells. She fed him delicacies of the world; therefore her ritual offering is barley, which is animal food. She gave him fine wine to drink in fine cups, therefore a priest gives her bitter water to drink in a simple clay vessel. [Sotah 9a]

The Midrash reports this story:

There is a story about two sisters who looked alike. One was married in one city and the other was married in another city. The husband of one of them accused her of infidelity and wanted to have her drink the bitter water in Jerusalem. They went to that city, where her married sister lived, ... and said to her: My husband wants me to drink [the bitter water].

Her sister said to her: I will go in your place and drink it. She said to her: Go. So she put on her sister's clothes, went in her place, drank the bitter water, and was found clean. When she returned to her sister's house, she joyfully went out to meet her, then embraced and kissed her. As soon as they kissed, the sister smelled the bitter water and immediately died. [Midrash Tanhuma Buber, Naso 10]

The curse must be written on parchment from a kosher animal, like that used for a Torah scroll. The Jerusalem Talmud explains why:

Rabbi Eleazar ben Shamua said: "One does not write [the curse] on the skin of an unclean animal."

Rabbi Simeon said: "But since you said it is written to be erased, why not?" ...

[His son] Rabbi Eleazar ben Simeon said: "I prefer the words of Eleazar ben Shamua over my father's words. Maybe [the woman] will say: I will not drink.

Then the Name [of God] would be hidden on the skin of an unclean animal [to be preserved indefinitely in a genizah]." [Sotah Y 2:4]

The holy water is taken from the *kiyor*, the wash-basin in the Temple courtyard.

Objectively, it is not clear that without divine intervention the potion that she drinks is so poisonous that it would cause her to suffer terrible diseases or die: it is just water containing some dust, dissolved paper, ink, and maybe a bitter herb. So the procedure may be just a way to calm the husband. All that matters here is for the husband to *believe* in the efficacy of the ordeal. The true aim is not to punish the wife if she is guilty, but to clear her if she is innocent, and thereby preserve her marriage. If she is guilty, God does not need the ritual to punish her.

There are also separate benefits to the wife, as the Talmud says:

Rabbi Akiva said: "[The Torah says:] 'And she shall be cleared, and shall conceive seed'. This means that if she was barren, she will conceive a child."

Rabbi Yishmael said to him: "If so, all the barren women will seclude themselves with other men, and they will conceive [after drinking the bitter water and being found innocent]; and if they do not, they lose [the opportunity to receive this blessing]. So, what is the meaning of the verse? That if in the past she would give birth in pain, from then on she will give birth with ease; if she gave birth to females, she will now give birth to males; if her children were short, she will now give birth to tall children." [Sotah 26a]

Maimonides accepts both interpretations:

When a sotah, who was innocent, drinks [the bitter water], she becomes stronger and her face glows. If she was afflicted by a sickness [that prevented her from conceiving], it will disappear and she will conceive and give birth to a male. If she previously had difficulty giving birth, she will give birth speedily. If she would give birth to girls, she will give birth to males. [Mishneh Torah, Sefer Nashim, Sotah 3:22; Sotah 26a]

Note that Maimonides deftly says that if she was "sick" she will conceive, skirting Rabbi Yishmael's argument: If her infertility is not caused by a "sickness" (but, say, a birth defect), she will still remain infertile after she forces the ordeal by secluding herself with a man.

The ordeal was intended to bring peace in the house – *shalom bayit*. The husband has no proof or witnesses; he just *suspects* infidelity. The Talmud says that “peace in the house” is so important to God that He allows His name to be erased for its sake – when the paper containing the curse and God’s name dissolves in the water:

The Master said: Great is peace between a man and his wife, given that the Torah said that the name of the Holy One, Blessed be He, written in sanctity, shall be erased in the waters [of the Sotah ritual]. [Chullin141a, Shabbat 116a, Sukkah 53b]

Contemporary Rabbi Yaakov Kamenetsky writes that if a man suspects his wife:

...the doubt will never leave him unless God Himself, so to speak, assures him that she is actually pure. [Emet le-Yaakov, ed Doniel Neustadt, 2nd ed (1996), p422]

And, he adds, if the Talmud says that God values peace so much that His Name can be erased for its sake, what kind of peace are we talking about if the woman dies after she drinks? He concludes: Therefore, the expectation is that she will be cleared!

The Talmud warns that the husband is not off the hook in this matter: The ordeal will not work if he, himself, is guilty of sexual immorality.

Maimonides summarizes:

All the above applies provided her husband never engaged in forbidden sexual relations in his life. If, however, her husband ever engaged in forbidden relations, the [bitter] waters will not check [the fidelity of] his wife. [Mishneh Torah, Sefer Nashim: Sotah 3:16-17]

As a result, the Mishnah says that the procedure was discontinued in the first century shortly before the Temple was destroyed, on the grounds that the husbands were usually not paragons of fidelity:

From the time when adulterers proliferated, the ritual of the bitter waters was nullified. And it was Rabbi Yohanan ben Zakkai who nullified it, as it is stated [in Hosea]:

I will not punish your daughters when they commit harlotry, nor your daughters-in-law when they commit adultery. [Hosea 4:14]

[This means that when the husbands are adulterers, the wives are not punished for their own adultery.]

[Sotah 9:9]

A warning appears in the Talmud: Since we can no longer perform the ritual (no Temple, plus a hold put on the procedure), a man should be very careful what he tells his wife:

Rav Ḥanina of Sura says: Nowadays, a man should not say to his wife: Do not seclude yourself with so-and-so... because if she were then to seclude herself with that man [she would be required to drink the bitter water, and since it is unavailable today] he will end up forbidding her to himself forever. [Sotah 2b, Shulchan Arukh, Even HaEzer 178:7]

Trial by ordeal was practiced in many ancient societies, and many not so ancient: by fire, by water, by combat, by poison, etc. Even today, in some cultures, wives are murdered by their husbands on the mere suspicion of adultery. At least the Jewish ordeal formalized the process and was expected to exonerate the suspected wife and reassure the jealous husband. Nevertheless, it was probably another one of the concessions God had to make for the people to accept the Torah, trusting that in time the people will not want to do it anymore.

Shabbat shalom.