



Parashat Naso Innocence by Ordeal

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About us

*The **Community Kollel of Dallas** seeks to strengthen our Jewish community through the shared experience of Torah study in a non-judgmental environment. A unique combination of worldliness and Judaic scholarship makes the men & women of the Kollel wonderful ambassadors of Jewish living and learning in our modern society.*

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The Community Kollel of Dallas is an affiliate of the Center for the Jewish Future of Yeshiva University

The law of Sota is unique in the torah. It is the only place where we have a fixed miracle to decide a halachic issue. The normal rule is לא בשמים היא – God and prophets and miracles have no role in halachic processes. Secondly, the procedure here contradicts the normal halacha on another level. According to the midrash halacha, the meaning of Devarim 12:2-4 is that it is forbidden to erase or otherwise destroy the name of God. Yet here the name of God is erased in the water. So we must figure out what is the issue here that brings the Torah to circumvent the normal halachic process and procedure.

The answer to the questions seems to be as follows (in the words of Rav Elchanan Samet): “The need to decide by means of a miracle the question of whether a woman suspected of adultery was actually defiled or not, has a simple explanation: the sin of adultery, by nature, is not usually able to be proven by witnesses. It is committed in secret, and therefore it is extremely rare that such a case would come before a court. As a result, the sphere of adultery is almost completely removed from legal debate.

The test initiated by the husband is meant to take the place of this legal discussion, which is almost always non-applicable. In this area where human law is helpless ...Divine law steps in as a replacement.”

You might object to the laws of sota and say that the torah caves in to the whims and fantasy of the husband and thereby sacrifices the dignity of the women. She is unfairly at his mercy and is publicly humiliated only in order to satisfy the husband’s selfish needs.

But it can be looked at and understood very differently: the procedure comes to save her, to save the family, whether from the husband’s insecurities or from a legitimate suspicion caused by her own actions. Poison enters the air when for whatever reason a man suspects his wife of adultery. A festering wound is opened, and a dangerous rift may be caused in family relations, and the matter cannot be remedied in the regular legal manner. The procedure of Sota is a way of thus healing the rift. Its goal, if you will, is to find the women innocent and not to find her guilty

Note first that this is an ordeal that in natural terms will cause no harm and no damage. She is not thrown in a river to be miraculously saved from drowning if she is innocent. She is not branded with a red hot iron to be proven not guilty by being miraculously saved from suffering any burn. Rather our case is one in which supernatural intervention

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in necessary for any harm to befall her. The normal and natural situation will bring forth an outcome that 'proves' her innocent!

We will now see how our rabbis emphasized this understanding of the purpose of the procedure of Sota: (the sources)

This shiur is based on the VBM shiur of Rav Elchanan Samet on Parshat Naso

I benefited as well from the excursus's at the back of the JPS Torah Commentary numbers volume

1) Babylonian Talmud, Tractate Sota page 28a (a breita)

"Then the man shall be guiltless of iniquity, and his woman shall bear her iniquity" (verse 31) - when the man is guiltless of iniquity, then the waters test his wife. If the man is not guiltless of iniquity, the waters do not test his wife.

תלמוד בבלי, מסכת סוטה כח ע"א

תניא: יונקה האיש מעון, והאשה ההוא תשא את עונה' (פסוק לא) - בזמן שהאיש מנוקה מעון - המים בודקין את אשתו; אין האיש מנוקה מעון - אין המים בודקין את אשתו.

2) Mishne Torah of the Rambam, Hilkhhot Sota, chapter 2, law 8

If a man has ever had any illicit sexual relations as an adult, then the waters that bring a curse will not test his wife... As it is written, 'And the man shall be guiltless of iniquity, and that woman shall bear her iniquity': when the man is clean of sin, then the woman bears her iniquity.

משנה תורה לרמב"ם, הלכות סוטה פ"ב ה"ח

כל איש שבא ביאה אסורה מימיו אחר שהגדיל - אין המים המאררים בודקין את אשתו... שנאמר: יונקה האיש מעון והאשה ההוא תשא את עונה': בזמן שהאיש מנוקה מעון - האישה נושאה את עוונה.

3) Mishne Torah of the Rambam, Hilkhhot Sota, chapter 3, laws 17-19

And all of these things apply only if the husband has never sinned himself (in this regard). But if he engaged in any illicit relations, then the waters do not test his wife, as

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we have explained. And if he did transgress and he makes his wife drink the water, this adds to his [previous] sin, for he causes God's Name to be blotted out in the water for no purpose, and he causes the waters of the sota to be cheapened, for his wife will tell others that she did engage in adultery and the water did not test her, and she will not know that it was her husband's deeds that caused this.

משנה תורה לרמב"ם, פרק ג הלכות יז-יט

וכל הדברים האלו (שהמים בודקין את האישה) - בשלא חטא הבעל מעולם. אבל אם בעל בעילה של איסור - אין המים בודקין את אשתו, כמו שביארנו. ואם עבר והשקה את אשתו - הרי זה מוסיף על חטאתו (שבעל בעילה של איסור) פשע (שבודק את אשתו), שגורם לשם המפורש שימחה במים לבטלה, ומוציא לעז על מי סוטה. שאשתו אומרת לאחרות שזינת ולא בדקו בה המים, והיא לא תדע שמעשי הבעל גרמו.

4) Mishna, Tractate Sota, chapter 5, mishna 1

Just as the water tests her, so does it test him (the adulterous partner).

משנה בראש הפרק החמישי של מסכת סוטה

כשם שהמים בודקין אותה, כך המים בודקין אותו.

5) Rashi, Bmidbar, chapter 5, verse 14

'Come upon him' - prior to the seclusion,

'the spirit of jealousy, and he be jealous...' - our Sages explained: this is an expression of warning, [with the husband] telling the wife: Do not seclude yourself with so-and-so.

רש"י, במדבר ה': י"ד

ועבר עליו - קודם לסתירה.

רוח קנאה וקנא - פרשו רבותינו: לשון התראה, שמתרה בה: אל תסתרי עם פלוני

6) Mishne Torah of the Rambam, Hilkhot Sota, chapter 1, law 1 (on the basis of the first Mishna in Sota)

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The jealousy about which the Torah speaks – 'and he is jealous for his wife' - means that he tells her, before witnesses: Do not seclude yourself with so-and-so.

הרמב"ם בראש הלכות סוטה (על פי המשנה הראשונה במסכת)
קנוי האמור בתורה - 'וקנא את אשתו' - הוא שיאמר לה בפני עדים 'אל תסתרי עם פלוני'.

7) Rashi, chapter 5, verse 14

'And she was defiled, or he was overcome... and she was not defiled' - in other words, he warned her and she subsequently acted against his warning, and it is not known whether she was defiled or not.

רש"י ה:י"ד

... והוא נטמאה או עבר עליו... והיא לא נטמאה - כלומר, הוא התרה בה ועברה על התראתו, ואין ידוע אם נטמאה אם לאו.

8) Mishne Torah of the Rambam, Hilkhhot Sota, chapter 1, law 2

If she was secluded with him for long enough to become defiled... then she is forbidden to her husband until such time as she drinks the bitter waters and the matter is clarified. And at a time when the water of the sota is no longer in use - she is forbidden to him forever, and she leaves [the marriage] without her ketuba.

משנה תורה לרמב"ם, פרק א', הלכה ב'

אם שהת עמו כדי טומאה... הרי זו אסורה על בעלה עד שתשתה מי המרים ויבדק הדבר. ובזמן שאין שם מי סוטה - תיאסר עליו לעולם ותצא בלא כתובה.

9) Mishne Torah of the Rambam, Hilkhhot Sota, chapter 1, laws 4-5

If there was no prior jealousy, and two witnesses come and testify that she secluded herself with a man and remained there long enough to become defiled, she is not forbidden to her husband, nor does she drink [the water].

If the husband said to her, before two witnesses, 'Do not speak to so-and-so' (but did not say 'Do not seclude yourself') - this is not defined as jealousy [for the purposes of this

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law]. And then, even if she secludes herself with that man, and there were witnesses, and she remained long enough to become defiled - she is not forbidden to her husband, and she does not drink for this type of jealousy.

משנה תורה לרמב"ם, פרק א', הלכות ד'-ה'

אם לא קדם קנוי, ובאו שנים והעידו שנסתרה עם זה ושהת כדי טומאה - לא נאסרה על בעלה ואינה שותה (את המים).

אמר לה בפני שנים 'אל תדברי עם פלוני' (ולא אמר 'אל תסתרי') - אין זה קנוי. ואע"פ שנסתרה עמו בעדים ושהת כדי טומאה - לא נאסרה עליו, ואינה שותה בקנוי זה.

10) Mishne Torah of the Rambam, Hilkhot Sota, chapter 2, law 1

A woman whose husband was jealous for her and she secluded herself - she is not forced to drink. If she confesses and declares, 'Yes, I was defiled,' she goes out without her ketuba, and is forbidden to her husband forever, and does not drink. [But she and the adulterer are not put to death because there are no witnesses to the actual sin.]

Likewise if she says, 'I am not defiled, and I shall not drink,' she is not forced to drink, and she goes out without her ketuba [since her husband is ready to remain with her if she agrees to the test].

And likewise if the husband says, 'I do not wish for her to drink'... then she does not drink; she receives her ketuba and leaves, and she is forbidden to him forever.

משנה תורה לרמב"ם בפרק ב' הלכה א'

אישה שקינא לה ונסתרה - אין כופין אותה לשתות. אלא אם רצת ואמרה 'הין, נטמאתי' - תצא בלא כתובה ונאסרה על בעלה לעולם ואינה שותה.

וכן אם אמרה 'איני טמאה ואיני שותה' אין כופין אותה לשתות, ותצא בלא כתובה (שהרי בעלה מוכן לקיימה אצלו לאחר שתיבדק).

וכן אם אמר בעלה 'איני רוצה להשקותה'... הרי זו אינה שותה, ונוטלת כתובתה ויוצאה, והיא אסורה עליו לעולם.

11) Babylonian Talmud, Tractate, Chullin, page 141a

Mar said: Great is the value of peace between husband and wife, for the Torah says: the Name of the Holy One, written in holiness, is blotted out in the water!

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תלמוד בבלי, מסכת חולין קמא ע"א

אמר מר: גדול שלום שבין איש לאשתו, שהרי אמרה תורה: שמו של הקב"ה שנכתב בקדושה ימחה על המים!



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