

The Torah instructs on the wayward woman, the Sotah, and then ends with this pasuk:

**וְנִקָּה הָאִישׁ מֵעֵוֹן וְהָאִשָּׁה הִלְוָה תִּשָּׂא אֶת־עֲוֹנָהּ: פ**

“And the man shall be clean from sin and that wife shall suffer her guilt.” (Bamidbar 5:31).

The Torah specifically ends off by saying the husband is free from guilt. What guilt would the husband be guilty of? He was caused to be jealous by her conduct. From the reading of this parsha it appears he did not give her any cause to stray. The husband also gives the wife a chance by warning her after he suspects her. And is it not obvious that she bears her own guilt? Who else is responsible for her guilt in this incident? Also, why does it say “that wife” instead of *his wife*.

Gemara Yerushalmi Sotah 3:5 says, *Rabbi Yudin says there is a view that merit may suspend for her* – in the later days of the Second Beis HaMikdash the Sotah procedure no longer produced the spiritual rewards and punishments. *Therefore, our pasuk says that the husband is free of guilt, he should not be worried that if she is innocent the merit will suspend for her. It is not his fault. The pasuk says that she is guilty because even in such a case that punishment does not visit her, she still suffers her own guilt.*

Mishna Sotah 9:9 says, *she only is guilty when the man is free from guilt.* If he contributed to her waywardness by not fulfilling his husbandly duties or by treating her poorly, she has no guilt.

Gemaras Kedushin 27b and Shavuos 5a explain this, *when the husband is free of guilt the waters examine her. Giving her reward or exposing her guilt. If the husband has contributable negligence, then the waters do not examine her.* This would be even during the earlier times when this procedure worked.

Gemara Yevomos 38a says, *when the warning was when she was an arusin (engaged) and the test is done after she is married the waters do not examine her. That is because he is guilty of marrying her when he made himself forbidden to her by his jealousy and warnings. By marrying her he absolved her of the jealousy. If not, he is guilty and the waters do not test her.* The Sotah is forbidden to her husband pending the trial.

Gemara Sotah 28a says, *if he is free of guilt the waters examine her. If he is guilty then the waters actually will examine him and bring punishment upon him.*

Midrash Sifrei Bamidbar 2:1 says, *as soon as the waters absolve her the husband is allowed to live with her again. He is free of sin. However, if he lived with her in the interim, he is guilty of being jealous but then also living with her. A Sotah is forbidden to her husband pending the trial.*

Rashi says, *he is free of guilt of causing her pain and death. He did the correct thing by bringing her to the trial.*

Ibin Ezra says, *she bears her guilt if she was guilty of defilement (not just seclusion). The reason the parsha of the Nazir (ascetic) follows the law of the Sotah is because it gives the rules of a woman who is a Sotah, the exact opposite of this wife who makes her husband jealous.*

Sforno says, *the husband is free of guilt because even though he allowed himself to get jealous (which itself is a sin) if she would have simply heeded his warning and not secluded herself again then this trial would not be necessary. The husband is basing his jealousy off visual evidence, not mere hearsay. "She suffers the sin." If she defiled herself then she dies. If not, then the public humiliation of the procedure is her punishment for the seclusion.*

Chizkuni says, *the husband is free of guilt for allowing his wife to act this way without divorcing her. This word "sin" is similar to how Shaul the King absolved the witch of Emdor in advance for her witchcraft. Once woman engaging in adultery became commonplace the Sotah practice was ceased.*

I would think that husbands should not be quick to divorce their wives. They should try to make sure the wife is innocent and the Torah gives that procedure. Further, the Gemara Yerushalmi Sotah says that the practice was done through the end of the Second Beis HaMikdash. It could be Chizkuni is talking about that time when it finally ceased to be effective.

Rashbam says similar to Chizkuni. *He is free of guilt of causing her a tragic end. However, it seems more likely that if he would allow her to continue to act as she did and remain silent, he would be guilty of her actual infidelity. Once he suspects her, he must separate from her. She will then accept the guilt on herself. If she acts adulterous it is now on her.*

Rabbeinu Bachya says, *some say the husband is free of guilt so long as he separated from his wife after he accused her. However, it seems that it is only if he himself is free from wandering out of their marriage.*

When interpreting this pasuk, it is important to keep in mind that this wife is not necessarily guilty. The standards for Sotah are: a woman goes astray and secretly engages in adultery. (Bamidbar 5:13). It is secret, so how did the husband know? "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 the husband and he is wrought up about his wife although she has not defiled herself." (Ibid 5:14). A spirit of jealousy precedes this episode. No actual infidelity was witnessed. However, the wife acted suspiciously. She secluded herself with a man. Then she did it again against the husband's warnings.

There are two "outs" in this process. First, the husband can just divorce her and be done with the whole incident. However, he would then have to pay her the Kesubah. That still is a good end and better than when jealousy, mistrust, and suspicions prevail in a marriage. The other option to end this is when the woman fails to comply with the Sotah trial. "The kohen shall now cause the wife to swear with the oath of the curse, and the kohen shall say to the woman, "May Hashem give to you for a curse and an oath among your people, when Hashem causes your thigh to rupture and your belly to swell. For these curse producing waters shall enter your innards, causing the belly to swell and the thigh to rupture" And the woman shall say, "Amen, amen." (Ibid 5:21-22). This pasuk implies that if she refuses to swear or answer amen then she will be absolved from drinking the waters, continuing on with the process, and will then have to leave her husband without a Kesubah payment.

"This is the Law of jealousies when a wife goes astray to someone other than her husband and is defiled. Or if a spirit of jealousy comes over a husband, and he is jealous of his wife, and he presents the wife before Hashem, and the kohen shall do to her all of this Law" (Ibid 5:29-30). The husband can know that by going through this process he is not doing the wrong thing or putting guilt on his shoulders. He has a spirit of jealousy, but it his wife that gave him reason to suspect. She secluded herself away from witnesses,

but there are witnesses to her seclusion. This parsha, otherwise, cannot be referring to every time a husband gets jealous about a wife. There has to be something concrete for him to present her to the kohen. The pasuk said she acted in secret without the husband knowing. However, her other conduct made him jealous. The pasuk says “or the husband that has a spirit of jealousy” even when she is not guilty. She is still acting in a way to cause that jealousy.

To me, it seems obvious that the husband is free from guilt. First, she gave him reason to be jealous by acting suspiciously. Second, she failed to heed warnings and end her behavior. Third, he is trying to save his marriage. Fourth, the Torah gives a method whereby a husband can know that his wife is innocent and be fully jealous-free. Therefore, no guilt can possibly be attributed toward the husband.

There can be no blame on the husband for still being with her. Marriages should work and they should be worked on. She may be innocent even if he is jealous. the husband has the option of not going through this process and accusing her. However, jealousy can create a wedge of suspicion and mistrust that can eat away at a marriage. The Torah gives a method – albeit an embarrassing one – for spouses to reconcile. The end result for the innocent is children. (Ibid 5:28). It is also the remainder of a successful marriage.

The man who might be guilty is someone else. The pasuk is referring to the man who is making the husband jealous. Based on the reading of the parsha it is unclear if the husband even knows who the “other” man is. The woman is acting strangely and now the husband has jealousy. The term “jealousy” connotes infidelity. The Torah doesn’t merely say “he suspects her.” It is enough that now there is spirit of jealousy.

The pasuk refers to the man that secluded himself with his wife. The man owes nothing to the husband. He is not being warned and he may not even know if the woman is married. (Although, the woman would have to hide it from him. The Torah says that married women are indicated by their braided hair. The pasuk says, “Then the kohen...unbraids her head.” (Ibid 5:18)). It is the woman that strays. Therefore, this pasuk does not refer to husband and wife. *The man who is the target of the jealousy is free from guilt;*

*but that wife – who is guilty of at least secluding herself with the that man – shall suffer the guilt.* If she is guilty then she dies. If she did not defile herself, she still suffers the embarrassment of the procedure – for acting suspiciously.

The Torah is teaching that the husband is not to take action against a suspicious man and shall not bring him in front of Hashem. The only party with a legal duty to him is his wife. This parsha of Sotah is not about punishing guilty sinners. If the man sinned, he will be punished. Sinners will be punished based on other pesukim. (Shemos 20:13; Vayikra 20:10). This Sotah section is about reconciling spouses and making peace among Yisroel.