



## **Parshat Naso: Sotah and The Question I Wished I Asked Rav Soloveitchik**

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As we read Parshat Naso, which presents the rules governing the Sotah ritual, I am brought back to my time in Rav Soloveitchik's shiur at YU, where we studied Masechet Sotah in depth. The Rav's virtuosic approach to Talmud study was a hallmark of his teaching, and it was especially apparent over the course of our study of this tractate. But there's one more question I wish I could ask Rav Soloveitchik.

The Sotah ritual relates to a woman who had already been warned to discontinue intimate seclusion with a man other than her husband, and was found to nonetheless continue such behavior and is thus suspected of infidelity. She would be made to drink a 'potion' in the Beit Hamikdash which would either leave her unharmed, showing her innocence and rewarded with the birth of a child as well as renewed trust in the marriage. Or cause severe symptoms and possibly death if she was guilty, resulting in a supernatural punishment which Rav Soloveitchik revisited again and again.

Why does the Sotah ritual so greatly diverge from the norms that generally govern the Torah's jurisprudence? Not only is the ordeal unusual - including the erasure of the divine name in water to be drunk by the accused - but, as a Talmudic scholar of the Rav's caliber could appreciate at a glance, the entire process contradicts key tenets of halakhic judicial proceeding.

First, unlike in a traditional court proceedings, where attendance by the relevant parties is an obligation incumbent upon them, the suspected Sotah reserves the right to decline to participate in the ritual. In such a case, the woman may accept a resolution wherein the marriage is dissolved and she loses her entitlement to payments stipulated in the Ketubah. (Mishna Sotah 4:2)

This is especially striking in light of the fact that, were she to be found liable of infidelity in a beit din, she would, in theory, be subject to execution - yet she is able to circumvent a judicial investigation if she so chooses.

What's more, it is unusual to see God get directly involved in the adjudication of a personal case. As Ramban (Bamidbar 5:20) notes, the Sotah ritual is the only mitzva in the Torah whose resolution, in a situation of guilt, is predicated on the occurrence of a miracle. Upon drinking the accursed waters, the woman, if she were guilty, would have her "stomach swell" - seemingly a reference to supernatural death.



Yet throughout the Torah, there is a clear protocol that the responsibility to rule on cases between individuals is not assigned to God, but to God's appointed agents, namely the judges of the rabbinic court. (Devarim 17:11) Why, then, would God take part in settling this one particular type of case?

All this considered, Rav Soloveitchik brilliantly suggests that, on a close reading of Masechet Sotah, we can see that the ritual is not intended to serve as a means of adjudication, helping us to determine the facts on the ground regarding the supposed infidelity. Rather, the entire ritual had another function - to restore the bond between husband and wife.

The Sotah ritual is an elaborate and sophisticated psychodrama, meant to create an opportunity to restore the marriage now held in the balance, the Rav explained. If the woman is guilty, she is offered a low-stakes option to opt out of the ordeal, and to dissolve the marriage in which trust has been lost.

And if, on the other hand, she is innocent, the ordeal offers her the opportunity to demonstrate, in the face of the high stakes punishment, her confidence that she has been loyal to the marriage. The ritual does not follow the general rules because its goals are not judicial in character, (which explains why the man involved in the alleged extra-marital affair is not dealt with in the text) but restorative, providing the framework in which the marriage can be either dissolved or rehabilitated.

Yet for all of Rav Soloveitchik's insight at the theoretical level of Talmud study, I still find myself with an unanswered question. The Mishna (Sotah 9:9) states that, at a certain point in time, the Sotah ritual ceased, due to the changing needs and realities of the Jewish people.

A similar fate has been assigned to Yibum, levirate marriage, which was once an accepted practice in cases of premature death of a childless married man. It has now been supplanted entirely by the ritual of Chalitzah, which does not compel the widow from having to marry the deceased husband's brother.

In each of these cases, the fundamental commitment the Torah has to maintaining respect for individuals and domestic well-being has led to changes in halakhic practice. We see through these examples how to accommodate the application of the Torah's deeply held values in an ever-changing world.

Why, then, I would so much like to ask Rav Soloveitchik, have we not done the same for agunot? How can it be that, with all the Talmudic thinking and creativity held by the great scholars in each generation, we still live in a world in which women can be chained to broken marriages, with little or no halakhic recourse?



Deep down, I am confident of the answer he would provide. Rav Soloveitchik would insist that the Torah today is no less open to creativity and ingenuity than it has been in the past. That just as he had, in his time, marshaled the breadth and depth of his halakhic knowledge to protect, defend, and include the disadvantaged, it is on us, the rabbis of our generation, to do everything in our power to end the agunah crisis, and to work within the religious system to reconsider the traditions of how we view the halacha and its application in regard to get-abuse.

While the laws in our tradition are valuable and holy and not to be taken lightly or changed at the whims of society, we do need to carefully examine those that are causing harm and hurt among our people.

There is certainly no guarantee of success, but if God in the sotah ordeal was willing to have His name erased in order to promote harmony in this world, we must certainly do our part to bring justice to wrongdoers and harmony into our homes. May our attempts be blessed with success, so the name of God will be complete, and our society enhanced.