



The Five Women and Sotah

The *Mishnah* (6:2) teaches that if one person claims that he witnessed that the *Sotah* indeed had an affair, then she would not drink the *mei Sotah* – the process is stopped – and she loses her *ketubah*. Furthermore, that individual does not need to be a kosher witness.

Recall that we learnt in *Masechet Yevamot* (15:4) that a kosher witness is not required to testify that a woman's husband had passed away to allow her to remarry. Nevertheless, there were five women that could not be believed. That was because there was an assumed animosity that might motivate a false testimony which would ultimately harm her. The *Mishnah* here explains that if the single witness was one of those five women, then even though it would stop the *sotah* process, it would not cause her to lose her *ketubah*.

R' Akiva Eiger however asks that we find that if the husband died before the *sotah* process could be carried out, then she would not receive her *ketubah*. That is because since there was *kinui* (she was prewarned) and *setirah* (she was witnessed in seclusion with that man) there is a doubt whether an affair was committed. Consequently, until the matter is clarified by way of the *mei sotah*, she does not receive her *ketubah* based on this doubt. The same should be true in this case also. She should not receive her *ketubah* until her innocence has been proven. What difference does it make that it was one of the five women that testified? As long as the doubt has not been cleared, she should not receive her *ketubah*.

R' Akiva Eiger also cites the *Yerushalmi* that asks why a single witness should be trusted to make her lose her *ketubah* at all. Financial matters normally require two valid witnesses. The *Yerushalmi* answers that since the *Torah* trusted a single witness in this case to stop the *sotah* process, it follows that they are trusted to make her lose her *ketubah*. The *Yerushalmi* explains this is similar to the

fact we trust a single witness regard *issurim*, e.g. that a particular mass is *chelev*. If person subsequently eats it having been prewarned by two witnesses, he would be liable to lashes. *R' Akiva Eiger* asks why this explanation is even necessary. Even without the elevated trustworthiness of a single witness, she cannot receive her *ketubah* from the moment of *setirah* until she drinks the *mei sotah*.

The *Ohr Sameach* (*Terumot* 8:15) however explains that there is difference between the case of a single witness and these five women. If the single witness came after the woman already drank the *mei sotah*, since the water already confirmed her innocence, there is no longer a “*ragliam le'davar*” and the single witness testimony is dismissed. If however they testified, and the *kohen* nonetheless gave her the *mei sotah* to drink, in that case the water would not be effective and her survival is no proof.

With respect to the five women however, the *Ohr Sameach* explains that they are **not** trusted. Nonetheless, in this case, the *Chachamim* do not allow her to drink the *mei sotah*. If however, she went ahead and drank the *mei sotah* and survived, she would be permitted to her husband, because these five women were not believed. It is for this reason that she receives her *ketubah*. This is different to the case where her husband dies before she was able to drink the *mei sotah*. That is because in this case, because the five women are not trusted, the *mei sotah* would work. Meaning the path to clarify her innocence is still available to her and she is willing to take it. It is only the *Beit Din* that is stopping her from drinking the *mei sotah*. Therefore, she should not lose her *ketubah* as a result.

Yisrael Bankier

Revision Questions

סוטה ד' ה' – ז' ד'

- In what three cases can the *beit din* provide the *kina* instead of the husband? Would this *kina* make her a *sotah*? (ד: ה')
- Who else would the *mei sotah* affect? (ה': א')
- If the *sotah* refused to drink, aside from her husband, who else would she be forbidden from marrying? (ה': א')
- On the day that R' Elazar ben Azarya was elected as *nasi* what did R' Akiva expound regarding:
 - *Tum'ah ve'tahara*? (ה': ב')
 - *Tchum Shabbat*? (ה': ג')
- How was the *shirat ha'yam* sung according to R' Akiva and how was it sung according to R' Nechemya? (ה': ד')
- Who learnt that *Iyov* worshipped *Hashem* through *yir'ah* and who learnt that he worshipped *Hashem* through *ahavah*? (ה': ה')
- Explain the debate regarding the level of *edut* required for *stirah*? (א': ו')
- What level of *edut* is required to prevent a *sotah* from drinking *mei sotah*? (ו': ב')
- Which witnesses would prevent a *sotah* for drinking *mei sotah* yet not prevent her for receiving her *ketubah*? (ו': ב')
- Which event requires a more formal level of *edut* – *kinui* or *stirah*? (ו': ג')
- From which *p'sukim* is the law described in the previous question derived? (ו': ג')
- If there are two conflicting testimonies regarding whether she was *nitmeit* when does she nonetheless drink *mei sotah*? (ו': ד')
- Which seven things may be recited in any language? (ז': א')
- Which eight things must be recited in *lashon ha'kodesh*? (ז': ב')
- From where do we learn that *mikra bikurim* must be recited in *lashon ha'kodesh*? (ז': ג')
- From where do we learn that *chalitzah* must be recited in *lashon ha'kodesh*? (ז': ד')

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Sotah 7:5-6	Sotah 7:7-8	Sotah 8:1-2	Sotah 8:3-4	Sotah 8:5-6	Sotah 8:7-9:1	Sotah 9:2-3

