The Law of Jealousy

Destro, Adriana

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Introduction

Among the many aspects of the conjugal relationship, the jealousy of a husband towards his wife is one of those which can provide a way to evaluate women and relate them to men. For anthropological investigation it presents an unusual area of consideration and offers the opportunity to envisage, from within, the concept which man has of himself and of the environment which surrounds him.

In ancient rabbinical Judaism, a married woman who fails to demonstrate solidarity with her husband highlights complex elements of crisis within the entire religious and social system. She can appear to be an element of contradiction and even a threat to the man. In the talmudic vision, in fact, if the man is honest the wife will be his helpmate and ally, but she will be his adversary if he is not a righteous man (cf. B. Yev. 63a). This is enough to make the problem of female infidelity a very instructive point for understanding social and cultural life.

In this book I wish to examine the rabbinical elaboration of the biblical law of the woman who is suspected of adultery, as given in the book of Numbers, according to which the suspicious husband, who does not have definitive proof of the unfaithful behavior of his wife, must express solemnly his jealousy (Sot. 1:1) and submit her to a "divine judgment" (cf. Num. 5:11-31). The solemn warning made to the woman allows us to see clearly not only a threat to the familial and social system, but also a series of circumstances which are able to throw light on the logical and juridical means on which an entire culture is based.

In order to place female deviance in its correct context it is necessary to be aware of a specific process. The period from the virtually definitive end of the biblical canon (the second century before the Common Era) to the end of the second century C.E. (the date of the closure of the Mishnah, which is the basic text of the rabbinical tradition) was characterized by an intense fluidity and mobility of ideas, ethical constructions, and religious movements. It was the period when images were formed which, overcoming all limits of time and space, passed through Christianity to reach modern western culture. These images, therefore, are full of implications and suggestions which
are still deeply significant, and which transmit archetypes which are extremely important for the entire sphere of imagery of the subsequent era. A rapid comparison with earlier biblical times (Patriarchs, Exodus, Judges and Kings, up to about the eight century before the Christian era) can best illustrate the process. In biblical times the image of woman, especially in the sexual-familial field, was built on precise moral precepts, but did not depend on a coherent norm. The condemnation of adultery and the subsequent prohibition were explicit, but, symptomatically, there was little theoretical elaboration of the law, and even less evident was the clarification which that law had found in the biblical text. In the aftermath of certain transformations in the family structure and the foundations of the nation in the centuries before the exodus (587 before C.E.), in those which followed (Second Temple) and even more in the period after the destruction of the Temple (70 C.E.), norms and complex images were developed which tended to stabilize the entire society. An increasing amount of attention was paid to sexual themes, and religious texts abound with admonitions and warnings regarding the subject. Women's relationships are represented within a frame of intense sexual and familial surveillance. The pressure on women intensifies, and all the norms on bodily impurity become more specific and exacting. The prohibition of adultery is presented with greater severity, and is directly related to the plan of global social legitimation (cf. L. Archer, 1987). During this long phase of transformation, the vision of the soṭah ("wayward" woman), that is the woman who deviates from or transgresses her conjugal duties, becomes more definite and stable, and becomes determinant in rabbinical literature.

In my analysis I will avoid any kind of wide-range reconstruction of socio-religious dynamics. My starting point is the conviction that a powerful social and ideal tension always binds literature to the original environment in which it is created. I will therefore tend to enter directly into the field of text investigation related to ideas or concepts seen as direct products of a vision of the world which grows organically, and which accumulates interpretation upon interpretation.

The present analysis consists therefore in an attempt to span the gulf between anthropological work "in the field" and work on ancient documents which are dense and many layered (cf. M. Douglas and E. Parry, 1986). Within this framework, anthropological techniques are used in an attempt to reconstruct social-cultural themes as significant sets, on the basis of traditions which are transmitted by the stable, definitive means of literature: the written text and the social context nourish and inform each other. The text contains the social environment, and makes explicit its assumptions. However, the
affirmations of the text can be confirmed or denied by the images of society which are embodied and transmitted inadvertently by its context.

It is by focusing the analysis primarily on those who founded or defended a philosophical-doctrinal system that we can grasp its essence. In every cultural system the attitudes and the vision of the compilers of texts can be explained by a logical global coherence between what they produce and what reaches and influences them. This operation is rendered difficult, however, by the fact that the latter element is much more obscure than the former. The texts often maintain an almost absolute silence on their origins and their cultural environment. Hypotheses which do not depend on rabbinical writings have been kept in the background, because they cannot be defined as 'proofs' of a specific cultural process.

Because of these characteristics, my analysis tends primarily to offer images of the methods, assumptions, and influences of those who drew up the texts. Instead of an actual summary, which would be unsuitable for the type of material analyzed, the discussion will only present a few general descriptions. My analysis, stimulated by the original and systematic investigation and the vast translation work of J. Neusner, aims above all to present complex themes which have been all but ignored by anthropological literature.

The arrangement of the book is simple; it falls into two sections. In the first section I include a chapter which introduces the theme, as related to its theoretical reoccurrence in the doctrinal-religious framework of Judaism (Chap. 1), and a second chapter which focuses synthetically on ancient rabbinical literature (especially Mishnah, Talmudim) in the era after the Second Temple (Chap. 2). The following section discusses the problem of adultery: its background, its structures, and the reactions and consequences which follow a suspicion of jealousy (Chap. 3). Subsequent chapters follow, step by step, the Sotah ritual, which is the religious-judicial event from which are expected the proofs of guilt and innocence of the woman, as discussed by the Mishnah, the Talmud, and by contemporary and later literature (Tosefta, Sifré to Numbers, Targum, Midrash Rabbah to Numbers) (Chaps. 4 and 5). The last chapter places the event of the sotah woman within the internal relationships of the Mishnah, and delineates some of its effects on Jewish sociological structures. In this final part I consider, on the basis of the game of the regular and the irregular and the adaptations which this requires, some of the attitudes of the rabbinical teachers, their ideas concerning family discipline, and the position of women.
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