The Law of Jealousy

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Chapter One

The Bitter Waters

To reconsider a rite and its function leads us to discover a world and its spirit, to reconstruct public meetings, ceremonies and liturgies, to study people animated by the will to participate and given the power to act. The rite of the "water of bitterness that causeth the curse" (Num. 5:19), also called "bitter waters" (maim ha-marim)\(^1\) – to which the woman suspected of adultery (soṭah, "wayward") in the ancient Jewish world had to be submitted – does not allow an approach of this kind. The rite is 'lost.' No public meetings are held for it; no individuals move around it. It is known for having been the object of long reflection within the rabbinical tradition\(^2\) and for having fallen

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\(^1\)Cf. P. Blackman, 1953, vol III, 335. Although very well-known and often used, the translation of maim ha-marim as "bitter waters" is widely contested on grammatical and etymological grounds. Regarding the debate which has grown up around this problem, I can only note that a) the meaning of marim as qualifier of "water" is challenged; b) some interpretations are based on the verbs mry (mrh) (to rebel) and yhr (to teach), and suggest, respectively, "waters of rebellion-disobedience" or "waters of revelation" (cf. T. Frymer-Kensky, 1984, 26). Other authors base their translations on the two meanings of the Ugaritic mrt (bitterness and illness) (cf. D. Pardee, 1985, 113). Like most of the experts I have consulted, I. Epstein uses the translation "bitter waters" (1961, vol. III of Seder Nashim, V). The plural form "waters," much used in translations, is in actual fact an error, because maim in Hebrew is plural only in a grammatical sense.

\(^2\)The critical editions of the rabbinical literature used are listed in the bibliography. As regards the Mishnah the best Hebrew edition is still Ch. Albeck's (1969, 4th ed.). The edition made by P. Blackman (1953) vol. III Sotah (which includes an English translation) and the edition with commentary edited by H. Bietenhard (1956) have been largely consulted during this analysis. I based my work, moreover, on the following translations: for the Mishnah, J. Neusner, 1988 and sometimes V. Castiglioni, 1962 (1st edition 1900); for the Babylonian Talmud, I. Epstein, 1961 (vol. III of Seder Nashim) and J. Neusner, 1984b ff. (vol. XVII, Tractate Sotah); for the Palestinian Talmud, J. Neusner, 1982b (vol. XXVII, Sotah); for Sifré to Numbers, J. Neusner, 1986b; for Midrash Rabbah to Numbers, H. Freedman and M. Simon, 1961 (vol. 1 of
into disuse in very remote times, not so much as a consequence of the destruction of Jerusalem and of the physical dispersion of Israel (cf. Chap. 2), but rather because of an explicit abolition.

It is not possible to establish with precision the reasons for the abolition of the rite. The actual meaning of the prohibition remains obscure. The ban is mentioned only at the end of the Mishnah tractate of Sotah without discussion (cf. Sot. 9:9). After analyzing the rite as a means of deciding the guilt or innocence of the wife accused of adultery, the text declares the rite "ceased" or excluded from the religious universe. From this begins the cultural problem of the tie which exists between a ritual established by the Bible, declared impracticable by the Sotah tractate, but 'preserved' – thanks to the attention paid to it by the Mishnah itself and by the Talmudim – within the doctrine and in the cultural structure of the Jewish people.

The procedure of Sotah and its abolition

1. The subject having been presented in these terms, it is necessary to proceed from the apparent incongruity of the abolition of a procedure which is not actually used and which is physically impossible to put into practice because of historical events which swept away the activities of the Temple, where the rite took place. The investigation will therefore start from the hypothesis that the abolition might have served an unspecified plan of the cultural system which produced it, as a pretext for the formulation of the Sotah tractate or even as the metaphorical exposition of a theory. Rather than starting with an abstract consideration of the general outlines of this cultural system, it is better to begin the textual analysis immediately, confident that significant concepts and problems – which throw light on the system – can be evinced.

First of all it is essential to analyze the procedure of the rite of Sotah. That is, it is necessary to present a summary of the action, as it is transmitted by the texts. The essential structure of the rite is based on the biblical text of Num. 5:11-31. This passage is first discussed in the tractate of Sotah (Nashim Division). It is in its entirety taken up and

Numbers). The translation of Maimonides (Mishneh Torah) is that of I. Klein, 1972 (vol. XIX). For the translation of the commentary to Torah (Numbers) by Rashi (R. Shelomoh ben Yishaq) I refer to E. Munk, 1974.

3 The social themes presented by the Division of Nashim, to which belongs the tractate Sotah, are very interesting (cf. Chap. 6). According to J. Neusner, some concepts of this division are very ancient, earlier than 70 C.E. They are probably part of a precise model of marriage and sexual life. There could be found in them elements relating to the existence of specific social-religious groups.
commented upon in the Babylonian Talmud and in the Palestinian Talmud (cf. Chap. 2). The mishnaic and talmudic argumentation enriches the analysis of the rite through its dialectical discussion and a succession of legal and religious arguments.

The summary of the procedure of the "bitter waters" or "law of jealousy" (*torat ha-gna'ot*) (cf. Num. 5:29) which is presented here\(^4\) is intended to scan and highlight the various phases and sequences but constitutes only an initial picture of the whole. The various phases and their presuppositions will be reconsidered individually in the following chapters.

The Sotah event represents a crisis which is elementary, but not simple. According to the relevant passage of Scripture (Num. 5:14-15), the first impetus is given by the fear or suspicion of a man towards his wife. When "the spirit of jealousy comes upon him and he be jealous of his wife and she be defiled; or the spirit of jealousy comes upon him and he be jealous of his wife and she be not defiled; then shall the man bring his wife unto the priest," to subject her to the water test.

The mishnaic law integrates the biblical law. It permits the husband – at the moment when he is smitten with jealousy and frightened by the danger – to express his sentiments to his wife. In the presence of two witnesses, he can order the woman not to speak ("al tedabri")\(^5\) to the man who is the reason for his suspicion (Sot. 1:1-2). Only after having expressed his fear in this unequivocal way can the husband move on to the real test: that of making his wife drink the "water of bitterness."

If, in spite of the prohibition she has received, the woman does not limit herself to not talking but transgresses the command of her husband, or goes "to some secret place" with the man who has been forbidden to her and "remains with him long enough to commit impurity ("tum'ah")" (Sot. 1:2), she cannot escape the test. The seriousness of the prohibition is revealed by its effects in the marriage field: the woman is "prohibited" ("asurah") (Sot. 1:2) to her husband, and if he is a priest, she is not allowed to eat ritual offering (terumah,

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\(^4\) My description is based on both the biblical and mishnaic text. I depend mostly on the second one because it is richer in details concerning the trial scene and because it better explicates the juridical and ritual development of the action imposed on the suspected wife.

\(^5\) The Sotah tractate uses the term "speak" to mean a secret or illicit meeting. Maimonides specifies, however, that the words "Do not speak to So-and-so" alone do not constitute a prohibition strong enough for the woman to be tried, cf. The Mishneh Torah of Maimonides, Treatise V, 1:4 (in I. Klein, 1972, Book four) (abbreviated below as Maim.).
which is meant for officials) with him. Moreover, if she should become a widow, the husband's brother cannot arrange a levirate marriage with her (Sot. 1:2).

For the presumed infidelity to lead to these consequences, it is necessary that it should have been kept hidden; that is, that the woman should have given reasonable grounds to believe that she has given herself in secret, that there has been no violence, and — the essential point — that there have been no witnesses (Num. 5:13). If these conditions exist, the husband is instructed to be firm and to take his wife "before the Lord" (Num. 5:16), in order to enforce the law. Thus, after the admonition, the disobedience of the woman and her alleged violation of the law, the husband — according to the Mishnah — must take her to the court of justice of his residence place. After having listened to his plea, the court will assign him two people to accompany him — usually two sages' disciples (talmide hakhamim) — who will escort him and his wife to the place of judgment. This will prevent the husband from having intercourse with his wife (literally to "go to her," Sot. 1:3), and therefore from breaking the interdiction which separates them. Thanks to this ban, the position of the husband — according to rabbi Yehudah — preserves intact its value: he will be trustworthy (ne'eman) (Sot. 1:3).

Once she has been taken ("brought up") to Jerusalem, where the "Supreme Court" (bet din ha-gadol) sits, the woman is subjected to all the severity that this court uses in cases of capital importance (Sot 1:4). Given the serious nature of the accusation, the judges threaten her in order to frighten her and to convince her to confess. Their admonitions allude to the evil effects that wine, frivolity, the inexperience of youth, and evil friends might have had upon her. The judges invite her to admit her guilt: "for the sake of the great Name (of God), which is written in holiness, do it so that it will not be blotted out (mhll)" in the water (of the test) (Sot. 1,4). To overcome her reluctance, they remind her of cases of famous people who have admitted their guilt. The exhortations spoken to the accused must be recited in language which the woman can understand (Sot. 7:1; B. Sot. 32b) so that she can, as the Talmud adds, understand what she is about to do and what is asked of her, so that she can show if she behaved "out of error or deliberately, under pressure or freely" (B. Sot. 32b).

At this point the woman can plead guilty. If she does, she loses every right over her marriage endowment (which is established in the ketubah or contract, cf. Chap. 3). She is consequently free to leave the ritual and judicial stage. If she does not admit her guilt and declares herself to be "clean" (tehorah) (Sot. 1:5), the process moves to the east door of the Temple, at the gate of Nicanor which connects the
courtyard, where the altar is, to the courtyard reserved for women and the public. This is the place where unclean people, such as women after childbirth and lepers, are taken to be purified (Sot. 1:5).

The priest will take hold of the clothes of the accused, denude her to the waist, and disarrange her hair (Sot. 1:5). On this point the text of Numbers limits itself to affirming that the priest will make the woman stand "before the Lord" and will "uncover her head..." (5:18). The priest will not impose this treatment on an attractive woman, who could increase her attractiveness because of it: "if she had pretty hair he did not pull it apart" (Sot. 1:5). To make her ugly, they will change her white clothes for black clothes, and, to increase her shame, all her jewellery will be removed (Sot. 1:6). With a rope made from palm bark and leaves the priest will knot up the tatters of her clothes and tie them above her breasts. Finally, the accused will be shown to all the women who want to see her (Sot. 1:6).

The Sotah text founds this procedure on the general religious principle which says: as we judge others, so will we be judged (cf. Sot. 1:7). Following this rule, the suspected woman "adorned herself for transgression and the Almighty made her repulsive" (Sot. 1:7), using methods similar to those applied in the cases of Samson and Absalom who were punished because of their eyes and their hair (vehicles of their sin) and those of other famous sinners (Sot. 1:8). Moreover, the divine punishment follows the path traced by the sin. The thigh of the woman sinned first, then her belly, and therefore her thigh will be struck first, afterwards her belly, "but the rest of her body does not escape" (Sot. 1:7).

The scene of the judgment is enriched by some ritual instruments. The husband is obliged to "bring" a meal offering (minhah) on behalf of his wife. Afterwards the cereal flour must be put "into her hands in order to tire her out" (Sot. 2:1) and thus make her more docile.

The container in which the offering is kept is given special importance. Usually, offerings are "presented" in vases which are intended for sacred use (khelim) (sharet); that of the suspected woman is presented at first "in a basket of palm twigs," and then in a utensil specially made for the service (Sot. 2:1). This offering is distinctive not only because of the crude leaf container, but even more because of the contents, which consists of a tenth of an ephah (Num. 5:15) of ordinary barley flour (just as it comes from the mill). In other words, this flour is not obtained by crushing polished seeds, as in other rites in which cereal is used. No oil or frankincense is poured onto this barley meal because "it is a meal-offering of jealousy, a meal-offering of memorial (minhat zikkaron) bringing iniquity ('awon) to remembrance" (Num. 5:15). That which is placed in the hand of accused is an index of her
indecent and animal-like behavior: "as her actions are those of a beast, so was her offering (qorban) the food of a beast" (Sot. 2:1).

Totally different ritual elements are provided by the priest. He takes a container or a new clay bowl suitable for ritual purity. In it he pours half (or a quarter) of a log of wash-basin water, taken from the laver, from the public washing place. Then he enters the Hekhal (in the interior of the "Sanctuary"). Moving to the right side of the floor he reaches a slab of stone, where he takes a little dust ('afar) from under the stone and puts into the bowl "sufficient to be visible on the water" (Sot. 2:2).

According to the instructions of Num. 5:23 this is the moment when the formula of the curse-oath is written. The drawing up of the text follows extremely rigid rules: it cannot be written on wood, skin or papyrus, but on a scroll of parchment. Rubber cannot be used nor copper vitriol; only ink is permitted because it must be "blotted out" (Sot. 2:4). The formula is copied faithfully from the verse which begins: "If no man have lain with thee, and if thou has not gone aside to uncleanness, instead of to thy husband, be thou free from this water of bitterness that causeth the curse. But if thou hast gone aside, instead of to thy husband, and if thou be defiled, and some man have lain with thee besides thy husband...the Eternal make thee a curse and a oath among thy people, when the Eternal doth make thy thigh to fall away and thy belly to swell" (Num. 5:19-22).

To this solemn invocation (to obtain a divine judgment) the woman answers: "Amen, Amen" (Sot. 2:3). The double response is considered to be necessary because its purpose is twofold. One Amen is for the curse, and one for the oath (Amen 'al ha 'alah; Amen 'al ha-shevu'ah) (Sot. 2:5). It means: I have not made myself unclean for this man nor for any other, neither while betrothed, nor as a wife (or while waiting for a levirate marriage), neither in the past, nor in the future (cf. Sot. 2:5) and if I have made myself foul let me be cursed.

Once the act of the curse-oath has been completed, the important formal actions are resumed. They actually start with the meal-offering the woman must make. The priest (the husband, according to some sources) pours the flour into a consecrated vase made of gold or silver, and puts it in the woman’s hand. He then helps the accused to hold the vase and make the offering by putting "his own hand under hers" Sot. 3:1) and making her "wave" backwards and forwards, and up and down, as a dedicatory sign (according to Num. 5:25).

After having waved "the offering of jealousy" before the Lord, "the priest takes a handful of the offering" as her memorial (’et-azkaratnah) and makes it "ascend in smoke on the altar" (Num. 5:26). The Mishnah text specifies that having taken a handful, "the rest will
be eaten by the priests" (Sot. 3:2). The priest than proceeds to "make the woman drink the water of bitterness which causeth the curse and the water which causeth the curse will enter into her to become bitter" (Num. 5:24). According to Num. 5:24, the official first obliges her to drink and then makes her offering. The mishnaic text says (as in Num. 5:26) that first the offering is burnt and then the woman is made to drink, but it maintains at the same time that if this order is reversed the ceremony does not lose its validity (Sot. 3:2).

When she has been made to drink her water, if she is contaminated and is guilty of infidelity to her husband, "the water which causeth the curse shall enter into her to produce bitterness, her belly shall swell and her thigh shall fall away" (wezavtah bitnah wenaflah jerekhah) (Num. 5:27) (Cf. Chap. 5). When the belly of the accused becomes arid, her thighs will be as if dead. "The woman will become an execration amongst her people. But if the woman has not defiled herself and is clean, she shall be free and shall conceive children" (Num. 5:27-28). In the Sotah text the description is enlarged. If she is guilty, the woman will be disfigured: "her face will turn yellow, her eyes will protrude, her veins will swell up" (Sot. 3:4). If her appearance gives cause to fear that the *sotah* woman could be about to die, or – a danger which is at least as serious – she might menstruate from fear, measures are taken to take her away, to carry her outside "so that she will not make the Temple court unclean (shelo' tetamme' 'et ha-'azarah)" (Sot. 3:4).

If the water has proved the woman guilty, she – who is at this point an object of infamy and disdain – assumes the extremely serious condition of "prohibited" ('asurah) (Sot. 5:1). That is, she is forbidden to have any contact with her husband (cf. Sot. 5:1) who is obliged to divorce her.

2. The hypothesis, formulated at the beginning of the preceding paragraph, that the abolition aims to stabilize or make definitive a theory or a project, finds a justification in the fact that the rite itself would have no meaning in a cultural world which did not apply it, and it would really have been 'lost' only if an absolute silence had been maintained about its destiny. When the silence is broken, everything takes on another meaning. That is, the rite becomes important because it is deeply analyzed and is made to 're-enter' into the cultural basis through the event of its elimination. The proclamation of the definitive loss of the practice of the "bitter waters" could therefore be intended to justify the apparent arbitrariness of the treatment of the absent rite, to conclude a debate. It would serve also to attribute meaning to the difference existing between a disused cult and a prohibited one, between endured conditions and planned actions.
Beyond all this, another project seems to exist, which is certainly not secondary, and which this analysis proposes to verify, that is to outline data which concern women.

Let us see in what way the silence was broken. In the Mishnah text, the cessation of the "bitter waters," even though highlighted only at the end of the tractate, is connected to clearly specified circumstances and individuals. It is presented in the context of the difficult situation in which the Jewish people found themselves. The prohibition must have been a response to an ethical decadence: "when the number of adulterers grew, the bitter waters ceased (misherabbu ha-mena'afim pasqu ha-maim ha-marim)" and "Johanan ben Zakkai abolished them (ifsiqan )" since it is said: "I will not punish your daughters when they commit whoredom, nor your daughters-in-law when they commit adultery for they themselves go apart with whores" (Hosea 4:14 in Sot. 9:9).

It must immediately be explained that, in mishnaic idiom, the phrase "when the number grew..." recurs in general where the intention is to expose a practice which has fallen from use, or a deviance. It can be seen, for example, in Sot. 9:9 when the text considers the ritual of 'eglah 'arufah ("heifer whose neck is to be broken," or "the neck of which is broken") – killed in expiation of an unknown murder – and in Sheq. 1:1 when it speaks of the agrarian laws of hoeing. It is therefore difficult to specify the exact meaning of the reference to "the number of adulteries," given that the text itself screens the events with expressions which allude to decadence, "to the disappearance...of blessing amongst the people" (H. Bietenhard, 1956, 152).°

From these comments, it will be clear that the structure of the Sotah tractate, even though it uses a terminology and a style which ignore social-cultural context and avoid temporal references, invites us to examine the occasion of the abolition as a revealing symptom of a reality which was fraught with problems and consequent difficulties. It strongly emphasizes the dramatic nature of the measure taken. It places the weight of the argument on a state of necessity.

Indirect clues to the cultural destruction within which the abolition is seen are found in the concluding testimonies of tractate Sotah (9:9-15) where it refers to changes in ritual, morality, and society which in other times would have impoverished the people. Amongst the losses mentioned, the procedure of the "heifer whose neck

6In the Babylonian Talmud (cf. Chap. 2) it is said that the rite was abolished because the water could have no effect, as the men were not free of "iniquity" (B. Sot. 47b) (cf. Num. 5:31), in that "they too committed sexual immorality" (H. Bietenhard, 1956, 156).
The Bitter Waters

is to be broken" is specified. Its fate is similar to that of the Sotah rite. The similarity between the two rites should be noted as symptomatic, because it concerns both the attention paid to them, as well as the justification of their suppression. The rite of the "heifer" is in fact also analyzed and 'convalidated' as a part of the ritual universe of Israel, and then declared inapplicable. Alongside the rite of Sotah, it is part of the set of prohibitions or losses concerning services of varying interest which where performed at the Temple (Sot. 9:12), and which had taken place in different historical circumstances – wars and misfortunes over long periods of time, and which could not be analyzed together – summarized in the disappearance of the "glory of the Torah" or of the "fear of sin" which followed the deaths of illustrious teachers (Sot. 9:16).

The tractate of Sotah reports, therefore, a panorama which collects together (with clear eschatological overtones) a series of interventions and limitations, and which offers a valuable scenario in which to set the "conjugal crisis" and the abolition of the rite of Sotah.

The Mishnah compilers, as we have just seen, declared the rite abolished by Johanan ben Zakkai, the teacher through whom they legitimate a large part of their authority. They lean, therefore, on the prestige of an emblematic or leading representative of the pharisaic group, both to highlight the theoretical value of the rite and to give good grounds for its expulsion from cult practice.

With this specific information we can attempt to make some hypotheses regarding the date of the disappearance of the "waters of bitterness," recalling that the period of the leadership of Johanan ben Zakkai extends from the middle of the first century to about 80 C.E. Between this last date and the closing of the Mishnah (about 200 C.E.), when the prohibition of the rite was announced, many events might have occurred. On the one hand, we can claim that the rite had already been banned before the beginning of the Mishnah (70 C.E.) "when the Temple was still standing" (H. Bietenhard, 1956, 155). In this case, according to some experts, Johanan ben Zakkai "merely

7The tractate Sotah, for example, reports the disappearance of the so-called "awakeners," those Levites who used to proclaim the verse "Wake up, oh Eternal, why are you asleep?" (Sal. 44), considered irreverent or blasphemous. It also refers to the exclusion from the service of the Temple of those who had the custom of wounding and bleeding the calf to be sacrificed (to make it go blind and thus become docile), transgressing the precept which said that the victim should be without defects (Sot. 9:10).

8We can infer this conclusion from the fact that the substitution of the leadership of Johanan ben Zakkai with that of Gamaliel II took place at this time (80 C.E.) (cf. J. Neusner, 1975b, 193-194).
reported the cessation of these rites" (J. Neusner 1975b, 91). The juxtaposition of the two phrases "the waters ceased" and "Johanan ben Zakkai abolished them" (Sot. 9:9) could in fact show this process of ratification of events already established and accepted. We could, moreover, hypothesize that Johanan ben Zakkai – for reasons of congruity or homogeneity connected to his religious vision and to the structure of the ideal world which is reflected in the Mishnah (cf. Chap. 6) – annulled the rite at a relatively late date, or that the annulment was indeed only attributed to him at the Mishnah's closure.

It is difficult to ascertain any of these hypotheses from internal evidence in the Mishnah. The text does not allow us to speak of events which took place before or around the year 70. It is only a testimony of the work which assumed a definitive form at its conclusion, at about 200 C.E. Furthermore, it is practically impossible to find information of the social context of the rite, as the Mishnah (cf. Chap. 2) does not offer explicit data on the learning environment in which it was created, nor on the juridical religious world in which it was applied.

The absence of background information does not however lessen our interest in the relationship between the theoretical or ideal preservation of a rite and its simultaneous prohibition in practice. Indeed, because of the indeterminate elements just mentioned, the abolition has the effect of requiring clarificatory research.

Although the uncertainties increase the complexity of the entire problem of the rite of Sotah, nonetheless a point upon which to fix our attention is the fact that the abolition – having been linked to the name of Johanan ben Zakkai – was officially associated with his work of cultural revision and consolidation. Bearing in mind that the historical period of that work immediately followed the tragic destruction of Jerusalem and of the Temple, the cultural crisis which followed the Judaic wars against Rome of 66-71 and of 131-133 C.E., we can say that the discussion which the Mishnah dedicates to the "bitter waters" appears in direct relationship with the opening of a new era (cf. Chap. 2). Insofar as the arrangement of the tractate of Sotah links the annulment of the rite to a world in ruin, it legitimately makes it part of the plan of refounding that world it wishes to save. Thus, it can be considered as a measure which is appropriate to the effort made by the party of Johanan ben Zakkai to interpret and satisfy the expectations of the nation. The abolition becomes meaningful as a way of survival.

3. Having established these few premises, we can understand the cultural climate which existed after the caesura of the year 70. However, it is necessary to focus more carefully on Johanan ben Zakkai
within the context of the plans which characterized his epoch and his work.

A significant event of this epoch is the setting up of the compilation of the Mishnah, which is generally attributed specifically to the initiative of Johanan ben Zakkai. Known as the youngest and most illustrious disciple of Hillel (first quarter of the first century C.E.), he taught in Galilee at least until 40 C.E. The reasons for this long absence from the Holy City of Jerusalem are not clear. It seems, however, that such reasons became less pressing in about the year 50, at the time of Gamaliel I. In those years, in fact, the name of Johanan becomes associated with that of Simeon, son of Gamaliel (cf. J. Neusner, 1975b, 70). The fact testifies to the importance of his role and his leadership.

Johanan ben Zakkai probably undertook the writing or the compilation of the Mishnah when the Roman authorities permitted him to gather together various disciples and scholars (J. Neusner, 1975b, 145). Through this group of scholars, known as the "academy" of Yavneh, the pharisaic party of Johanan ben Zakkai seems to have been able to "exert what remained of Jewish autonomous authority with very little opposition from other Jewish groups" (J. Neusner, 1975b, 183). It was not however, a simple change of the guard, as Johanan did not create an institution which was fully structured and ready to substitute the ancient national foundations, and nor was the authority of Yavneh accepted everywhere without difficulties or obstacles.

In this sense the reference to Johanan ben Zakkai in the Sotah tractate usefully synthesizes the interplay between the class of priests which lost its power with the disappearance of the Temple, the doctrinal supremacy of the pharisaic group, and the influence of external forces. In other words, in the background of the conflict which political events were causing in the people's social and religious lives, a teacher and his disciples were reconsidering themes and problems which belonged to the area of priests and cult – the rite of the "bitter waters" was part of a priest's ordinary duties – and they turned their hands to an extensive work of cultural reorganization.

These influences and authorities throw some light on the prohibition of maim ha-marim. There is reason to believe (over and above concrete moral problems) that this prohibition only confirms the

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9Yavneh, a coastal city in Israel, in which gathered the first generation of sages, which survived the defeat of 70 C.E. It symbolized the reconstruction of the Judaic world. It was a cultural center in which was created a new picture of the defeated people and where major religious losses were covered over.
existence of vast operations of mediation; that is, that Johanan ben Zakkai (if we admit that he was the author of the abolition), finding himself at a delicate point of cultural and historical convergence, banned whatever he could not subject to a single line of thought or to a general consensus. From the texts themselves it is not possible to clarify the question, which therefore must remain open. What can help us here is a general consideration: in time of struggle and crisis, the elimination or prohibition of whatever creates disagreements and excesses can function as a valid means of pacification.

To accept, hypothetically, that the fact of the expulsion of the rite on the practical plane was part of a project of social defense does not eliminate other important questions. In the eyes of Johanan ben Zakkai – and those aligned with him – was the abolition necessary in order not to burden the people with trials which could weaken or tire them? Or was it that spirit of the rite itself no longer expressed something useful to the nation, in a time of great difficulty?

It is very difficult to answer such questions, because, just as we do not know if, or to what extent the procedure of Sotah or "the law of jealousy" was applied, in the same way we do not know how and to what extent its abolition was accepted and applied. Therefore, it would seem rash to say that intention really was to eliminate practices which were too painful and debilitating for the people, or to avoid excessive risks for the community, which was already seriously tested. On the other hand, if we consider the possible loss of usefulness of the rite, it seems legitimate to claim that, in spite of appearances, the rite was not considered an empty procedure, or a juridical abstraction. On the contrary, as they discuss the rite, the compilers of the Mishnah let us infer that their work applies to the relationship between a state of crisis and the measures necessary to overcome it. Indeed, the abolition of the rite shows that it cannot be tied to circumstantial facts, and that it cannot be embedded to a manipulable reality.

The idea that must have guided the compilers in the abolition of the "waters of bitterness" is to be found therefore between two points: on the symbolic side, the rite was precious, and even necessary to overcome social difficulties; but on the other hand its concrete application was neither useful nor functional for the situation. It had to be removed from the real level in order to be preserved on the ideal one.

The idea of preservation and also that of marginalization can be found in a vast exegetic and apologetic literature related to the Mishnah (Tosefta, Talmud, Sifre to Numbers, Midrash Rabbah to Numbers). Presenting the abolition-loss of the rite as unquestionable, this literature makes ample comments on the passages of the Mishnah and also those in the Scripture. Unlike other Mishnah procedures or
instructions, the judgment of Sotah, even though it has "ceased," never
loses its legal-religious interest (cf. Chap. 6). This is certainly a proof
of some functionality or priority in comparison with other subjects or
other regulations.

Even though it is difficult, the individuation of the meaning of this
priority and influence is important, in order to read the procedure as a
constructive act of the Mishnah and Talmud framers. A fundamental
position of the rabbinical literature – as J. Neusner maintains for
example discussing Leviticus Rabbah (1984a, 20-25) – was to consider
events "as if" life were unaltered after 70 C.E. and "as if" the Jewish
people were not devastated by the destruction. It is an attractive
cultural fiction that will lead us to a deeper understanding of the work
of the Mishnah-Talmud compilers.

The value and the logic of the trial

1. A ritual-judicial act, insofar as it is part of a wider system of
protection and control, individuates the social components of
responsibility and functions, and formulates the general concepts of the
symbolic framework (cf. C. Geertz, 1973, 150). Therefore it gives
reference points which can clarify and stabilize the structure.

An operation of this type, to be correct, requires the intervention or
the arbitration of experts and of specialized means which are able to
defend the agents and the entire community from the risks of ignorance
and imprecision. The object of the analysis thus becomes to demonstrate
the meaning and the relevance of these concepts and instruments, of
these individuals, and of their multiple functions and symbols.

Initially, it will be sufficient to recall a few passages. The first
element that must be emphasized is that the Sotah rite – a ritual
tracer of a symbolic system – has been compared or related to famous
examples of "sacred founts" and their judicial uses (cf. W. Robertson
Smith, 1968, 180-181) external to the Judaic world. In particular, the
Mosaic rule has been seen as an appeal to or parallel to the Babylonian
suspected woman is subjected to the water test (immersion). Even
though this is not the place to discuss analogies, disputed cultural
influences, or "juridical similarities" with Babylonian and Assyrian
procedures (cf. M. Fishbane, 1974, 336-339), one cannot fail to notice the
existence of large similarities and equally notable differences. The
differences are more interesting. According to the Code of Hammurabi,
the husband can accuse his wife on the basis of his jealousy alone,
without needing the support of witnesses and proofs. Furthermore,
while the Babylonian rule permits the liberatory vow of the wife, the
Bible and rabbinical jurisprudence denies it (cf. L. M. Epstein, 217-218; W. McKane, 1980, 477).

The interest of these differences lies in the fact that the Israelite woman takes on the singular aspect of someone who cannot interfere with the procedure, cannot exonerate herself, nor become autonomous. If she refuses to drink, she can be forced to do so (cf. Chap. 5). However, she is never guided totally by her husband or subjected to his unilateral authority. In fact, the community assumes control of the husband as well as of the wife (cf. Chap. 3). The solution of the problem thus seems to be taken away from the conjugal dyad and assumed by the community as part of its own functions. This element highlights specific relationships between the individual and the community and between wife and husband, and will be discussed later on.

A second point concerns the instrumental and juridical context surrounding the procedure of Sotah. Before the woman was taken to the court in Jerusalem it was necessary for the local court (bet-din) to examine her (cf. Sot. 1:3). A hearing for testimonies concerning both the position of the wife and that of the husband opened the way for the real procedure (cf. Chap. 3). After these initial steps, if sufficient grounds for suspecting adultery did not exist, but there was evidence of bad conduct on the part of the woman, the bet-din decreed a divorce, which was immediate and compulsory, and the forfeiture of the dowry given to the wife by marriage contract (cf. L. M. Epstein, 1967, 224). The society which emerges from all this is a society endowed with complex concepts of judgment and punishment, and which attributes specific responsibilities to its components. The Sotah rite, and the conditions necessary for its effectiveness, are only turned to after having fruitlessly explored other paths. Within the administration of justice, it is considered to be the ultimate, supreme instrument.

Regarding the juridical and practical value of the rite, it must be said, as the third point, that before and after the Second Temple, it went through phases and developments of varying importance. L. M. Epstein schematizes some of them: "In general progress has been in the following directions: 1) The jealousy of the husband was deemed insufficient justification for charges of adultery against the wife. The law required a basis for the charges. 2) The ordeal,\(^\text{10}\) originally a Temple rite under the administration of the priesthood, became a

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\(^{10}\)The Sotah rite is not considered to be an ordeal by every author (cf. Chap. 3). For the purpose of the following analysis, ordeal is meant as a judgment made to 1) induce the divinity to intervene, 2) resolve a controversy or an uncertain event, 3) produce an immediate effect on the contendents or the guilty person, 4) effect a final "judicial" solution to the dispute or the transgression.
function of the court, subject to the court procedure and technique. 3) The ordeal and its attending ceremonials became more elaborate in form and richer in significance. 4) Ultimately the effectiveness of the ordeal wore off, its merit as a means of detecting hidden sin were questioned.... 5) The sotah situation...continued to be a problem before the law" (1967, 219). Jealousy, or rather, the situation in which a wife's conduct led to suspicion (and not to the water test in a narrow sense), seems to have passed out of the jurisdiction of the Temple of Jerusalem to that of the courts of the sages, in the period beginning with the destruction in the year 70, and seems to have disappeared from the cult domain. Because of difficulties concerning the situation of the Temple, a change took place in the cultural scene in which the theme of jealousy was confronted. The ideal importance of the rite, however, endured, and its legal-religious content continued to be an influential point in Jewish jurisprudence. In the course of time, there was a growth in the enquiries and expectations surrounding the Sotah procedure. The space occupied by various legal-philosophical questions in the literature already cited (above all in the Talmud) suggests that the judgment of Sotah stimulated opinions and schemes which go much further than the ritual and the known facts (cf. Chap. 6). It is in the context of these stimuli that the sense of its permanence as "law of jealousy," or law "for all generations" (Sifré to Numbers XX:1) should be seen.

2. From the description of the phases of the rite it emerges that the action takes place in linked sequences within which the characters move and are differentiated in their importance and functions. In order not to juxtapose factors or misuse different passages of the tractate Sotah it is necessary to separate the procedure into two phases. This bipartition leads to a gradual and pertinent introduction to ancient Jewish culture.

Initially, the text highlights the jealousy of the husband, his intention to warn and admonish his wife, and the appeal to witnesses to support him. This preparatory phase soon makes way for the second, which is much more complex and full of significant details. This is the phase in which the woman becomes suspected by her husband and accused by him because of a specific infraction of the law (self-concealment in a secret place).

After the self-concealment, an opposition between the role of the wife and that of the husband comes into operation, and becomes clearer than in the first phase. This gap between the roles unbalances the situation. The male side has the upper hand. The woman who is not permitted to testify or to explain herself in any way, and who cannot defend herself is attributed with the role of adversary.
In order not to reduce the event to this difference of levels and this male dominance it should be said that the domestic crisis – even if theoretical – grows when it reaches a certain level of knowledge, and acquires a public dimension. The family crisis penetrates the life of the community. It enters into a 'public' area which, because of the values it holds and defends, obliges the positions of the people to become more evident and challenges them to be more radical. From a certain point onwards, the action follows an obligatory and somewhat depersonalized development.

The reality hidden behind the scene therefore contains a husband who guides his wife, watches and accompanies her, takes on ritual tasks in her name or for her sake and who, in spite of the woman's unworthiness or low credibility cannot abandon her or refuse to take an interest in her destiny. It is useful to remember that, indeed, once the "spirit of jealousy" has invaded the husband, he is duty-bound to escort his wife either to punishment or to triumph (cf. Chap. 3 and Chap. 6).

The importance of the interests at stake is underlined by the fact that the husband must have the support (and perhaps also the advice) of witnesses and the superintendence or guide of two people to accompany him (cf. Sot. 1:3) who are esteemed enough to be able to assist him in his weakness, to defend, if necessary, his reputation. These are people who can represent at the same time the needs of the community and those of the husband.11

From all of this we can infer that the husband, although he has a powerful role, finds himself at a delicate point in the structure, and not just because he is the victim of the betrayal, but above all because his responsibility increases and his respectability can be endangered. He has to be cautious and let himself be guided by others.

A few details must be added concerning the husband. The arrival at the "Supreme Court" of Jerusalem, the admonitions made to the wife in order to make her confess, and the steps taken to make her ugly, oblige us to anticipate some observations which will be developed in subsequent chapters. In the scene in front of us, the man is dominated by the ritual-representative force of the judges and the priests, who take precedence over everyone else with their authority. The husband is quickly excluded from the stage. The offering of food which he takes provides the first and the last opportunity to see him 'physically' present, even though he continues to be structurally effective. He is, so to speak, dismissed and substituted in the gestures and the means that

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11The two supervisors who support the position of the husband can also induce him to withdraw his commands (B. Sot. 25a). Once the trial has begun, however, it can no longer be stopped (cf. Sifré to Numbers XXI,1).
he uses, by those who have the main role in the ceremony. This circumstance shows that the ritual level is the supreme point of the community's existence.

3. The logic and the symbolic value of the procedure can be clarified by the environment in which the judges and the priests operate: the Temple of Jerusalem and its internal areas.\(^{12}\)

The area occupied by the Temple, on Mount Moriah (location of the sacrifice of Isaac), is situated in the southeast part of the city of Jerusalem and is separated from it by perimeter walls and valleys. Just as the city as a whole was considered the "camp of Israel" (built around the sanctuary), Mount Moriah was equivalent to the "camp of the Levites," directly overlooking the "camp of God" or in other words the most secret and most holy place (B. Zeb. 116b).\(^{13}\) From the architectonic point of view, the three fields are located one inside the other, thus following an inclusive and unitary design.

On the sociological level, the Temple is separated into two meeting areas which are unequal and opposed: the Court of the Women, situated at a lower level to the east, and another Court at a higher level and to the west, which included the Court of Israel and that of the Priests, in turn containing the altar, the laver and the actual Sanctuary with the Holy of Holies (cf. Mid. 3 and 4). The first Court is the place of purification (Sot. 1:5); the second is a pure and holy place. Following the distinctions given above, we can locate the participants of the Sotah rite quite precisely.

a) The husband entered the Court of Israel, bringing his wife's offering. He moved to a space open to all adult males (especially on holidays, such as Pesah and Sukkot), adjacent to the large area surrounded by walls reserved for the priests. Entrance to the Court of the Israel or to that of the Priests was specifically forbidden to anyone who was ritually unclean\(^{14}\), because of the analogy between the Temple

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\(^{12}\) This is the post-exile Temple, or the Second Temple, which was rebuilt on the foundations and on the same pattern of Solomon's. Its description is to be found above all in the tractate Middot, Tamid (Division of the Holy Things or Qodashim), Yoma and Sheqalim (Division of the Appointed Times or Moed).

\(^{13}\) A. Edersheim offers some details and speaks of the three sections of the holy city. Although there are no clear references, the impression is given that the areas were separated: "From the gates to the Temple Mount was regarded as the camp of Israel; thence to the Gate of Nicanor represented the camp of Levi; while the rest of the sanctuary was the camp of God" (1959, 62).

\(^{14}\) Unclean people were accompanied by the head of a body of men (ma'amad) who "represented" the people. These men were admitted to the Court of Israel
Mount and "the camp of the Levites" (cf. Num. 5:1-3). The men, however — in their roles as ma'amadot ("groups of representatives") of the people — were allowed to enter the courtyard of the priests for the laying of hands on a sacrificial animal (cf. Kel. 1:8; Chap. 4) and to help the cult officials during their daily tasks.

b) The woman suspected of adultery was made to stay at "the eastern Gate which is at the entrance of the gate of Nicanor" (le-sha'ar ha mizrah she'al petah sha'ar Niqanor) (Sot. 1:5) at the top of fifteen steps and therefore in the highest part of the lower court. Being a woman, she was not allowed to go beyond this gate. She was stopped at this point and held at a 'threshold.' A clear disjunction, materially where they followed Temple services with prayers (Midrash Rabbah to Numbers IX:13).

15 The rabbinical rulings attributed varying degrees of holiness to the land of Israel. The first level, the lowest, was given to the entire territory; the second level concerned the walled city in Palestine, within which lepers and corpses were not allowed to remain; the third level was allocated to Jerusalem itself; the fourth to the Temple Mount; then followed the hel (wall within the esplanade of the Temple) from which Gentiles were excluded; then the Court of women, where "those who had been polluted might not come" even if they had "washed"; then the Court of Israel, where the unclean could not enter unless they had made an "offering for their purification"; in order, again, the Court of the Priests and the space around the altar, from which were excluded even priests who had not shown respect for the 'solemnity of the place'; then there was a part of the Temple which the priests could enter only after having washed their hands and feet, and, finally, there was the "Most Holy Place" which was opened once a year for the High Priest in the ceremony of the atonement (cf. A. Edersheim, 1959, 62-63).

16 Opinions concerning the position of the Nicanor gate differ. H. Bietenhard is among the authors who support the hypothesis that it was between the Court of the Gentiles and the Women's Court, and not between the latter and the Court of Israel (cf. 1956, 37 and especially 1986, 243-249). Amongst the writers I have consulted, those who dissent from this opinion are P. Blackman (1953, vol. III, 33 n. 5) and I. Epstein (1961, vol. III of Seder Nashim, 30 n. 9). The location of the eastern door is given as "opposite to the entrance" of Nicanor by P. Blackman (1953, vol. III, 337); J. Neusner translates: "which is at the entrance of the gate of Nicanor" (1984b ff, vol. XVII, 65). Rashi's comment is: "the door of Nicanor is the western door of the enclosed courtyard, a space through which everyone passed" (E. Munk, 1974, 42).

17 To understand the context of this "threshold" it is important to remember some images associated with the entrance to a holy place. B. Goldman affirms: "The portal (of the Sanctuary) stands as the ubiquitous symbol of transformation. It is the icon of metamorphosis and revelation....Passage through it speaks of the primary act of generation. On the far side of its threshold lies hope of perfect understanding, transfiguration and eternity, or
The Bitte r Water s 1 9

and symbolically underlined by the two levels of the Temple esplanade, illustrates the rising movement of reaching a barrier (or border). This indicates that the woman could move as far as the last step before entering the sacred area. She could approach the level immediately preceding the most exclusive and holy center. In this place, which is high in comparison with the court – where, significantly, women after childbirth and lepers, that is people at the limit of ordered society, were purified (cf. Sot. 1:5) – the suspected woman was admonished, humiliated, "tired out" and subjected to the test of the "waters of bitterness" (cf. Chap. 4 and Chap. 5). This is the level at which she was given the images of her condition and the judgments upon her were publicly revealed.

c) In the courtyard named after them, the priests carried out the greater part of the rites and religious acts: sacrifices, prayers, blessings, the lighting of incense and the lamp. Habitually, they stayed in these reserved areas for long periods. In the rite of Sotah they moved in the Court and in the area to the west of the Nicanor Gate. The act which validated their prerogatives and functions was the rite of sacrifice which was carried out at the altar; this was an enormously significant part of the Jewish priestly system (cf. Chap. 4). The altar had four corners (the "horns") and rested on a base, which was approached by a bridge or ramp. In the southwest corner there were two holes from which the blood drained into a channel leading to the Kidron stream (cf. Mid. 3:3-5). Both the altar and the ramp were areas strictly reserved for the officiating people.

Other places serve as background to the procedure of the "waters of bitterness." One was the "Sanctuary" (consisting of Hekhal and Debir) which contained the Holy of Holies, and where the High Priest alone could enter once a year (Yom Kippur), as part of the ritual of atonement of the entire population. The "Sanctuary" which was made of cedar and olive-tree wood, was closed off and separated by a portal richly decorated with gold: "A golden screw was on the door of the Temple, suspended above the beams" (Mid. 3:8).

The value of the "Sanctuary" was naturally due to the fact that it was meant to contain the ark, the Tables, the Book of the covenant and despair....To pass beneath the lintel is an act of consecration, a symbol of a metamorphosis from which there is no turning point" (1986, 21-22).

According to B. Goldman, the portal stands for the celestial home of God (often the rising sun), his cosmic house and "the shrine that houses his cult image" (1986, 72-73).
other sacred objects. It was in front of this portal, but well separated from this exclusive area, that the woman was shown to the Lord (Num. 5,16), at the top of the steps.

The openings and the passage-ways give us further clues as to the concentration of functions in the Temple. There were many along the perimeter of the external wall. "Chambers," covered or uncovered, distributed along the sides of the courtyards, were differentiated according to the purposes of the visitors and the priests (immersion, offerings, purification, meetings, fire and incense preparation).

To return to a unified image of the Temple, it is necessary to integrate this structure of spaces, which we have seen, indicates a progression of values and of purity as one proceeds from east to west, from the Women Court to the Holy of Holies. The movement from east to west is therefore interesting because it is applied to symbolic actions. The working trajectory is the other, from south to north. The Middot tractate (2:2) specifies that (except in the special cases of mourning and ban), one entered from the right, which was the south (the gate of Hulda) and exited from the left, which was north (through the gate of Tadi). Significantly, at the intersection of these two lines, east-west and south-north, there are the stairs of Nicanor, which stand out as a meeting point of symbols and different activities.

To lift this analysis to another level, the Temple should be seen as a place for the recomposition of the nation. The people went there on pilgrimage, to fast or to celebrate, to teach and to learn. The number and the importance of these activities made the Temple assume the function of ideal social scene and 'cultural-assembly space.' Unquestionably, it offered reasons and opportunities for a collective identification of the people to develop.

For the argument which now follows it is essential to note that, within this 'assembly' dimension, the Sanhedrin carried out the role of principal legislative and jurisdictional organ (cf. I. Unterman, 1951,

As has been noted, in the Second Temple the objects with which its glory was connected no longer existed. "The Holy of Holies was quite empty, the ark of the covenant, with the cherubim, the tables of the Law, the book of the covenant, Aharon's rod that budded, and the pot of manna, were no longer in the sanctuary. The fire that had descended from heaven upon the altar was extinct" (A. Edersheim, 1959, 61-62). In the Sanctuary there was, originally, a small cedar altar covered in gold, for the ceremonies of atonement. The building which contained the Holy of Holies had a special shape ("like a lion"): narrow in the back part and wide in the forward part (cf. Mid. 4:7), and thus able to give an imposing impression of this most holy place. Wealth, secrecy, and majesty designated this part of the construction to be the center of the Temple.
In the case of the suspected woman, it was therefore invested with the prerogatives which the "Supreme Court" had in cases of capital crime. Its entire authority rested on the fact that it operated as a plenary organ (B. Sanh. 14b) and on the fact that the ritual action and the judicial action were contemporary, that is, when the priests worship in the Temple, the judge functions, but "when the priests don't function, neither does the other" (the judge cannot work) (B. Sanh. 52b; also cf. G. Alon, 1980, 191). Thus on the strict concatenation between rites at the altar and judiciary procedures were built the severest rules for the protection of the nation.

Applicability of the rite and the defense of the community

1. To achieve greater clarity in the anthropological reading of the rite, it is necessary to abstract more circumstantial information from the texts. The Sotah tractate does not reveal only the 'reality of the rites' within the space and according to the procedural techniques of the Temple and to the theoretical schemes of the compilers of the texts. It also contains regulations concerning the applications, the final results, and the reasons for the possible failure of the procedure.

To follow these clarifications, it is necessary to continue the examination of Sotah synthesizing specific themes. Without anticipating the discussions contained in the following chapters, it should be remembered that:

a) The individual circumstances of the people involved in the rite can stop, delay, or make the test impossible. As the trial can lead to the illness and the death of the accused, it has to produce its effects in a situation of efficiency, fertility, and perfection (cf. Sot. 4:3). This is a general assumption behind every legal action and exercise of rights, and therefore also Sotah procedure requires a physical capacity to "understand" correctly (cf. Sot. 7:1), to participate in social life without obstacles.

b) A second essential assumption of the judgment of Sotah is the existence of an unquestionable legality of the marriage (cf. Chap. 3). According to Sot. 4:1 the trial is not applicable in cases where there is uncertainty under this heading. That is, the man cannot act against his wife when his status as a husband is not clear, or, in other words, if his personal and juridical position is not impeccable.

c) Even when the physical and legal circumstances are correct, there is no certainty that the trial will be carried out or completed. Before a certain point, at least, the procedure can be interrupted (cf. Chap. 4). The will or behavior (of the wife or of the husband) more or
less explicitly expressed can stop the ritual process or affect its consequences.

d) The judgment can also fail to be carried out when adultery is certain or presumed to be certain (for example, when there are people who know that it has taken place). A testimony which confirms adultery excludes the woman from the "bitter waters" (Sot. 4:2); indeed, the husband cannot lead her to the rite if he has learned from someone (even if only from a "flying bird," specifies Sot. 6:1) that she has hidden herself with another man.

e) A large and delicate area of uncertainty can break into the sphere of the ritual when, once the rite has been completed, nothing proves the woman is guilty. Sometimes the rite does not give any apparent result. The absence of effects is not considered an absence of responsibility. In fact, the tractate contains the principle according to which the punishment of "bitter waters" can be "held in suspense" (Sot. 3:4) for periods of time of varying lengths and for various reasons (which always, however, concern the woman, cf. Chap. 5).

For the analysis which follows, it should be noted that the suspension has some consequences. It puts the woman, and the entire circle around her, into a state of expectation of events which may be tragic or perhaps even fatal for her. The absence of an instantaneous resolution leaves the case open and allows further implications, and later developments. The introduction of the concept of postponement of the sentence means, in the end, the introduction into the case of an idea of arrangement or adaptation, a very delicate factor. It is as if to say that the suspicion can remain or can occur cyclically in the life of the community or never leave it. This gives an idea of the influence of the trial, an event which is hypothetical but with a paradigmatic value. It can change the routines and the phases of existence, the continuity of society. If, on the other hand, it is "prohibited" as in fact it is, it distances the community from risks and uncertainties.

2. Even though the indications given above are insufficient for a clarification of the community and of the trial's effects, it is easy to think that – at the moment of the crisis and through the instruments used to face it – the entire society observes, witnesses, and individuates principles in specified people, for or against the woman or other partners. This allows us to imagine that a widespread control is

20F. Patetta reports the opinion of very late commentators. "The waters do not produce an effect as affirmed by Bartenora (sic) and Moses Maimonides if there was a witness of the adultery, even if he was in a distant country" (1972, 85-86).
organized around the trial (or would be organized if it were put into practice).

The Sotah text gives a wealth of information about this control (Sot. 4:5), attributing features and functions to the people and groups. It specifies, in fact, that the judicial process can be started by a 'public' initiative, from the court of the husband's place of residence. That is exactly what happens if the husband is not capable of proceeding on his own behalf (because he is mad, or in prison). As instruments of the system of surveillance, the courts cannot tolerate shortcomings or errors, nor can they let inept or unsuitable people take action.

Surveillance, to some extent, also involves women. Following a religious precept, the female world is called to witness the "waters of bitterness" to give more weight to the humiliations inflicted on the "wayward" woman, and to be 'admonished' by the punishment inflicted on the immodesty of the accused (Sot. 1:6). The female sphere is therefore present and involved both on the active side of accusation, and on the passive side of control and punishment.

The occasion of the alleged infidelity obliges society to observe itself and make decisions. Seen in this way, the entire operation of accusation and condemnation of the presumed adulteress seems to effect the collective status. It may enter the community's routine as a powerful means which can harm or cure. It certainly helps to concretize concepts such as solidarity, correctness, and defense.

With respect to solidarity and control we should notice a detail reported in the Talmud of Jerusalem, a late text in comparison with the Mishnah, which for this very reason has the merit of outlining images and conceptual frameworks slowly built up in Jewish thought. The Talmudic text specifies that after the rite, if the water has not given positive signs, and the woman does not show signs of her infirmity, she will be "allowed" to her husband (cf. Y. Sot. 3:5). The woman – who is not openly innocent, but concerning whom no clarification has been reached – is permitted to preserve her position within the usual social

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21 It should be specified that the practice of the "bitter waters" ordeal was always linked to the husband's initiative. The court intervened only to decide the questions of the ketubah or marriage endowment (which takes its name from the same contract), in the event of divorce. It should be noted that the endowment consisted of various parts. At the time of the first Talmud period, the mohar was changed from an immediate marriage payment to an endowment established in the contract and that could be collected in the event of the marriage's dissolution (cf. M. A. Friedman, 1980, 239). In later epochs there were additions to the minimum mohar which could be paid before or after the wedding (cf. M. A. Friedman, 1980, 271-285).
life. She maintains untouched her ordinary relation network. This legal interpretation explains perfectly that doctrine searched for ways to escape from abstraction and to combat social paralysis. Positively it illustrates the concrete objective of theoretical texts and hypothetical cases.

In particular, this re-entry into reality and praxis indicates clearly that society (even when struggling with problems of impurity, of suspicion, of duality of sexes) remains very attached to its established order. Though it is subject to a condition of suspension, the relational life does not stop. That is, the woman is still under accusation, but the community must continue with its normal routine. This functioning will be difficult, under stress. The difficulty might have contributed to alarming Johanan ben Zakkai and the sages at Yavneh and might have convinced them to forbid the rite.

On the basis of these considerations one may conclude that, in spite of the fact that it was abolished, the rite is focused on life. The staging, the effects, and the 'postponements' of the trial's effects reveal a powerful need to rationalize a vital situation. At first sight the case seems to be entrusted to divine or superstructural agents, but in fact it is anchored to many human precautions and defenses.

This symptomatic oscillation between the confidence in superior powers and the need to establish norms reveals an important attitude. The compilers of the Mishnah never lose sight of the existence of man and never abandon the plan to supervise his order directly. That is, the Mishnah sages certainly did not see the abolition of the rite as a way of brushing away the Sotah theme from their conceptual world. As argued above, they only removed the trial from the concrete and contingent level, from pragmatic operations open to distortion, in order to save its spirit and its strength. From this point of view, they have shown they believed that by limiting harm and risks, they could provide an outlet for the positive needs of life and create the foundations for specific theoretical plans.