The Law of Jealousy

Destro, Adriana

Published by Brown Judaic Studies

Destro, Adriana. 
The Law of Jealousy: Anthropology of Sotah. 

For additional information about this book
https://muse.jhu.edu/book/73561

For content related to this chapter
https://muse.jhu.edu/related_content?type=book&id=2528344
Chapter Two

Historical Background and "Topical" Problems

The judgment of Sotah or of the "wayward" wife is, as has already been indicated, a procedure which does not receive clarification from the historical context to which it belongs because it is located outside the world of real facts and ordinary practice. However, the judgment is well illuminated by a specific cultural heritage and by the intellectual mentality of the generation which completed the Mishnah.

In order to explain these aspects of the rite of Sotah it is necessary to start again from the fact that in spite of its condition as an 'absent' (abolished or in disuse) procedure, it was never lost or repudiated on the juridical – institutional plane. The absence of the ritual of the "bitter waters" from the cult practice, which is the main reason for its distance from immediate historical influences, is also the most direct link of the procedure to operations which have a complex significance. For the researcher, this interweaving of distances and proximities makes the tractate of Sotah a rich cultural layer of attractive theoretical and 'topical' implications.

It should immediately be emphasized that, apart from the brief presentation of the abolition (in Sot .9:9), the tractate of Sotah does not reveal anything of its context nor, as in the rest of the mishnaic system, does it give any information as to its origins or its development. Even though it allows us to infer problems and tensions (cf. Chap. 1), it seems not to draw justification from the historical occasions which generated it, nor does it seek legitimations from celebratory or functional purposes. This circumstance is all the more surprising in light of the fact that the Mishnah discusses many questions and events which are closely connected to the ordinary world and daily habits. The text qualifies an entire epoch without any apparent need to visualize it or to present it in any concrete way. To understand the unusual relationship of the rite of Sotah to historical circumstances and contingent situations requires a brief appeal to the background in which the Mishnah at Yavneh grew, after events which upset Jewish history and eschatology.
The creation of the Mishnah

1. In the historical field it is a widespread conviction that the dimensions of the tragedy following the Roman repression of the revolt of 66-73 and the destruction of Jerusalem in 70 C.E. were incalculable. Since the return from Babylon (538 before the Common Era), the holy city had been the element which unified the nation. From the time of Herod it had developed some of the characteristics of the Greek polis (cf. G. Alon, 1980, 43) and thus it had extended its relationships with the cosmopolitan and polycentric outside world. When it was destroyed, it became the symbol of tragedy, of the loss of the institutional supports of the Jewish people.

The fire of Jerusalem, as is known, led to the destruction of the Temple, a place which was indispensable for ritual purification and atonement. The Temple, as we have already seen, served as a point of reference for the entire national population and for the diaspora which flocked there on pilgrimage and on the festivals of Pesah (Passover) and Sukkot. On another level, the Temple gave homogeneity and unity to the people: it was a reception-point of the tributes needed by the nation and the city of Jerusalem (cf. G. Alon, 1980, 47-48).

Amongst the consequences which can be directly attributed to the military defeat must be included the decay of the two authentic social regulators: the circles of the sages and their disciples, and the caste of priests. Both were essential elements in the preservation and transmission of Jewish specific culture.

This enormous disturbance was accompanied by another loss. With the fall of the Temple, the holy place of the Shekinah (divine presence) disappeared, and this altered the entire cosmological vision of Israel. It resulted in a serious shift in the orientation of people, in the link between man and God.

On the social level, the physical destruction of the Temple provoked – one hardly needs to mention it – a traumatic collapse of ordinary social life. Without the altar and without sacrifices the traditional gatherings became impossible. Once the cosmology which had been created around the sanctuary, the precepts, and the festival calendar had been destroyed, Jewish society also lost another of its cardinal points: the ritual offerings. That is, cult duties could no longer be invoked as a direct justification of the system of offerings to the Levites and to the priests. The distribution rules changed, along with

---

the destination of certain agricultural products. The representative and intermediary roles were completely altered.

In the same circumstances, and for the same reasons, the autonomy of the Great Sanhedrin, representing the centralized power, was weakened (cf. S. Safrai, 1974, 378-382). According to some writers, from the fourth century before the Common Era the Great Sanhedrin had been considered the symbol of political-religious unity. It was the meeting-point of the three upper levels of society (the priests, the soferim or scholars-scribes, and the 'elders,' who were the representatives of the aristocracy) (cf. G. Alon, 1980, 44). It reflected the various sectarian components (Pharisees and Sadducees) and also the different functions of the kohanim (priests) and the Levites. Adding together different levels and functions, it thus served as a place for comparison. It was a composite institution suffused with the 'light of wisdom' and with legal power, even though tormented by serious antagonism.

Before the year 70, across periods of greater and lesser fortune, the Sanhedrin had seen its image change many times: the role "of court-cum-council was determined by whatever power ruled the country, whether from without, Ptolemies, Seleucids or Romans – or from within – Maccabean, Ethnarchs, Hasmonean Kings, Herodians" (G. Alon, 1980, 186). In spite of the difficulty on the legislative and judicial plane, the Sanhedrin had never lost its character as a seat in which legal questions and religious problems found solutions, or where regulations (taganot) and ordinances (gezerot) were emitted, disputes were settled and juridical directives were given to the nation.

The situation created in the year 70 became worse some decades later. To the destruction of the first Judaic war was added the catastrophic outcome of a new war, the revolt of Bar Kokhba (132-135 C.E.), which even drove away the Jewish people from the traditional places and centers of the nation. It was a defeat which enlarged the institutional void and made the drama of dispersion more acute.

---

2Proof of a nonuniform existence is also given by the variety of names attributed to the Sanhedrin by the Tannaitic tradition, and by other sources external to Israel. On the Sanhedrin cf. also S. Hoenig, 1953, H. Mantel, 1965, S. Safrai, 1974 and 1976.

3As evidence of these institutional tasks, G. Alon reminds us that at the beginning of the war against Rome, the Sanhedrin set itself up as revolutionary organ and acted as legitimate representative of Israel (cf. G. Alon, 1980, 194-202).

4In 135 the holiest part of the holy land (Judaea) surely lost the major part of its inhabitants (cf. J. Neusner, 1985, 56). It was not, however, a total loss. A large
Out of the consequences of the first and second wars, at Yavneh first and then at Usha, as is known, the attempt at refoundation was begun by the Tannaim, the framers of the Mishnah. For the purposes of this argument, and in order to understand Jewish religious and intellectual life, it is essential to individuate the characteristics of that attempt. It will naturally be necessary to limit the discussion to schematic features.

2. The mishnaic tractates have ancient antecedents in the various halakot (legal or normative traditions) of the Jewish communities of the Mid and Far East. Even though the majority of them concerns themes which were elaborated or developed after the year 70 and concluded in about 200 C.E., the compilers of the Mishnah approach different material pre-dating the Roman conquest from a unique perspective (cf. J. Neusner, 1985, 33-66) (for some historical features cf. Appendix 1).

If the tractates contain material of varying antiquity, from a certain point of view they might seem to be the portrait of a decayed or outdated culture, or, as far as the epoch following the caesura of the year 70 is concerned, of a nation which no longer exists, of an ethical-social system which has disappeared. However, insofar as they possess or bear witness to a method of treatment which is not directly caused by facts connected to the destruction or the dispersal, they offer images of coherence and development. The Mishnah as a system for elaborating and cataloguing pre-existing rules – according to J. Neusner – is above all a philosophy which totally surpasses earlier documents and which is characterized by being directed to a type of man who is inserted into an ideal order which goes beyond the human level.

Putting the question in terms of occurrences and history, J. Neusner affirms that the Mishnah portrays a world in which "events take place, but history does not" (J. Neusner, 1984a, 52), in which, that is, there are few traces of the type of history which delineates models or determines tendencies. The Mishnah framers "rarely create narrative; historical events do not supply categories or taxonomic classifications" (J. Neusner, 1984a, 53). That is, they do not mention the facts which have occurred in order to interpret them, but "to illustrate a point of law or to pose a problem of the law – always en passant, never in a pointed way" (J. Neusner, 1984a, 53).

count.de of people and a good part of land did not suffer great damage (cf. J. Neusner, 1975b, 179). This allowed a re-foundation at Usha in Galilee. For a framework of the diaspora prior to the destruction of Jerusalem cf. M. Stern, 1974, 117-183.
Historical Background and "Topical" Problems

From the sociological point of view, this means at least that the rules, which can be deduced from the Mishnah, do not lead only to the time or the social models of the Second Temple. If anything, being able to create their own epoch and special universe, they supply opportunities for a reconstruction of reality. Surpassing a specific historical environment the Mishnah tractates (and therefore Sotah) can thus become a system under which can be placed the elect people of every place and every time. This is a fact which clarifies and helpfully gives an important starting point to the present analysis, which tends towards the individuation of specific aspects of Jewish culture.

What must be remembered is that the absence of direct and linear historical connection gives to the Mishnah tractates a uniform character. The components of society are offered a moral-juridical point of view which is protected from the disturbances of history. The enormous ideal and cultural force of the tractates therefore becomes inexhaustible: the real world, which is precarious and difficult, does not threaten them.

Naturally the historical events, even though not considered by the Mishnah, are important. Their effect, indirect and of a special socio-cultural order, is to stimulate meditation and study. Events constitute impulses for the institutional growth of the nation, for the research of its bases and its essence.

According to J. Neusner (1981b), the world which the Mishnah illustrates is therefore contained in a frame which is propositional, projected towards a static future, in which everything is fixed, clarified, in a perfect state of saturation and equilibrium. In the Mishnah mankind is oriented towards an ordered structure, located in a situation of indestructible strength.

From this vision, on the anthropological level, we can deduce that the final cumulative effect can only be a sense of logical and conceptual rigor which becomes a clarification of the real world. The world proceeds through precepts and prohibitions, cases which are permitted and cases which are prohibited. The tractate Sotah expresses this sense of simplification, of reduction to essential elements, when for example, it sets out, as factors which characterize the rite, the preparation of an oath formula, of a "water of bitterness," when it classifies the women who cannot "drink" or again when it lists the visible effects on the body of the woman who has drunk the "bitter waters."

This programmatic aspect of Sotah provides some advantages for a modern reading: human relationships never disappear into an abstract or opaque level. On the contrary, even though cautiously, we can say
that they become more transparent when roles are defined and tasks are imposed. The example of Sotah illustrates this through the realism of the individuals called to participate in the rite. Although the events of the infidelity remain in the shadow and the actual ritual game is in fact 'stopped,' the Sotah text supplies many clues for the penetration of the people's intentions and convictions. In other words it alludes to the existential links of the community.

The project of normalization

1. Abandoning the problem of the historical background – as far as it interests us here – we must bear in mind that the Mishnah unites the 'life of Israel' within a unique perspective. That is, behind the text there is a vision which wishes to stabilize the daily, routine existence, which wishes to make it reasonable and predictable. In this sense, the Mishnah precepts are strongly normalizing.

It is necessary to give some warnings. Speaking of normalization effects, it should be specified here that the texts of the Tannaim are largely contrived to stimulate meditation and learning. They do not concretely refer to hopes, plans, or memories of the subjects concerned. In no way is the reference to the living cosmos, to the cyclical and perpetual human dramas, transformed into an image of a socio-cultural universe 'in action.' In spite of this the Mishnah discussion deals with and adheres to the problems of everyone, without excluding anyone. The alleged infidelity, for example, is a case which concerns and penetrates reality because it is something which threatens – in every era – the family, the community, purity, and the cultural system, all together.

Symptomatically, the Mishnah is a cultural construction which assumes a stable form as it grows. This is another aspect of normalization. The compilers had in mind an enduring, stable order (consisting of a community within its land, oriented towards a holy place, governed by a group of sage-jurists) which was capable of overcoming the restrictions of an impoverished people. They aimed

---

5The formal layout is based on a limited number of schemes or formulas which are repeated and interwoven and which point to an "utter abstraction of recurrent syntactical patterns, rather than on the concrete repetition of particular worlds, rhythms, syllabic counts or sounds" (J. Neusner, 1981b, 244). The entire combination is played on a network of correspondence between things and persons in which "form and structure emerge not from concrete, formal things but from abstract and unstated, but ubiquitous and powerful, relationships" (J. Neusner, 1981b, 144).
above all at creating a framework which was exempt of crises, of recoveries, of periodic or cyclical reconsiderations.

The Mishnah carries out the project principally through a succession of explicative and applicative depictions. The tractate Sotah seems to be a proposal to overcome all kinds of confused and disorientating reality (the suspicions of the husband, secret acts, the disobedience of the wife), assuming at the basis of existence the correctness of an offering and of a judgment which expunge, in a radical way, and therefore forever, arbitrary decisions and deviation (cf. Chap. 4 and Chap. 5). Only rigor and stability can give to the law just proportions and conclusiveness.

In the argument traced so far, it seems that the Tannaitic teachers stand out on the horizon of the Jewish tradition not because they ignore the didactic sense of history, but rather because, perceiving it as transitory, they find it unsuitable for a level of absolute certainty and perfect order. They are, however, aware of the "lesson of history," and they clearly know how to learn its meaning. For this reason, they respond to its requirements with ethical-legal proposals and plans.

In its fulfillment, and in the ways in which it is done, the Mishnah reveals – or rather its compilers reveal – that the Jewish people, even though they were suffering the effects of a defeat, are not absent or inactive. They are only obliged to recall their own tradition and to reaffirm the assumptions of their existence under the lash of upsetting events.

The vitality of the Jewish world is expressed by this singular operation spoken of above, by the cultural fiction which ideally ignores the disappearance of the altar and of the Temple. To demonstrate that the holy city and its institutions have preserved their value, the historical model of the Tannaim intentionally organizes "the change and movement within unchanging categories" (J. Neusner, 1984a, 57). The sages overcome the laceration by ignoring the concrete results of the destruction. They construct a shelter from the defeat, emphasizing the positive idea that the vital cycles of the cult are not really interrupted. The cultural effect of this is that the 'fiction' upsets the status quo and proves that chaos cannot last for ever and that means exist for supporting the cosmos (cf. Chap. 6).

---

6) J. Neusner points out that the Tannaim stand out and "contradict the emphasis of a thousand years of Israelite thought" which is rich in prophetic narrative in which historical events contain messages from God and adds that surpassing the limits of historical measurement, they arrive at the "construction of an eternal rhythm which centered on the movement of the moon and stars and seasons" (J. Neusner, 1984a, 58).
The most concrete historical contribution of the Mishnah, however, is found at a more subterranean level. The Mishnah dedicates all of its attention to ordinary elements, the basis and measure of all cultural constructions (work in the fields, the "separation" of the fruits, the structure of rites and festivals, markets, documents, marriage and family). These elements, which are interconnected in many situations, constitute, on a documentary level, the starting point for all the discussions and on the social plane they create the indestructible microcosmos of every time. This is a fact that evidences tradition and condenses history, starting from the undeniable consistency of current problems to be resolved, and usual activities to be fulfilled.

The presence of numerous strong connections between the fields of ordinary living, discussed by various tractates, bears witness also to another thing. The sages assimilate and give resonance to the anthropological foundations of social life. They narrate the life of men who are reconstructing themselves, who are striving to make ancient customs emerge, to strengthen their milieu.

With respect to this kind of man, the Sotah rite is a typical example. If the Mishnah generally tends to recover a familiar and ritual world which stopped in the year 70, in the tractate of the "bitter waters" in addition to this we meet the singular variation of the abolition which refers more to a rescue than to an abandonment. The prohibition of the Sotah rite tells us, in fact, that the case could not be resolved by a simple expulsion of the subject of the presumed infidelity of a married woman. A verdict of uselessness or of non-pertinence would clearly have been unfounded and inopportune in the refoundation context. The preservation of the legal-theoretical framework, on the level of meditation and doctrine, meant that it was seen as congruous to the development of the Jewish disciplinary and doctrinal systems (cf. Chap. 6).

2. The overall plan of the Mishnah can be deduced from some passages of the Berakhot tractate (1:2) regarding the Shema', the solemn declaration of the oneness of God and – an argument which interests us here – of the relationships which bind men and God. It is in this context that the work of the sages – says E. Urbach – should be understood as being directed "to the realization of the Torah and the ideals of the prophets," to order the present world in relationship to the perfect future one (cf. E. Urbach, 1975, I, 17-18). The objective of the Mishnah is therefore a great work of sanctification of the universe which has at its center the human creature. Indeed, man is the real object of interest of the sages (E. Urbach, 1975, I, 214) and the purpose of their narrative is his ethical-social destiny.
This sanctification — according to J. Neusner — consists of two convergent operations: "distinguishing Israel in all its dimensions from the world in all its ways" and "establishing the stability, order, regularity, predictability, and the reliability of Israel at moments and in contexts of danger" (J. Neusner, 1981b, 230).

In the Mishnah plan, the idea of sanctification therefore leads directly to a cultural man, to a creative and active subject, whose concrete participation is necessary not only in the spiritual life, but also in the entire relationship between man and man, man and the material world. This participation, according to E. Urbach, would however have a specific value: "the function of man is to know the acts of God" (1975, I, 217) and thus to know the intrinsic plan of creation in its earthly and unearthly implications.

To clarify further the sociological framework, it is necessary to make some references to the most precious resource of the created world, the land. The land occupies the uncontested first place in the order of material and economic importance. The Jewish world is agricultural and the people are peasants. Man has a duty to 'preserve' the property and the products of God, who is the real owner of everything (cf. J. Neusner, 1981b, 230-231). He is not, however, an inert instrument. He has a responsibility, an opinion to express, choices to make: he has to organize his own world of relationships, he has to create an institutional structure for the nation. The relationship between man and the created world is totally indifferent to historical or social variations. Whatever the institutional form of society, the specific use of the goods of creation and the position of the individual — implies the Mishnah — remain invariable. Establishing that the will and the actions of a human being are indispensable to the system and that progress towards sanctification occurs when the system or the decision of man has intervened (cf. J. Neusner, 1981b, 231), the Mishnah argument aims at a perennial, definitive model. It relates to the use of resources, of ordinary objects, of defense and of the needs of the nation. In this vision, univocality and constancy are attributed to the individual, who is the subject or the root of culture.

There is more. That which gives substance and energy to this plan of the Mishnah is the fact that sanctification is directed towards guaranteeing a correspondence between the events of heaven and those on earth. The proposal to penetrate the plan of God means to connect the human and the divine. This passes principally through the role and the commitment of man, as occurs for example in the purity system (cf. J. Neusner, 1979, 101-131). The Mishnah pursues a plan of ethical-cultural construction which is directly measured on man, in which it is the heart of man which judges events on earth and his faithful thought
which interprets heaven's project, the divine will. The religious environment and life itself depend on man's sense of appropriateness.

Two problems: doubt and exclusion

1. To clarify the meaning of the mishnaic construction it is interesting to underline that the Mishnah radicalizes the role of man and makes him an essential element of sanctification, placing him in front of commandments and precepts (religious practices, choices, the compilation of documents). Precepts and duties can be seen here as instruments, given to man to tackle two enormous problems: doubt and uncertainty on the one hand, and a feeling of exclusion on the other.

The logical order of these two problems is in itself an important factor in the clarification of the spirit and the function of the Mishnah.

a) According to the description of J. Neusner, the points of interest or the subjects which are discussed by the Mishnah are doctrinal areas which are controversial or contested "intersections of principles" (1981b, 257). The Mishnah compilers therefore research, list, or hypothesize cases of juridical or topical conflict. They map out "roads to guide the people by ranges of doubt" (J. Neusner, 1981b, 169), exploring the logic and the priorities of the rules and the methods of analysis. In this way, they define fields which might have had the tendency to overlap or which could lead to uncertain outcomes, or could create scruples, errors, or guilt feelings. These areas are certainly interesting for anthropological observation.

It is easy to understand that because of the characteristics just described the work of the Tannaim seems to be oriented towards the discussion of materials or subjects which are relatively meagre, not very striking, or even matters of detail. In anthropological analysis, the marginal or minimal example which falls under different rules or belongs to divergent plans is usually defined as dangerous, a cause of negative or disturbing facts. Every liminality is a possible opening to chaos, if not destruction; it is the most deceitful antinomy of the structure. "Inarticulate, unstructured areas emanate unconscious powers

---

7Within this framework of dubious situations, an important line of research is to be found in the cases of people or things which are found "in the middle," which do not belong to specific social or cultural camps (wild men, people who are in some ways free but in other ways slaves, objects kept on a border, etc. (cf. J. Neusner, 1981b, 258-260).

8"This aspect of the literature has led many to assume that minor details constituted the Rabbis' principal religious concerns....One should rather conclude that debates on details reflect agreement on central issues." (E. P. Sanders, 1977, 235).
which provoke others to demand that ambiguity be reduced" (M. Douglas, 1969, 102).

Seen from this point of view and as an answer to problems of discontinuity, the work of the Tannaim offers reasonable and instructive solutions. Through a large quantity of arguments and specifications, the sages knew how to give to their discussion the character of an instrument of orientation and of penetration of many questions (personal exchanges, conflicts, contracts).

Returning to the centrality of man, a remark should be made. On the level of the individual – essential for the Mishnaic tractates and for anthropological analysis – the obscure point or the controversial area which imperils life might be personal intemperance, the absence of a clear aim, or silent rebellion. The examination of dubious areas can therefore reveal the intention of the Tannaim to construct a bulwark against ill-considered or incorrect personal decisions. Thinking of this kind of secret danger, the teachers of the Mishnah therefore draft codes of conduct for a man who is well defined on the individual plane (both ordinary and structural), a man who has to look after God's land and the products to be offered, to arrange a marriage or discover the infidelity of his wife.

It can be said, for example, that the Sotah compilers, after having studied a case which was brimming with questions and obscurity, neutralize the 'doubts' by submitting them to a rigid ritual norm and a supreme judgment. In essence, they put onto the stage individuals who fit the anthropological dimension of cultural subjects who create their own environment by substituting order for chaos, and by replacing impromptu and personal judgments with regulations.

b) The main focus of attention of the Mishnah is on what remains of the Jewish nation: the rest of a people who are heavily threatened or even excluded from their own land, from their holy city, stripped of their own sovereignty. The Jewish people found themselves physically and symbolically outside the center of their own existence, or beyond the ideal border within which they imagined this existence should be.

They were forcibly confined to areas which were distant from the center of "holiness" of which they were guardians or protectors, and distant from their secure cultural origins (daily ritual sequences, sacrifices which permitted them to rediscover the order of life, pilgrimages which reactivated the participation of the people).

In the Mishnah the emancipation from the state of 'separateness' takes place at the moment in which the lost world is replaced by a philosophy imagining it alive and present. Reproposing the offering in
the Temple and the appearance of the accused before the "Supreme Court" of the holy city, the tractate Sotah redefines these two facts as focal points of the experience. That is, it excludes the possibility of identifying or accepting any others. It leads the people to see in these facts the necessary and sufficient solution, and not to seek alternatives. This appears to be intended to fight in every way a permanent exclusion which would reduce the nation to anonymity or to a radical overturning.

2. In the anthropological field, it is known that the existence of a border creates antagonism between situations which are adjacent, contemporaneous or equally 'active.' Within, there is regularity, predictability, the shared world; outside, beyond the border, is immoderation, non-sense, diversity, illegitimacy. We will see later that within the procedure of Sotah the border between inside and outside emerges in the distinction between agents or protagonists who are legitimate and those who are not. The privileges of Israel are applied to the former, in order to unite in one category all that belongs to God and which is intended for sanctification. For the latter is reserved the incoherence of those who are without foundations, structure, or legal identity.

A border does not only create separation between inside and outside; it can also lead to an exodus. After the wars against Rome, the people 'migrate,' they transfer themselves to other regions. They also carry out another type of transfer, one towards unusual situations. With the physical exodus (which links with the precedent diaspora, cf. M. Stern, 1974, 117-119) there opens a phase of new orientation, of new cultural insertions. We could say that this phase is determined by the characteristics of liminality. It is not a genuine liminality because the element to which one refers is the absence of a structure or an acute phase of destructuration (and not an active, characterized structure). It is, however, a condition which is interesting and powerful, in which is determined on the one hand an escape from habitual competition and from normal controls and on the other hand an opening into the world of creativity.

The Mishnah answers the two problems so far examined, basing itself on the above mentioned cultural fiction and creating a narrative, a 'symbolic system' of its own. The example of Sotah can illustrate this framework. The case of the "wayward" woman is not reality, is not life, and is not *performance* in the true sense. It is an event which is "thought" and "not acted" (cf. C. Geertz, 1973, 10) but it is essential and conditioning. As a consequence the Mishnah tractate can be defined as a hypertrophic and metaphoric exposition of the natural and social life of the Jewish world.
This exaltation (or strengthening) can assign sacred or cosmological features to existence (cf. C. Geertz, 1973, 94-95). The expansion of ideal meanings and the exaggeration of social dynamics, connected to the fact that Jewish society is considered "as if" it were intact and operative, give new life to the problems and bring them into the open. They impose a line of action and a greater awareness. They stimulate individuals to realize and interpret the facts, to make decisions and to give the reasons for their actions.

On a more implicit and subterranean level, moreover, through the fiction's effect of enlarging and strengthening, emotions - which are originally connected to the events considered - can be relived in an involving way. The Mishnah revitalizes the single commandment or precept because it draws closer to its assumptions, and reactivates the stimuli which produced it.

The Talmud and the authority of the sages

1. The closing of the Mishnah (200 C.E.) opens new horizons. From the third century onwards, the Amoraim - successors of the Tannaim (cf. Appendix 1) - rediscuss and sift the Mishnah formulations and themes. As is known, they intervene in its schematization. They produce the most characteristic work in the Judaic canon: the Talmud, in the double version. It should be immediately noted that the Talmud only covers four Divisions of the Mishnah and that the divisions of the Palestinian version do not coincide with those of the Babylonian version.

In order to evaluate the Talmud of Jerusalem and of Babylon (300-600 C.E.), it must be remembered that both discuss the Mishnah article by article. They bring to it clarifications and amplifications which have parallels very ancient, sometimes earlier that the Amoraic period (cf. E. Urbach, 1975, I, 11). Consequently, they focus attention not only on the Mishnah but also on what is beyond or precedes the Tannaim work. That is, they encourage the reader to imagine a cultural world constructed in stages, through stratified memories and different cultural themes.

It is useful to try to specify what might be beyond the Mishnah. The Talmudic discussion (Gemara) - both in the Palestinian and Babylonian versions - collects material of varied kinds and values (haggadic stories and midrashic comments) but principally it contains normative texts (halakah). B.M. Bocker, speaking of the Palestinian Talmud, explains that the Gemara contains above all legal material, and that its content can be described on the basis of its formal features and functions. It consists of "materials formulated as glosses, e.g., to 'Mishnah' or some other teaching or text; autonomous statements;
baraitot; disputes; debates; questions; answers; lists; Biblical exegeses; songs; laments, prayers; stories and narrative (haggadah). Items may be unassigned, or attributed to a master, prefaced or unprefaced by the name of a traddent or list of traddents" (1981, 30). In essence, the moral thoughts, the homilies, the maxims and the metaphysical meditations contained in the Gemara reveal a remarkable awareness and power of observation in the fields of astronomy, medicine, geometry, and botany. They let us see the complexity of the background to the mishnaic text. As a whole, this array of notions and theories, which surpasses the text of the Mishnah, does not only have the function of arranging in a better way various situations and cases, but even more it defines them through specific values and interests.

In evaluating all of this it is interesting to note two elements:

a) The continuity between the Tannaim and the Amoraim is not perfect or linear. It is contradicted by the attitude of the latter towards history, and this is what interests us here. According to J. Neusner, the Amoraim consider history from the traditional perspective which wants it to transmit a divine message to man (1984a, 58-62). That is, they consider history according to ancient visions, taking from them specific, minute aspects which concern Israel. Envisaging the known world, the social realities which surround them, the Amoraim enter into the context of the reciprocal influences which link the Jewish people to other nations. They turn their attention to the influx of Gentiles and of Romans, and to their corrective effect on the people. Within this logical framework, what happens in Rome is part of the holy story of Israel. Rome becomes necessary to Jewish existence and everything which appears "unique and beyond classification has in fact happened before, so falls within the range of trustworthy rules and known procedures" (cf. J. Neusner, 1984 a, 56).

The two versions of the Talmud thus present a dynamic religious normative conception which is more in line with Judaism (as it was between the third and the sixth century) exposed to extremely varied historical and national influences. It is because of this exposure that

---

9In his survey, speaking of the Babylonian Talmud, D. Goodblatt attempts to clarify the relationships existing between the Talmud and the Gemara, considering them as two expressive forms, the former larger and more inclusive, and the latter more concise and definite. Supporting his view with the opinion of other authorities, he affirms: "Gemara consists of 'statements of the utmost brevity and simplicity'...put in simple and concise language in order to record the final conclusions resulting from previous, sometimes lengthy and complex discussion....It sums up and crystallizes previously existing 'talmuds.' It also gives birth to new 'talmud'....Thus 'gemara' and the 'talmud' engender one another" (1981, 161).
history becomes the element which can organize life. According to the ancient principles, history is shaped by God, who teaches and saves. Through history the Talmud answers, not in an immediate way, but more directly than the Mishnah, the common questions and the serious problems created by contacts with internal and external authorities or forces.

All of this has a clear anthropological significance. The Jewish people, in order to reconstruct itself into a nation, needs to read everything which has happened to it as a useful and reasonable explanation of the present. In this way reality can become consistent with everything that precedes it, a point within a process which is going forward. Through their examples of disasters, destructions and divine punishments, the biblical texts give numerous precedents for the present situation. In the end they fit with the historical events examined by the Amoraim. They induce the people of Israel to recognize their unfaithfulness, to admit the need for submission to the will of God. The road along which the "holy" people are led by the scholars is that of the responsible interpretation of the facts, of adherence to their own destiny, to their origins, to their own precepts.

It is in this sense that, through the Gemara, the nation is definitely situated within a model which is able to justify everything: permanence and changes, holiness and betrayal. With the Talmud, the cultural way towards reconstruction can be completed. It is the talmudic development which, as a "cultural phenomenon," gives to the people homogeneity, unity, and organic form (cf. I. Unterman, 1952, 14-28). To sum up, if things happen because the time is ripe, then the sages of the Talmud deserve recognition as being those who, with their philosophy, have made the time ripe.

b) This sort of cultural emersion and consolidation needed real leaders. In the Talmud world the sociological level of the scholarly leadership is institutionalized in schools and courts, and in the authority of sages and rabbis. In order to put the rabbinical guide into its context it is necessary to try to outline the Amoraic environment.

We can start from a revealing point: the Amoraim were separated from the Tannaim by several centuries and they addressed themselves to communities with their own local traditions or to cultural environments heavily acculturized. However, some circumstances existed which were similar to those in which the Tannaim lived: the hopes in reconstruction were non-existent or seemed groundless. The dispersions had divided the people a long time before, and cult activities had ceased. This state of extreme difficulty and privation, protracted over centuries, eventually results in the need to preserve the cultural heritage of the priests (cf. Appendix 3). The work of the
Amoraim actually follows—even though it does not completely share—the priestly world, much more than that of the Tannaim did. The mentality and the influence of the priests, whose effective roles had disappeared with the Temple, were in some measure gathered (or reformulated) outside the cult context by the teachers of the Talmud.

This is an important element in the Sotah tractate. It presents a good observation point for analytical purposes. The sages constitute a class apart from the people; or rather from those who did not have a tradition of studying, or had little respect for precepts ("am ha-'arez, cf. B. Sot 22a; A. Oppenheimer, 1977, 18-22). Their life, characterized by worthy actions and scholarly activities, placed them at the highest and most authoritative level of society, independently of their original social standing (cf. E. Urbach, 1975, I, 630).

The source of all information and of every directive therefore consists of a class of scholars who are active, conscious of their own value and of the necessity of giving legitimate leadership to the people, who have lost it. In the various fields of rights, justice and study, the compilers of the Gemara lead and sensitize the common man to his duties of cultivation, domestic government, and religious cult, because they give him a system of 'decodification' of essential elements (legal, moral, mathematical, physical) and accessible, flexible means to express hopes and purposes.

On the anthropological level, all this can be seen as a strong push towards a wide symbolic level. In the Amoraim age, a stability of meanings is established, based on the biblical past, on the authority of the Mishnah, on the culture of the rabbis, and on the piety and the humanity of holy men (cf. J. Neusner, 1982a, 75-90).

The Talmud rabbis thus make available their own culture and their own experience in order to develop universal messages and cosmologies. The example of the Sotah tractate is highly pertinent in this context, because amongst other things it supplies a system of 'explanations' of cosmic values which are connected to the medicine-water, to the dust of the Temple floor, and to the divine Name (cf. Chap. 5).

To draw together the threads of this argument it is necessary to simplify as much as possible the elements which have been described. Where the compilers of the Mishnah make explicit a hidden heritage-message through the ideas of eternity and of immutability, the authors of the Talmud transmit the same message through stimuli, detailed prescriptions, interventions in theoretical or paradigmatical examples, but also through interesting events of real life. The figure of the teacher or the sage is often part of the environment, and is an object of the symbolization activity. At least, his existence makes that environment part of the ordered, holy cosmos.
Historical Background and "Topical" Problems

The mishnaic-talmudic development

1. The Talmud naturally assumes the same juxtapositions of principles or 'border problems' contained in the Mishnah. It possesses, however, a high degree of originality compared to the Tannaim work, because it is the final evidence of a long and partially autonomous development. It is a construction which is set off by contributions which grow, fan-like, one upon the other, and which invest Tannaim thought with all the experience of many centuries.

In this context the relationship between the Mishnah and the Talmud presents important aspects. At least three elements should be considered.

a) A fascinating problem concerns the motive lying behind the 'addition' of information and knowledge (to a vision already achieved in the Mishnah) which was destined to assume the same value as the mishnaic matrix. The explanation is not easy, and it is not possible here to look for definitive answers. Leaving aside considerations of the material which was included or excluded in the Talmud, and of the way in which a selection was arrived at, it is worthwhile to remember that every discussion - from paragraph to paragraph - starts with an exposition which is predictable and consistent with the Mishnah and then develops with more external elements. That is, it passes from parts which are more pertinent to parts which are less

\[\text{On what has not been included we have no criteria for evaluation or classification. J. Neusner, discussing the text's way of proceeding, distinguishes three cases: "1) In some instances, the units of discourse are continuous from one to the next. The point of continuity is deeply embedded in the subject of the discourse or the logic of the dialectic argument. In such cases, my reason (J. Neusner here justifies his way of dividing the text) for imposing a break upon what appears to be continuous would be fairly obvious, e.g., a shift in authorities, a move from one rhetorical or logical principle to some other. 2) In a great many more instances, the units of discourse are not continuous but are connected. The connection is what is to be discerned. It may be formal...." It may be only a theme which is "discussed from quite fresh perspectives..." 3) Some units of discourse "introduce new names, problems, or arguments. The criteria are thus three: continuity, connectedness and entire autonomy of context" (J. Neusner, 1984c, 91-92).}

\[\text{On the literary level the main exegetic and hermeneutic rules (attributed to Hillel, Aqiba, Ismael, Eliezer) – following L. Jacobs (1961, 3-38) – can be grouped under at least four points: a) Qal wahomer a principle which is distinct from Aristotelian syllogism, even though there are cases in which that principle is used, b) Binian'ab, the principle of "a factor in common" in the cases considered which brings them inside the unity of the Torah, c) the principle of sevarah which can be interpreted as "common sense," as in an opinion based on logic, d) reductio ad absurdum.} \]
pertinent. This supplies a systematic and secure basis, and a criterion of use. Without giving a real clarification, the Gemara procedure supplies a key to its meaning, to its value. It never wishes to abandon the Mishnah, but nor does it want to limit itself to the Mishnah. It does not want to cover the themes of the Mishnah tractates with external arguments, at the same time it evaluates positively all of the 'additions' which can be seen alongside or wedged into the Mishnah argument.

It is also necessary to start from wider and more general points. All cultural processes come under a fundamental law: change is often imperceptible, but it can incubate effects which seem to be 'sudden,' in conditions of great pressure or acceleration. The Talmud, which developed within the culture existing at the Mishnah closing and which exploded under cultural pressures (from various parts and various epochs) brings to the surface a social and intellectual world. It gradually became denser and slowly came to bear increasingly on the scholars.

Even if it is accepted that culture changes in unpredictable ways, we are not obliged to believe that the work of the sages followed in a disorderly way the change or the effects of the great disturbance. Instead, the Amoraim stabilized that which historical and cultural events had accumulated in a more or less incoherent way.

b) The peculiar feature of the Palestinian and Babylonian tractates is that of being a control of the suitability of what had been accumulated and entrusted to the authoritative moral and juridical responsibility of the rabbis (cf. J. Neusner, 1983, 169). In this is included the larger part of their value and their possible utility. The principles of coherence and appropriateness became their justification and were tracers of unusual control processes.

Although the Gemara constitutes the final expression of the Jewish ancient heritage – it should be emphasized – it is not a real conclusion.

---

12 J. Neusner suggests a reversal of the usual reading. Starting from the point of view that "for a long time people have started from the inside, from the words read one by one, or at most, from the phrases or sentences, but rarely from the paragraphs and still less commonly from the completed units of discourse," (1984c, 87) he proposes to "start from the whole and move towards the heart" and to reproduce the text in a new intellectual form (through, for example, systems of punctuation and logical subdivisions of the subjects). This permits us a) to ask questions about the way in which the compilers drew up the material and b) to differentiate it in units or subunits, which facilitates the cataloguing and the evaluation of the sources which appear in it (cf. J. Neusner 1984c, 89).
The collection or the listing of opinions constitutes a literary and stylistic expedient to highlight the state of thought and to "heighten the effect of the argument" (cf. L. Jacobs, 1961, 60). That is, the Talmud document does not have the function of showing facts as references to the outcomes of a debate, but to make points on a problem (cf. J. Neusner, 1984c, 86). It presents situations in which the meaning and the value are ideally in constant growth.

c) The men of the Talmud are not the men of the Mishnah. While the Tannaim are often, but not always, difficult to identify and are in an unclear context, the Amoraim – as has already been suggested – frequently have distinct voices and move in well-defined circles. Through single representatives and chains of tradents they humanize the text a great deal. They supply an array of information which increases the resonance of the compilers' personalities, and which renders the society of the time and its ideas clearer and more approachable.

With reference to the problem of their presence and their context, it should be noted that the Amoraim supply a very interesting point of observation. They test heterogeneous, stratified material, they can reveal the potency of what is hidden in the disordered state (cf. M. Douglas, 1969, 94-95) and prove that the cultural deposit they draw from is not an amorphous residue.

The inclusion in the Talmud of material which is 'arbitrary,' or not inherent to the Mishnah can therefore confirm the fact that the compilers support a dialectical phase between that which is in effervescence and that which is idle. Without reducing the problems to a final conclusion, the Amoraim reveal the living sense of a destiny which is being fulfilled.

The compilers of the Talmud knew how to appeal to these values because they had often 'lived' the experience they described. They came from the liminality protracted, created by dispersion and evolution. They sat in the courts and in the schools, occupying the highest structural positions.

---

13It should moreover be specified that the material which is less pertinent, because of its varied character, offers other information about the Gemara. Thanks to this material, the Gemara opens many horizons, even though it does not define them all. It constantly introduces problematic areas. On the Mishnah, which is more or less codified, the Talmud superimposes "a great labyrinthic structure" (I. Unterman, 1952,88) the overall result of which is not linear. While it "often consciously overlooked the law as stated in the Mishnah," in other cases it seems to "make its effect considerably more severe" (I. Unterman, 1952, 89).
d) In this context it is opportune to notice that the Amoraim concern themselves with "social justice, business ethics, administration of public affairs, rights and duties of government" (A. R. C. Leaney, 1984, 186). Compared to the Mishnah, their operation is more outward-looking, and faces up more to the impoverished world and to foreign domination. However, it achieves this without socio-political enterprises. Its relationships with forces in the field only pass through a decision or a juridical-religious statement.

To understand the anthropological side of the argument it must be said that the problem of the Amoraim function can ultimately be expressed in these terms: their work is not a matter of ordinary cultural growth. The Talmud sages 'play' with stratified elements contained in the Mishnah and with materials which are external and of different origin. They give to these materials a new combinatory form. For the Jewish people, this assembly will become the essential instrument for learning about their own culture and developing it.

2. Because of the legal-normative form and the length of time in which it was developed, the Talmud tractate of Sotah is therefore a surprising record of a cultural event which slowly built up its materials and aims.

While the Mishnah description of Sotah reconnects the entire ritual scene to a private context which is fading in the community bound by habits and convictions, in the Gemara the same framework strengthens itself through minute specifications, lateral doctrinal references and the sayings of various teachers. These put together general principles and those which are more pertinent and limited, or they pass from the circumscribed case to the question which is at its foundation, to the circumstance which by analogy explains or resolves it.

To give an indication of the evolution-growth contained in the Gemara it is necessary to refer to some details which contextualize the whole theme of Sotah.

a) When it begins the discussion of the Mishnah, the Babylonian Talmud stresses specific themes of orientation. For example, it warns that if someone commits a transgression in secret, God will denounce this person publicly (B. Sot. 3a). This absolutely denies the possibility of hiding guilt. The responsibility and the sin are destined to appear anyway. It also indicates the duty to individuate and expose all kinds of transgression. Secondly, the Talmudic comment explains that a man should not admonish his wife except when a "spirit" has been put into him by God, to make him aware of what has happened (B.Sot. 3a). The man is thus guided by a will which enters him, advises him, and makes him act. From these indications it is clear
that the Gemara is insistent in its proposal of a transcendent reality, a level which is rich in suggestions, which intervenes long before the rite itself. It delineates an ethical-symbolic framework which appeals to the imaginary.

b) Alongside these principles the Talmud highlights beliefs which are more immediate, though impersonal, which guide the consciousness of those who direct or submit to the judgment. In fact the text affirms that a woman is destined for or coupled to a man according to his "deeds" (as maintains R. Simeon b. Laqish, B. Sot. 2a), suggesting that if a wife is chosen for a particular man, then an honest woman will mark the right man. It adds immediately afterwards that to join together a man and a woman is as difficult as parting the Red Sea (B. Sot. 2a); that is, the construction of a marriage is a very important undertaking which can be compared to miraculous events. At the same time it specifies that forty days before the birth of a child a bat qol (voice from Heaven) proclaims "the daughter of A is for B" (B. Sot. 2a) thus showing that the conjugal choice is determined well before the birth, on the basis of superior, omnipotent plans. The Palestinian Talmud developing the comment of the Mishnah, also gives some principles which contextualize the entire tractate. It discusses the duty of expressing jealousy, the "indecency" and bad conduct of the wife which lead to repudiation (Y. Sot.1:1).

These schematic lists have the sole purpose of suggesting the existence of an interweaving of assumptions which – before the rite – focus attention on a meticulous doctrine which swarms with complex, consistent questions.

The Amoraim, especially those of Babylon, appear therefore in the act of energetically seizing and scrutinizing competently and with precision the questions proposed by the Mishnah. If the argument of the Tannaim directly confronts the problem of the jealous man and his methods of investigating his wife's behavior, the argument of the Amoraim seems to be engaged in a protective-aggressive effort which allows a greater penetration of the case. The sages propose references right from the beginning: the invisible world is connected to the visible world, the Sotah crisis is located within ideal, predetermined structures, and the spiritual dimension includes the practical one.

3. The conclusions drawn above help us to understand how the Talmud does not explain the Mishnah, or rather, cannot be assumed – neither logically nor sociologically – as the only guide for penetrating its sense or value. Again, it must be remembered that the mishnaic and the talmudic worlds are separated by a series of historical circumstances and by a gap of centuries. Each had objectives which did
not totally coincide, and their cultural humus was only partially shared.

However, to consider only the fact that these texts were addressed to different circles does not help us to understand what they propose. To give preference to geographical or epochal features would be, given the nature of the present argument, an excess of definition which would not help our understanding.

For the purposes of evaluating the pertinence and the 'perennial' value of the rite in question, the Mishnah and the Talmud cannot be separated or referred to as disjoined worlds. All the previous discussion tends to underline that there is an implicit link, a shared philosophy which makes the Mishnah the original condition, or the reason for the creation of the Talmud. It is a matter of interconnections upon which were accumulated different results and experiences, rules upon rules, and interpretations upon interpretations, but which have the same initial motivation.

All this is even more enlightening if we consider that it is not a matter of concrete practices, but of traditions of thought, which therefore were not justified, or entirely motivated, by facts and influences coming from below, from the reality of living. Real life is a reference which cannot be eliminated, but which does not supply the complete explanation of the philosophy of the sages.

Even if reality were the determining factor the conclusions would not change very much. In the ancient Jewish world, the presumed conjugal infidelity threatens the possibility of a regular life in a way which is substantially identical in every epoch and every place. It creates the uncomfortable and disturbing conviction that the intimate and untouchable world of the family is not sufficiently strong or protected. The doctrine and jurisprudence of the Mishnah and of the Talmud aimed at giving solution to facts which recur throughout time.

The observations just made serve as a confession that the relationship between the Mishnah and the Talmud is always rendered ambiguous by the complexity of their complementary nature. The two types of discussion compete to give integrated, convergent meanings but never become interchangeable or indissoluble. If the aim of analysis is to trace the cultural profile of a phenomenon which is "thought" and not "acted," then it is necessary to consider the event of Sotah without forgetting – as far as possible and with regard to the precise environmental and chronological differences – this convergence in determining meanings and visions.

This argument is different if applied to the discussion contained in parallel or later texts (Tosefta, Midrash Rabbah to Numbers, Sifré to
Historical Background and "Topical" Problems

Numbers, the Commentary of Rashi, the Codes of Maimonides), which can be considered as evidences of what have been consecrated or preserved by the tractate Sotah within an uninterrupted tradition. These texts participate usefully in the building of Sotah meaning as partial contributions or derived reflections.